

Chapter 12

Children's Studies and the Human Rights of Children: Toward a Unified Approach

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This essay attempts to demonstrate the intimate connections that exist between, on the one hand, the agenda of the rights of children within the international human rights movement since the middle of the twentieth century and, on the other hand, the interdisciplinary field of Children's Studies, founded in 1991. The principal arguments presented here concern the following:

- Academic and policy research on infants, children, and youth is segmented into a multitude of disciplines and subdisciplines. By contrast, the new interdisciplinary field of Children's Studies aims at viewing children and youth in a holistic, comprehensive manner in order to bring about an integration of the different perspectives of the many child-related disciplines and bodies of knowledge.
- The human rights agenda has splintered exponentially into manifold special and narrow fields, of which children's rights and the United Nations Convention on the Rights of the Child (UNCRC) represents one example. Moreover, the field of children's rights itself is further subdivided into many different topics that focus upon the lives of children and youth. By contrast, the arguments presented here promote a comprehensive perspective on children's rights. As this perspective develops, it should lead in turn to a reintegration of the

isolated segments of the children's rights agenda within the framework of human rights.

- Finally, the temper and methods of Children's Studies and the rights of children complement and reinforce one another. The widely ranging academic fields in Children's Studies — the history of childhood, child development, children's health, children's imagination and the arts, the ethnic diversity of children, the sociology of children, and so on — individually relate to one another. The articles of the UNCRC are similarly interrelated and encompass many of the same developmental, social, economic, educational, and cultural themes and problems, expressed in terms of the propensities and needs of the child. In other words, the interdisciplinary perspectives of Children's Studies supply the scholarly information and knowledge that are indispensable to the implementation of the UNCRC. Reciprocally, the focus on the human rights of children gives new directions to the fields included in Children's Studies and provides another general framework for scholars in these fields.

Children's Rights and Children's Studies

Children's Rights and Their History

What do we mean when we speak of the "rights of the child" or "the rights of children"? To be sure, the UNCRC, as a comprehensive human rights covenant and generational compact, represents a historical watershed. However, since its adoption in 1989, it has become customary to date the "true" history of children's rights from that year. Moreover, in certain quarters there has been a perceptible tendency to dismiss virtually all previous preoccupation with children's well-being and rights as the work of those who were *merely* concerned with the *protection* of children. From this perspective, the approach taken by the so-called child protection movement was qualitatively different from the approach found in the UNCRC, which considers children to be full participants in society with human rights and the legal competence to exercise these rights. Although the Geneva Declaration (1924) and the United Nations Declaration of the Rights of the Child (1959) are commonly recognized as important milestones on the way toward the UNCRC, this new perspective has for the moment

— at least in the United States — all but eclipsed any interest in the long history of what has been called the “children’s rights movement” in this country.

This is not the place to examine that history, but it is worth recalling the Progressive Era with its policies for children and children’s rights (1890s-1920s), the National Child Labor Committee and the campaigns for child labor legislation during the first four decades of the twentieth century, and the establishment of the Children’s Bureau and of government programs and social services for children from the 1930s onward. The 1960s and 1970s produced an energetic discussion of children’s rights, needs, and entitlements, as illustrated by the U.S. Supreme Court decision *In re Gault* (which extended procedural rights to young people), the creation of the Head Start Program, and the landmark publication of *Beyond the Best Interests of the Child* (1973) — to mention only a few major developments.¹ Also during the early 1970s in the United States, prominent members of the Society of Jesus, such as Bernard J. Coughlin and Robert F. Drinan, were already actively involved in children’s rights issues and wrote such papers as “The Rights of Children” and “The Rights of Children in Modern American Family Law.”² In other words, it is important to recall that the Year of the Child in 1979 and the Polish Draft Convention on the Rights of the Child in 1978 — an initiative that eventually led to the UNCRC in 1989 — were preceded by a historical period with an all-consuming interest in children and youth: their needs, their problems, their rights. In my view, it is altogether essential to connect — or reconnect — this history to the ongoing efforts on behalf of the UNCRC.

Children’s Studies and the Academic Disciplines

The new and interdisciplinary field of Children’s Studies was founded in the autumn semester of 1991 at Brooklyn College of The City University of New York. Two central observations led to its establishment.

First, with the notable exceptions of children’s literature, child psychology, and pediatrics, most disciplines — including disciplines in the arts and humanities, the social and medical sciences, and law — had failed to provide a special focus on children. In brief, most disciplines did not regard children as both a separate social class and a human transhistorical condition. Childhood was conceived of as a transitory stage on the way toward future adulthood. To the extent that children received any specialized attention, they were subsumed under

such different categories as education, the family, generational and life course studies, socialization, juvenile delinquency, deviant behavior, and peer group analysis. This general neglect of children and childhood as a distinct focus of analysis in the academic disciplines was even more remarkable when we consider that the corporate sector had been well ahead of the academic disciplines. During recent decades, this sector discovered, singled out, and “developed” children and young people as a separate new market, a new “continent” for capital expansion. Moreover, political parties have used children extensively, especially during periods of elections, to demonstrate their socially responsible intentions and for purposes of legitimation. (Such child-oriented rhetoric, however, usually disappears after the election.) In other words, the increasing visibility of and concentration on children as a social class in the economic and political realms antedates, as it were, the “discovery” of children by the scholarly community.

The last two decades have witnessed an increasing number of disciplines in the arts and sciences manifesting an interest in children and youth. In the humanities, these growing subfields include children’s literature, history of childhood, and the philosophy of children. Among the social sciences, there is the newly emerging area of the sociology of children in the United States. Other disciplines, such as anthropology, political science, and economics, have also produced, in rapidly increasing numbers, studies on child-related topics without, however, establishing a primary focus on children as a special branch of scholarship and analysis within their disciplines and professional organizations. In addition, with the adoption of the UNCRC, the field of children’s rights has been growing rapidly since 1989.

Second, while the recent sharpening focus on children and youth in the humanities, social sciences, and international law represents a welcome development, the intellectual division of labor in child-related scholarship across the disciplines has largely added new subspecialties within those disciplines, and produced studies that are disconnected from one another. This had become evident even as I first founded and established the Sociology of Children as a new field and section within the American Sociological Association in 1991. Those of us involved in this initiative felt that it was incumbent on us to develop a holistic conceptualization of children, both as individuals and as a class, in order to overcome the disciplinary fragmentation that creates an incoherent manifold of specialized perspectives on children; we also felt we must develop a commensurate perspective on and analysis of children, one that is genuinely comprehensive.

Along with this realization came the recognition that the disparate disciplinary undertakings in question — the findings, theories, and codes of assumption — needed to be complemented by a reconstruction or synthesis at another level of integration; for children are not fully characterized by psychological developmental processes, nor indeed by processes seen from any single perspective. In our view, children are not only individuals, they are also a social and cultural class and a historical generation.

Hence, we cannot arrive at a comprehensive understanding of children by simply accumulating or aggregating segmented findings from a far-flung variety of inquiries in various disciplines. In response to the increasing fragmentation in child research, Children's Studies was conceived as a new, genuinely interdisciplinary and multidisciplinary field of study. Children's Studies represents an attempt to bring knowledge from the different sectors of the arts and sciences to bear on the conception of children as a class and to integrate this knowledge at an appropriate level of understanding and articulation. Children's Studies does not aim simply to gather a sum of findings from diverse perspectives. Rather, by bringing carefully chosen knowledge from different studies to bear on the class or category of children, and by introducing this knowledge to liberal arts students, a more holistic understanding of children and childhood should emerge, which in the end will represent more than merely the sum of its parts. In this conception, a child — or children, for that matter — does not consist of a multitude of disconnected propensities, interests, or realities as they appear refracted in a congeries of disconnected disciplinary pursuits. Instead, children and youth, both individually and as a class, are foregrounded as human beings.

This is the aim of Children's Studies, which makes the ontological claim that children must be viewed in their fullness as human beings. The various child-focused disciplinary endeavors must contribute to such a holistic understanding of children rather than reducing them to specialized abstract fragments that then in turn are hypostatized as representing 'the child,' 'childr en,' or 'childhood.' Such were among the ideas and methodological reflections that led to the conception of the interdisciplinary field of Children's Studies.

The Children's Studies Program at Brooklyn College includes courses on children's literature, the history of childhood, child development, speech and language development, sociology of children, children and the media, children in education, child health, the African American child, the Puerto Rican child, children and the law, and the rights of children. Other courses in preparation are: children and the arts,

children and the mass media, new technologies and the internet, children and the environment, and children of the world, emphasizing cross-cultural and global perspectives on children. In this way, a range of disciplines — including the visual and performing arts, music, film, literature, philosophy, history, the social sciences, medical sciences, and law — are brought together to provide a combined focus on children and to bring about new understanding in the form of a series of new conceptualizations of children. From this perspective, the emerging subject of the rights of children is not conceived as a separate formal inquiry that confronts other studies dealing with children and youth. On the contrary, the human rights of children are regarded as an intrinsic component of all the disciplinary studies concerned with children.

It should be stressed that in including a Children's Studies Program in a liberal arts curriculum, our overarching goal is to educate students to more adequate, knowledge-based representations of children and youth in society, utilizing a new pedagogy and research methodology. At Brooklyn College, we conceive of Children's Studies as a part of a student's general education. We have found that our students have interests in children and childhood that are widespread and cut across the fields in which they are majoring.

We also hope that these new perspectives on children will have wider social benefits. We envision that the Children's Studies Program will enable the educated public and society at large to gain an improved, knowledge-based understanding of children's capacities, capabilities, needs, and desires, as well as of their civil, political, economic, and cultural human rights; and thus contribute to the well-being of children. Our approach is to concentrate our efforts on creating an infrastructure of students with enlightened knowledge. We thus envision a future in which the multidisciplinary field of Children's Studies will play a significant role in promoting an enhanced understanding of children, not only by reaching across the disciplines, but also by exposing students to knowledge that will deepen their understanding of children, and prepare them for their future roles in all walks of life: as professionals, as citizens, and as parents. For the time has passed when the specialized knowledge we derive from child research, scholarship, and practice is available only to the experts. The time has also passed when individual citizens are simply left to depend on unquestioned and unexamined conceptions about child development, child rearing, and indeed the very experiences of children. It is time that the privileged knowledge of the expert is shared with the so-called non-expert. We hope that Children's Studies will contribute to changing public awareness, so that children are viewed as

human subjects, not merely as objects of specialized scholarly research or of social policies and social action. It is for this reason also that we hope other academic institutions will introduce Children's Studies into their curricula.

George Orwell observes:

The real question is whether it is still normal for a schoolchild to live for years amid irrational terrors and lunatic misunderstandings. And here one is up against the very great difficulty of knowing what a child really feels and thinks. A child which appears reasonably happy may actually be suffering horrors which it cannot or will not reveal. It lives in a sort of alien under-water world which we can only penetrate by memory or divination. Our chief clue is the fact that we were once children ourselves, and many people appear to forget the atmosphere of their own childhood almost entirely.³

He goes on to say, "Treacherous though memory is, it seems to me the chief means we have of discovering how a child's mind works...The child and the adult live in different worlds." His essay powerfully dramatizes our general condition: We know very little about the inner life of children, about their desires, aspirations, or fears and sorrows, the imaginative creation of their own world and how the world of adults appears to the child. Children are indeed confronted with the considerable power the adult world has over them. Children cannot represent themselves, unlike other powerless groups that have made their claims heard. For most of what we know about children has been created by adults, as Orwell suggests — adults who in most instances have forgotten what it was like to be a child. Much of our most intimate knowledge of children and childhood has traditionally come from writers, poets, and artists, and not from scholars, educators, and policymakers. Perhaps Children's Studies can contribute to providing children and childhood with a voice that is commensurate with their reality, and which is not exclusively an adult construction.

The Children's Rights Perspective in Children's Studies

We therefore envision the multidisciplinary subject of Children's Studies as playing a significant role in the understanding and lives of children in the future. In addition to the human rights laid down in the UNCRC and other children's rights instruments, children can, so to speak, claim that they deserve to be understood and analyzed in the

whole of their existence by the research, academic and policy community. We do not find this implicit claim and comprehensive vision articulated in most discussions of our human rights conventions relating to children.

In fact, such discussions reflect the fragmentation of concerns about different social areas and problems that intimately involve and affect children, a situation of incoherence that characterizes social and historical reality as well as policies in different societies. Children's rights documents themselves mirror this fragmentation. There are, to be sure, articles in the UNCRC that address children's general and universal needs, interests and rights. But since most articles attend to particular and separately specifiable historical problems, many scholars and advocates concerned with the well-being and rights of children divide the labor among themselves. There are, of course, the generalists in the new field of children's rights, people who address such important questions as the history, basic principles, and goals of the UNCRC and similar instruments, their place in the arena of human rights, and the tasks of monitoring and implementing the Convention on a global scale. Yet, in addition to the generalists, a large number of child rights experts deal exclusively with separate articles of the Convention and concentrate on specific areas, such as education, health care, child labor, street children, child abuse, and child soldiers.

In short, alongside other compartmentalized child-focused fields of study in the arts and sciences, the field of child rights has emerged in the 1990s as a separate field of study with a wide variety of subspecialties and experts. However, given the comprehensive nature of children's rights on a global scale, the time has come to forge intimate relations with the relevant fields of child research in the arts and sciences. It is, after all, these fields that examine and cover most areas of the individual, political, social, economic, and cultural realities of childhood. In order to overcome the disciplinary fragmentation, both in the established arts and sciences and in the new field of children's rights, and in order to achieve a synthesis, we need to aim at a unified representation of children in research and policy, in society and the polity of nations, and in the evolving jurisprudence of the rights of the child. In the vision of the new and interdisciplinary field of Children's Studies, children are human beings with all their capacities, competencies, interests, and needs, and — last but not least — all the rights that attach to them as members of the human community. On this view, Children's Studies, together with the goal of synthesizing the representation of children, can become an important, if not essential, ally in the global movement for children's rights.⁴

Human Rights and the Rights of Children⁵

The Human Rights of Children: the Quest for Legitimacy

A new era in the history of children's rights began with the adoption of the UNCRC in 1989. Now, after more than a decade, all nations of the world — with the exception of the United States and Somalia — have ratified or acceded to the Convention. Hence, according to the standards of international law, the UNCRC has acquired the status of international *legality*. But, to use Max Weber's useful distinction, the historical task of achieving *legitimacy* for the Convention as a whole and for its specific articles and provisions still lies ahead. This means that it is not sufficient that the provisions of the Convention are legally binding on those countries that have ratified it. For, unless the citizens of a country uphold those provisions as valid, the articles of the Convention will not effectively guide the social and political action taken by that country on behalf of children and youth. This means that the "validity of the claims to legitimacy" for the articles of the Convention must be based, at a minimum, "on a belief in the legality of enacted rules."⁶ In other words, it is not sufficient for governments to become States Parties to the Convention. The next and more difficult steps entail incorporating the Convention into the legal and administrative structures of each nation, and applying newly adapted laws and procedures in the everyday affairs of governments and society. They entail, as well, the establishment of foundations of legitimacy for these new legal realities in the public at large.

When the term "implementation" is used in the Convention itself, it means such attempts at transforming international agreements and standards into the laws, practices, and belief systems of each participating nation. Once we disaggregate the meaning of "implementation of the Convention," the difficulties that confront such attempts become immediately apparent. At stake are not only the good intentions of legislators, government officials, and administrators to honor the terms of these international agreements, but also the values, belief systems, customs, and traditional practices that have heretofore governed society's attitudes and behavior toward children and youth. When it is considered in its entirety, the Convention both presupposes and requires formidable changes in the political, economic, social, and cultural realities of children. These changes will often run against the

grain of popular beliefs and practices of elected officials, administrators, and the generality of citizens. The task of implementing the Convention goes far beyond the legal realms of the international community and nations. The problem is to achieve legitimate authority for the Convention.⁷

This problem is further exacerbated by the fact that much criticism has been directed against those Western hegemonic intentions that are widely supposed to inform the human rights movement in general and the UNCRC in particular. Such criticism emanates not only from representatives of the developing world but also from certain intellectual quarters in Western industrialized societies.⁸ To be sure, the history of human rights after the Second World War and the articulation of two categories of 1) civil and political rights and 2) economic, social, and cultural rights largely took place in the context of the Cold War. In the words of Lawrence LeBlanc, during this period “these categories were fixtures of international ideological dispute between East and West, with some Western states, especially the United States, emphasizing civil and political rights and with some socialist and Third World states emphasizing economic, social, and cultural rights.”⁹

There can be no doubt that the history of East-West conflict and North-South relations is refracted in the contemporary human rights movement and in the UNCRC as well. (After all, it was the Polish delegation that began the process that led to the eventual drafting of the UNCRC.) Equally, there can be no doubt that Western conceptions of the child, of what constitutes the best interests of the child, and of what enhances child development, preponderate in the articles of the Convention. This underscores the problems that will have to be faced by both Western and non-Western States Parties in the future when it comes to implementing the Convention.

Universality, Complementarity, and Indivisibility of Human Rights

It is important to discuss the UNCRC within the larger framework of human rights. Even though human rights have been held to be universal, interdependent and indivisible, the writings of many scholars and activists in the arena of international law and human rights demonstrate that there has been an ever-increasing specialization of topics and interests. This is the result of an increasingly dense context of international conventions, treaties, and declarations, as well as

administrative bodies to enact them. Among the milestones in the history of human rights since the Second World War are such important treaties and instruments as: the United Nations Charter (1945), the Universal Declaration of Human Rights (1948), the European Social Charter (1961), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the American Convention on Human Rights (1969), the Convention on the Elimination of all Forms of Discrimination Against Women (1979), the African Charter on Human Rights and Peoples' Rights (1981), the UNCRC (1989), and the Rio Declaration on Environment and Development (1992).¹⁰ Such agreements and instruments have resulted in new and ever-growing fields of expertise, scholarship, and advocacy concerning groups and issues ranging from children and women to indigenous people, the environment, labor, health, education, and so on.

As a related development, however, groups of experts in any particular human rights field are often only dimly aware of the nature of the conventions, treaties, and agreements in other human rights fields. Moreover, within a given field, and with respect to any convention or treaty, there is a tendency to more and more specialization and subspecialization. The need for unified perspectives has become increasingly acute in view of such pervasive division and fragmentation in international human rights law in general, together with the proclaimed rights of special groups or classes in particular.

Unless we attempt to unify our perspectives, particularized concerns and scholarly competencies will continue to proliferate. This in turn will generate still more specialized subdivisions in each human rights field. Given the tendency among individual scholars, activists, and consultants to specialize, and given the manifold institutions that fund their special interests, the time has come to initiate a counter-movement that stresses the communality and interdependence of such separate pursuits within the larger framework of human rights. It amounts to a truism to say that when experts and publics divide their attention and concentrate their energies on so many different sub-problems and subjects in isolation from one another, the overall effectiveness of their efforts is weakened.

It does not require much reflection to see that although international human rights declarations and treaties cover different groups or issues, most of the social, economic, political, and cultural problems that have given rise to them are closely connected. If we isolate single areas of highly specialized circumstances, we run the risk of establishing nothing more than a symptomatology. This is manifest if we take the

larger view and consider the historical forces that have been changing individual nations and the world community, forces that continue to operate in the new millennium. The transformations of sovereignty; the expansions of trade, finance and capital markets; the free and often instantaneous transfer of capital across national borders — to invoke merely a few global developments — have ushered in historical changes with major repercussions on national social and political infrastructures. Their implications for the social well-being of children, women, and families, or for the relations between racial and ethnic groups, or for the environment, must be comprehended in their totality and inform the particular strategies devoted to the realization and implementation of children's human rights. Obviously, an exclusively specialized approach to each separately perceived human rights problem, without comprehending the wider forces that give rise to these problems, is doomed to failure.

On this basis, I would argue that the rights of children should be promoted within the context of a unified approach to human rights. In calling for a general framework of human rights, I do not mean to imply that it is wrong to focus on the rights of one particular group, or that efforts to bring about the implementation of the UNCRC are unworthy. But on the view for which I am arguing, all such efforts must be regarded as having both a narrower significance for children and a broader significance for human rights in general. Even in terms of practical politics, promoting the children's rights agenda within the framework of the wider human rights movement might prove to be a more efficacious way of reaching the public at large, at least in Western industrialized nations. Events in the Balkans during the 1990s and the response of American and European publics to the intervention in Yugoslavia strongly indicate that popular support for human rights is based not merely on international law, but on grounds of legitimacy; that is, human rights are held to be morally valid.¹¹

In the case of the UNCRC, the unified approach for which I am arguing might usefully lead to reflection on more general human rights positions. These would include not only the rights proclaimed in the Universal Declaration of Human Rights, but also first, second, and third generation rights as they are articulated in international covenants of civil and political rights; international covenants on economic, social and cultural rights; and solidarity rights. In light of such declarations and instruments, the UNCRC, despite its unique and innovative character, appears as a particular embodiment and application of these earlier, broad articulations of the human rights agenda — an agenda that has been developing since the Second World War.

Civil Society and Human Rights

Almost all discussions of the history of the UNCRC stress the importance and significance of the contributions made by nongovernmental organizations (NGOs). The same claims about NGOs are made in many other human rights fields as well. There can be no doubt that NGOs have played, and are still playing, a salient role in the human rights arena generally, and on behalf of children in particular. Indeed, there continues to be an extraordinary proliferation of NGOs worldwide. In the 1990s, major funding agencies and international bodies — such as the World Bank, the International Monetary Fund (IMF), the United Nations Development Program, and the United Nations Educational, Scientific and Cultural Organization — changed their official attitudes and policies toward NGOs. This change in attitude, as a matter of international policy, has led to a significant re-channeling of funds to NGOs. This change in funding policies is of considerable historical importance. If we examine this change, we can find some of the deeper-lying roots of the increasing fragmentation of, and specialization in, human rights projects in our era, as I shall now explain.

Especially since 1989, the virtues and benefits of “civil society” have been extolled in such quarters as the World Bank, the IMF, and the United Nations Children’s Fund. The term “civil society” has a long and venerable history. However, in most recent human rights discussions, “civil society” has become synonymous with the aggregate of NGOs and their role vis-à-vis the state and sovereign governments. In this recent usage, proponents of “civil society” use the phrase as shorthand for initiatives that they wish to promote in *all* societies, not just in the developing societies of the South. However, scholars and activists who frequently use the term are hard-pressed to explain its wider significance. More importantly, they do not seem to appreciate the implications it has for the human rights causes to which their energies are dedicated.

In order to understand these implications, it is necessary to trace certain historical developments in the second half of the twentieth century. (For reasons of limited space, this historical analysis must remain condensed and simplified.) Ever since the Bretton Woods Conference in 1944,¹² but especially since the demise of communism, there has been an ever-accelerating growth of economic and financial institutions that serve as the most powerful integrative forces of a global system. By the same token, the competitive economic and financial pressures on governments to open their borders to free trade in goods and services (especially to the free flow of short-term capital)

have been mounting. During this same period, developing countries have pursued a quest for higher living standards, while developed and industrialized nations have sought a more equitable distribution of resources and opportunities. With these developments, the role and capacity of the modern state, to which citizens have turned for redress, has become a central focus of debate and discussion. Demands have been made on developing countries to curtail their infrastructural expenditures (education, health, etc.) in order to satisfy the requirements of international loan repayment — a development that has become known as “structural adjustment.” These demands have now reached back into the developed world. One example of this is the federal welfare reform carried out in 1996, designed to reduce the number of people receiving welfare assistance checks.¹³ In a similar vein, European countries have been under pressure to cut down on their infrastructural spending, which has contributed to the dismantling of the highly developed “welfare states” of these nations. These examples illustrate how structural adjustment has been brought home, as it were, in the service of the generation of wealth and the growth of international capital.

Hand in hand with these developments, demands for “less government” (or for getting “big government” out of people’s lives) have been insistent, both on the international level, as advanced by the World Bank, and on the national level, as in the United States. Proponents of such neo-liberal views aim at scaling down the state to the bare functions of military defense, the maintenance of social order, and minimal infrastructural provisions. In this conception of society, the intermediary groups — voluntary organizations, “secondary groups” or NGOs, and charitable organizations — are expected to attend to society’s affairs and to remedy many of the social problems that need public attention. On this view, the state as such and society as a whole are only minimally responsible for assuring human well-being. This responsibility devolves largely onto all those groups that serve an intermediary function among the state, the economy, and the individual.

In short, there are close connections between, first, recent policies aimed at paring down the welfare states in the North; second, the assertion that it is not economically feasible to implement welfare states in the Third World; third, the promotion of “civil society” by leading international policy institutions, such as the World Bank. Only if we consider the larger context of prevailing international policies will we be able to understand why it is that voluntary organizations and NGOs have been broadly promoted and generously funded in recent years.

It is here that the argument comes full circle. No matter how well intentioned and effective such NGOs are at times, they nonetheless represent a multitude of competing causes and interests that, in the neo-liberal model, are not the responsibility of the modern state. Human rights are a case in point. We need to understand the intimate connections between the structures of our societies and the problems that give rise to human rights advocacy — whether on behalf of women, ethnic minorities, or any other group, including children. If we fail to emphasize these connections, and if we fall back on “civil society” to supply the remedies to social ills, our good intentions, as well as our efforts at amelioration, are liable to result in mere band-aid measures that hold little promise of leading to meaningful social change.

A Strategy for the New Millennium

In light of the forces of international finance, capital and trade — forces that continue to shape and transform our societies in the new millennium — the neo-liberal model of “civil society” must be revised, if not abandoned. In this model, the task of assuring human well-being has been delegated to an exponentially increasing multitude of social action groups, social interest groups, NGOs, charitable and voluntary organizations. These intermediary groups and organizations are in uninterrupted competition with one another for scarce resources. Anyone familiar with this situation at the national or international level comes to realize that these groups and organizations are no match for the economic and financial conglomerates in their global advance.

Accordingly, the children's rights movement cannot afford to continue its activities without regard to the larger social and economic developments that are shaping the world for future generations. Nor can it afford to proceed in isolation from the general human rights agenda. The cause of advancing the human rights of children will stand a genuine chance only when securely situated within the general framework of the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights. In short, in order to advance its cause, the children's rights movement needs to adopt a strategy in which it attempts to do the following:

- connect the rights of children with the human rights movement of the post-Second World War era;

- work toward a unified and integrated approach to human rights in general and the UNCRC in particular;
- base its advocacy on a more thoroughgoing understanding of those forces and policies that are maintaining — rather than transforming for the better — those structural realities that give rise to the very problems it is attempting to solve;
- devise ways of reaching the public and instructing it about the relevance of human rights in general, and of children's human rights in particular, bearing in mind that governments and elected officials tend, as a rule, to listen only to those constituencies that are conversant with, and affirmative of, the legitimacy of human rights claims.

Children's Studies and Human Rights: Toward a Unified Agenda

All signs point to the conclusion that the prevalent fragmentation in the fields of human rights, the rights of children, and child-focused academic disciplines, hinders rather than promotes the understanding of children and youth and the promotion of their well-being. In place of this fragmentation, we need to substitute a comprehensive approach to the academic study of children and to their human rights, an approach that views children as whole human individuals and as a distinct order of social beings endowed with human needs, capacities, and rights. Only thus will it be possible to provide children with the intellectual and political representation they need and deserve. Since children cannot organize and represent themselves like other social groups or minorities, scholars and advocates alike must become conscious of the fact that they perform these representative functions on behalf of children. Both Children's Studies, as a subject that seeks to integrate our knowledge of children, and a comprehensive human rights approach to children, carry the promise of promoting their general well-being. Moreover, collaboration and cross-fertilization between, on the one hand, Children's Studies, and on the other hand, human rights of children perspectives, appear to hold out the only promise for enhancing the lives and opportunities of children everywhere.

Notes

1. *In re Gault*, 387 U.S. 1, 13, 26 (1967); Joseph Goldstein, Anna Freud, and Albert J. Solnit, *Beyond the Best Interests of the Child* (New York: Free Press, 1973).

2. In Albert E. Wilkerson, ed., *The Rights of Children: Emergent Concepts in Law and Society* (Philadelphia: Temple University Press, 1974).

3. George Orwell, "Such, Such Were the Joys" in Sonia Orwell and Ian Angus, eds., *In Front of Your Nose, 1945-1950: The Collected Essays, Journalism and Letters of George Orwell*, vol. 4 (New York: Harcourt, Brace & World, 1968), pp. 366-68.

4. To give just one of many examples: The fragmentation and lack of a unifying and coherent conception could be seen in the program for the Second World Congress on Family Law and the Rights of Children and Youth (June 2-7, 1997), in San Francisco. The program represented a potpourri of topics including violence, female genital mutilation, sexual exploitation, child soldiers, divorce, foster care, and so forth and so on. This comprises a catalogue of abuses and problems — that is, a veritable victimology of childhood. What is lacking is a unifying vision derived from the UNCRC itself, which in its totality is a comprehensive human rights treaty with an underlying holistic vision of the child. Moreover, we must not forget that the abject conditions of children are the symptoms of deeper social and structural problems on a global scale, which none of the sessions of this World Congress appeared ready to address. In all fairness, however, it must be observed that only a major shift in the social and economic priorities of nations will lead to conditions that ultimately will allow the realization of the provisions of the Convention for the benefit of all children.

5. The ideas in this section of the essay were developed during a resident fellowship at the Rockefeller Foundation Study and Conference Center in Bellagio, Italy, in Spring 1998. I would like, in particular, to acknowledge with gratitude discussions with Alan E. Boyle and Dan Connell at the Bellagio Center.

6. Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, vol. 1, Guenther Roth and Claus Wittich, eds. (New York: Bedminster Press, 1968), p. 215.

7. The role of states needs to be clarified in relation to international and transnational nonstate actors. According to Lawrence J. LeBlanc, "A great deal has been said in recent years about the emergence of various international and transnational nonstate actors in international politics, but it is generally agreed that states remain the primary actors in the international system... This is certainly the case for human rights treaties. States — and only states — can ratify such treaties, so they can be expected to play the most important role in drafting them." In LeBlanc, *The Convention on the Rights of the Child: United Nations Lawmaking on Human Rights* (Lincoln: University of Nebraska Press, 1995), p. 26.

8. For example, Jens Quortrup, a scholarly activist on behalf of children, says: "The UN-convention is a political document of Western provenance, it is a very abstract document, which glosses over enormous differences of conditions between childhoods, as these are found in many parts of the world." But Quortrup concedes that it "is nevertheless a useful document of highly symbolic value with far-reaching signaling effects." In "Sociological Perspectives on Childhood," in Eugene Verhellen, ed., *Collected Papers Presented at the First International Interdisciplinary Course on Children's Rights* (Ghent: Children's Rights Centre, University of Ghent, 1996), p. 109. In response to a presentation I gave on the UNCRC at the Rockefeller Foundation Study and Conference Center in Bellagio, a number of colleagues (social scientists and others) indicated to me in private conversations their problems with such conceptions as "autonomy" or "the child as an individual" in the field of human rights and in the Convention. According to their arguments, these ideas are not applicable in a non-Western context such as in the case of Japan or most developing countries.

9. LeBlanc, *The Convention on the Rights of the Child*, p. xvii.

10. With the exception of the Rio Declaration, the text of all of these documents, in whole or in part, can be found in P. R. Gandhi, ed., *Blackstone's International Human Rights Documents* (London: Blackstone Press, 2000).

11. Certain experts in international law and human rights have made similar observations when commenting on fragmentation in the human rights arena. These observers have also advocated, either directly or by implication, what I am calling a "unified approach." For example, here is how G.J. Merrill describes the current situation: "Proponents of new human rights, of those seeking to further existing rights, sometimes present their arguments in terms which appear to overlook the existence of other rights, or the need to relate the right under consideration to them. This is understandable, given that those concerned with certain rights often come to these matters from a background of special expertise or interest. Nevertheless, the tendency for rights to be discussed, as it were, in separate compartments, which is encouraged by the practice just mentioned of formulating certain rights in rather vague terms, is not acceptable. A coherent concept of rights calls for a given right, whether actual or proposed, to be considered alongside other rights, for only thus is it possible to appreciate what any existent right really means, or to understand the possible impact of a new right on a moral or legal system." He adds, "The need to avoid thinking in absolutist terms, which is a major risk if rights are treated in isolation, can be seen if we consider first of all the ways in which nearly all rights have to be qualified to take account of other interests." In "Environmental Protection and Human Rights: Conceptual Aspects," in Alan E. Boyle and Michael R. Anderson, eds., *Human Rights Approaches to Environmental Protection* (Oxford: Clarendon Press, 1996), pp. 36-7.

12. This refers to the United Nations Monetary and Financial Conference held at Bretton Woods, New Hampshire, July 1-22, 1944, which led, among other things, to the creation of the IMF.

13. "Welfare reform" refers to the changes in the federal welfare system in the United States introduced by the Personal Responsibility and Work Opportunity Reconciliation Act, 1996.