

5 Children's rights from a childist perspective

Theorizing social empowerment

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5.1 Introduction

It is sometimes said that children's rights are human rights. The suggestion is that children ought to be considered full members of the larger human rights community. While entirely correct so far as it goes, this formulation leaves unexamined a prior question: What is meant by the 'human' in human rights in the first place? If the subject of human rights is assumed in theory and practice to be primarily adult, then non-adults will tend to be presumed somehow lacking in human rights by definition. Indeed, exactly this normative problem has bedeviled the rights of many groups over history – women, racialized minorities, the poor, and others – invisibly marginalizing their claims to full inclusion in human rights. An important question for *critical* children's rights, then, is not just how children's rights are human rights, but also, and perhaps more profoundly, how human rights may be understood to include children.

This chapter aims to advance critical children's rights scholarship along such lines by critiquing human rights assumptions through the lens of childism. Childism is a critical theory similar to feminism, critical race theory, decolonialism, and the like (Wall, 2010, 2019a). It challenges society's underlying normative assumptions from the perspective not of gender, race, or class but instead age. As Frantz Fanon (1963, p. 2) says of decolonialism, childism too 'sets out to change the order of the world.' Of course, a childist critique of human rights must be made intersectionally with other systemic critiques. But since it has so far lacked the same scholarly and public attention, it also needs to be formulated in its own right. Indeed, childism has much to offer other critical perspectives, insofar as women, the colonized, the poor, racial and ethnic minorities, and the disabled are often denied full human rights precisely on account of their intersectionally supposed childlikeness.

This proposed childist critique of human rights is advanced in two ways. First, this chapter deconstructs adultistic or patriarchal assumptions that, both historically and today, have animated concepts and practices of human rights. And second, it reconstructs a childist understanding of human rights that responds to this adultism by accounting for the lived experiences of children as children. The argument made here is primarily a theoretical one, but it

is further illustrated by concrete and practical examples. The result of these explorations is that human rights need, once again, to be understood in a radically different way. Overall, it is argued, they need to be theorized as a means of not just individual but social empowerment.

5.2 The adultism of human rights

Much understanding of contemporary human rights is built on European Enlightenment ideas. But such ideas, it is rarely noted, involve efforts to carve out a public realm that explicitly excludes children. Rights here were specifically designed as a sphere of not only male-only, wealthy-only, and European-only but also, and just as importantly, adult-only public life. To have 'rights,' according to the adult White male theorists who most influenced their formation, is to participate in a realm of independent rational freedom. It is well known that this view of rights underwrote a wide range of wrongs: the colonizing of supposedly uncivilized non-Europeans (Rollo, 2024); the second-class citizenship of purportedly less than fully rational women (Beauvoir, 1971); the subjugation of the inherently dependent poor (Rancière, 2010); and the violence of the transatlantic slave trade and racism (hooks, 1981). But less well understood is the impact of such notions on the rights of children: despite the fact that, in the eyes of Enlightenment philosophers of rights, what generally renders any group less deserving of rights is precisely that group's childlikeness.

This centering of adulthood was constructed in various still influential ways. One is to suggest that rights are a means of pursuing rational self-interest. Such a view was developed by John Locke, an English theorist whose ideas profoundly influenced the United States' Constitution. Locke (1823, pp. 159–161) argued, at length and in several treatises, that 'natural rights,' as he calls them, consist in each individual's – and no longer each king's – God-given entitlement to preserve their own 'property,' that is, their life, liberty, and possessions. Children, however, are not their own property but the 'temporary property' of their parents, since children are mere 'white pages' lacking the rational capacities to preserve their own interests for themselves (Locke, 1823, pp. 126–133, 1989, p. 105). In fact, were children under the age of 21 to exercise their own rights, Locke argues, they would only do themselves and others harm.

Another way that rights were defined in the Enlightenment around adulthood is in the idea that children need to be protected from the worldly concerns of public life in a private sphere of natural innocence. This idea is formulated by the philosopher of the French Revolution, Jean-Jacques Rousseau, who, like Locke, has much to say about children and why they are unfit subjects of rights. Rousseau (1947, I.6) conceptualizes rights differently as freedoms to participate in forming society's 'general will' or common life. However, he argues that children are like 'noble savages' who need to be secluded from this common life so that their innate capacities can be nurtured over time. Only in

this way can their inner moral sense eventually stand up for itself in the public sphere's corrupt and competitive arena (Rousseau, 1947, I.2 and I.4, 1979). Indeed, a civilized society depends on protecting children from it for a time so that each new generation can infuse it with untainted natural values.

A third way that adultism is built into fundamental European conceptualizations of rights is that children can be denied rights because of their supposed lack of full autonomy or independence. This notion is articulated by the German philosopher Immanuel Kant (1974), who defines rights as societies' means for respecting and protecting each individual's basic human 'dignity.' For Kant, children are, once again, explicitly to be excluded from rights, this time because they lack the basis of social dignity in the capacity for independent self-rule (Kant, 1974, para. 29). Indeed, in Kant's view, children are not only pre-rational but actively ir-rational. Having not yet formed the 'discipline' or 'cultivation' (*Bildung*) of adult reason, they remain much like 'animals' controlled by need and passion (1960, 1974, para. 28). Human rights, then, are fully afforded only to those (White, male, European) adults who are civilized enough to use them rationally.

I have elsewhere examined how these foundational understandings of modern rights weave themselves into contemporary human rights theory (Wall, 2008, 2016). The chief difference in philosophies of rights today is that these forms of adultism are now implicit. While Enlightenment theorists thought they needed to argue for why rights are not for children, the most influential contemporary political philosophers such as John Rawls (1999), Jürgen Habermas (1990), and Seyla Benhabib (2004) simply do not consider the situation of children at all. Shortly, I will show that neither, for the most part, do more critical human rights philosophies in feminism, postcolonialism, and Marxism. While children have, of course, gained many rights over the past century, theorists of rights have more or less forgotten that they exist. As a result, the notion that rights may involve a child-adult binary remains largely unthought.

While an extensive critique of contemporary rights theory cannot be undertaken here, allow me to provide just one telling example: the discussion of rights by the influential postcolonial theorist Gayatri Chakravorty Spivak. Spivak is a useful touchpoint because her work is centrally concerned with overcoming normative marginalization. And it has proven immensely useful in children's rights studies (Balagopalan, 2019). However, adultism is so profoundly embedded in contemporary human rights work that even Spivak fails to notice it. To take just one example, Spivak's (2004) published Oxford Amnesty Lectures, titled 'Righting Wrongs,' applies the postmodern deconstructive ideas of Immanuel Levinas and Jacques Derrida to developing a postcolonial critique of human rights philosophies, and it draws extensively on her fieldwork with children in poor rural Indian schools. Postcolonial theory would seem an especially fruitful avenue for unpacking adultism, considering that, as others have argued, it can be used to uncover oppressive strategies of colonized peoples' 'infantilization' (Rollo, 2024; Biswas, 2023; Bray & Nakata, 2019).

In fact, however, Spivak's critique is developed exclusively on the bases of class, gender, and race. It does not consider questions of age in any normative sense. Her main argument is for 'suturing rights thinking into the torn cultural fabric of responsibility' (Spivak, 2004, p. 544). What she means is that European rights language remains meaningless in postcolonial environments because it lacks a poststructuralist sense of 'responsiveness to the other that is outside the self' (Spivak, 2004, pp. 544–545). The chief problem is that international human rights ideas involve a colonial imagination of the 'domestic middle class,' so that 'the usually silent victims of pervasive rather than singular and spectacular human rights violations are generally the rural poor' (Spivak, 2004, pp. 527 & 529). But children remain, in her analysis, an object rather than a subject of rights. For example, poor rural teachers are said to be trapped in a system of rote colonialist memorization that fails to inculcate in lower-class children 'the habit of independence' (Spivak, 2004, p. 552). Spivak's theories of rights are not inapplicable to children, but neither can they be said to have been developed with the specific issues of children as children in mind.

5.3 The ontology of deep interdependence

Overcoming the adultism built into assumptions about human rights requires a level of critique that is profound, systemic, and normative. It requires, in other words, a childist reconstruction of human rights' very concepts and structures. It is not sufficient merely to critique existing framings of the rights of children. Nor will it work to stick to implementing children's rights practices. Rather, the critique of age needs to be added to existing intersectional critiques of gender, class, race, and coloniality when it comes to understanding human rights as such. There are many ways to undertake such a reconstruction, but in the following I explore three basic dimensions of ontology, epistemology, and politics. Together, these suggest that human rights at present remain overly individualistic and need to be reimaged as means of social empowerment.

If human rights are to become truly human, at a very basic level they need to ground themselves in new understandings of the human being – that is, new ontologies. For, as we have seen, the history of human rights has purported to describe a kind of universal humanity which, however, defines humanity in primarily adultistic terms. Critiques of ontological assumptions have been made in recent decades in terms of class, gender, race, coloniality, and other dimensions of human existence, but rarely in terms of age. For example, feminists have argued that human rights need to better attend to gendered insights into social relationality (Gilligan, 1982). Critical race theorists propose reconceptualizing human rights as responding to systemically excluded human multiplicities (Delgado, 1999). Counteracting age marginalization depends, I now argue, on a new ontology of human rights that is based on a conception of the human as not only interdependent but *deeply* interdependent.

As we have seen, the persistent binary opposition of children's – and human – rights rests significantly on the Enlightenment assumption that children are

not fully independent. A normative line separates humans who are supposedly rational, self-directed, and responsible from humans who appear irrational, dependent, and lacking capacities for responsibility. This latter group is often coded as children and childlike. It defines the social being of not just children but also anyone constructed as less than fully autonomous. Rights can be denied to colonized groups, for example, on the grounds of 'the infantilization of all Indigenous people as children of the colonial state who can never grow up' (Bray & Nakata, 2019, p. 303). For children in particular, it justifies divisions between general 'human' rights on one hand (such as in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR)) and separate 'children's' rights on the other (such as in the Convention on the Rights of the Child (UNCRC)), so that children are constructed separately from adults as primarily needing protection and provisions with only carefully curtailed freedoms (Daly, 2018).

Theories of human interdependence have already been developed in various ways in feminist and poststructuralist political theory. It is a complex concept with different possible meanings. Judith Butler (2015) defines interdependence as human beings' precarity, embodiment, and dependence on wider communities. As she puts it,

If we are living organisms who speak and act, then we are clearly related to a vast continuum or network of living beings; we not only live among them, but our persistence as living organisms depends on that matrix of sustaining interdependent relations.

(Butler, 2015, p. 86)

The postcolonial philosopher Néstor García Canclini claims that participatory citizenship involves both 'interruption' and 'intermediation': interruption of normative assumptions but also intermediation between oppressed groups who form coalitions together. In yet another way, Jacques Rancière (2010, p. 46) describes social interdependence as wider societies responding to the 'dissensus' of nonnormative and hence invisible lives. In these and many other cases, the subject of human rights is not a modern autonomous agent but a postmodern participant in social interdependency.

Does consideration of childhood fit here or demand further theoretical innovation? Some put the aforementioned postmodern theorists to effective use in understanding children's rights (Devine & Cockburn, 2018; Fitzgerald et al., 2010; Jans, 2004; Roche, 1999; Woodhouse, 2008). But a truly critical theorization of children's rights needs to go further and break down the historically profound binary opposition in rights assumptions between independent adulthood and dependent childhood. It takes a more structural critique to start including children fully and equally in new norms of shared humanity.

To learn from childhoods means to understand the human in human rights as *deeply* interdependent (Wall, 2019b). The 'human' in human rights is not only defined by its wider social relations but also fundamentally reliant upon

them. Individuals and groups are not only related to their broader societies but also essentially dependent upon them for active support and nurturance. No one survives or thrives apart from larger dependencies on groups. We exist in networks of social relations that are both horizontal and vertical: constructed by both shared relations and mutual reliance.

The notion of human beings as deeply interdependent draws in part on African concepts of community (see Abebe and Twum-Danso Imoh, both in this volume). As Hilda Tafadzwa Mugadza and colleagues (2019, p. 6) argue, sub-Saharan communities are ‘founded on the core values of *Ubuntu* . . . which means “I am, because we are,” [and] is founded on human connectedness, solidarity, and survival practices.’ *Ubuntu* suggests a decolonial view of society that does not prioritize independence over dependence but, instead, puts forward a common, reciprocal, and compassionate sense of responsibility of all toward all (Mtata, 2021; Ndofirepi, 2011). What is helpful here for a childist social ontology is that human interdependence involves what I am calling a *deep* or vertical dimension of mutual reliance and responsibility. It is adultistic to assume that there is something wrong with acknowledging human dependency. Both adults and children share a common human reality of simultaneous independence from and dependence upon one another.

Consider, for example, the claims of youth climate activists. From an adultist point of view, such activists are expressing adultlike capacities for independence, freedom of expression, and human rights agency. But in reality, what they are doing is demanding that their own particular concerns for the present and the future transform the assumptions of the wider human community on which everyone’s well-being depends. Human interdependence is not superficial but deep, a defining element in our very survival as a species. The human rights community has largely failed to respond to the climate concerns of children and youth because it tends to construct rights as assertions of independent individuals. Claims of vulnerability or calls for shared responsibility are considered secondary and easily brushed aside. The claim for a right to a healthy environment must compete with much more powerful claims to the contrary for freedoms to make money from oil companies and global corporations. If, in contrast, the human rights community recognized humanity’s deep interdependence, it would also recognize its obligation to account more fundamentally to those depending on its response – that is, not just children, but all of us. It would be willing to tackle the difficult task of actively reaching out beyond those who have the most power to also include those most affected by its decisions.

5.4 The epistemology of lived experience

A childist reconceptualization of human rights additionally calls for new epistemologies, that is, new understandings of what counts as legitimate and valuable social knowledge. As Amanda Fricker (2007) argues, a fundamental dimension of social exclusion is ‘epistemic injustice.’ In her feminist

interpretation, epistemic injustice refers to systemic biases against women's capacities as knowers, their being constructed by historical patriarchal norms as less than fully rational and worthy of being heard. This epistemic problem has also been described as a 'double bind': not only do women's experiences already count for less in the public sphere, but their efforts to make these experiences known are also assumed to carry less weight (Anderson, 1993). The question, when it comes to critical children's rights, is whether this epistemic consideration is the same for children as for women and other groups, or are children's ways of knowing excluded from public life in different and, perhaps, more complex ways? If so, then the epistemic dimension of human rights needs to be challenged from not only a feminist but also, and intersectionally, a childist perspective.

Fricker's notion of epistemic injustice has been usefully applied to children's rights. As Amy Hanna (2023, p. 43) argues, Fricker's theory helps to show how children's own rights concerns are routinely rendered 'silent' by the fact that discourses about them 'obstruct their voices and expressions.' A chief complaint of young people fighting for their rights is that even when they are given a voice, this voice is rarely taken seriously in actual policymaking (Wyness, 2005). There is no doubt that contemporary policymaking and laws marginalize children's own capacities as knowers of their own rights.

But the epistemic problem for children raises new questions about what it means to understand 'lived experience,' in the sense of the knowledge a person gains from their own first-hand engagement with the particularities of life, in contrast with the knowledge they gain from normative assumptions about it (Dilthey, 1907/2020). Such knowledge is inherently incomplete and 'different' in the sense that it is irreducible to generalized social explanation. Mehmoona Moosa-Mitha (2005, p. 375) applies this notion to children's rights by arguing that children's 'lived experiences' should be understood as an 'interrogation of hegemony,' an exploration of children's (or anyone's) 'right to participate differently.' From this perspective, epistemic injustice involves any violation of a marginalized group's right to larger societal recognition for their own particular lived experiences of difference.

In children's rights studies, this epistemological problem has most effectively been addressed under the umbrella of theories of 'living rights.' As Edward van Daalen et al. (2016, p. 818) describe it, 'living rights are already there, in the daily lives and struggles of people confronting the challenges of everyday life.' They represent 'children's agency in living with and through their rights' (van Daalen et al., 2016, p. 817). To be viewed as subjects of living rights is to be viewed as making claims on societies that are based, in the first instance, not on general laws and treaties, but on concrete and particular lived experiences. It also means that knowledge of rights arises, not from abstract social interest, but from immediate grassroots demand. Because all people, including children, experience their worlds in their own different ways, living rights express persons' 'non-essentialist' claims as these are 'embedded . . . in real-life

contexts traversed by struggles for social justice' (Nieuwenhuys & Hanson, 2024, pp. 171 & 176–177).

This concept of living rights helps to provide a critique of adultistic approaches to knowledge. As Afua Twum-Danso Imoh and Samuel Okyere (2020, p. 1) explain it, compared to top-down ideas of rights, living rights are 'more holistic, inclusive and aligned with the meaning that children themselves attach to their everyday lives as well as to the personal and social relationships that they value.' It can illuminate, for example, the rights that are concretely at play as 'very young children [1–3 years old] enact their human rights in the preschool setting' such as to 'ownership, influence, and equal value' (Quennerstedt, 2010, p. 5). It can also help mount critiques of larger human rights systems:

Like in a mirror maze, which obfuscates rather than enlightens where a person stands and how to move ahead, you cannot simply take for granted whose interests are represented nor the aims and direction of interventions and discourses on behalf of children.

(Hanson, 2023, p. 182)

However, living rights theory can be taken a step further by addressing the deeper epistemological problem of children's lack of social standing to make their lived experiences visible in the first place. It is true that children of all ages are agents just like adults who, both explicitly and implicitly, demand their living rights. But children are also distinctly marginalized as children from being able to claim authority in doing so. All marginalized groups face the epistemic injustice of having their voices delegitimized. Children, however, are denied their voice, not only because they are considered less than fully rational, but also because childhood is coded in modern societies as the very epitome of knowledgelessness. It remains socially acceptable to tell adults not to 'act like a child' in ways it is no longer socially acceptable to tell men not to 'act like a woman.' Children are still socially constructed as 'innocent,' a term which can be interpreted to mean 'not knowing.' Critical children's rights need not only to acknowledge children's grassroots lived experience but also to overcome childhood's epistemological illegitimacy to make this experience known in the first place.

A childist analysis suggests that the kind of knowledge needed for human rights is not just the knowledge that arises from exercising one's voice and agency, but in a more complex way the knowledge of normative difference that arises from lived experience. Lived experience is never reducible to social beliefs about it or even grassroots expressions of it. It is knowable, rather, only as an always particular, concrete, and transformative challenge to accepted understanding. Take, for example, the human rights of child labourers, many of whom are fighting to be able to work with dignity and without exploitation (Liebel, 2013). The international human rights community, through International Labor Organization (ILO) treaties, claims that, unlike adults, children under 14 are necessarily exploited when they work for a living. But this view

rests on beliefs about age that children's own lived experiences call into question. Child labourers who insist on the right to work are demanding, in effect, not only a voice in their rights but also a normative transformation in adultistic understandings of children's lives. Such lived experiences can be understood only via a systemic shift in understandings about childhood itself: from one based on children's need for labour protection to one based on children's need to also sometimes participate in the labour economy.

5.5 The politics of empowered inclusion

These ontological and epistemological considerations suggest, finally, possible new ways of theorizing politics. By politics I mean the broad exercise of both formal and informal power. Children are, of course, marginalized from power in many ways. They also exercise power in many ways. The question is how human rights need to be reimagined so that children's exercise of power is equal to that of adults, that is, so that the capacity to influence social life is no longer bifurcated by age. What would it mean for politics to no longer treat children as mere objects of power, and, indeed, the property of adults, but instead as equal subjects of power in their position as children? Following upon the notions developed previously of deep interdependence and lived experience, childist politics calls for reconceptualizing human rights as practices of empowered inclusion, that is, as socially active extensions of power in response to lived experiences of difference.

Political inclusion is defined by the influential political philosopher Iris Marion Young (2000, p. 8) as 'encourag[ing] the particular perspectives of relatively marginalized social groups to receive specific representation.' The important point Young makes is that political inclusion is not just a matter of being given equal agency and voice. Rather, as women and others have found, it demands new ways of responding to particular groups' 'specific issues of subordination and vulnerability' (Young, 2000, p. 271). This notion can be applied to children by recognizing that young people's exclusion from political life has deep and systemic historical roots. For example, Nicola Ansell (2016, pp. 173–174) uses Young to show that understanding child poverty in Africa depends on 'adopt[ing] a social justice lens to examine the contextually situated processes through which poor southern African children are systematically oppressed.' Children's exclusion from power is not just about the denial of their social agency. It is more profoundly about the denial of their normative inclusion.

This interpretation of political inclusion involves an element of emancipation. If a group is historically oppressed, then it makes sense that they demand freedom. Matías Cordero Arce (2015, p. 31) argues that 'children are a minority group subjected to the structural oppression of an adultist system' who call for societies to 'overcome the adult as the measure of all human beings' by children's 'emancipation . . . from below.' For example, children's sexual rights may be marginalized by being constructed as deviant or nonexistent, instead

of being recognized as responding to children's own 'distinct' sexual 'subjectivity' or 'difference' (Egan & Hawkes, 2009).

Another way to put this is to say that children's political inclusion involves fighting against systemic discrimination. Inclusion requires the overcoming of deep historical bias. As Aoife Daly et al. (2022, p. 427) argue, 'childhood should be recognized as a protected characteristic, as is the case for other groups such as women, ethnic and racial minorities, and people with disabilities.' The UNCRC's nondiscrimination article, Article 2, could in principle, even if not yet in practice, protect not only children's gender, ethnic, racial, and other traditional categories of prejudice, but also 'protect children from discrimination on the basis of childhood' (Daly et al., 2022, p. 450). The historical marginalization of children makes it necessary to emancipate them, not only from injustice, but also from all the ways that injustice is codified within existing social and legal structures. There are international treaties against gender and race discrimination, but none targeting age discrimination.

But the inclusion in power of children as children needs a still more childist theorization, based on the aforementioned ontological and epistemological considerations, in which politics is understood as a means toward what can be called '*empowered* inclusion' (Josefsson & Wall, 2020). Politics comes to include human lived experience in all its diversity and difference, not just by emancipating it from historical oppressions, but also by societies actively responding to ingrained power differences. Politics is not just about opening up shared space to new perspectives but also about deliberately reconfiguring shared space so that new perspectives actually make a difference within it. Empowerment is not meant here in the traditional modernist sense of the liberation of independent individuals from social strictures. Rather, empowerment ought to be understood, from a childist point of view, as a society's deeply interdependent response to marginalized experiences.

One example can be found in the worldwide movement for children's rights to vote. For many years, starting in the 1970s with advocates like John Holt (1974) and Richard Farson (1974), as well as from the 1990s with child-led groups like KRÄTZÄ (2024) and the Foundation for the Rights of Future Generations (2024), the argument for children's suffrage was that children deserve equal voting rights because they deserve to have their independent voices heard. Children should be included in politics as individual agents with their own distinctive voices (Umbers, 2018). However, it can be argued that such an approach assumes a normatively adultist conception of voting itself (Goodin & Lau, 2011; López-Guerra, 2014; Wall, 2021). A childist conception of the human right to vote might reimagine voting as an exercise of empowered inclusion. My own argument has been for a new kind of 'proxy-claim' right to vote, one in which anyone with strong dependencies on others for political empowerment – such as infants, the very young, adults with severe cognitive disabilities, adults hospitalized, or adults with dementia – should have a proxy vote by a guardian, much as in medical decisions; anyone who wishes to do so, regardless of age or any other factor, could claim the exercise of their

voting right on their own behalf whenever they so desire (Wall, 2021). The right to vote has, in fact, undergone equally radical shifts in understandings of politics as suffrage has been gained by the poor, minorities, women, the formerly colonized, and others (Runciman, 2022). To systematize the political inclusion of children, and thereby make democracies more truly democratic, the normative structures of voting itself would need to shift away from practices of independent inclusion to practices of interdependently empowered inclusion.

5.6 Conclusion: social empowerment

These three dimensions of a new way of thinking about human rights amount in the end to the notion that human rights exist to serve not just individual but social empowerment. The key to children's continued lack of centrality in rights has been a globally influential European notion of rights as protections of independent and supposedly rational and disembodied individuals. This notion has, of course, been critiqued already from many different angles, as suggested previously. But its arguably most thorough critique needs to come from a childist deconstruction of the modern imagination of the human as quintessentially the independent adult. The reality is that there are not some members of societies who are independently self-empowered and others who are dependently empowered by others. Rather, human beings survive and thrive by means of the social empowerment of one another. Such is the true purpose of a system of rights.

One cannot pretend in one place to formulate a new theory of human rights overall, only to explore new possibilities in the hopes of stimulating further thinking. It would be important to engage systematically with both mainstream and critical rights theories in political science and philosophy. There would need to be wider conversations with the many new voices emerging around political rights in the interdisciplinary field of childhood studies. It would be vital to learn more from grassroots children's rights movements and struggles. Most of all, it would be necessary to engage more with children's own ideas, expressions, and experiences. All of these are emerging concerns among scholars of critical children's rights. All are needed as well in advancing childist human rights theory.

But in the end, critical children's rights must include an element of theoretical innovation. The problem of children gaining their rights is in no small part a normative problem of how to understand human nature and power. Until the human includes the child, children will continue to be written out of human rights.

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