Children’s rights from a gender studies perspective
Gender, intersectionality and ethics of care

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1. Introduction

Gender-biased inequality does not start from adulthood, but also shapes and limits the worlds of children.\(^1\) From the moment a person is born (and even before), a particular gender is assigned to that person; and this classification of children as girls or boys goes hand in hand with different norms and expectations. Girls and boys learn how they are supposed to behave, act and react in expected ways, or resist or rebel against these norms, in this way constantly (re)producing gender and the gender order (Lorber, 1994, p. 60). Although both girls and boys can be constrained by gendered patterns of power and expectations, under current patriarchal conditions it is girls who are more likely to occupy subordinate positions. Girls for instance tend to be more often the victim of sex-selective abortion, infanticide and (sexual) violence than boys.\(^2\) They often have less access to schooling or even to health care than their male peers and are more often expected to take up more care work and household duties. Girls often experience more (parental) control and supervision and often have less freedom of movement and expression.\(^3\) They face more pressure of conforming to unattainable beauty standards and may undergo female genital cutting or other interventions (e.g. plastic surgery) aimed at managing and controlling the female body and sexuality.\(^4\)

Yet, this reality may become obscured by a discourse that tends to collapse gender differences into the more generic rubrics of ‘children’ and ‘youth’. Although, as stated in the

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1 I use the term ‘children’ to refer to female and male children and adolescents; and the terms ‘girls’ or ‘boys’ when I aim to emphasise gendered dimensions. However, it must be kept in mind that these terms are not objective labels that refer to clearly delineated and homogeneous categories of people, but are socially constructed and highly differentiated.

2 According to Cai and Lavely (2003), for instance, in China approximately 8.5 million girls are missing in the cohorts born 1980 to 2000 due to sex-selective mechanisms.

3 Porter (2011), for instance, describes how the mobility of girls in African rural areas is constrained due to patriarchal discourses on girls’ vulnerability and their perceived promiscuity.

4 For discussions on discursive constructions of choice and constraint around for instance female genital cutting and cosmetic surgery see e.g. Chambers (2008, pp. 21–44) (see also Leye and Middelburg, Chapter 17 in this Handbook).
introduction of this book, from the late 1970s, there is a shift in research and policy towards an increasing recognition of children as social actors, worthy of study in their own right (see also James and Prout, 1997a, p. 4), the intersection of children and gender is less commonly taken into account in policy design and implementation (Morrow, 2006). Discourses on children’s rights and policy often start from the universality of childhood and frequently take a gender-neutral approach (Berman, 2003, p. 103; Taefi, 2009, p. 349), in spite of the fact that sex and gender profoundly shape and limit children’s experiences. However, an emerging body of childhood research has begun to explore gender as an important factor when studying children, using a constructionist and performative approach. Furthermore, these studies have used insights from other fields, including gender studies, to further develop useful models for the study and conceptualisation of children and childhood. Some of the new conceptualisations have been adopted by theorists of children’s rights who embrace bottom-up approaches and contextual orientations. Yet, tensions between universalist notions of children that tend to be used in traditional children’s rights discourses and the recognition of the multiplicity and diversity of childhoods remain to be further addressed in future research and practice.

This chapter reviews a selection of relevant literature and discussions that have emerged at the interface of gender studies and childhood studies, and explores what a gender studies perspective may contribute to the theory and practice of children’s rights. ‘Intersectionality’ and ‘ethics of care’, two concepts that stem from gender studies, are particularly relevant for further theorisation within childhood studies as well as for the development of children’s rights research, policy and practice. Both concepts can contribute to a better understanding of children as social actors within a particular context shaped by a complex of intersecting social forces and interrelatedness. These understandings can provide important building blocks for the development of a bottom-up approach to children’s rights, as well as to deepening the ‘contextual orientation’ that is pursued in this book as a means to moving beyond traditional paradigms in children’s rights research.

In what follows, I first discuss the feminist concept of ‘intersectionality’ and how it has been applied for an understanding of childhood as plural, dependent on a child’s positioning on various and interrelated axes of social stratification, such as gender, age, race, class, sexuality and religion. I also discuss some of the critiques of intersectionality, which warn against the danger of creating new monolithic categories, reinforcing (rather than undermining) race, class and gender inequalities or diminishing the power of the children’s rights project. Then, I highlight the feminist ‘ethics of care’ that has been put forward as a tool for overcoming some of the problems that have been associated with the prevalent rights-based model. I discuss the main feminist critiques of a liberal rights-based approach and explore the applicability of ethics of care theory to childhood studies, as well as to the theorisation of children’s rights. However, before considering these issues, it is necessary to say a few words on current definitions of gender. The

5 The term ‘childhood’ refers to a set of social, cultural and institutional structures, while the term ‘children’ refers to a variably defined group of individuals, distinguished on the basis of their age.

6 Throughout the article, I use the term ‘gender studies’ and ‘feminist studies’ interchangeably, to refer to the broad interdisciplinary academic field of feminist-inspired studies that focus on gender relations and women’s subordinations.

7 I use the term ‘childhood studies’ to refer to anthropological and sociological studies of children, yet distinct from the study of children’s rights. According to Freeman (1998, p. 433), childhood studies and children’s right studies have divergent ‘aims and perspectives, even world views’ and ‘little dialogue or collaboration between them’. However, recent contextual conceptualisations in children’s rights seem to narrow this gap.
following section explores the various ways childhood studies as well as children’s rights studies interact with gender theory. Not only does a growing number of childhood studies take gender into account as an important axis when analysing the lives of children, but the way gender is theorised and re-visioned by feminist studies also inspires the re-visioning of children in current childhood studies and in new conceptualisations of children’s rights (and vice versa).

2. Gender studies and childhood images

Wekker and Lutz (2001, p. 36) define gender as ‘the complex and ever-changing system of personal, social and symbolic relations through which men and women are created socially and through which they get access to roles, identities, status, power and material resources available in society’. Whereas there seems to be a consensus on the constructed nature of gender, its relation to sex is the subject of controversy. In much feminist theory, gender is conceptualised as the social interpretation of biological sex difference (e.g. Lorber, 1994), while more recent critiques further challenge the sex–gender distinction by arguing that there is no subject beyond what is socially produced. Judith Butler, for instance, argues that sex assignment is not ‘a statement of fact but an interpellation that initiates the process of ‘girling’, a process based on perceived and imposed differences between men and women, differences that are far from “natural’’ (Salih, 2007, p. 61, italics in original). She emphasises the performative nature of the gendered body. Although she does not deny that physical differences exist, she states that the body ‘has no ontological status apart from the various acts which constitute its reality’ (Butler, 2003, p. 185) and describes gender as ‘a practice of improvisation within a scene of constraint’ (Butler, 2004, p. 1).

Feminist understandings of gender, together with insights from racial-ethnic studies and studies of other marginalised groups, contributed to a shift in childhood images. They inspired a move from an image of childhood as a biological and universal stage in the life course to a ‘performative theory of childhood’ (Dickenson, 2011, p. 63), which sees ‘child’ as ‘an identity constituted through institutions, discourses and everyday practices’ (Dickenson, 2011, p. 37). The theoretical reciprocity between gender and childhood studies is related, as Thorne (1987, p. 86, italics in original) argues, not only to the ‘parallels between [children’s] situations and those of women’, but also to the connections between women and children. As ‘the fates and definitions of children have been closely tied with those of women’ (Thorne, 1987, p. 95), the ‘ideological and actual connections between women and children’ (Thorne, 1987, p. 86, italics in original) provide a fruitful domain for exploring theoretical connections.

The ‘gender-constituting’ nature of the relationships between the child and its significant other, or the way ‘mother’ or ‘father’ identities are co-constituted with that of the child (Baird, 2008, p. 298), has attracted considerable attention from feminist scholars, particularly in light of patriarchal ‘women-and-children’ discourses, which equate women’s interests with those of children and relegate both women and children to the private sphere. Aiming to reveal the structured and pervasive nature of women’s subordination in society, feminist studies deconstructed naturalised images of motherhood and childrearing (e.g. Hays, 1996; Rich, 1995), thereby also unpacking the historical and cultural contingency of childhood. They revealed that the current representations in middle-class milieus in so-called ‘Western’ countries that tend to conceptualise childrearing as an enterprise that should intensively be performed preferably by women within nuclear families (Forsberg, 2009; Hays, 1996), is not universally given, but socially constructed. They also showed that images of what is considered ‘good’ childrearing are historically and contextually co-constituted with images of children, childhood and children’s rights. Representations of appropriate parenthood which strives for intense rearing
practices as well as emotional and intimate relations between parents (typically mothers) and children (Forsberg, 2009, p. 29,44), are shaped and co-constituted in accordance with particular representations of child-centredness, the sacralisation of childhood, and a protectionist view of children’s rights that emphasise for instance the right of children to grow up in a caring and (over)protective environment, preferably within the confines of the nuclear family (Glenn, 1994; Hays, 1996; Rich, 1995; Zelizer, 1985).

The main feature of the childhood paradigm that has dominated much policy and research since the end of the nineteenth century and that mainly understood children’s rights as ‘protection rights’ (see the introduction of this Handbook) is ‘the myth of the vulnerable child’ (Furedi, 2008, p. 40), seeing the child as incompetent and totally dependent on the care of adults. Within such a view, children are predominantly seen in terms of their potentiality (Burman and Stacey, 2010, p. 231; Cockburn, 2005, p. 77), and the maximum development of that potentiality is considered mainly the parents’ responsibility. A second and interrelated element in these representations of children is the separateness of the child, ‘including the construction of the special site of “home” as the appropriate place for children, their exclusion from paid work and segregation into educational establishments, and the construction of particular dedicated public places such as playgrounds’ (Ribbens McCarthy et al., 2000, p. 788). A third element is the construction of the child as innocent, outside moral agency and accountability (Ribbens McCarthy et al., 2000, p. 788). Yet, from the late 1970s on, the childhood image of the sacralised, vulnerable child has not only been uncovered as contingent, it also became a target of critique for its tendency to perpetuate unequal power relations between adults and children (Berman, 2003, p. 103).

Parallel to the conceptualisation of gender, in the so-called ‘new childhood paradigm’, being a child is no longer seen as a ‘simple fact or static condition of a body, but a process whereby regulatory norms’ (Butler, 1993: 2) ‘“materialize”, give shape to, or define the boundaries of the “child”’ (Dickenson, 2011, p. 63). A constructionist and performative understanding of childhood conceptualises childhood as ‘an identity that is constituted through institutions, discourses and everyday practices’ (Dickenson, 2011, p. 37). Prout and James (1997, p. 8) have outlined the key features of the new paradigm in childhood studies as follows:

- Childhood is understood as a social construction.
- Childhood is a variable of social analysis, along with other variables such as gender, class and ethnicity.
- Children’s cultures and relationships are worthy of study in their own right.
- Children are active social agents.
- Studying children involves engaging in processes of reconstructing childhood in society.

It is important to note that a shift to a new paradigm does not mean that the old one has completely disappeared. On the contrary, both paradigms continue to be used and influence many policy and research perspectives. However, although further implications of the new childhood paradigm and how it should be translated into policy remain subject to debate, especially since the 1980s, this paradigm has become more firmly established in childhood studies (James and Prout, 1997b).

Although feminist studies have strongly contributed to the acknowledgement of childhood as a contingent and constructed category, feminist understandings have also been challenged by critical childhood studies (Baird, 2008, p. 297) for reinforcing the image of child vulnerability. Whereas feminist theory that ‘re-visioned women as active, speaking subjects’ (Thorne, 1987, p. 88) has been inspiring for the re-conceptualisation of children’s agency, feminist scholarship’s
emphasis on the agency of women in constructing their lives and identities often left children play the role of simply pre-social, dependent and passive recipients of care and education.

‘Gender socialisation’ studies of the 1970s and 1980s in particular, although successful in demonstrating that gender divisions are not natural and unchangeable (Thorne, 1987, p. 92), depicted childhood as a period in which children learn and internalise the rules of adult culture. These studies tended to put a strong emphasis on the role of parents and other caregivers in the gendering of children – leaving little room for children’s agency – and understanding children primarily ‘by their becoming, as adults-in-the-making’ (Thorne, 1987, pp. 92–93).

Much of recent literature both on parenting and childhood, has challenged socialisation theory for its ‘adult ideological viewpoint’ (Speier, 1976) and ‘its exaggerated view of children as unagentic, blank slates’ (Martin, 2005, p. 457). It has started to adopt a performative and interactionist view of gender and childhood, leaving more room for considering children themselves as ‘active meaning-maker[s] in a world constituted through intersubjective experience’ (Mahoney and Yngvesson, 1992, p. 49), instead of seeing them as merely passive recipients of adult influence. This view of children as autonomous and agentic individuals also generated new views of children’s rights, aiming to recognise children as entitled to the same rights to protection, provision and participation as adults.

Moreover, much writing has been critical of the central role of developmental psychology in the conceptualisation of children and childhood, rooted in a bio-essentialist view that sees the early years of life in terms of ‘maturational stages’ that need particular forms of care and attention (Ribbens McCarthy and Edwards, 2011, pp. 21 and 143). The traditional developmental view of the child has been criticised for being dominated by a male and ‘Western’ perspective (e.g. Burman and Stacey, 2010, p. 230; Prout and James, 1997, p. 10; Thorne, 2007, p. 150). Moreover, the view of individual development as a ‘natural’ succession of predictable phases towards adulthood has been challenged for producing pathologisation discourses (Rose, 1999, pp. 144–154; Walkerdine, 2000, p. 4). Describing the rise since the early 20th century of developmental psychology, Rose (1999, p. 146) argues:

The gathering of data on children of particular ages over a certain period, and the organization of this data into age norms, enabled the norms to be arranged along an axis of time and seen as cross sections through a continuous dimension of development. Growth and temporality could become principles of organization of a psychology of childhood. And normalization and development enabled individual children to be characterized in terms of their position on this axis of time relative to that deemed ‘normal’ for their age.

Developmental understandings of normality were blamed for creating categories of ‘abnormal’ children and ‘deviant’ child behaviour in need of correction. Moreover, as normality is generated from what have been called ‘Western’, ‘first world’ and middle class contexts, these discourses have come to regulate and stigmatise children who live in other contexts, as well as the caring and parental practices of their parents (Burman and Stacey, 2010, p. 229). Lister (2006, p. 321) and Baird (2008, p. 300) criticise ‘the iconization of the child in the “social investment state”’ that tends to constrict childhood as a period of investment and thinks of children in terms of their future, leaving little room for children as ‘beings’ who have actual experiences (Baird, 2008, p. 300). Walkerdine (2000, p. 21) links the pathologisation discourses to ‘long-established practices of regulation of the poor and the masses’, as ‘adult pathology is understood and expressed mostly by those who were poorly socialised as children’ (Walkerdine, 2000, p. 21). Other studies locate these normative discourses on how children have to develop and have to
be raised within (new) technologies of ‘intimate colonialism’ (Summers, 1991) that aimed to control the personal lives of colonial subjects and created new markets for capitalist exploitation (Lock and Nguyen, 2010).

The feminist critical work that has been done so far mainly ‘focused on challenging women’s positions in relation to children, rather than on feminist approaches to children and childhood per se’ (Burman and Stacey, 2010, p. 229). However, engagements with the complexities of child–woman dependencies have also opened avenues for the further development of feminist theories that explicitly focus on children, as well as of childhood studies that are being conducted in close relation to current debates in feminist studies on sex/gender, citizenship, equality and difference, agency and care. Central to these studies is the further theorisation of children as “‘differently equal” members of the public culture in which they are full participants’ (Moosa-Mitha, 2005, p. 369). Among other feminist theoretical concepts, ‘intersectionality’ and ‘care ethics’ seem to be of utmost importance for the difference-centred and contextual approach that is pursued in recent children’s rights studies. Intersectionality and care ethics can provide us with theoretical tools for enriching the analysis of children’s experiences and rights with the contexts and relations in which children are embedded, the plurality of their identity, as well as the vectors of power and subordination that operate in the lives of children. In what follows, I discuss the two concepts, starting with intersectionality.

3. Intersectional theory and the study of children

In the early 1970s, in response to feminist theories that did not adequately address the divergent experiences of women, new ways of thinking about identity and agency emerged. Instead of treating women as a single category and ignoring the differences between women, intersectional theory was developed as a way of emphasising the ways various identity categories interact on multiple and often simultaneous levels. Intersectionality refers to the ‘merging and mingling of multiple markers of difference’ (Ludvig, 2006, p. 246) and holds that these markers do not act independently of one another, but, on the contrary, interrelate, make up ‘intersections’ of multiple forms of discrimination and privilege.

Kimberlé Crenshaw (1991) has coined the term ‘intersectionality’ to capture a critique that was voiced by black feminists in the 1970s, who felt they were not being represented by mainstream feminism, nor by antiracism. They argued that feminism was all about white, middle-class women and that it ignored the differences and different power positions women face. But black women did not feel represented by antiracism either, as the struggle against racism seemed to be solely about black men. The term intersectionality wanted to capture that intersectional identity of black women and critiqued the way feminist and antiracist discourses failed to consider the ‘fact that women of color are situated within at least two subordinated groups that frequently pursue conflicting political agendas’ (Crenshaw, 1991, pp. 1251–1252). Mari Matsuda (1990) developed an instrument to strengthen awareness of various normative structures that may be intertwined with gender. She encourages researchers to ‘ask the other question’ in every analysis in order to expose ‘the ways in which patriarchy, racism, and heterosexism buttress each other’ (Nash, 2008, p. 12):

The way I try to understand the interconnection of all forms of subordination is through a method I call ‘ask the other question’. When I see something that looks racist, I ask, ‘Where is the patriarchy in this?’ When I see something that is homophobic, I ask, ‘Where are the class interests in this?’

(Matsuda, 1990, p. 1189)
Although intersectionality originated in feminist theory as an attempt to theorise the multiple intersections of gender and race, in more recent years the concept has also been picked up by childhood scholars (e.g. Amoah, 2007; Morris, 2007; Taefi, 2009). Age has been identified as one of the many identity categories that shape our lives and influence the extent to which we are able to exercise agency. The idea of age as a variable of social analysis that must be considered in interrelation with other variables has even become one of the pillars of the new childhood paradigm in childhood studies. Yet, whereas in the last few decades children, childhood and children’s rights have increasingly become the focus of research, and have increasingly been included in policy making, the intersection with other markers of difference has not always been clearly articulated. Children’s rights discourse often reverts to gender-neutral language, while women’s rights discourse focuses predominantly on adult women (Taefi, 2009, p. 349). As such, similar to the marginalisation of black women, girls’ rights tend to be divided in separate entitlements for women and children (Taefi, 2009, p. 346), which risks obscuring their particular needs.

While some feminist scholars tend to centre on the particular position of ‘multiply marginalised subjects’ (such as black women or girl-children), others refer to intersectionality as a generalised theory of identity (Nash, 2008, pp. 9–10). They argue that we all have intersectional identities and plead in favour of ‘a nuanced conception of identity that recognizes the way in which positions of dominance and subordination work in complex and intersecting ways to constitute subjects’ experiences of personhood’ (Nash, 2008, p. 10). Methodologically, Leslie McCall (2005) distinguishes three approaches in intersectionality, defined in terms of their stance towards the use of analytical categories. Whereas the ‘anticategorical’ approach entirely rejects the use of categories as it considers them as too simplistic to express the complexity of social life, the ‘categorical’ approach, which mainly relies on quantitative methods, believes that the strategic use of analytical categories is necessary to adequately study relationships of inequality. The third approach, the ‘intracategorical complexity’ falls in the middle between the other two models. Like the categorical approach, ‘it acknowledges the stable and even durable relationships that social categories represent at any given point in time, though it also maintains a critical stance toward categories’ (McCall, 2005, p. 1774).

Several critics (Jiwani and Berman, 2002; Nash, 2008) have warned against intersectional approaches that treat multiply marginalised groups, such as black women or girl-children, as unitary and monolithic entities. They argue that such approaches tend to replicate what they critique. Furthermore, the tendency of treating the different layers of the identity of marginalised groups as additive has been questioned because of the risk of construing ‘the girl-child’, like ‘the black woman’, as multiply burdened in all situations. Yet, such a conceptualisation passes over the complex ways in which different identity markers intersect and shape people’s experiences of privilege and discrimination.

Postcolonial critics have rejected the monolithic construction of black women and girl-children on the ground that it tends to reinforce dichotomised constructions of the ‘civilised’ ‘West’ versus the ‘primitive’ ‘Third World’. Chandra Mohanthy (1991, p. 51), in her famous article ‘Under Western Eyes’, argues for a deconstruction of the category of ‘the Third World woman’. She accuses ‘Western’ feminism of the mental and discursive colonisation of women in ‘developing countries’, reducing them to oppressed and voiceless victims while creating the mirror-image of emancipated, ‘Western’ women who have control over their own bodies and sexualities.

Jiwani and Berman (2002, p.2) formulate a similar postcolonial critique in relation to the ‘Third World’ girl-child:
Typically, the girl child is portrayed as the desperate and reluctant victim of female genital mutilation in Africa; the poverty-stricken child labourer and child-bride in India; the child prostitute in Thailand; the undeserving victim of honour killing in the Middle East; the illiterate, uneducated, exploited, and uncared for child in Latin America; or the unwanted girl child in China. More recently, the girl child has entered the popular western imagination in the form of the fleeing, illegal, refugee who is in need of our protection on the one hand, and who signifies the barbarism of her country of origin on the other hand. All of these images are typically displayed prominently in the fundraising initiatives of international aid organizations and in the mass media. The unstated premise is that atrocities inflicted upon girls occur elsewhere – in backward nations outside the realm of the ‘civilized’ west.

Moreover, postcolonial feminist critique warns against the continued focus only on women and children in gender and development initiatives, as it tends to reinforce complex historicised masculinity constructions of ‘lazy’ or violent African men and ‘non-Western’ men as ‘the problem’ (Chant and Gutmann, 2002; Whitehead, 2000).

An example of a postmodern, deconstructionist stance towards intersectionality is the work of Jasbir Puar (2005). She criticises the analytical usage of different identity components in intersectional theory on the grounds that it tends to naturalise and essentialise categorisations. By using the concept of ‘assemblage’, she aims to stress the fuzziness and interwovenness of different markers of identity:

As opposed to an intersectional model of identity, which presumes components – race, class, gender, sexuality, nation, age, religion – are separable analytics and can be thus disassembled, an assemblage is more attuned to interwoven forces that merge and dissipate time, space, and body against linearity, coherence, and permanency.

(Puar, 2005, pp. 127–128)

While the multiplicity of identity in general and childhood in particular has gained ground in new childhood studies, it has also been the subject of critique. Adrian James (2010), for instance, cites Qvortrup (2005) who warns against too much emphasis on plurality, as it risks diverting attention away from childhood as a social category and diminishing the political power of the project of children’s rights (James, 2010, pp. 487–488). Therefore, he pleads for an integration of both approaches:

Thus, if we look at children’s experiences of parenting, we can explore whether their experiences differ according to their gender or their position in the social hierarchy (be it caste, clan, socioeconomic status of parents, or whatever is the prevailing mode of social stratification); we can explore how and to what extent children (of different ages) are able to use their agency to mediate the effects of gender and social stratification, either in terms of their daily lives or their longer term life chances; we can consider how children of different genders and from different positions in the social hierarchy are regulated, both formally and informally; and we can ask questions about whether male and female children have the same or different rights and responsibilities and, if so, how this affects their experiences as children and extent to which their use of agency can be a factor in modifying their experiences. Such an approach not only avoids the pitfalls of dualistic thinking, it privileges neither the commonalities of childhood nor the diversities of childhoods and it allows our enquiries to range across the entire fabric of childhood studies,
from whatever our perspective, without asserting that any one element of the fabric is more important than any other.

(James, 2010, pp. 494–495)

It remains for further research to examine how such an integrated approach can be applied to a children’s rights framework that enables us to study children’s rights as part of the larger human rights agenda, while at the same time looking at its intersections with women’s rights, minority rights, religious rights and other rights that intersect in the child’s specific context. As Wall (2008) argues, this not only requires us to rethink children’s rights, it also needs a re-grounding of human rights in general. Intersectionality’s promise lies in its potential to contribute to a strengthening and deepening of the current rights framework, enabling people to respond to ‘persons in their irreducible diversity or difference’ (Wall, 2008, p. 537). A feminist ethics of care may contribute to pressing ‘the ethics of otherness’ in what Wall (Wall, 2008, p. 538) calls a ‘circular’ direction, towards including responsiveness and responsibilities.

4. A feminist ethics of care and the study of children

While our thinking about moral judgements and justice seems to be dominated by liberal conceptions of rights and the self-sufficient individual, since the 1980s feminist theory has begun to challenge the validity of this model. From the traditional experiences of women, feminist theorists have proposed a different approach to morality, one that takes into account care and responsibility in interpersonal relationships rather than abstract rules and principles. In this section I discuss the feminist ‘ethics of care’ that has been developed as a critique of traditional moral philosophy, and explore how the concept has been employed for the study of the concerns of children. As children are heavily dependent on the care of others, and caring is central to the well-being of children, it is not surprising that care ethics theory has been considered an interesting and relevant model for the study of children, and may be useful for a ‘thicker’ analysis of the contexts in which children’s rights are situated.

This section will be structured as follows. First, I discuss how the liberal ‘rights model’ has been thoroughly contested by feminist theorists. A moral founded on the universal and autonomous individual, as well as the conceptual split between the public and the private realm have been criticised for not providing the appropriate basis for ethical reflection and justice. Second, I describe the feminist ethics of care that, in contrast to a liberal rights-based approach, starts from the conceptualisation of the individual as concrete and relational and defines moral situations in terms of relations of care. I will then go on to discuss how academics from different fields working on care have conceptualised the relationship between care ethics and rights ethics, and how these discussions can be useful for the field of children’s rights, and the critical approach towards dominant children’s rights paradigms in particular. One of the most important issues raised by feminist scholarship in relation to liberal rights-based approaches concerns the universalism on which these approaches are premised. The ‘rights model’ tends to start from an abstract, or generalised other, and the idea that all individuals, irrespective their unique characteristics, possess universal political and other rights (Leys Stepan, 1986, p. 30). Feminist critics have challenged ‘the myth of the unembodied subject’ (Kittay et al., 2005, p. 445), that abstracts

8 The care of others seems to be of crucial importance for all children, and for children with higher levels of need in particular (e.g. young children, children with disabilities…). Yet, this is not to ignore children’s agency, nor to diminish the importance of care in all people’s lives.
‘from the individuality and concrete identity of the other’ (Benhabib, 1985, p.411), on the grounds that it applies a white, male, adult, ‘Western’, middle-class perspective to all circumstances and is insufficiently sensitive to the plurality of being human (Leys Stepan, 1986, p. 29). Dominant groups’ viewpoints are deceptively disguised as ‘everyone’s’, and ‘consequently, differences distinctive of subordinated groups are labelled as inferiorities, liabilities, menaces, risks’ (Silvers, 1995). Feminist scholars have argued that the complex, intersectional understanding of difference and identity demands equally complex understandings of morality and justice and understandings of the workings of domination (Hirschmann, 2008, p. 150). Moreover, the construction of the generic, universal individual, and the inability of some individuals to position themselves as this supposedly abstract individual, was criticised for implying the construction of particular races, genders, classes, sexualities or age groups as natural, biologically grounded entities, debarred from the right to full citizenship (Leys Stepan, 1986, p. 30).

A second feminist critique of the liberal rights model is that it sees individuals as autonomous, ‘disembedded’ (Benhabib, 1985, p. 405) subjects and that it takes the abstract and independent individual as the basic organising principle of polity and citizenship. The liberal rights model translates moral dilemmas into conflicts over rights, of one person against another, that must be solved by identifying the highest principle (Cockburn, 2005, p. 77). Feminist theory, conversely, developed the notion of “relational autonomy” which incorporated a notion of autonomy not as opposed to relations with others, but dependent on them’ (Hirschmann, 2008, p. 52). As such it incorporates a different understanding of what it means to be a person: ‘not separate and inherently distinct from all others, but connected through networks of relationships, and through physical, material, psychological, and emotional interdependence’ (Hirschmann, 2008, p. 52).

The underlying public–private dichotomy of the liberal rights model, and the ensuing denigration of the so-called private sphere, is another and equally important concern raised by feminist theory. Feminist critics (e.g. Fraser, 1990; Lister, 2007; Werbner and Yuval-Davis, 1999) argue that the distinction between public and private realms has served to sustain a patriarchal public order, and to justify gender hierarchy and inequality. They critique the construction of the public as ‘the distinctively human realm in which man transcends his animal nature, while the private realm of the household is seen as the natural region in which women merely reproduce the species’ (Held, 1990, pp. 334–335). The depiction of the public world as superior to the private, and the traditional relegation of women to the domestic sphere, feminists argue, have systematically supported and obscured the structural subordination of women. They claim that this has led to the undervaluation of care work (i.e. unpaid work within the family and caring jobs within the private sector) and to women and other subordinated groups being disproportionately represented in this kind of work, while (white) men take up more highly valued functions in the public domains of state, law and the marketplace. They also, for instance, point at the role of the public–private dichotomy in the protection of (male) domination and violence within the family from public scrutiny (e.g. Thomas and Beasley, 1993). This critique is highly relevant to discussions of children’s rights as well, as the subordinate positions and almost complete relegation of children to the private sphere can hamper their ability to exercise their rights to bodily integrity and security.

In response to these concerns, a feminist theory of care has been developed since the 1980s. Gilligan’s work, together with that of Nel Noddings (1986), is considered foundational for care ethics theory and has paved the way for a vast body of subsequent work. Carol Gilligan challenged Lawrence Kohlberg’s cognitive theory of moral development, which considered women’s moral reasoning as deficient. She revealed that the moral reasoning that is often associated with women is a different, but equally important way of thinking about moral problems,
yet has been systematically undervalued by male-biased theories (Reiter, 1996, p. 34). Her critique is in line with other feminist work (e.g. Haraway, 1988; Harding, 1991; Hyung-Yi Kang, 2009; Leys Stepan, 1986) that lays bare the androcentric nature of the traditional scientific method and epistemology. Yet, her conceptualisation of care ethics has been the source of subsequent debates on whether it is essentialising gender differences and reinforcing traditional stereotypes of a ‘good woman’ or not (Held, 2006; Tronto, 1993), and on how it needs to be reconceptualised.

While the ‘ethics of care’ is not a homogenous, unified theory, important common themes can be found across care ethics work. One of the most important commonalities is that an ‘ethics of care’ places care and relationships of care at the centre of ethical reflection. Therefore, it foregrounds the following principles: First, as opposed to the notion of a ‘generalised’ other, it adheres to the principle of the ‘concrete’ other (Benhabib, 1985). As Benhabib (1985, p. 411) argues, it ‘requires us to view each and every rational being as an individual with a concrete history, identity, and affective-emotional constitution’. As such, it is a contextual theory. Second, it operates on the principle of the ‘relational’ self, being part of networks of ‘care and dependence’, in contrast to the independent and un-embedded individual of the liberal rights model. Third, it challenges traditional moral theory that solely defines moral situations in terms of rights and responsibilities. An ethics of care aims to look at moral situations as embedded in relationships of care.

Despite this consensus, there is some disagreement among care ethics theorists over how a theory of care must be conceptualised in order to be inclusive and empowering for subordinated individuals and groups. First, there is difference of opinion on how care ethics relates to justice ethics and liberal theory, and on the extent to which justice is relevant to care ethics. A first position thinks an ethics of care should replace the ethics of justice (Noddings, 1986) or argues for considering an ethics of care as an alternative moral theory, rather than a necessary corrective (Tronto, 1987, p. 655). Such an approach locates responsibility towards others ‘not in the abstract universals of justice, but rather in the recognition of our intersubjective being’ (Popke, 2006, p. 507).

A second position links a disposition of care to some notion of justice, and aims at integrating an ethics of care with an ethics of justice and rules (Held, 1990, p. 331). Held for instance believes that care relations (being the most basic moral value) ‘should form the wider moral framework into which justice should be fitted’ (Held, 2006, p. 71). This is also the position of many scholars who work on ethics of care in relation to children and argue for a balance between a children’s rights model and a care model that takes into account the caring relationships in which children are embedded. A sole reliance upon justice ethics in policies and practices that relate to children, is believed to be ‘at the expense of affirming and giving due regard to the complex emotional and practical caring (and sometimes uncaring) relationships within which the young person is situated’ (Holland, 2010, p. 1665). Barnes provides the example of a sixteen-year-old girl in foster care, who filed a complaint about her foster carers and was consequently moved to a hostel. The girl was not happy with this settlement, in which rights considerations had taken precedence over care arrangements. Barnes uses this example to plead for the consideration of young people’s relationships when dealing with children’s rights. She adds:

A basic ontological position of relationality implies seeing children and young people in necessary relation to others, that is their family, their environment, their ‘carers’ and their professional workers rather than in isolation.

(Barnes, 2007, p. 149)
Yet, these scholars seem to be reluctant to move away from a children’s rights model, that is contended to be hard-won. They believe a rights framework should not be given up (Barnes, 2007, p. 149), but re-imagined as grounded in relationality, contextuality and experience. (Cockburn, 2005, p. 85).

A second point of disagreement among care theorists concerns care ethics’ ability to move beyond gender dualisms and the public–private dichotomy. Early formulations of an ethics of care have been criticised for keeping care in its traditional place, i.e. the private, feminine sphere (Scuzzarello, 2009, p. 65; Tronto, 1993) with for instance a strong emphasis on mothers caring for children (see e.g. Held, 1990). Tronto is an important advocate for the development of an ethics of care into a moral theory that considers caring as a political practice that extends beyond the private level to the moral and political context (Myhrvold, 2006; Robinson, 2006; Scuzzarello, 2009, p. 62; Tronto, 1987). She also moves beyond the gender binary in care ethics by stating that moral difference is a function of social position rather than of gender (Tronto, 1987, p. 649). She argues that the daily caring experiences of white women and minority men and women provide these groups with better opportunities to develop moral sense than most white men (Tronto, 1987, p. 652). Yet, she rejects the celebration of care ethics as a factor of gender difference that points at women’s superiority (Tronto, 1987, p. 662). Instead, she aims at redrawing care ethics as ‘a full-fledged moral and political theory of care’ (Tronto, 1987, p. 657). As she believes that the devaluation of care is connected with oppressive boundaries between the public and the private, she argues for a fundamental reconsideration of these boundaries so that women’s moral and political participation can be improved.

This reconsideration of public/private boundaries can have important consequences for the study of children as well, since because of their supposed incapacity for public autonomy and reason, children – like women – are traditionally relegated to the private sphere. Children are typically identified as pre-political or non-political beings (Kallio and Häkli, 2011, p. 6). Furthermore, they are often depicted, even in works that draw on care ethics, as passive recipients of care, stripped of agency and voice (Cockburn, 2005; Holland, 2010, p. 1667; Lister, 2006, p. 323).

Childhood and children’s rights studies shatter this stereotype by providing examples of children – especially girls – being carers for siblings, sick or disabled parents, family members or pets (Cockburn, 2005, p. 73; Holland, 2010, p. 1672) and explore how an ethics of care could be applied to the children’s rights context. They show how children, although also dependent on their gendered, classed and raced position, are ‘active co-participants in care’ (Brannen and Heptinstall, 2003). They have denounced the conceptualisation in some care ethics work of children as solely in need of care, while the complexity and reciprocity of care relations are made invisible and little notion is left for a ‘relationship’ of caring (Cockburn, 2005, p. 80). This assessment is in line with a critique that warns against the dangers of a needs-based framework for prescribing care and education and upholding children’s rights (Cunningham, 2005; Ribbens McCarthy et al., 2000; Woodhead, 1997; Zelizer, 1985). A needs-based approach, it is argued, tends to depart from contemporary ‘Western’ and middle class understandings of childhood, framing children as passive and vulnerable and childhood as a time of dependency, emptying the child of agency (Berman, 2003; Jenkins, 1998). Furthermore, and as Woodhead (1997) argues, it is concurred that it is primarily parents, experts, policy makers and service providers who define what the best interests of the child are, leaving little scope for children to define their own context (Cockburn, 2005, p. 82).

Some childhood scholars plead for the recognition of children as active agents within networks of relationships with parents, teachers, friends, etc. when making judgements of rights, needs or protection (Cockburn, 2005, p. 77). They argue that although an ethics of care...
offers a framework for recognising that everyone, including children, are ‘relational’ and ‘inter-
dependent’, and as such actively contribute to ‘caring relational practices’ (Held, 2006, p. 54,
italics added), the omnipresence of care relationships in our society and the importance of
interrelatedness in everyone’s life, not just in that of vulnerable or marginalised people
(Holland, 2010, p. 1672) needs to be more fully considered. During the last decennia there has
been increasing attention for children’s participation rights in political processes in what is
generally acknowledged as the public sphere, such as policy making in schools and civic
activism. However, as Kallio and Häkli (2011) argue, so far childhood studies and the study of
children’s rights have refrained from explicitly studying children’s everyday worlds as political
arenas. Yet, studying children’s worlds as ‘spaces where the presence of human relations is
organized by power’ (Kallio and Häkli, 2011, p. 21) can contribute to a better understanding of
children as active agents within a web of power relations.

5. Conclusion

This chapter has presented some of the critical debates in gender studies and has explored the
way these debates have been picked up by childhood and children’s rights studies. I have singled
out two concepts that stem from feminist theory and that have already been cautiously adopted
by some childhood scholars, yet their utility and relevance remain to be fully explored within
the framework of children’s rights scholarship and policy. While it is not the intention of this
chapter to reject the children’s rights framework, I point out the necessity of finding a way of
re-balancing our priorities so that difference and interdependency are re-valued alongside and
in relation with individual rights.

This chapter has argued that the concepts of intersectionality and ethics of care are partic-
ularly important for the further development and theorisation of children’s rights, because of
their ability to offer analytical tools for the development of a bottom-up approach to children’s
rights, as well as to strengthen the ‘contextual orientation’ that this Handbook pursues. A
combined analysis of the way age interacts with gender, but also with other axes of social signi-
fication, can counteract adult-dominance and gender-bias (Taefi, 2009, p. 372), as well as other
forms of discrimination. An intersectional approach that looks at children’s specific positioning
within intersections of different social markers and meaningful (care) relations, trying to incor-
porate the matrix of domination, interlocking inequalities and ideological assumptions that
children might experience, can provide an important guideline for a critical analysis of child-
ren’s rights. However, there remain many challenges for the integration of intersectional theory
and ethics of care within the children’s rights framework.

There is on-going discussion on how the complexity of a person’s intersectional position
can best be conceptualised (e.g. Puur’s discussion of assemblage), ‘conceiving of privilege and
353) points out the inherent analytical tension in aiming to understand the full diversity of
experiences while at the same time seeking to derive common or theoretically generalisable
analytical propositions from these intersectional standpoints. This touches upon the question of
whether intersectionality can avoid reproducing the conceptual frameworks it tries to over-
come. The infinite list of differences has been indicated as a weak point in intersectional theory,
leading to difficulties operationalising research design. It also raises questions, as Ludvig (2006,
p. 247, italics in original) argues, ‘that are often avoided in published work: Who defines when,
where, which and why particular differences are given recognition while others are not?’ (see also:
Warner, 2008). The researcher’s own positionality can create power imbalances that can inter-
fer with the ability to engage in meaningful interaction with research participants, especially
when they are children. These critiques call for research procedures that take more deeply into account not only the inequalities in participants’ lives, but also the power imbalances in the research framework and within the relationship between researcher and participants (Berman, 2003, p. 108).9

It must also be noted that the concept of care is not always a warm and empowering concept, but can become oppressive and abusive for both carers and cared-for. It seems crucial that any analysis takes into account the power differentials within relations of care. Therefore an analysis of care relations must be combined with intersectional analysis, which tries to grasp the intersecting power systems in children’s lives. Yet it remains for further research to concretise how such an approach can be applied to and further developed in a children’s rights framework, enabling us to study children’s rights in interrelation with other rights, such as women’s rights, cultural rights and religious rights, as well as with children’s embeddedness in relations of care. However, although many challenges remain, and there seems to be no easy solution to balancing principles of rights and care, the integration in a children’s rights framework of an analysis of the complexity of children’s contexts, including their intersectional identities as well as their caring relations, seems to be a promising avenue to pursue.

Questions for debate and discussion

• In what concrete ways can intersectional theory and ethics of care be integrated in a children’s rights framework?
• What does an intersectional approach of children’s rights looks like? How can children’s rights be studies in interrelation with other rights, such as women’s rights, cultural rights and religious rights?
• In what ways can a children’s rights approach be made more attentive to children’s relations of care?
• How can we make our research more sensitive to the researcher’s positionality and other issues of power inequality?
• How should we define which differences and relations of care are given recognition while others are not?

References


9 For further discussion of issues of children’s participation, rights and relationships in what could be called a ‘children’s rights-based’ research process, see Lundy and McEvoy 2012.


Porter, Gina. (2011). ‘I think a woman who travels a lot is befriending other men and that’s why she travels’: Mobility constraints and their implications for rural women and girls in sub-Saharan Africa.’ *Gender, Place and Culture*, 18(1), 65–81.


