

**Presentation Abstract for University of Dayton's 2014 STARS Speaker Series
A Critical Perspective on Children's Rights**

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Traditionally, children had no rights at all but rather were considered the property of their parents and even subject to disposition as punishment for parental actions. However, under modern laws, children's rights and interests are the focal point of domestic laws on child custody and support. International laws and treaties strongly reflect the central position children are supposed to play in legal determinations that affect them. Yet, this morally praiseworthy revolution that has put the vulnerable population of children at the center of family law is still in flux. The question is how should children's rights and interests be achieved? The traditional manner for pursuing the interests of children is through a best interests analysis that allows the state or parents to direct decisions in a manner that puts children's interests first. But, determining what is best or optimal for children is riddled with difficulties. Thus, pursuing children's rights has become a power struggle among the state, parents and children own voices to the extent they can be heard, each viewed as presenting the primary or optimal vehicle to pursue children's individual rights and interests. Thus, even within a children first framework, the tension among parental rights, children's rights and state interests persist. Still pawns due to their physical, psychological and legal limitations, the law substitutes parental rights, state interests, majoritarian values and under-examined value judgments for children's rights.

In my research, I argue that any perspective that attempts to look at a child as an abstract adult-like individual in an isolated manner misses the most important aspect of the nature of children, the provision of care and interdependency. Instead, I argue for a relational, relationship-based perspective on children's rights, focusing on the need to take concrete measures to support caregiving relationships, in all their varieties. Rights as an individualistic concept in the liberal tradition must be reformed and practical care relationships supported in a proactive manner to better advance children's advocacy.

In my presentation, I will first introduce the nature of the power struggle in pursuing children's rights and its contours – how the state, parents and children's own voices compete for influence. I will then provide practical examples of the way the individualistic children's rights paradigm in current family law fails children due to the impossibility of viewing children in isolation and optimizing their interests and instead substitutes alternative interests and shortcuts that lack sufficient nuance and support. I will then offer an alternative relationship-based paradigm of rights that is better supported by the social sciences and economic research. My presentation will thus have three basic steps presenting (i) the normative desire and difficulty of pursuing children's rights, (ii) the current failures and limitations of the individualistic paradigm and (iii) a framework for a competing and preferred relationship-based approach. Each step will present practical, tangible examples. This project is both deeply theoretical but also essentially practical, as my normative suggestions are very tangible justifications for legal reforms in family law issues like child support, custody and visitation. The project is multidisciplinary as it relates to any field involving children and families in interdependent relationships and depends on the social sciences, philosophy, history and economic data. My presentation will provide an altered framework for fulfilling the needs of children, which is a normative goal for many disciplines.