RETHINKING CHILD RIGHTS THROUGH POST-CHILD ETHICS[1]

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Abstract

Universal child rights don't work. There is a clear trajectory of rights-based agendas from the Enlightenment onwards that leave young people without space and out-of-place. With this paper, I explicitly focus on the precarious lives of youth: their situation within settings of political and economic transformation that undermine traditional social institutions of care and citizenship. How are young lives made or unmade as grievable and livable through dispossession and erasure? Empirically, I discuss the curtailment of young people's rights in the face of transformation away from state socialism in the first instance, towards seemingly free and open neoliberal statehood in the second. What kind of rights-based political possibilities are available for young people today, and how does everyday emotional citizenship mediate these events? Is the notion of everyday emotional citizenry able to rework contexts of rights and subject-hood? I suggest a possible answer to these question through what Rosi Braidotti calls posthuman sustainable ethics.

Key-words: Young people; emotional citizenry; posthuman sustainable ethics.

Resumo

Direitos infantis universais não funcionam. Há uma trajetória clara de agendas baseadas em direitos, desde o Iluminismo, que deixam os jovens sem espaço e fora do lugar. Com este artigo, concentro-me explicitamente

1 The paper I presented at the Child Territories Conference in Brasilia, march 2018, discussed the finding of my book **Young People Rights and Place**: Erasure, Neoliberal Politics and Postchild Ethics. New York and London: Routledge, 2018. This paper is a reworked version of the last chapter of that book.

na vida precária da juventude: sua situação dentro de cenários de transformação política e econômica que enfraquecem as instituições sociais tradicionais de cuidado e cidadania. Como a vida dos jovens são feitas ou desfeitas enquanto sofrimento e capacidade de suportar, por meio da despossessão e do apagamento? Empiricamente, eu discuto o cerceamento dos direitos dos jovens em face da transformação do socialismo de Estado, em primeiro lugar, para um Estado neoliberal aparentemente livre e aberto no segundo. Que tipo de possibilidades políticas baseadas em direitos estão disponíveis para os jovens de hoje e como a cidadania emocional cotidiana medeia esses eventos? A noção de cidadania emocional cotidiana é capaz de retrabalhar contextos de direitos e sujeitos? Sugiro uma possível resposta a essa pergunta por meio do que Rosi Braidotti chama de ética sustentável pós-humana

Palavras-chave: Juventude; cidadania emocional cotidiana; ética sustentável pós-humana.

Universal Human/Child Rights do not work. Apparently, corporations now have the rights of individuals, and individuals do not have the rights to their own embodied data. Today's technology and big-data turns what children's minds and bodies produce (birth-weights, heart-rates, test-scores, video-games played, social media friendships, and other propertied informatics) into properties that they do not own nor have rights over. Melinda Cooper (2008, 3) calls this extension "life as surplus," and questions "[w]here does (re) production end and technical invention begin, when life is out to work at the microbiological or cellular level? What is at stake in the extension of property law to cover everything from the molecular elements of life (biological patents) to the biospheric accident (catastrophe bonds). What is the relationship between new theories of biological growth, complexity and evolution and recent neoliberal theories of accumulation?" When these theories become dogmatic they are translated into rights agendas; for example universal child rights legitimize to some degree the right-to-life movement that pushes against women's rights to choose and rights over their bodies.

This along with bodies reduced to their informational substrate, of course, is part of the excess of our posthuman moment, and it requires a new set of understandings, moralities and ethics.

A posthumanist perspective understands us as all-too-human, as more than our corporeal selves, and it questions what precisely we can and should have rights over. Viewing children as relational doings, postchild advocates like Oswell (2013) and Murris (2016) argue, requires an understanding of their agencies and capacities in spaces of experience, experimentation and power: these spaces include the family, household, technology, social media, school, education, crime, criminality, health, medicine, play, consumer culture, political economies of labor, rights and political participation. These spaces do not recognize the divisions that seemingly encapsulated and cordoned past childhoods. Rights and everyday politics in a post-global world are corporeal and technological, fluid, negotiable and relational, and they are tied to the ways that young people (and their relations with other people and things) create and recreate spaces of experience, experimentation and power and, in so doing, create and recreate themselves.

Young people are tied to things – nature, animals, technology, rooms, banners and objects of protest – in important ways. Post-child researchers like Taylor and her colleagues (Taylor et al., 2012), Rautio and Winston (2015), and Murris (2016) deal much more specifically with the multiplicities of relations between children and things. I worry that some of these theorists lose an important political edge with a focus on the non-human but with that said I am buoyed by Murris' (2016, 202) articulation of 'ethics of resistance' (from Taguchi (2010)), which explicitly precipitate politically informed readings of the 'self' through picturebooks. More specifically, she evokes Deleuze and Guattarri (1994) notion of a line of flight for young children as a way to rupture and de-territorialize binary ways of knowing in through the materialities of picturebooks. This is all well and good, but my lack of explicitly recognizing the nonhuman does not detract from the implications of that presence in the bio-politics. My evocation of the postchild is one that attends more pointedly to human relations, and I am

intent upon a radically different conception of young people ousted from a child-centered world and contextualized through zoē, radical relationalities, insurgent ad affective citizenship, non-heteronormative families, and an ethics of care as well as an ethics of resistance (see Aitken 2018).

When discussing the globalization and universalizing of children's rights agendas, Karen Wells (2015) notes that discourses move beyond protecting children from harm and acting in their best interests in problematic ways. In words that mirror Rosi Braidotti (2013), Wells (2015, 203) points out that in its global elaboration, children's rights are contrived from liberal ethics that hold inviable "the human as a subject who is universally a free, autonomous, rational, choosing individual." Wells goes on to note that the "normative model of contemporary childhood is, then, not simply about what it means to be a child, it is essentially about what it means to be human." Sentiments such as these propelled the post United Nations Convention on the Rights of the Child (UNCRC) work of the 1990s and early 2000s that formed the new sociology of childhood (Jenks 1996, James et al. 1998). This new sociology drove the idea that children must be considered as 'separate beings' -- with their own special needs, wants, experiences and rights – rather than 'becoming adults/becoming more than us'. This makes some sense because it proffers onto children and young people -- as a group, as bearers or rights -- a singular political acumen that is not derived from connections to adults. Of course, as with the course of women's rights through the 20th century, by lumping all children and young people together, intra-group distinctions, differences and intersectionalities are glossed over. Is it possible to think about children so that they are not conditioned as either subjects or objects of rights?

Liberal ethics have never existed anywhere at any time, nor have they ever been an adequate utopian ideal, although Flax (1993) and other feminists have argued that if this is all we have, then we must use it well and move forward as best we can on behalf of the best interests of women, children, and other minorities. Certainly it is laudable to use this perspective as a way of tackling social and spatial inequalities where they arise but I do not think that this

is enough. I suggest another way forward, a way that dispels with vigor and assurance, the last vestiges of the unattainable Vitruvian ideal. What happens if we give up on children as monadic beings, as subjects and objects of rights, with all the specific and singular rights that accrue to those positions? My concern with the positioning of the UNCRC and the new sociology of childhood is that they do not untie connections to children 'becoming-the-same' as us, eventually. At some point, the monadic child becomes the monadic adult. One problem of the UNCRC's focus on the singularity of young people and the new sociology of children elaborating the importance of children 'being' rather than 'becoming' is seen in the plethora of contemporary childhood studies that include people in their twenties and thirties as young people. Coming from Deleuze and Guattari (1983, 1987), I prefer to think of young people as 'becoming-other', and giving up to them the space to become something different, something surprising, something unimaginable. Echoing David Harvey's (2008) sentiments on the rights to the city, I prefer to give young people the right to create and recreate space and, by so doing, to recreate and recreate themselves and the world.

In the 1960s and 1970s, people living in Los Angeles bemoaned the rise of the power of the automobile and the turning of green space into a concrete and asphalt wilderness. Impersonal shopping malls with ample parking had taken over the consumptive spaces of downtown. School playgrounds were paved over and painted with lines to delimit specific activities and games. Flying into LAX airport was to traverse over mile after mile, block after block, of what seemed from the air to be ubiquitous grey urban slab. While adults lamented their loss of nature, community and place, a group of working-class pre-teens looked out on all the asphalt, tarmac and concrete with wonder and delight. They attached small wheels to narrow boards and created a new way to be in the city, a new way to exploit its corridors and parking lots, its drained swimming pools. For a short time, skateboarders became urban knights, the heroes of LA's byways and backstreets, grinding and jumping the sidewalks and benches. Their number grew and, before long, they were a noisy and boisterous danger to themselves and others. Laws

were passed to exclude them from public places, skateboard parks were established to contain them, and the sport was legitimized on prime-time television; their clothes and lifestyles were commodified and sanitized. But skateboarding began with a dislocation, with a re-territorialization; an eleven year old skateboarder looked out on the Los Angeles landscape with wonder and excitement, and claimed its marginal, moribund and abandoned spaces. That young person was not isolated or monadic, she was not on her own but connected to the non-material vastness of urban space that called out to her as an active part of her imagination and being and, in a moment, that space started to become something different and so did she. How, then, do we sustain a world that enables this kind of ethic to thrive? How do we create a world of potential and play for young people? How do we move away from rights agendas that are child-centered, turning rather to the idea of a young person "enmeshed in an immense web of material and discursive forces, always intra-acting with everything else" (Murris, 2016, xi)?

With Braidotti (2006, 2013), Murris (2016), Oswell (2016) and others, I push the more-than-human postchild perspective as an alternative to liberal ethics, which leave children alone and impotent in the center of world that is not of their making. Braidotti (2013) argues for a posthuman and post-anthropocentric ethics that focus on the missing people because, with Enlightenment a certain person was put forward as human (e.g. the Vitruvian man), and this person was not a child, or a woman or a skateboarder. Braidotti's neo-materialist philosophy of immanence posits all matter as one, as intelligent and as self-organizing. Braidotti's sustainable ethics comes from Spinosa's monistic, relational understanding of God, the universe and us. God, according to Spinosa, is the natural world and everything in it, including us, in a multiplicity of interdependencies. Given this interdependency, Spinosa's ethics pushes against the notion of a Cartesian, mind/body split. The mind and the body are the same thing, Spinosa argues, they are just thought of in two different ways. Perhaps most importantly for the relational ethics I am trying to elaborate for young people, Spinosa argues that the mind/body cannot know its own thoughts/feelings better than it knows the ways in which its body is acted upon by other bodies and

materialities. Further countering the mind/body split is the idea that we learn through and with our bodies, which Karen Barad (2012) characterizes as part of our intra-actions as a thing in relation to and influencing other things. Through intra-action, Spinozan thinkers like Barad and Braidotti argue that all things strive to persevere and continue. Spinosa calls this striving conatus, which as is suggested in the stories throughout this book, articulates the idea of living life to the full. It is the basis of sustainable ethics, and it is through postchild thinking that we get there.

The postchild is our historical and geographic condition, which is materially embedded and calls for the end of disciplinary purity. The postchild is multi-layered, nomadic, relational to human and non-human agents, and is mediated through technology. For this, argues Braidotti (2013), we need an adequate technology; a body/mind/thing map. This cartography is materially embedded, theoretically driven, and ethically progressive. Vital materialist neo-humanism suggests a way forward towards this cartography as an ethics of sustainability that replaces the current moral philosophy of children's rights. To get to that place, I find a suitable strategy in a feminist politics of location. The distinct posthumanist character of the body/mind/thing map hinges on Spinoza's monist notion of difference, which posits difference through immanence rather than identity (Murris 2016, 110). The idea of young people as beings propagated by the UNCRC and the new sociology of childhood assumes substance and monadism, which is a specific and passive object and a static and definable subject of rights. Alternatively, a locatable feminist politics moves from a 'freedom from' into action and a 'freedom to', as Grosz (2011) points out, and it is also, she goes on to offer, about a radical rewriting of the singularities of modernity, which cannot be achieved by negating the past but for the future and the past to come together in the perpetually unfoldings present right here in this place, right now. This is the cornerstone of a locatable feminist politics and the beginnings of a sustainable ethics. In *The Coming Community*, Giorgio Agamben (1993, III/7) describes a "whatever singularity" where "whatever" is not indifference but precisely a "being such that it always matters." By so doing, he moves beyond Lefebevre's (1996) notion of group rights

through a trial-by-space, to describe an "inessential (anti-essential) commonality, a solidarity that in no way concerns an essence," a subject or an identity. By way of example, Agamben's beginning gambit is to describe love as something that is not "directed towards this or that property of the loved one (being blond, being small, being tender, being lame), but neither does it neglect the properties in favor of an insipid generality (universal love): The lover wants the loved one with all of its predicates, its being such as it is." This, I think, is precisely what Kraftl (2008) is after with his idea if childhood-hope (in the moment and from young people), which is radically different from the idea of some kind of universal hope emanating from the hopeless idea of children as our future. Like Braidotti's *conatus* and *potentia*, Agamben's coming community is emergent, it takes place; it is about love and intimacy, and it has a locatable politics in communities of care.

I have tried to arrive somewhere between specified universalism and locatable actions where no permission is give, and nothing is overcome. Rather, "truth is revealed only by giving space or giving place to non-truth – that is, as taking place of the false, as an exposure of its own innermost impropriety" (Agamben 1993, IV/13). Acceptance of paradoxes such as these -- of the love and hate, the good and evil that reside within each of us as part of the without and the outwith, which Agamben (1993, IV/15) describes as an "innermost exteriority" – and the kind of vulnerability that bears with it an undeniable truth that foments the hope I describe as the on-going process of heart-work (Aitken 2009). Openness to this heart-work requires us, as adults, to know our intra-actions (with things, bodies, children) better so that we can set healthier boundaries but mostly so that we can let go lightly, and trust more fully that young people will do the right thing if they reside in a place that enables life to be fully lived. If I am still talking about rights, then it is about transformed and new rights to lifespace as a radical alternative that directly challenges and rethinks current structures of capitalism and liberal-democratic citizenship.

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