Misanthropy Without Borders: The International Children's Rights Regime

Vanessa Pupavac
Nottingham University

The issue of children's rights has become key to human rights-based international security strategies. The UN Convention on the Rights of the Child (1989) is being operationalised in complex political emergencies. Children's rights now inform humanitarian principles. Universal concern for children is viewed as transcending political and social divides and able to mobilise societies to confront social problems and prevent war. The operationalisation of child rights is accompanied by the development of psycho-social programmes to rehabilitate the child victim. Critically analysing the implications of the children's rights regime for the right to self-determination, the paper unpacks the assumptions underlying children's rights and psycho-social intervention. The paper begins by examining the conceptualisation of the rights-holding subject universalised under the UN Convention and then goes on to consider Article 39 on the right to psycho-social intervention.

Equally important as the novel conceptualisation of childhood and children's rights under the international children's rights regime is the (unspoken) mistrust of adulthood and political rights that informs the imperative to institutionalise children's rights as higher law. Moreover while the rights-based approach consciously sought to move away from the earlier moralising child-salvation model, psycho-social rehabilitation reveals a similar preoccupation with deviancy, but conducted through the paradigm of psychological functionalism. Rather than representing a trend towards more humane international relations, the paper suggests that the elevation of children's rights is premised on a profound disenchantment with humanity. The logical implication of the international children's rights regime is to challenge both the moral and political capacity of individuals and their right to self-determination and to institutionalise a more unequal international system.

Keywords: childhood, children's rights, psycho-social rehabilitation, self-determination, conflict resolution.

Introduction

The virtually universal ratification of the UN Convention on the Rights of the Child (1989) has been greeted as a major step forward for the protection of international human rights. The issue of children's rights has become key to human rights-based international security strategies. The UN convention is informing humanitarian principles and being put into operation in complex political emergencies, such as humanitarian work in Sudan. Universal concern for children is viewed as transcending political and social divides and able to mobilise societies to confront social problems and prevent war. Yet,

precisely because of this virtually universal ratification, the benefits of the convention are treated as axiomatic. Most discussion focuses on the chasm between the provisions of the convention and children's rights in practice. Proponents of the convention see the extension of rights to children as a natural progression from previous civil rights struggles, which recognised the equal rights of slaves, working men and women, blacks and other groups. While understanding the recognition of children's rights as the culmination of the demand for universal rights, accounts of human rights fail to examine the impact of subsequent waves of rights on the meaning of right itself. As the Slovenian philosopher Slavoj Zizek observes, 'Each of these supplementary gestures does not simply apply the notion of human rights to ever new domains … but retrospectively redefines the very notion of human rights' (Zizek, 1999: 180). The metaphor of waves becomes a sleight of hand that obscures inherent contradictions between the different generations of rights. Meanwhile most critics have tended to confine their critiques to cultural relativist arguments, for example, over competing notions of childhood, while essentially remaining within the contemporary human rights paradigm.

Critically analysing the international children's rights regime from a civil rights perspective, this article seeks to unpack the assumptions underlying children's rights and psycho-social intervention and highlight the implications for self-determination of the institutionalisation of children's rights as international law. The paper begins by examining the conceptualisation of the rights-holding subject universalised under the UN convention and then goes on to consider Article 39 on the right to psycho-social intervention. Equally important as the novel conceptualisation of childhood and children's rights under the international children's rights regime is the (unspoken) mistrust of adulthood and political rights that informs the imperative to institutionalise children's rights as higher law. Moreover while the rights-based approach consciously sought to move away from the earlier moralising child-salvation model, psycho-social rehabilitation reveals a similar preoccupation with deviancy, but conducted through the paradigm of psychological functionalism. Rather than representing a trend towards more humane international relations, the paper suggests that the elevation of children's rights is premised on a profound disenchantment with humanity. The logical implication of the international children's rights regime is to challenge both the moral and political capacity of individuals and their right to self-determination.

Ethical law without borders

The institutionalisation of children's rights in international law takes place in the context of a sense of deep moral, political and social crisis. The collapse of states into civil war and the perception of social breakdown have given urgency to the promotion of children's rights. Children's rights are conceptualised by proponents as embodying a universal morality beyond state borders. First, conferring rights on children is viewed as recognising their moral equality with adults, thereby underscoring the universal moral worth of all human beings, irrespective of their situation. Second, the promotion of children's rights is seen as able to transcend international economic, political and social divisions and militate against the possibility of a descent into a Hobbesian world of war of all against all (Wolfson, 1992: 10). Third, children epitomise the contemporary ethical subject as the 'id' of the inner child. In a reversal of classical ethics, the childlike

instinctual id has come to represent the higher self while the mature rational ego is increasingly disparaged as the lower self.

Now a key component of the new international security strategies, the issue of children has become a central theme of programmes to rehabilitate communities and recreate *sustainable* communities when in the contemporary climate 'there are few similar means of leverage at humankind's command' (Black, 1996: 271). The focus on promoting a sense of community derives from Communitarian perspectives and may be linked back to Edmund Burke and Emile Durkheim's understanding of society as an organic body and the role they give to tradition and culture. Yet in post-religious or religiously fractured societies, it is not possible to put forward a definitive communal faith. Traditional institutions and sources of authority lack the legitimacy they once enjoyed or are perceived as socially divisive and exclusive. In the absence of other universally integrating myths, it is the child who is elevated as the integrative symbol for society.

The issue of children is seen as one of universal concern, whether in the South with its relatively young populations or in the North, as 'the source of the last *remaining, irrevocable unexchangeable primary relationship*' (Beck, 1992: 118; emphasis in original). Of global appeal and seemingly inclusive, the issue of children is perceived as of critical value to the project of creating a new international ethical order. The elevation of the child is highly suited to today's climate with the contemporary preference for the instinctual and the distrust of rationalism. In these circumstances, it is the child, not the politicised adult, who becomes advanced as the agent, or rather the focus, of social change. Such a phenomenon was anticipated by social psychologists of the inter-war period who saw progress as being brought about through the child and changing child-rearing practice (Dewey, 1922: 127–8; Modell, 1984; Rieff, 1966: 160–61). Again, the significance assigned to the role of the child means that the upbringing of children has become a central theme of international policy, touching upon the heart of a society or family's cultural norms.

The codification of children's rights, it is argued, not only recognises the morally valid claims of children on society, but fosters the institutionalisation of ethical values more generally. The UN study *Impact of Armed Conflict on Children* states that, 'Children present us with a uniquely compelling motivation for mobilisation' (Machel, 1996: 89). Likewise UNICEF's *Anti-War Agenda* expresses the normative value of asserting children's rights, 'We believe that insisting on the rights of the children is one of the best ways of reasserting core humanitarian values' (UNICEF, 1996). The significance given to children's rights in international security strategies illustrates how normative approaches are becoming influential in international relations. The principles of national sovereignty and non-intervention in the internal affairs of states are challenged not only by human rights advocates but from within the field of international relations traditionally dominated by realist perspectives. As both human rights advocates and critical international relations theorists outline, traditional state-based international law appears inadequate to deal with the huge inventory of contemporary human wrongs.

Increasingly international relations theorists are calling for greater moral purpose in international affairs and a shift towards the institutionalisation of global ethics (Booth, 1995; Wheeler, 1996). Originally human rights documents were conceived of as having only declaratory moral value, rather than the status of international law (Henkin, 1981). In contrast, today human rights are being treated as legal rights. So whereas previously the principle of national sovereignty overrode

human rights, today international human rights provisions are now trumping national sovereignty and national law (Robertson, 1999).

The acceptance of human rights as part of international law does not just represent a paradigm shift in international law, but in the conceptualisation of law and rights in general. Traditionally under modern law the possession of rights has been premised on the individual's capacity for self-determination: the extension of rights to different groups in society, working men, women, blacks and so on, was effectively *de jure* recognition of *de facto* (political) capacity to exercise rights. Critics have pointed out how making capacity a prerequisite for rights has excluded marginalised and weak groups in society, notably children — the very sorts of groups most in need of protection. For example, Kate Federle makes this point against classical rights theorists in her championing of rights for children:

> Having a right means having the power to command respect, to make claims and to have them heard. But if having a right is contingent upon some characteristic, like capacity, then holding the right becomes exclusive and exclusionary; thus, only claims made by a particular group of (competent) being will be recognized. … Children, however, have been unable to redefine themselves as competent beings; thus, powerful elites decide which, if any, of the claims made by children they will recognize (1994: 343–4).

The notion of human rights is attractive for its inclusion of those lacking capacity. In contrast to the traditional understanding of rights, human rights is based simply on the inherent (moral) personality of humans. This inclusive basis of human rights as membership of the human family can be seen in the preamble to the Convention on the Rights of the Child which speaks of, 'the inherent dignity and of the equal and inalienable rights of all members of the human family'. In essence, as David Chandler has outlined (forthcoming), human rights have an ethical, pre-political grounding whose imperative is derived from human incapacity, frailty and vulnerability (Booth, 1999; Federle, 1994; Ignatieff, 1998: 5; Turner, 1993: 501; Wolfson, 1992). Furthermore, the contemporary ethical ideal is the childlike instinctual id as opposed to the mature autonomous rational ego.

Yet while demanding a robust human rights framework to protect the vulnerable, human rights advocates seek to go beyond the protective notion of rights and posit human rights as a new basis for inclusive global citizenship rights that could extend political participation to previously excluded groups, including children. Proponents envisage the ethically-based human or rights approach as an emancipatory project for marginalised, powerless and dispossessed victims across the globe (Booth, 1995; Federle, 1994; Turner, 1993; Waters, 1996; Wheeler, 1996). Liberal constitutionalism, defined by the critical lawyer Richard de Friend as 'the idea of liberty and empowerment are secured through law' (1992: 114–15), has been taken up by Western liberals and radicals disappointed by the failures of politics to change society. The elevation by campaigners of law over politics to remedy inequalities has been a feature in the international sphere stretching back over the last century (Carr, 1939: 219). Legislation is seen as being the engine of political change, rather than the outcome of political developments (for example, Robertson, 1999: 378–9), in a reversal of the previous understanding of the relationship of law and politics. Hence, the granting of rights itself is seen as emancipatory.

This desire to supersede a merely protective approach for an empowerment model can be seen in the UN Convention on the Rights of the Child. The children's

rights advocacy movement has striven to move away from the child-salvation approach of earlier children's rights campaigners. The novelty of the international children's rights regime is that children are considered not just as recipients of rights' protection, but as rights-holders in their own right. Michael Freeman, one of the most eloquent and sophisticated exponents of children's rights, explains how 'The emphasis has shifted from protection to autonomy, from nurturance to self-determination, from welfare to justice' (Freeman, 1992: 3). Notably, while the preamble to the convention re-emphasises that 'the child, by reason of his physical and mental immaturity, needs special safeguards and care', Article 12(1) states that 'State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely, on all matters affecting the child, the views of the child being given due consideration in accordance with the age and maturity of the child'. Article 12 expresses the aspiration of the child-advocacy movement for children to have enabling rights. Freeman contends that while critics of children's rights 'cannot envisage a children's movement … A children's movement could emerge' (Freeman, 1997: 26). It is certainly correct that there are plenty of historical examples where young people have demonstrated political leadership and courage — for example, in the struggle against Apartheid. However, the contemporary children's rights regime was not one that was brought about by children. Indeed as Freeman has criticised, children were not even consulted by international policymakers drafting the convention. Once we look beyond the aspirational to the application of children's rights then serious conceptual problems emerge with both ethical and political consequences.

Challenging the moral agency of rights-holders[1]

The fundamental conceptual problem in children's rights arises in the separation of the rights-holder and the moral agent, that is who is empowered to act by the institutionalisation of children's rights. Although the child is treated as a rights-holder under the convention, the child is not regarded as the moral agent who determines those rights. That children are considered incapable of exercising rights themselves is apparent in a reading of Articles 3 and 12 of the convention. Under Article 3, it is 'the best interests of the child', not the child's views, that 'are to be of primary consideration'. So while Article 12 provides a right to express views and the opportunity to be heard, this cannot be read as a right to determine one's affairs. But if it is not the child, who then is the moral agent in children's rights who determines the interests of the child?

The location of the moral agent is a problem in human rights generally, as Chandler has perceptively analysed (forthcoming). The classical conceptualisation of rights under modern law did not present such a problem. Modern political rights were considered to derive from the will and capacity of rights-holders to guarantee their own rights. Under this traditional conceptualisation of rights the rights-holder and moral agent were identical. However, the location of the moral agent under human rights is unclear since the impulse for human rights is premised on the lack of agency of the rights-holder. Lacking agency, the human rights-holder is dependent on external sponsorship, that is, the moral agent is external to the rights-holder who lacks capacity to hold the moral agent accountable. As Chandler explains, 'The lower the capacity of the human subject the greater the need for some form of external assistance or grant of resources or regulatory power, yet the incapacity of the subject makes this grant entirely arbitrary and by no means guaranteed' (op. cit.). In other words, human rights

discourse seeks to overcome powerful elites determining which claims are recognised, yet the inherent requirement for external sponsorship of human rights renders this scenario inevitable. To quote from Chandler again, 'Once the distinct guarantor of democratic rights, the active rights-bearing subject, is removed from the analysis, rights of self-government become indistinguishable from privileges granted by the tolerance and understanding of the powerful' (op. cit.).

Returning to children's rights, under the classical conceptualisation of rights, children 'by reason of ... physical and mental immaturity' were considered to lack capacity for rights and their interests were held to be represented by their parents or guardians. As we have seen, the contemporary notion of children's rights, too, takes this lack of capacity as its starting-point. The impulse for the institutionalisation of children's rights is the vulnerability and incapacity of children. Inherent in children's rights is the need for advocacy on behalf of the child. However, whereas the classical understanding of rights saw parents or guardians as representing the interests of children, the international children's rights regime treats children as rights-holders separate from their parents or guardians and effectively challenges the capacity of the latter to represent their interests. Underlying the imperative therefore to institutionalise children's rights is an implicit mistrust of their carers. The very fact of the dependency of children on parents or guardians is regarded with suspicion because of the possibility of abuse. Policymakers now presume that abusive relations are common rather than the exception, and that policy should be based on the assumption of the prevalence of abuse. Indicative of this mistrust is how, increasingly under both Anglo-American and international law, the interests of children are not only treated as separate but in conflict with those of their parents or guardians. The overall impact of children's rights is to empower outside professionals to represent the interests of the child, displacing the child's family as advocates of the child's interests.

The institutionalisation of human rights as higher law trumping national sovereignty does not just signify disillusion with states to secure rights, but with adult agency in general. In the rejection of the previous presumption that they represent their children's interests, adults are denied their moral agency. Implicit in the international children's rights regime is not only the institutionalisation of a particular Western conceptualisation of childhood, but a misanthropic view of adulthood. So although the children's rights advocacy movement is conceived of as an ethical and emancipatory project, it does not represent a humanist turn towards a more equitable world. The flip-side of children's rights discourse is the pathologisation of adulthood, the professionalisation of intimacy and the erosion of the right of adults to determine their lives. This mistrust of unregulated relations is leading to a trend towards the transformation of rights from the expression of freedoms to externally determined norms, with implications for the exercise of democracy.

Disillusion with the political process is apparent in the growing tendency of Western societies to codify policy as higher law and to curtail the unfettered exercise of democratic rights, which do not presuppose or guarantee outcomes. The prescription of higher law beyond the reach of political contestation undermines the right of the people to determine both the good and the political process by which the good is determined, hence is anti-democratic. As a consequence, instead of law deriving from and being contingent upon the will of subjects, law takes on the form of decree. In this negation of the moral and political capacity of individuals and societies to conceptualise the good, the liberal notion of the legal subject as a 'free and equal moral person' (Rawls, 1973: 565) is thereby challenged. The anti-democratic implications of experts prescribing the good is rarely acknowledged by human rights advocates who conceive of their work as empowering

people. However, ironically, in the name of promoting rights, human rights advocates end up eliminating rights and denying moral and political agency to individuals and whole populations. So, although children's rights advocates are self-consciously not paternalistic, they evince paternalism towards whole populations who are deemed incapable of determining their own lives and values without outside intervention. This paternalism is illustrated by the comprehensive remit adopted by the experts in the Committee on the Rights of the Child, encompassing cultural, economic, educational, legal, political and welfare reform. It is the impact of the international children's rights regime on the South that I will focus upon in the next section.

Pathologisation of the South

While many states hoped that ratifying the convention would enhance their international standing, the international children's rights paradigm fundamentally challenges the rights of states to govern their own affairs. However, the challenge to national sovereignty is unequal. Essentially, the institutionalisation of children's rights as international law represents an attack on the principle of sovereign equality. Sovereign equality is eroded through how the failure to realise the model of childhood under the convention becomes an indictment of societies that are unable to do so.

The international children's rights regime assumes that there is a model of childhood development that is universally applicable, that there are universal needs, such as the need for rehabilitation, and that there is a consensus both domestically and internationally on what policies should be in place to realise the best interests of the child (Boyden, 1994: 256). In effect, the convention institutionalises and universalises the predominant Western social risk-management model of childhood development which emphasises individual causations and professional intervention and de-emphasises the influence of the wider social, economic, political and cultural circumstances (Boyden, 1990; King, 1997a; Lewis, 1998; Parton, 1985). Human rights lawyers have sought to counter criticisms that the convention was the creation of Western policymakers and 'dispel the myth that the international law on the rights of the child is exclusively the product of Western states' (Van Bueren, 1995: xix). However, examining its provisions, it is evident that the universal standards of the convention are based on a particular Western conceptualisation of childhood and the good (Boyden, 1990; McGillivray, 1992; Lewis, 1998). The preamble of the convention sets out a model of childhood embodying a space in which the child develops his or her personality 'in an atmosphere of happiness, love, understanding', safeguarded from adult responsibilities towards 'an individual life in society'. This ideal of a childhood 'entitled to special care and assistance' set out in the preamble is a conceptualisation of childhood that arose in the specific historical and cultural circumstances of the later stages of industrialisation in the Northern developed countries (Bar-On, 1966: 66; Boyden, 1990: 186). However, such a vision of childhood free from labour and other (adult) responsibilities is a luxury that developing countries which have not experienced the economic development of Western societies are unable to universalise in their current circumstances. Of economic and social necessity, children in developing countries take on adult roles including work at a much younger age than in Western countries.

The significance of the institutionalisation of this Western model of childhood is not just a question of relevance to the circumstances of children in developing countries. As Norman Lewis has outlined, 'By setting this standard *southern childhood* is not only

effectively erased from international view but the western model of childhood becomes the standard by which to judge *southern societies*' (Lewis, 1998: 95; emphasis in original). Although children in many parts of the world are required by necessity to take on adult roles at a much earlier age than presupposed by the convention, the phenomenon is not conceptualised by children's rights advocates as an issue of economic advancement. In past decades the welfare of children was considered to be bound up with that experienced by the rest of society and its level of economic development. UNICEF argued, 'it would be philosophically unsound to regard the child as an isolated individual rather than as an integral part of his family and community' (UNICEF, 1964: 14). In contrast today's children's rights approach, premised on the treatment of norms as distinct from the level of economic development, precisely concerns a separation of children's interests from the rest of the population. The discourse of children's rights re-conceptualises the plight of children as the fault of the adult population. The existence of child soldiers or child labourers is condemned by proponents of children's rights in terms of the moral and legal culpability of the societies concerned. Adults in the South are cast as child abusers because their children's experiences violate the image of childhood held in the West. The perception of stolen childhoods ignores the continuing reality that the experiences of children cannot be separated from the conditions in society in general, but singling out the plight of children implicitly or explicitly blames the adults for their fate. UNICEF and the campaigns of other international child organisations increasingly highlight the suffering of children as a moral failing of their society. As other international organisations, UNICEF is abandoning neutrality for a politicised moral crusade aiming 'to protect the state of childhood itself' (Black, 1996: 273).

One of UNICEF's most widely publicised initiatives of the last decade was the book *I Dream of Peace* (1994). The book contains drawings and writings by children on all sides of the war in former Yugoslavia. The introduction by James Grant, former executive director of UNICEF, puts across the idea that there is something unique about the suffering of children today, 'Wars used to be fought between soldiers on the battlefield. But today more than ever before in history, cities and towns are the battlefields and children the victims'. The suffering of children is no longer seen as being caught up with the war. In this way, outside agencies are seen as voicing their concerns while the adults of former Yugoslavia are condemned for their barbarity. Statements contrast their behaviour with the work and concerns of international organisations. For example, the publicity leaflet states, 'In the pages of *I Dream of Peace*, the children deliver a serious message to adults: Understand the cruelties of this war and what you are doing to us, Your children!' In contrast to the accusing remarks against the adults of former Yugoslavia, the leaflet outlines how, 'UNICEF and publishers throughout the world are giving a global voice to war-traumatized children by publishing their drawings and writings in the new book, *I Dream of Peace*'. The West speaks to the Third World through the voices of innocence, 'Each edition includes a preface by a respected political figure, artist or author who lends his or her voice of concern to those of the children'. The assumption is that Western politicians and outside agencies can better articulate the interests of children than their own parents. Although the book *I Dream of Peace* makes an appeal to the adults of former Yugoslavia, the book is not really targeted at them. The book went on sale in a total of 18 countries, all of them Western except Argentina and Colombia, and has been translated into several languages, but it did not initially go on sale in former Yugoslavia, nor was it automatically translated into Serbo-Croat. This perhaps gives a clue to the promotion of children's rights initiatives. Moral condemnation of the South through concern for the child helps give a sense of mission in the West lacking since the end of the Cold War.

The focus on children in the South has been characterised as repeating, 'the colonial paternalism where the adult-Northerner offers help and knowledge to the infantilised-South' (Burman, 1994: 241). The convention institutionalises this unequal paternalistic relationship through the internal contradictions within the conceptualisation of rights under the convention. As outlined above, inherent in the children's rights discourse is the need for external advocacy on behalf of the child. Unpacking the significance of the international children's rights regime further: since the convention has universalised the Western model of childhood in the absence of the universalisation of the conditions upon which the model arose, non-Western societies where the Western model of childhood has not been realised become delegitimised as moral agents. The consequence of the convention is to empower external (Western) governmental and non-governmental actors driven by a morality of conviction to act as moral agents on behalf of children in the non-Western world. In terms of the international system, the convention signifies the demise of the right to sovereignty and self-determination of non-Western societies and the legalisation of 'international inequality in the guise of a new moral universalism' (Lewis, 1998: 97). In summary, the convention is representative of a shift towards an elite therapeutic politics premised on a morality of conviction that is ousting democratic policy-making (King, 1997b: 143; McGinn, 1996: 345). Contemporary elite politics may be characterised as *therapeutic* because of its justification of governance in therapeutic terms and its preoccupation with securing psycho-social functionalism (Nolan, 1998). It is this preoccupation with psycho-social functionalism that I will now turn to.

The right to psycho-social rehabilitation

The children's rights paradigm does not only challenge the moral capacity of adults. While proponents of children's rights argued that granting children rights would demonstrate the moral worth of children, NGO programmes seem to be preoccupied with the need for the rehabilitation of children. Despite criticism of the earlier international instruments as moralistic child salvation (Van Bueren, 1995: 8), the contemporary enabling rights-based approach is informed by the earlier dualistic model of the child as both potentially depraved or deprived. However, contemporary moralism is less apparent because it does not take an overtly moral form, but has adopted a (Western) mental-health framework. So, although contemporary therapeutic programmes tend self-consciously to eschew moralism, they are informed by a similar underlying preoccupation with individual character and fear of deviancy. Child advocates manifest all the zeal of past crusaders in their presumption of the sinful (abusive) relations of heathens and requirement for conversion to their tenets. As Michael King has remarked, anybody who challenges the new orthodoxies of children's rights and therapeutic approaches is likely to find themselves accused of heresy (1997a: 173). Moreover, the therapeutic model is now part of international law. Not only has the therapeutic model been adopted by international organisations such as UNICEF whose new policy areas seek 'to repair the psychosocial capacity of children and families' (Black, 1996: 273), but the therapeutic model is institutionalised under the convention. Article 39 states:

> State Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflict. Such recovery and

> reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

The rest of the paper will explore the preoccupations underlying the codification of Article 39 of the convention.

Concern for children has often been a prism through which fears about society and the future have been expressed. The development of child-protection policies in the nineteenth century related to the preoccupation with deviancy and fear of social disorder (May, 1978: 154; Parton, 1985: 28). It was social psychologists who developed theories on childhood violence and war and explicitly traced the origins of war to the childhood experiences of military dictators. Their perspectives were taken up by US anthropologists such as Ruth Benedict and Margaret Mead and conflict theorists such as Quincey Wright. As in the panics of the nineteenth century, it is feared that children who experience violence will learn to react with violence in their relations with others to realise their demands. Social psychological explanations for war challenging the principle of non-interference in the internal affairs of states were not widely accepted in international organisations. Debates in UNESCO and elsewhere were dominated by the perspectives of developing countries for much of the post-war period. The issue of the impact of war on children was not even a central concern of UNICEF — the key international child organisation. It was not until the end of the Cold War and the demise of the non-Western bloc that psycho-social theories were extensively adopted by international organisations as explanations for conflict or as the bases of programmes for action.

The belief that perpetrators of violence have been emotionally deprived or abused in their childhood has led to a 'blanket assumption' in the family violence literature (Pagelow, 1984: 223) that the child victims of war, social or domestic violence, lacking appropriate adult models of behaviour, are likely to grow up to become perpetrators of violence, resulting in a cycle of violent conflict. This 'blanket assumption' of a link between being a victim of violence and becoming a perpetrator of violence is informed by the predominant Western child-development model under the convention, which conceptualises childhood as marked by set development stages, variation from which leads to deviancy (Black, 1996: 137; Boyden, 1990: 186; Garabino et al., 1998: 10).

A dramatic upsurge of interest in the effects of war on children and their socialisation into violence may be observed in the last decade. Remarkably little had been written on children and war following Anna Freud and Dorothy Burlingham's pioneering study *War and Children* (1943) relative to the recent proliferation. Running through the now vast literature on children and war, it is striking how much of the writing concerns their mental health or their socialisation into violence. The fear of deviancy comes out in the dual image of the deprived and the depraved child, seen most vividly in the panic over child soldiers and street children. Although contentious, models from the family violence literature are now being applied to the circumstances of war (Garabino et al., 1998: 22–3; Giddens, 1994: 244–5; Keane, 1996: 158). Inter-governmental and non-governmental agencies have all adopted the cycle of violence thesis and its assumption that children exposed to violence or trauma do not have the same capacity for moral development (Commission on Global Governance, 1995; Mackmoud, 1994; Save the Children, 1992; UNESCO, 1993a, 1993b; UNICEF, 1992, 1994, 1996).

The fears about the effects of war on children is illustrated in the following extract from UNICEF's country report on Lebanon, one of the first countries where the new therapeutic programmes were introduced:

> For an entire generation of Lebanese children, war has been the only reality they have ever known. This generation of children's attitudes towards society, interpersonal relations and basic value systems and their outlook on life have all been profoundly affected by the violence and destruction that has been a constant part of their daily existence. The war has, in fact, rendered virtually all young Lebanese 'children in especially difficult circumstances' (UNICEF, 1992).

This report like others is alarmist about the psychological effects of war, pathologising the whole child population. Yet, unlike past religious theories that believed in the possibility of redemption from sin, the therapeutic approaches disseminated under the convention view the child as permanently emotionally damaged by experiences, never recovered, but recovering, ever vulnerable and in need of outside assistance. This further illustrates how the contemporary children's rights paradigm and its therapeutic approaches represent the demise of the humanist belief in the moral capacity of individuals. Derek Summerfield of the Medical Foundation for the Victims of Torture perceptively identifies the phenomenon of mass psycho-social programmes as representing the 'reproduction of the colonial status of the Third World mind'.[6] Indicative of the pathologising of populations in the new therapeutic approach is how UNESCO's former director-general has referred to the 'rehabilitation' of a country after war, rather than its reconstruction (UNESCO, 1993b). As Michael Pugh, editor of the journal *International Peacekeeping* points out, the term '"rehabilitation" tends to connote a power relationship, whereby so-called victims or offenders have things done to them because they are incapacitated or deprived' (2000: 1).

Reconstructing childhood

The key theme that dominates contemporary parenting policy is the paramountcy of the idea that children are at risk, whether from their environment, from the danger of violence or abuse, or the fear of permanent psychological damage to children. The family is viewed as a major source of danger to the child, key researchers in the field even arguing that the family is a more violent institution than the military except in time of war (Straus et al., 1988: 4). Writers or policymakers almost invariably conclude that particular types of families or families in general need to come under greater supervision.

The cycle of violence theories were associated with traditional right-wing theories of the family. However, the demise of belief in welfarism and development has led to the cycle of violence thesis being adopted across the political spectrum. As the peace theorist Johan Galtung has explained 'in a highly dynamic society personal violence may be seen as wrong and harmful but still somehow congruent with the order of things, whereas structural violence becomes apparent' (1982: 103). Contrastingly, 'In a static society, personal violence will be registered, whereas structural violence may be seen as about as natural as the air around us' (ibid.). Conservative and contemporary radical theories, although deriving from opposing perspectives, share the same preoccupations with individual attitudes as a cause of conflict. For example, the feminist psychologist Alice Miller, in her books such as *For Your Own Good: The Roots of Violence in Child-rearing* (1987) writes that the source of violence is how children are brought up, arguing that their damaged sense of self leads to a cycle of violence. Nevertheless, there is a significant distinction between the older right-wing views and the current perspective on the cycle of violence. Whereas the earlier right-wing theorists saw the problem as being confined to a residue in society, radical feminist and psychological theorists regard

conditioning into violence as more pervasive, because of their identification of the family structure itself with violence (Adorno, 1959; Miller, 1987; Reich, 1950). It is the latter theories holding that conventional child-reading creates an authoritarian personality which have a greater resonance today. As highlighted above, the very potential of parents to influence children is viewed with suspicion by numerous writers (Parton, 1985: 162). Underpinning the idea of promoting children's rights and child-centred parenting is concern to protect and cultivate the child's inner self and erode, in Nigel Parton's words, parents' 'implicit right to influence the behaviour' of their children (ibid.).

Such perspectives underlie the drive and acceptability of the new intervention to moderate or 'democractise' family behaviour and to inculcate non-authoritarian methods of bringing up children with the aim of 'working towards a non-violent society' (Gulbenkian, 1995: 12). Yet proposals for programmes to democratise family life and make it more child centred appear at a time when the traditional patriarchal family has already been considerably eroded. The authority of the father has progressively weakened since the decline of the family as an independent economic unit and more recently through de-industrialisation. Research indicates that parents are far more responsive to their children than ever before and are likely to consult their children when making decisions that have an impact on them (The Future Foundation, 2000).

The paradox of profoundly negative views of child–parent relations in the West when parents have never given such paramountcy to their children's personal well-being should be understood in this context of a profound disenchantment with adult agency and preoccupation with psycho-social dysfunctionalism. Even leading proponents of mass therapeutic programmes concur that parents are probably more affectionate towards their children than past generations (James, 1998: 343).

Numerous government and non-governmental reports have come out in the last decade which blame family violence as a direct cause of violence in society and seek greater supervision of parents. The campaigns of governmental and non-governmental agencies to eradicate child abuse amount to attempts to enforce particular norms on parenting since the definitions of child abuse in the West are so broad as to encompass ordinary experiences of childhood, including: not picking up babies who cry when put down to sleep in a cot; shouting at or smacking children; making a child take an exam; or leaving an older child to look after younger siblings.[4] The very idea of parental authority has been compromised as abusive in itself. The consequence is to problematise parent–child interactions themselves leading to a demand by families for professional intervention. Meanwhile parents not attending classes or seeking advice under the therapeutic approach are considered to be 'in denial' and jeopardising their relationship with their children and their healthy physical and emotional development. Yet such are the numbers of professionals already involved in some British families, from social workers and health visitors to NSPCC or RSPCA officials, that agencies themselves warn of the danger of '"crowding out" families with lots of different visitors' and call for agencies to co-ordinate their intervention (DEE, 1999a: 10). There is a danger of such proactive policies undermining the intimacy necessary for family bonds, and thereby weakening them. Related to this, challenging the authority of the parents and family independence may diminish the child's identification with self-determining adults and internalise in the child a weakened sense of adult capacity.

The liberal thinker John Rawls, whose *A Theory of Justice* has been so influential in contemporary normative approaches, has argued that, 'at some point society has to rely on the natural affection and goodwill of the mature family members' (Rawls, 1973: 160). However, it is precisely this idea of 'the natural affection and goodwill' that is questioned by policymakers and professionals today, representing a thoroughly degraded view of the

moral and emotional capacity of adults to conduct personal relationships. The formulation of policy to intervene directly in the internal life of the family is in contrast to Rawls' concern for the need to limit direct dictation of family life so as to 'leave room for a free and flourishing internal life' (op. cit.: 161). Rawls recognises how ties of affection are distinct from professional relations. These ties are not receptive to prescription, nor can they be treated as a set of skills to be learnt as assumed by recent Western parenting policy and books such as Thomas Gordon's 1970 example. In effect, adulthood is being recast as a state of dependency upon professional expertise. Far from representing a paradigm shift 'from protection to autonomy, from nurturance to self-determination' (Freeman, 1992: 3), contemporary Western child policy is institutionalising infantile dependency as a permanent condition for adults as well.

The mistrust of adults and the imperative to reconstruct parent–child relations under Anglo-American policy are being projected on to the formation of international policy. As indicated above, the plight of children in war is being re-interpreted as a form of child abuse and a violation of the convention (UNICEF, 1996; Walton et al., 1997: 737–8). Non-Western societies are now to be subject to programmes seeking to feminise cultures or empower the female and child voice to counter aggressive (male) values (Carnegie Commission, 1997: xxxii; Garbarino, 1993: 791; Giddens, 1994: 244). Non-Western child-rearing practices have long been singled out by Western psychologists and anthropologists for particular condemnation for fostering an authoritarian personality and violence. Yet while contemporary international policy may condemn the seemingly harsh traditional approaches to child-rearing, these should not be assumed to be maladaptive since the economic and social conditions that were a prerequisite for the Western protective model of childhood 'of happiness, love and understanding' have not been universalised. As the psychologist Oliver James found in his 1970s study of Borbon:

> By standards of developed nations, the children there are severely emotionally deprived but because of the society they are born into, this does not mean they suffer mental illnesses or angst as a result. Indeed, it can be argued that the Borbon pattern of childcare is a successful adaptation to conditions of life there. The social system reflects the material realities (1998: 139).

Parenting norms arise from the social conditions within societies. The international children's rights regime is universalising parenting norms that are informed by the contemporary Western therapeutic culture. Countries with very different experiences are expected to conform to the Western therapeutic model, albeit modified to local cultural sensitivities. Yet here a leading proponent of therapeutic programmes throws doubt on the idea that there can be universal parenting norms applicable to societies in vastly different circumstances. It is not simply that international organisations are attempting to change parenting practices in the absence of a transformation of the level of development of societies. However well intentioned, international policymakers may be pushing inappropriate parenting approaches which fail to prepare children for the difficult realities and challenges they face as adults in their societies.

Moral rehabilitation of imperialism

Today, criticisms of therapeutic programmes are rare because of the consensus among policymakers over the culture of violence thesis and the presumption of children's rights

advocates of the impartiality of the international community. This consensus is reinforced by the absence of discussion of power relations and NGOs' preference for apolitical, psychological, technical solutions (Duffield, 1996: 179–81). In the imperative to prevent conflict, there is little contention over how the imposition of international programmes entails the redistribution of power away from the societies to unaccountable international policymakers.

Despite the consensus over the cycle of violence thesis, there is a lack of evidence to support its applicability to contemporary wars. For example, anthropologists who have carried out detailed case studies in Bosnia contest that the reasons for the outbreak of the war can be found within the culture of communities (Bringa, 1995; Sorabji, 1993). This is even acknowledged by those whose policy recommendations assume the validity of the cycle of violence. Leading conflict studies researcher John Burton admits that his tracing of violence and conflict to early childhood is not based on evidence, but is 'merely deductive or inferential thinking' (Burton, 1997: 55). Therapeutic programmes premised on the cycle of violence thesis were established by international organisations before carrying out research.

The study *Impact of Armed Conflict on Children* (Machel, 1996) was only commissioned by the UN secretary-general in December 1993 and begun following the appointment of the expert Graça Machel in June 1994. It was finally submitted to the general assembly in August 1996. Nevertheless, rehabilitation programmes were mandated by the convention in 1989 and were introduced on a large scale by international agencies in 1992, that is, before comprehensive studies had even been commissioned, let alone reported back their results.

However, despite the dearth of evidence for a conclusive causal relationship between the experience of violent conflict and future anti-social behaviour, these links are taken as given by international policymakers with their deterministic models of human behaviour. Moreover, there is no universal consensus on what represents moral behaviour, particularly in practice. The idea of what constitutes a culture of peace and policies towards its realisation are as contentious as what constitute the best interests of the child. For example, the collaboration of peace organisations with the military and the deployment of military force is far from being universally perceived as promoting peace, however, the concept of right-based humanitarian war is currently being advanced by Western policymakers (Keane, 1996; Toffler and Toffler, 1994).

Yet has the 'gradual transition from a defensive … to a more offensive' application of human rights as 'a law without borders' (Verhellen, 1992: 91) alleviated the plight of children around the world? Has international policy based on a morality of conviction led to more equitable just policies in the last decade promoting the circumstances of children in developing countries? An examination of the conceptualisation of the best interests of the child by international policymakers in the last decade suggests that they are not best suited to representing and determining the interests of the child. International programme after programme interprets the best interests of the child in terms reflecting the priorities of donor countries rather than the child's own society. Indeed, the interpretation of the best interests of the child by the UN Committee on the Rights of the Child has included compliance with structural adjustment programmes, now belatedly acknowledged by the World Bank to have had a disastrous impact on the welfare of populations (Wolfensohn, 1998).

The contemporary rights-based approach is better understood as denoting a retreat from the humanitarian principles of universalism and impartiality providing aid according to priority of need and a trend towards provision on the basis of moral judgements. The apparent moral universalism of the convention represents the demise of a

belief in universal humanitarianism. As a champion of the new engaged humanitarianism Michael Ignatieff warns, there is a danger of the contemporary moral universalism's elevation of the depoliticised victim becoming misanthropy (1998: 25). Rather than transcending charity, the rights-based approach represents a retrogressive move to a false charity of reprobation and sanctions based on a moral division between the deserving and the undeserving. The inhumane workings of this in practice are illustrated in the harsh response of international humanitarian organisations towards those deemed pariah nations. The UN has presided over a decade of sanctions against Iraq which have had a devastating impact on infant mortality and other indicators of child welfare. The new robust ethically informed rights-based humanitarianism is denying welfare and violating principles of justice. The inhumanity of today's human rights campaigns was starkly observed in the lack of compassion shown to the Hutu refugees fleeing Rwanda. The morality of conviction over the charges of genocide led human rights campaigners to be cavalier about elementary principles of justice and indifferent to the suffering of Hutu refugees, including over 1.5 million children under 16 years of age. The denouncement and forcible repatriation of the Hutu refugees resulted in up to 200,000 deaths (Stockton, 1998: 353–6). Yet in no way could the estimated 750,000 infant refugees under five be considered responsible for killings (ibid.), but they were deemed guilty without trial along with the adult population.

While nineteenth-century European missionaries spoke of the need to civilise the natives, today's human rights campaigners and international peace counsellors speak of the need to promote children's rights and create tolerant cultures. The presumption underlying the children's rights paradigm is that the people and their child-rearing and other cultural practices are the problem. As a consequence, international organisations assume that external actors are required to intervene to define social norms and ensure their institutionalisation. It is perhaps worth recalling here the condemnation of paternalistic attitudes towards non-Western societies by the liberation theologist Paulo Freire whose *Cultural Action for Freedom* (1972) and *The Pedagogy of the Oppressed* (1996) were so influential in international organisations in the 1960s and 1970s. Freire condemns the demonisation of non-Western societies by what he calls 'the director societies' (1972: 39). For Freire, the idea of 'director societies' implementing liberation programmes in the circumstances of the great inequalities between the North and the South constitutes a form of oppression by redefining oppression as consisting of the relations and attitudes within the South (1996: 36). He describes the scenario as 'a contradiction in terms' if the Great Powers were implementing a liberating education (ibid.).

The dualistic model of humanity as abusers and victims underlying children's rights discourse represents the reappearance of the attitudes towards the South expressed in *White Man's Burden*: the South as 'half devil and half child'. However, the missionaries of the nineteenth century believed in the possibility of human salvation and development. Beyond the superficial optimism expressed by children's rights advocates, the international children's rights regime espouses a profoundly misanthropic view of human relations in general with its deterministic models of child development and human behaviour. An intense mistrust of fellow human beings and ties of affection informs the elevation of childhood. The children's rights regime effectively denies the emotional, moral and political capacity of children and adults alike, leading to a propensity to demand ever-greater regulation both domestically and internationally. The erosion of individual autonomy and the promotion of dependency on authorised professionals in the conduct of all aspects of life entail the infantilisation of citizens and the denial of the political and moral capacity of the South. The impact of the convention is not to improve the prospects

of the world's children, but to signal an authoritarian and anti-democratic turn. In essence, the convention universalises misanthropy and legitimises an unequal international order.

Notes

1. I would like to thank the anonymous reviewers whose critical comments were invaluable. However, responsibility for this article rests with me.
2. My discussion of children's rights in this section follows David Chandler's writing on human rights (Chandler, forthcoming).
3. That the convention embodies a Western model is not surprising given that involvement in the drafting of the convention was far from universal. Many developing countries did not participate and the delegates of those that did were not happy with the composition of the drafting group, which mainly reflected a Western orientation. Developing countries expressed frustration and anger that their cultural perspectives and economic and social circumstances were not sufficiently taken into account (Cantwell, 1992: 23; Detrick, 1992: 82; Johnson, 1992: 98).
4. The latter was cited as abuse by a British NSPCC official on secondment in Moscow with East European Partnership.
5. Interview on the BBC World Service broadcast on 11 April 1996.

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Address for correspondence: School of Politics, University of Nottingham, University Park, Nottingham NG7 2RD. E-mail: <<Vanessa.Pupavac@Nottingham.ac.uk>>