

Are Children's Rights Bad for Mothers?

'It is because women's bodies are shaped by the result of human, social factors that it is most appropriate to think of them as shaped by power'.¹

Key words:

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I have a BA in Politics and MA in the History of Political Thought from the University of Exeter where I am currently in the final stages of my PhD. In my thesis, I defend and articulate an account of children's rights of protection against non-autonomous non-therapeutic genital cutting of all forms. My article 'The Child's Right to Genital Integrity' is currently under review, and was shortlisted for the 2018 *Res Publica* graduate essay prize.

Abstract:

With this paper, I explore the tension between two vulnerable parties: children (infants and the unborn in particular) and mothers (pregnant women and post-partum women in particular). Infants and foetuses are utterly dependent on others for flourishing, and indeed survival. This vulnerability transcends all other contexts, and is true of every human infant. Mothers are also profoundly physically and psychologically vulnerable in pregnancy and post-partum.

¹ Clare Chambers (2008) *Sex, Culture and Justice: The Limits of Choice*. p. 25.

The emergence of children's rights discourse within the liberal paradigm has had an overwhelmingly positive impact on how we think of children philosophically and morally, and how we treat them in real-world liberal societies. No longer do we consider them to be extensions of their parents, or their parents' property, children are moral persons in themselves, even if they are slightly peculiar or different from their adult counterparts. But if children have equal rights to protection and care, do mothers still have the right to do what they want with their bodies during pregnancy and their child's infancy?

As scientific understanding about the needs of infants and foetuses improves, social understanding of what is justifiably harmful also changes. Smoking during pregnancy was generally acceptable during the 1950s, but has been found to be harmful to foetuses. This improvement in medical understanding has resulted in a shift in social attitudes towards pregnant women who smoke to the extent that they might be viewed as 'bad mothers', actively and knowingly harming their unborn child(ren). Since the 1970s there has been debate about alcohol consumption during pregnancy, with no uncontested evidence to suggest a small amount is harmful, but an emerging medical consensus that pregnant mothers should abstain entirely. The view that breast-feeding mothers also ought not to consume alcohol is gaining traction, and there are many social narratives encouraging pregnant and new mothers to eat certain things, to engage in certain activities (such as breast-feeding), avoid certain foods, and even to give birth in a certain way - all for the good of the child.

I argue that such messages about what is best for the child are powerful social means of controlling what mothers do, as they impact on mothers' self-perception and internalised surveillance of their own bodies. I suggest that if we commit to the idea that all children ought to have equal rights of protection, and an equal start in life, there is an implication that mothers are duty bound to behave in certain ways. Children's rights discourse is yet to reach the point where mothers are unequivocally denied the right to make decisions about their own bodies, but the danger of its rise is that it could impact on their behaviour, and eventually their rights.