



Preface

In June 2022 the Child Law Research Group, at the Law Faculty (UiT – The Arctic University of Norway), arranged a workshop under the title “Rethinking Vulnerability within a Children’s Rights Approach”. The participants were child law researchers from north-western European countries. All contributed with their different perspectives on children, vulnerability, rights, and capacity, and the result is this book. The planning for the workshop started in the middle of the COVID-19 lockdown. When choosing to gather a small group of experts, instead of holding an open conference, there were obviously practical issues to consider, such as the fact that we did not know whether we would be allowed to meet in person. Although it might have been useful with an even wider representation, from the Global South and East as well, we believe this book offers important perspectives in understanding and further developing children’s rights. The aim is to obtain insight into how vulnerability as an underlying norm and logic for children’s rights is understood and how this can affect the safeguarding of rights.

Inspired by the theories of Professor Martha A. Fineman, in this volume we wanted to go deeper into theories about vulnerability and explore the connection between vulnerability and children’s rights. Fineman has previously mentored some of the authors in this volume, and others have cooperated with her. In addition, all the authors relate in diverse ways to her research and theory.

The idea for this book originates from a research project, Children’s Right to Health (ChildRight), funded by the Research Council of Norway.¹ That project investigates how various legal instruments contribute to safeguarding the right of the child to the enjoyment of the highest attainable standard of health (UN Convention on the Rights of the Child Art. 24) in its widest sense. One aim of the ChildRight project is to contribute to the development of theoretical foundations for children’s rights and, more particularly, to develop a theoretical model on how to understand children’s rights in health law from a Nordic welfare state perspective. The ChildRight project covers several topics which are dealt with in other publications. A central theme is the balancing between participation and

1 Project code 300973.

protection. In this context, the view on children as a specifically vulnerable group is highly relevant.

During the workshop, the saying “the path is made in the walking” was used. Path dependency is a theory in which one preferably follows well-trodden paths. In this book, we sought to avoid this. We wanted to challenge old ideas and interpretations and ask new questions. How well we succeeded with this may be best judged by the readers; however, we do think we have at least walked along some new paths, and perhaps some old ones have been broadened a little. Still, some paths are made because they are the only suitable place to tread. They may weave between cliffs and marshes. Although they cannot easily be moved, they can sometimes be improved – possibly by a bridge. The same could be said for vulnerability and children’s rights.

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