Exploitation is when someone uses your vulnerability to their advantage.¹ Vulnerability, as this child knows, is the essence or definition of childhood. People who exploit others see them as tools, another child observed. Being used as a tool violates Kant’s second categorical imperative: people are to be seen as ends in themselves and not merely as means to another’s end.² To exploit a child’s vulnerability is to deny not only her rights as a child and as a human beings but, more profoundly, her status as rights-bearer.

Children are means to the ends of others, as the future of their families, cultures or nations, as guarantors of family wealth, prosperity and social status, as treasured playthings or lightning rods for social ills. Childhood has long been a screen for the infinite projection of adult fears and desires. Childhood as a distinct life estate, meaning that children are to be seen as ends in themselves and not merely the means to ends of others, entered public discourse some three centuries ago through portraiture, literature, philosophy and pedagogy. The New Childhood, as Philippe Aries termed it,³ opened the way to state involvement and investment in children and families.

Beginning in the nineteenth century, states began to formalize their responsibilities for children and the conduct of childhood. State-sponsored media campaigns — posters, prints, periodicals, printed ephemera and, now, contemporary media — portrayed healthy happy children, loving parents and harmonious family lives. The manipulation of parental guilt and desire furthers the state interest in creating a governable citizenship beginning in infancy and aimed at producing ‘normal’ children.⁴ By the close of the nineteenth century, state governance of childhood was expressed in reforms to legislation in areas ranging from labour and criminality through education, protection, custody and divorce, health, social welfare and housing to product
regulation. Expert tutorials in making ‘right’ children are now almost fully eclipsed by corporate tutorials in choosing ‘right’ consumption.

The nineteenth century saw the emergence of the modern corporation. The British Companies Act of 1862 ensuring the protection of shareholders from liability for corporate debts was upheld by the House of Lords in 1896, in a case stressing corporate personality. Being responsible for its own debts made the corporation a person, an artificial one but nonetheless a real one in the eyes of the law and thus vested, like us, with rights. It has one purpose for existing. This is to make profits. As Joel Bakan shows, corporations as personalities are rapacious psychopaths. In the pursuit of profit, the wealth, complex structure and multi-national operations of major corporations has made them virtually ungovernable. State reforms to the conditions of childhood are undermined in almost every way by corporate acts affecting not only the minds of children but their safety and health.

Corporations produce today’s images of happy healthy children, saturating childhood with ads, films, ad-films, tied-in toys, games, gadgets and clothes, recreational ‘foods’ tied in to school cafeterias, games to be played, ‘friends’ to be found and things to be learned. Children are exploited by trying to gain knowledge. The corporate childhood is a new New Childhood in which children’s aspirations and immaturity are sold back to them by Disney as ‘innocence,’ subverting children to the cause of profit. Everyone can have power over children because [children] haven’t learned about power. Kid-stuff is worth multiple billions yearly but brand loyalty is what corporations really sell. Exploitation may not always be for money but will always be for some sort of gain. Children are consumers now and brand-loyal consumers in the future. You realize that the exploitation is so huge.

Children are branded before they can walk or talk. The British show “Teletubbies” carved out new territory in kid-marketing by making babies as young as six months media-conscious. Children in ad-speak are ‘demographics’ and childhood is zoned for psychological manipulation — infant, toddler, tween, multiple orders of teens, girl, boy. Why are we trying to
standardize children? All the better to sell you things, my dear said the Big Bad Wolf. Corporations make the myths that shape childhood. Clever, subtle and saturating marketing of corporate products relies on recycled princesses, sanitized daring-doers and simplified myths and wonders. Corporations hold a power over children greater than any story-teller — yet the stories they tell are emptied of myth. “We’re forcing the brain in the wrong direction, killing all creativity and fantasy. Kids were once creative directors in neighbourhood fantasies. No more. These days, kids rarely leave their bedrooms.”

But children’s bedrooms give little protection. Corporations reach deep into children’s psyches and deeper into their bodies. Corporate products have notoriously been poorly tested and their use is heavily legally defended. Children’s neurological development is affected in ways we are only beginning to try to understand. “We are conducting a vast toxicological experiment in which the research animals are our children.” Children cannot protect themselves from cleverly-constructed messages backed by billions of advertising dollars. Nor have we found effective ways to protect them. People don’t see children as people. Taming the corporation calls for a new paradigm. The Convention on the Rights of the Child hints at protection from corporate wrongs and causes of action. Might a new paradigm be framed in children’s rights?

The child has all rights from birth under Art. 1 of the CRC. Under Art. 3, she has the right to have her best interests be made a paramount consideration in everything affecting her and to express her views freely in matters affecting her, under Art. 12. Her best interests, rarely represented in legal proceedings, are seldom heard. Her views, freely expressed, are never heard in corporate boardrooms. CRC Art. 24 requires that states abolish “traditional practices prejudicial to the health of children.” The corporation has existed as a business form since Roman times and took its modern statutory form in the nineteenth century. Legal arguments for retaining and expanding corporate powers are framed as tradition — this is what corporations do because they have always done so. Where corporate practices as traditional practices prejudice children’s health, according to Art. 24, they must be abolished.
While this application of Art. 24 is perhaps fanciful, other articles come closer to the point. The child has the right to survival and development under Art. 6 and to the highest attainable standard of health, to “adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution” under Art. 24. This establishes limits on corporate control of food production, safety and nutrition, environmental toxins, pharmaceutical promotion and product representation. Companies should have policies that products have a description of how the products are made and by who. Children of less wealthy cultures are exploited in making products for consumption by the more wealthy. If we did see [child labour] we would look the other way.

The child has the right to freedom of information under Art. 17 and to protection from all violence including mental violence under Art. 19. Art. 28 and 29 give her the right to a rights- and science- based education that will develop her potential. If this education installs citizenship, corporate education installs consumerism. We need to teach kids about their rights. Art. 31 promises the rights to rest and play, to age-appropriate recreation and to cultural participation, but corporations in the consuming West and the labouring rest of the world control much of children’s recreation and leisure. Are video-gaming, web-crawling, tv-watching, chat sites, Facebooking and so on, “cultural participation”? Even so, Art. 17 sets out the child’s right to access those media which will give her information from diverse sources and promote the full spectrum of health. Yet accessing media usually entails being sold bad food, unneeded goods, violence and sexism and, the ultimate product, the corporation’s brand and its self-serving politics of innocence, is an extreme violation of these rights.

The child has the right to protection from economic exploitation under Art. 35 and from “all other forms of exploitation prejudicial to any aspects of the child’s welfare” under Art. 36. Corporations exploit children’s credulity, creativity, imagination, fear, desire, love, loyalty, parents, resources and rights to information, education, play and health. They co-opt children’s voices without hearing children. They plunder their planet. They bind their futures to commerce and its environmentally and socially destructive results. Commercial exploitation is as bad as
any other kind of exploitation. How to reconcile the right to profit peculiar to corporations, with respect for the real human rights of the rest of us, is a project worthy of children’s rights. If greed is to go out of style, corporations need a truly spectacular push.

1 Child exploitation is defined by Save the Children, 2012 as the use of children “for someone else’s advantage, gratification or profit, often resulting in unjust, cruel or harmful treatment of the child ... to the detriment of the child’s physical or mental health, education, moral or social-emotional development.” The comments of children participating in Shaking the Movers VIII, Ottawa 2014 are set out in italics in this Essay.


9 Martin Lindstrom, pre-eminent child brand-builder, left the field of kid-marketing when he understood the impact of his work. Joel Bakan, Childhood Under Siege: How Big Business Targets Children (Allan Lane Canada, 2011) 52.