

B2ham.18.5.99 IJCR

Human rights and democracy in schools:
do they mean more than picking up litter and not killing whales?

International Journal of Children's Rights, 7:185-205.

Abstract

This paper reviews practical pressures against democracy in British schools, then considers the place of human rights teaching in undemocratic schools. Theories which affect democracy in schools are reviewed, including child development, and the social construction of childhood. Questions raised by new understandings of childhood for human rights in schools are mentioned for discussion. Meanings of rights and of children's participation are considered. Although some points in this paper are drawn from a survey of over 2,250 school pupils views on civil rights, this is a discussion paper and not a research report.

keywords Human rights, children's rights, democracy, schools, citizenship education

word length 7800

Human rights and democracy in British schools

This paper begins by reviewing the relevance of the 1948 United Nations Declaration of Human Rights, and the 1989 UN Convention on the Rights of the Child to school students. Practical pressures against democracy in British schools are considered, and then the place of human rights teaching in anti-democratic schools. Theories which affect democracy in schools are reviewed, including child development, and the social construction of childhood. Questions raised by new understandings of childhood for human rights in schools are mentioned for discussion. Meanings of rights and of children's participation are considered. Although some points in this paper are drawn from a survey of 2,272 school pupils' views on civil rights (Alderson, forthcoming), the aim in this paper is to discuss general issues and not to present a research report. Among many meanings of democracy, this paper is concerned with democracy as practical respect for the human rights agreed by the United Nations, and the encouragement of negotiation, accountability, reasonable equality and respect between teacher and pupils, and formal ways of involving everyone in schools in making certain decisions, such as through class circle times linked to an effective school council (Highfield, 1997).

Practical pressures against democracy in schools

The 1948 United Nations Declaration of Human Rights

According to the United Nations Declaration of Human Rights (UN 1948), adults can assume inalienable human rights to liberty (2)¹ to security of person (3), to freedom from degrading treatment or punishment (5), to recognition everywhere as a person before the law (6) to freedom from arbitrary detention (9) to freedom of movement (13) and the right not to be deprived arbitrarily of their property (17). However, in British schools pupils are regimented and involuntarily subjected to mass routines to a greater degree than they will be at any other time of life, unless they are sent to prison. As factory regimes disappear from industry, they become more entrenched in schools (Jeffs, 1996). Discipline is rigorously imposed through the body: prescribed clothing and hair length, proscribed ornaments, injunctions about when and where to sit or stand, to keep still, not to run and, most frequently of all, not to talk. Time and space are controlled by adults. From the age of 4-years, pupils in English schools have tests, a daily literacy hour and maths hour, a home-school contract promising good behaviour and homework such as reading (from September 1999). In the average school, pupils spend hours each week waiting, lining up and queueing in quasi-military exercises and, in many secondary schools, moving around en masse while carrying their bags and coats, which was found to take up 22% of curriculum time in one multi-schools study (Griffith, 1998:229). Teachers "give" reprimands, punishments, detentions without trial, and permission whether to go to the toilet, and they confiscate property, without any requirement that they explain, justify or be accountable for their actions.

Physical punishment is now prohibited in state schools, and in private schools from 1998. Yet the growing involvement of parents, in regulating their child's behaviour at school, enables teachers to rely on physical punishment being administered in some homes, including hitting, to which British parents retain "the right". Physical punishment in schools continues

¹ The number of the relevant articles from the UN Declaration of Human Rights 1948, and later in the paper from the Convention on the Rights of the Child 1989, is given in brackets.

through detentions, and being sent to stand in a certain place for a certain time. This is counter-productive when restless pupils cannot work off some energy during breaks. British politicians support “truant watch”, when adults can stop any school-aged person seen in public areas during school hours to check why they are not at school.

According to the 1948 UN Declaration, adults can assume their rights to freedom of thought, conscience and religion (18), to freedom of opinions, expression and information (19), to peaceful assembly and association (20), to rest and leisure (24), and not to be compelled to belong to an association (20). The British government expects teachers to set homework for all school children aged from years. Teachers’ advice to parents that even some of the youngest pupils should be “grounded” (kept in the house or in their bedroom) or not “allowed to watch television” after school extend teachers’ control well beyond school hours. The detailed national curriculum set out by the government agency further limits teachers’ and pupils’ opportunities to negotiate what and how they learn, and the pace and depth of their work. It is often remarked that children learn fastest in their first four years, mainly through self-organised learning and playful experiments. However, British schools are increasingly directed exactly how everyone must be taught and assessed, thereby suppressing young children’s methods of enthusiastic learning, though some schools succeed in encouraging these (Cleves 1999).

Anti-democratic tiers of power in English schools have multiplied recently with regular mass standard attainment tests (SATs), school inspections (by OFSTED), and league tables. The tables publish and compare schools’ achievements and lead to some schools being “named and shamed”. These measures have the democratic aims of improving academic standards and teachers’ accountability, but they use anti-democratic means, being mainly “top-down” approaches, determined by unelected unaccountable remote, unaccountable figures who implicitly express mistrust in individual teachers’ and students’ ability to organise their learning (Davies, 1999). One aim in standardising schools, curricula and pupils’ measurable work is that inspectors assess how each school “gives value for money”, a criterion in all OFSTED inspections. Another aim is to show the effectiveness of government policies. “Value added” is calculated as the progress each pupil makes over set periods.

One effect of measuring selected learning patterns (and learning that is measurable is not necessarily the most useful kind of learning) is that each teacher and pupil can come to be seen as the means towards political and economic ends, rather than being respected as ends in themselves, as democracy would require. When elements in education that can be standardised like groceries and tested like machines are emphasised, pupils are treated as objects with far less scope for their creative individual expression. There is less incentive for teachers who value critical, adventurous, democratic learning to remain in teaching and less chance of their being promoted into influential positions. Even the language currently used by educationalists denies that pupils are creative workers and producers of knowledge when, for example, the curriculum is “delivered” to them.

To some extent, adults in Britain, as stated in the UN Declaration, can assume their right to free choice of employment and to just and favourable conditions of work (23). Yet the greatest obstacle in any attempt to democratise schools is that attendance is compulsory. How can respect, liberty and rights, the bases of democracy, flourish within a context of compulsion? There are contradictions and conflicting pressures in theory and practice between democracy and compulsion. Democracy is premised on trust in the rational person’s informed discretion. Compulsion is based on the assumption, or at least the implication, of mistrust: that children and teenagers are too ignorant, foolish and reckless to attend school

voluntarily. Compulsory attendance sets up numerous other constraints, resistances and further constraints, so that large and small denials of human rights, and unjust and unfavourable conditions, come to be accepted as essential routines. Health and safety standards in schools, room temperature and the repair of buildings are poorly regulated compared with legal standards in adults' work places (Mayall et al, 1996:72).

The market driven system of financial competition between schools to attract the most able and cost-effective pupils, introduced over the past decade, limits democracy in schools. Pupils are now less likely to attend the school of their choice. Instead, schools select pupils, often through stressful selection tests and discriminatory procedures which are hidden because schools have to publish only their admission records and not their application records (Lansdown and Newell, 1994). The general education literature on "parents' choice", and government documents such as the *Parents' Charter* (DfEE, 1992) on parents as the "consumers" of education, implicitly cast the pupils as products. Pupils' test results and smart appearance (standardised packaging, Britain and Malta are the only European countries to require school uniform) are used as advertising to attract prospective parents. Democratic possibilities in schools can then become doubly non-negotiable. Pupils' suggestions for change are dismissed, not simply because their own parents might object, but because *prospective* parents might. The current parents' views could be surveyed, discussed and possibly negotiated but, like the hypothetical parent of *in loco parentis*, prospective parents can be imagined at an illiberal extreme. Certainly their views cannot be collected or questioned.

Adults can assume their human rights, in full equality, to a fair and public hearing by an independent, impartial tribunal, in the determination of their rights and obligations, and of any criminal charge against them (10). They have the right to be presumed innocent until proved guilty in a fair trial (11), and to freedom from attacks upon their honour and reputation (12). Yet when pupils are assessed, or having a statement for special educational need, or being referred to a special school, or are suspended or permanently excluded from their school, they have no legal right to discuss this with anyone in authority, to be present at hearings, to have independent advocacy, or to appeal. Intrinsic racism and sexism within these systems are shown by the disproportionate numbers of black boys who are excluded, or referred to special schools (Gillborn and Gipps, 1996; Gillborn, 1996; Alderson and Goodey, 1998).

If market values were genuinely applied to schools, high rates of absences and exclusions, with higher rates of disruption and disaffection, would be seen as very serious customer dissatisfaction, and indicators that new policies are urgently needed. The ploy of having parents as the consumers means that they are relatively ignorant, being absent they cannot know what actually occurs in schools, and they are powerless partly because they are so commonly blamed for problems in the classroom. If schools were democratic, pupils would have some real share in the government of the school through freely chosen representatives (21) and some issues would be decided by genuine elections. All pupils and parents would have access to formal suggestions and complaints systems, and a share in helping to run the school, far beyond the present limited parent governor channel. Governors have no duty to consult the staff or pupils. In 1986, pupils were excluded from being governors in state schools, (Education Act, 1986, s15(14)) so that hundreds of pupil governors were sacked (CLC, 1987). In private schools too, as trustees under the Charity Act, governors have to be over 18-years-old.

The UN 1948 Declaration states that education shall be directed to the full development of

the human personality and to the strengthening of respect for human rights and fundamental freedoms (26). Everyone is entitled to a “social and international order in which the rights and freedoms set forth in this Declaration can be fully realised” (28). Does this include schools? Everyone has “duties to the community in which alone the free and full development of his [*sic*] personality is possible” (29), subject to respect for the rights and freedoms of others, morality, public order and the general welfare in a democratic society (29.2). No state, group or person has “any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein” (30). The Declaration slips between notions of education as theory (instruction about democracy) and as practice (democratic procedures in schools), between concern with the child pre-citizen versus the adult citizen, between public order and also civil liberties, but these contradictions and tensions are not explicitly addressed. Human rights teaching in schools somehow has to manage these practical and theoretical contradictions.

Head teachers who strive to make schools more democratic are exceptional, and may have to work against hostile opposition with high risks of serious failure as the academic-personal account by one of them shows (Trafford 1997). National and local systems, including the reactionary mass media, increase their difficulties (Griffith, 1998). These Heads are ambitious enough to achieve a powerful position yet are willing to give away some of their power or to share it in new ways. For example, in one exceptionally democratic school, the councillors aged 8 to 11 years sat back in low easy chairs and the head teacher sat on the floor at about the same eye level; some meetings were held more formally round a table but with the same easy relationships.

The 1989 UN Convention on the Rights of the Child

This meeting was observed during research Sean Arnold and I conducted about school students’ views of their civil or participation rights in schools (Alderson, forthcoming), as set out in the 1989 UN Convention. A Convention is stronger than a Declaration, a binding treaty. As all but two governments have ratified the Convention, it is by far the most internationally agreed treaty and, in ratifying it, governments undertake to report regularly to the UN (42-44) on their progress in implementing the Convention in law, policy and practice (42). Our research was one of 22 projects sponsored by the (UK government’s) Economic and Social Research Council to examine diverse aspects of the lives of children aged 5 to 16, during 1996-1999. We conducted a questionnaire survey of 2,272 pupils aged 7-17, and had 34 discussion group sessions in schools. The purpose of this article is to review the current context of views about children’s rights in British schools, not to report the survey. However, it is relevant here to note some pupils’ reservations about respect for their rights.

Only 5% of pupils in our survey had heard about the Convention “a lot”, and 19% “a bit”, the rest said they had not heard of it at all, although governments who ratify the Convention undertake to “inform adults and children alike” about it (42, 17). To have rights, people have to know what the rights are, who sanctions them, and how they can ensure that their rights are respected (Verhellen, 1997).

Regarding rights to freedom of expression (12, 13) thought, and conscience (14), and to respect for the child’s worth and dignity (preamble), to respect for the child’s privacy (16), to a fair hearing(12), and to fair discipline (40), only a quarter of the pupils think their teachers believe what they say, and another half said this varies. About one third said their teachers are careful to be fair when they talk about pupils, that they would trust their teacher to keep a secret and that teachers listen before deciding if someone is at fault; 15% think their teachers

listen to them a lot, and 39% quite a lot. Regarding the right to education (28) which develops talents and abilities “to their fullest potential” “in the spirit of understanding, peace, tolerance” and equality (29), we asked open questions about what students most liked and least liked about their school. The three top “likes” were particular lessons, sports and friends. The three top “dislikes” were particular lessons, assembly and teachers, while bullying came eighth; dislikes were mainly identified as problems originating from adults rather than from other pupils. Relating to all participation and democratic rights, 52% of pupils said they had a school council, and less than 20% think their council helps to make their school a better place. Older pupils tended to be the most critical.

Teaching human rights in undemocratic schools

Anti-democratic trends, noted earlier, compromise the teaching of human rights. It is not simply that schools do not practise the human rights and democratic equality they preach. It is that many schools consistently contravene them. In the context of such contradictions, human rights education takes the following approaches.

1. Education *for* citizenship, not *of* young citizens presents citizenship as an adult state and a set of legal rights, duties and systems, learned as a body of pure but not-yet-to-be-applied knowledge. It is taught in a detached, remote way which prevents critical, discussion.

Teachers are advised cautiously to pick out-of-school issues like commissioning of a nuclear-processing plant or the building of a new road through a local beauty spot. How to translate these concerns into defensible and valid pedagogy is an important and difficult task. Often students [novice teachers] emerge [from college] with enthusiasms which they may discover are not those of their new school’s pupils....management and/or governors (Spurgeon, 1994).

2. A reading of the 1948 Universal Declaration of Human Rights quickly reveals that the inherent dignity and worth of the human person, the fundamental freedoms and equal and inalienable rights of all members of the human family, the freedom of speech and freedom from fear which is the highest aspiration of the common people, and the “everyone” in the Declaration who can work, vote and found a family, do not refer to young people, so are minors anyone or no one? Again, to stop discussion of age discrimination echoing the kinds of challenges of the Rights of Man which Mary Wollstonecraft raised on behalf of women, teachers are curiously constrained. Paradoxically, students have to be assumed to be rational enough to understand concepts of rights, but not rational enough to question why they should be excluded, and why schools should teach yet contravene rights. Like the Declaration, teachers can encourage discussion about equality in “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” but omit age.

3. A third approach emphasises provision and protection rights, and pupils’ good fortune to enjoy “compulsory education” and the civil rights most people have - a name, a nationality, and a family - partly through educational games and exercises. The Convention on the Rights of the Child 1989, for all the important benefits it is beginning to bring for children, unfortunately lends itself to this side-stepping exercise through its emphasis on these many crucial but secondary rights. The Commonwealth teachers’ report in 1997 on *Education and human rights* mentions only provision and protection rights for children in its eight sections.

In marked contrast, section four speaks of teachers' rights, with "every other citizen", to vote, contest elections, join political organisations and trade unions, speak and write on political issues and be free from victimisation. Teachers (but not students) "should be involved through consultation and negotiation in forming educational policies at every level" (NUT, 1997). The Commonwealth teachers appear to be ignorant of all participation rights in the 1989 Convention.

4. One way to teach human rights with deep concern about injustice is to keep to far-away topics like torture in Chile. A problem with this approach is the risk inadvertently of implying that serious abuses only occur in "under-developed" countries. Another disadvantage is when international perspectives are taught *instead of*, rather than *as well as*, rights in schools, and divert all attention away from rights in schools. Teachers may feel satisfied that they are covering human rights fully, while pupils may become more disconcerted and sceptical about the gaps between the rhetoric and reality of rights in their own lives. All the first four approaches involve important forms of education besides having disadvantages.

5. The fifth approach is to take rights seriously as living ever-present realities which can only be addressed with integrity by people within relationships of mutual respect. "Materials which invite young people to examine critically their own education are very rare" (Osler, 1995). "Exposure to one's rights, and skills in challenging discrimination are not in the forefront of reasons for increased government expenditure on education....It is difficult to reconcile the screening function of schooling with an acceptance of universal rights" (Davies, 1994). Real human rights education combines talk with action, as staff and students work together to increase respect for rights in all aspects of their school (Griffith, 1998).

In their short response to the UK and Northern Ireland report in 1995, the UN Committee (1995) especially recommended that "public educational campaigns be launched to emphasise the child's right to physical integrity. Such measures would assist in creating a climate of opinion so as to change societal attitudes to the non-acceptance of the use of physical punishment". This has to involve changes in assumptions about adults' rights over the child's body more generally. A common reason given by teachers in our survey for not inviting discussion about any rights in schools or having a school council is "they only want to talk about uniform". Yet discussions about human rights to freedom of expression (13) in schools which ignore this topic of uniform risk denying the actual meaning of respect for children's integrity.

The UN Committee (1995) wanted the UK government to ensure children's rights to appeal against exclusions by introducing procedures "to ensure that children are provided with the opportunity to express their views on matters of concern to them in the running of the schools...The training curricula of teachers should incorporate education about the Convention on the Rights of the Child. It is recommended that teaching methods should be inspired by and reflect the spirit and philosophy of the Convention and the provisions of its article 29", and education about the Convention could be introduced into school curricula.

Psychology and sociology

This section considers theoretical reasons why children's rights are so disregarded in British schools and society. Child psychology provides over a century of observations and research about children. Standardised surveys and tests, with typical or representative samples, have

been the preferred research methods. As some psychologists agree, these tend to give evidence of lower abilities in children than “naturally” occurring observations yield. “Young children’s logical capacities in *conversation* are considerably greater than those reported in test situations” (Dunn, 1995). Children in a representative sample are inevitably far less knowledgeable than those selected for their relevant experience; children with serious illness, for example, (Bluebond-Langner, 1978; Alderson, 1993) know much more about illness than an average group of children will know (Grisso and Vierling, 1978). However, the “hard” methods of representative surveys which are used to support scientific generalisations tend to have greater influence in psychology than “softer” approaches like conversations. Researchers tend to attribute evidence of children’s ignorance to their youth and slowly developing cognitive capacity, rather than to the research methods.

Piaget’s positive emphasis on children’s active learning and problem-solving, using appropriately designed materials, has clear implications for learning about rights. His influence is shown in carefully graded, clearly written and well illustrated teaching materials about rights, with their practical exercises (UNICEF/SCF, 1992; Ali and Ali, 1996). Less positive are Piaget’s, Erikson’s and Kohlberg’s theories of inexorable developmental sequences which are still widely quoted by teachers, and on courses and in literature for teachers (Harris, 1992; Matthews, 1992), despite the numerous scholarly critiques (Donaldson, 1978; Gilligan, 1982; Henriques et al, 1984; Morss, 1990; Bradley, 1989; Burman, 1994). Rights education in schools is also influenced by Piaget’s general beliefs about younger children’s limited competencies, egoism and non-abstract thinking, and tends to share Piaget’s own inattention to emotion, idiosyncratic choices, relationships and the social context all of which enrich experienced understanding of rights.

The range of sound psychological research about pre-school children’s comprehensive and profound understandings, (Gardner, 1993) and about children’s rights (John, 1996) appears to have little impact on beliefs about children’s abilities in many British schools. Studies in cultural psychology, showing how widely children’s abilities and concerns differ depending on their ways of life, (Woodhead, 1997) also seem to have had little effect, so far, in challenging universalist concepts of child development still favoured by British teachers, as the popularity of traditional views of children’s moral development long outlast their credibility. Sociology and psychology are moving on from notions of children “naturally developing” or being culturally “socialised” into adulthood, to acknowledging the sophisticated capacities of babies and young children. The past decade has seen new interest in critical research about theories of childhood, in how theories are socially constructed, and shape child-adult relationships (James and Prout, 1997), and how children can be units of analysis in their own right, individually and socially, (Qvortrup, 1997) no longer simply subsumed into families or schools. Children’s own perspectives on their lives illuminate how powerfully adults now control children’s time and space (Lorenzo, 1992; Shamgar-Handleman, 1994) - key issues for rights, as also are inequalities among children affected by gender, ethnicity, neighbourhood, or socio-economic factors. Most importantly, children are seen as competent social actors with valid views of their own, people who contribute to society and interact through sophisticated relationships - including those they have with researchers (Mayall, 1994) who risk under-estimating and infantilising them (Solberg, 1997).

The importance of these new approaches to research with children is recognised, for example, by the ESRC in its Children 5-16 Programme 1996-1999, and also in much research with and by children sponsored by non-governmental organisations (NGOs). Seven main themes which new approaches in social research critically analyse have been identified

(Pettit, 1996).

- 1 Childhood as a culturally specific concept which varies over time and space;
- 2 Globalization of childhood and exporting middle class Western urban ideals to very different countries;
- 3 Children no longer as passive but as social actors, negotiators and contributors from as early age;
- 4 Children as an oppressed group, physically, economically and politically;
- 5 Ghettoisation of children into “special” places away from the rest of society;
- 6 Children as hidden inside the household or school making them invisible politically;
- 7 New ways of seeing children’s time and work at home, school and elsewhere as valuable.

All these points raise many questions about rights and a few are mentioned here, with the same number as the theme they relate to.

1. How do the methods through which rights are taught and respected in schools reflect current culturally specific British concepts about the nature of childhood?
2. Are current British understandings of children’s rights adequate? What can we learn from other countries?
3. Are rights live issues which pupils and teachers exercise and negotiate?
4. Are school students oppressed and, if so, how?
5. Does education contribute to children’s ghettoisation?
6. Are pupils politically invisible and, if so, what are the lost and the hidden politics?
7. What is the worth of students’ school work and their practical respect for their rights?

These questions need reconsidering in their relation to older research theories of development and socialisation, to see how the questions are transformed by new research and teaching approaches that regard children as moral agents and contributing citizens.

Rights in schools?

Do school students want to claim rights? It is often argued that rights can only be granted to groups which struggle for them, and that children do not. Yet only a minority of women, for example, campaigned for women’s rights. Does this mean that most women cannot or should not have rights? Similarly, some children’s groups such as Article 12, and Participation Education Group PEG, work extremely hard to get their rights acknowledged, Individual children rebel, resist oppressions, protest and say they long to be listened to, respected and involved in decisions affecting them (Lansdown and Newell, 1994). They are in a double bind when their reasonable protests are not seen as serious urgent demands for rights, and when more provocative campaigning is dismissed as evidence of their need for control and protection. There is evidence to support the survey findings noted above (Alderson, forthcoming) that school students want their rights to be respected in schools, that even young children are sceptical about the hope of democracy in schools and are critical of powerless school councils (Alderson, forthcoming; Cullingford, 1992; O’Keefe, 1993). During our survey group discussions one 8-year-old summarised how teachers tend to distance or trivialise rights: “It’s so boring they keep telling you that making the world a better place means picking up litter and not killing whales.”

The British education system has become so rigid that it is hard for anyone to call for greater respect for human rights in many schools without being dismissed as naively unrealistic. Yet any logical analysis of the relevance to schools of the UN 1948 Declaration and the UN 1989

Convention has to question compulsory schooling. Both documents mention “compulsory education” but not compulsory schooling. If attendance for at least some of the week was optional, and attendance rates were linked to schools’ income, by true market principles, this might transform schools into working to attract students. They would have to respect them and treat them all with dignity. Teachers and students together could create more effective and enjoyable working methods (Griffith, 1998), and schools already have the added incentives of being a meeting place for peers and potentially being more comfortable and interesting than the places where truants tend to hide. Safeguards to support at least partial voluntary attendance at school, and to ensure young people’s rights to an adequate education could be devised. The present system does not achieve full attendance and teachers actively exclude thousands of children and teenagers.

“Until compulsion is abandoned the slow process of developing new democratic management structures for our schools ...will not begin in earnest” (Jefferis, 1996:36-7). These structures include: a children’s Ombuds supported by children’s rights officers to monitor problems in schools and help to resolve them; proper involvement of young people in schools’ management and decision-making procedures; legally established and protected children’s rights; and, as with Australian federal funding, rewards for schools which genuinely involve teachers in making policy, expanding this idea to include pupils and parents. “No institution impinges upon the daily lives of children more than school and none is so contemptuous of their opinions or the concept of democracy” (Jefferis, 1994).

To expand democracy is to respect the 1989 Convention, and the 1989 Children Act to “have regard in particular to the ascertainable wishes and feelings of the child concerned”. Many people dislike talk of “children’s rights”, seeing them as selfish, combative, and stirring up unnecessary disruption. Typical reactions are to dismiss them by laughing at them as ridiculous, or being angry about such nonsense, or being very worried about the harm to children, to adult-child relationships, and to society, which rights talk could cause. Yet, internationally, children’s rights enjoy far higher support than any other issue, no other UN treaty has nearly as much support.

A brief history of rights

Threads in the history of rights help to explain why people feel so strongly for or against children’s rights, and why children are in such an awkward position today. Slowly, western societies are moving away from feudal systems and towards democratic ones. The strengths and benefits of feudal societies included fealty - faithful personal relationships of trust, duty, mutual responsibility and care. Strongly shared beliefs in the social order reinforce and reflect common beliefs about all aspects of life. For example, the father-child relationship was seen to mirror that between master and servant, teacher and pupil, husband and wife, lord and tenant, king and subject, God and people (Tillyard, 1963). “Child” was a common form of address to people of all ages from someone higher in the hierarchy. There was security in being accepted as a member of the social order, knowing your place, obediently fulfilling your social position, not having to earn acceptance through merit by carving out an individual career (MacIntyre, 1981). Duties and laws were justified as expressing the divine order, and the greatest crimes were betrayal of that order: tyranny, treason and heresy.

In contrast, liberal societies value personal fulfilment and liberty from such ties and constraints, seeing them as oppressive. Locke (1690) and Kant (1781) justified new respect for man’s autonomy and right to non-interference, as a rational being free to make his personal decisions and, Kant added, to be a maker of universal moral laws. Servants, women

and children could not have rights because they were too financially dependent and irrational to be autonomous (Kennedy and Mendus, 1987). In “strong” Kantian autonomy, the wise man is the only person able to make informed, correct decisions for himself, no one else can do this for him.

Later, Mill (1859) argued for a broader “weak” autonomy: adults do not necessarily make wise, correct decisions, but the highest value is liberty, adults’ right to choose for themselves. Mill included women but not children, assuming they are too immature to take responsibility for the risks of making personal decisions. The “age of consent” divides adulthood from childhood. Following Bentham, Mill shifted morality from duty towards utility and cost-effectiveness. In democracies, the highest value is the right to choose and to vote, when freedom of choice matters more than whatever value or other option is chosen. People create their personal destiny, based on their own risk-benefit calculations. Contracts replace trust and reduce risk.

Civil rights were extended to working men in the nineteenth century, and to women and other ‘minority’ adult groups in the twentieth century during bitter struggles. Rights bearers nostalgically claimed the benefits of their paternalism, without seeing that the religious feudal system which validated it had vanished through the emergence of their own rights. In the 1990s, the Act prohibiting rape within marriage at last gave women in Britain equal legal rights with men to freedom from assault. Adults in democracies can assume, as mentioned earlier, their freedom from arbitrary imprisonment and respect for their physical and mental integrity as inalienable human rights.

Children do not have these rights. They are still partly stranded in a feudal time warp (before rights became central aspects of human relationships) with its disadvantages but few of its advantages. Often, children are expected to show unquestioning obedience and loyalty, and physical and mental submission to their parents and teachers. Yet in Britain today, these qualities are not only untypical of all other human relationships, they are also opposite to the liberal qualities adults prize and demonstrate in their own lives. Children are in a double bind, whether they imitate the liberated adults and avid consumers they are expected to become but not yet to be, or submit in ways which they see many adults passionately refuse to do.

Liberal democracies are societies of strangers, so adults have to rely on legal rights and contracts for protection. Children are assumed to be protected by caring parents and teachers. Yet adults’ and children’s interests and preferences can conflict. Valid contracts are informed and freely made agreements between fairly equal bargainers, but adults and children are unequal, not necessarily because of inherent vulnerability but because of structural vulnerability which forces children to be dependent on adults (Lansdown, 1994). A contract society without fealty leaves children very vulnerable, deprived of feudal securities and also of liberal precautions (O’Neill, 1994). Of course, in feudal times, children like adults suffered from neglect, abuse, poverty, disease, exploitation and abandonment. Oppression (as we see it) could be the price of security. Yet after infancy, children tended to share adults’ (often lowly) status. Today, children are largely excluded from mainstream society, confined at home and school under adult control. Societies have not agreed how best to support families and schools, or how to intervene if the child appears to suffer. Children lack the protections which adults enjoy, even though late twentieth century democracies are highly conscious of the dangers of injustice, inequality, conflicting interests and of powerful groups’ tendencies to oppress others.

Children are the last group to be denied rights and to be discriminated against openly and with impunity, in Britain at least, in the media for example, in terms which could not be

applied publicly to any other social group. It seems that, as the only remaining dependent group, children have to support the last dreams of a society based on informal trust instead of formal contracts, a position once shared by women, non-Europeans, and disabled people. It does not matter whether pre-liberal societies were actually as loyal and caring as some people believe; it is the *dream* of this imagined golden age of submissive trusting innocent children which so powerfully affects public attitudes today, perhaps more so now that women no longer fit the dream. Debates about children's rights echo centuries of argument about women's and black and disabled people's lack of Kantian reason and Millian maturity, the rights of some groups to dominate others, the romance of fealty and the dangers of liberty. Once greater equality is achieved between them, men and women, white and black peoples tend to prefer it. Can the same happen with children and adults? The few schools which have seriously tried to nurture more equal relationships report less stressful and more mutually rewarding relationships (Highfield, 1997; Trafford, 1997; Cleves, 1999).

Research and practice which take account of children's rights

The moderate "participation" rights in the 1989 UN Convention on the Rights of the Child are the nearest to autonomy rights in the 1948 Universal Declaration, and in Kant's and Mill's thinking. The key rights, to share in personal and collective decision-making, can be seen as having four levels (Alderson and Montgomery, 1996). The levels affect how much children can and should be involved in helping to run schools. The Convention enshrines the first three levels, which state parties shall assure to all children regardless of age or competence:

1. To the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child (12);
2. The right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice (13);
3. The views of the child being given due weight in accordance with the age and maturity of the child (12) when making decisions.

These rights include any child who can 1) form a view or 2) understand information or 3) is considered able to form a useful, relevant view. Babies do this when they express hunger, pain, fatigue or joy. The Convention aims to bring national laws up to its own standards, but also respects national laws "which are more conducive [than the Convention] to the realisation of the rights of the child" (41). English law goes beyond the Convention in respecting the right of children not simply to contribute to decision making, but also:

- 4) to make serious personal decisions in their own right.

Children can do so in law if they are able to understand the relevant information and have the discretion to make a wise choice in their best interests (Gillick 1985). In English and Scottish law, this fourth-level right has no set age limit, but has strict competence limits; children have to convince the responsible adults that they can make an informed, sensible decision.

This fourth and highest level of participation, to make personal decisions, is sometimes assumed to be the only meaning of participation rights. When it taken to mean children's rights "to do whatever they want" or "to refuse to go to school" then all participation, even expressing a view or being informed, is easily dismissed as dangerous nonsense. It is believed to harm children, break up families and bring chaos into schools. The child's right to information is condemned by people who take this to include pornographic or racist material. Participation is then assumed to be a matter only for adults, certainly not for young children or babies. Arguments against encouraging children's participation are that this is unwise and

unkind to children and betrays adults' responsibilities to protect and control, as mentioned earlier.

Yet all adults' and children's rights are relative, not absolute, and are subject to stringent safeguards. The Convention repeatedly states that "the best interests of the child shall be a primary consideration" (1,3,21). Rights are affected by the "evolving capacities of the child", the "responsibilities, rights and duties of parents"(5) and the national law (31). Children's rights cannot be exercised in ways which would harm the child or other people. They must "respect the rights and reputations of others", as well as "national security and public order, health and morals" (13).

These rights concern equality, mutual respect, fraternity or solidarity. Listening to people respectfully includes resolving conflict without violence and preventing discord. Respect for these rights is vital to effective education, democratic societies and citizenship in the fragile global community. Children's rights will be better understood by the public when researchers and practitioners show how participation rights support improvements in education and research by respecting children as partners (Griffith, 1998; Alderson, 1999).

Acknowledgements

I am grateful to Sean Arnold, Research Officer on the civil rights project, to all the students and adults who helped with the research, and to the Economic and Social Research Council which funded the project, no. L129251002, as part of the Children 5-16 programme.

References

- Ali, K. and Ali, Z. (1996). *Our Book of Child Rights*. Stockholm: Radda Barnen
- Alderson, P. (1993) *Children's Consent to Surgery*. University Press; Buckingham: Open University Press.
- Alderson, P. (1999) Children as Researchers. In Christensen, P. and James, A. (Eds) *Conducting Research with Children*. London: Falmer.
- Alderson, P. (Forthcoming) Civil rights in schools, the implications for youth policy; and School students' views on school councils and daily life at school.
- Alderson, P., and Montgomery, J. (1996). *Health Care Choices: Making Decisions with Children*: London: IPPR.
- Alderson, P, Goodey, C. (1998) *Enabling education: experiences in special and ordinary schools*. London: Tufnell Press.
- Bluebond-Langner, M. (1978) *The private worlds of dying children*. Princeton NJ: Princeton University Press.
- Bradley, B. (1989) *Visions of infancy*. Cambridge: Polity
- Burman, E. (1994) *Deconstructing developmental psychology*. London: Routledge.
- Children's Legal Centre (1987) *Education rights handbook*. London: CLC.
- Cleves School.(1999) *Learning and inclusion: the Cleves school experience*. London: David Fulton.
- Cullingford, C. (1992) *Children and society: children's attitudes to politics and power*. London: Cassell.
- Davies, L. (1994) Focusing on equal rights in teacher education. *Educational review* (46) 2, pp 109-120.
- Davies, L. (1999) Policy and practice in educational democracy internationally. Paper to ESCR seminar series on Democracy in Schools, University of Birmingham.

- DfEE. (1992) *Parents' Charter*. London: Department for Education and Employment.
- Donaldson, M. (1978) *Children's minds*. Edinburgh: Fontana.
- Dunn, J. (1995) Children as psychologists. In Dunn, J. (ed) *Connections between emotion and understanding in development*. Hove: Lawrence Erlbaum Associates. p. 199.
- Education Act (1986), 15 (14). London: HMSO.
- Gardner, H. (1993) *The unschooled mind: how children think and schools should teach*. London: Fontana.
- Gillborn, D. and Gipps, C. (1996) *Recent research on the achievements of ethnic minority pupils* London: OFSTED/HMSO.
- Gillborn, D. (1996) *Exclusions from school*. Viewpoint no. 5, London: Institute of Education
- Gilligan, C. (1982) *In a different voice*. Cambridge MA: Harvard University Press.
- Gillick, v Wisbech and W. Norfolk AHA* [1985].
- Griffith, R. (1998) *Educational Citizenship and Independent Learning*. London: Jessica Kingsley.
- Grisso, T., and Vierling, L. (1978) Minors' consent to treatment: a developmental perspective. *Professional Psychology*, 9:412-27.
- Harris, P. (1992) *Children and emotion*. Oxford: Blackwell
- Henriques J *et al* (1984) *Changing the subject: psychology, social regulation and subjectivity*. London: Methuen.
- Highfield School (1997) *Changing our school: promoting positive behaviour*. Plymouth: Highfield School/ London: Institute of Education.
- James, A., and Prout, A. 1997 *Constructing and reconstructing childhood*. London: Falmer.
- Jeffs, T. (1996) Children's educational rights in a new ERA? In Franklin B *The handbook of children's rights*. London: Routledge.
- John, M. (ed) (1996) *Children in charge: the child's right to a fair hearing*. London: Jessica Kingsley.
- Kant, I. (1781) *Critique of pure reason*.
- Kennedy, E., and Mendus, S. (eds) 1987 *Women in Western Political Philosophy*, Brighton: Wheatsheaf.
- Lansdown, G. (1994) Children's rights. In Mayall, B. (Ed) *Children's childhoods: observed and experienced*. London: Falmer.
- Lansdown, G., and Newell, P., (eds) 1994 *UK agenda for children*. London: Children's Rights Development Office, p. 152.
- Locke, J. (1690) *Essay concerning human understanding*. London.
- Lorenzo, R. (1992) *Too little time and space for childhood*. Florence: Innocenti.
- MacIntyre, A. (1981) *After virtue*. London: Duckworth.
- Matthews, M. (1992) *Making sense of place*. Hemmel Hempstead: Wheatsheaf.
- Mayall, B. (1994) *Children's Childhoods Observed and Experienced*. London: Falmer.
- Mayall, B., Bendelow, G., Barker, S. And Storey, P. (1996) *Children's Health in Primary School*. London: Falmer.
- Mill, J. 1982/1859 *On liberty*. Harmondsworth: Penguin.
- Morss, J. (1990) *The biologising of childhood; developmental psychology and the Darwinian myth*. Hove Lawrence Erlbaum Associates
- O'Keefe, E. (1993) *Truancy in English secondary schools*. London: University of North London
- O'Neill, J. (1994) *The missing child in liberal theory: towards a covenant theory of family, community, welfare and the civic state*. University of Toronto Press/ Laidlaw Foundation.

- NUT - National Union of Teachers. (1997) *The Stoke Rochford Declaration of Commonwealth Teachers. Education and human rights. Presented to the 13th Commonwealth Conference of Education Ministers, Gaborone, Botswana.* London: NUT.
- Osler, A (1995) Urban protest, citizenship and human rights. In Osler A, Rathenow H, Starkey H (eds) *Teaching for citizenship in Europe.* Stoke-on-Trent: Trentham, p. 73-90.
- Pettitt, B. (1996) *New perspectives on children and childhood: the implications for Save the Children.* London: SCF.
- Qvortrup, J. (1991) *Childhood as a social phenomenon: an introduction to a series of international reports.* Vienna: European Centre.
- Shamgar-Handleman, L. (1994) To whom does childhood belong? In Qvortup et al (eds) *Childhood matters.* Aldershot: Avebury p.249-266.
- Siegal, M. (1991) *Knowing children.* Hove: Lawrence Erlbaum Associates.
- Spurgeon, C. (1998) Citizen Education through Literature. In: Holden, C. And Clough, N. (Eds) *Children as Citizens: Education for Participation.* London: Jessica Kingsley.
- Tillyard, E. (1963) *The Elizabethan world picture.* Harmondsworth: Penguin.
- Trafford, B. (1997) *Participation, power-sharing and school improvement.* Nottingham: English Heretics.
- United Nations. (1948) *UN Declaration of Human Rights.* Geneva: UN.
- United Nations. (1991) *UN Convention on the Rights of the Child.* Geneva: UN.
- United Nations Committee on the Rights of the Child. Eighth session (1995) *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: United Kingdom and Northern Ireland.* Geneva, UN, CRC/C/15/Add.34.
- UNICEF/SCF (1992) *It's our right: the provision articles.* London: SCF/UNICEF.
- Verhellen, E. (Ed) (1997) *Understanding children's rights.* Ghent: Children's Rights Centre.
- Woodhead, M. (1997) Psychology and the cultural construction of children's needs. In James, A. And Prout, A. *op cit.*