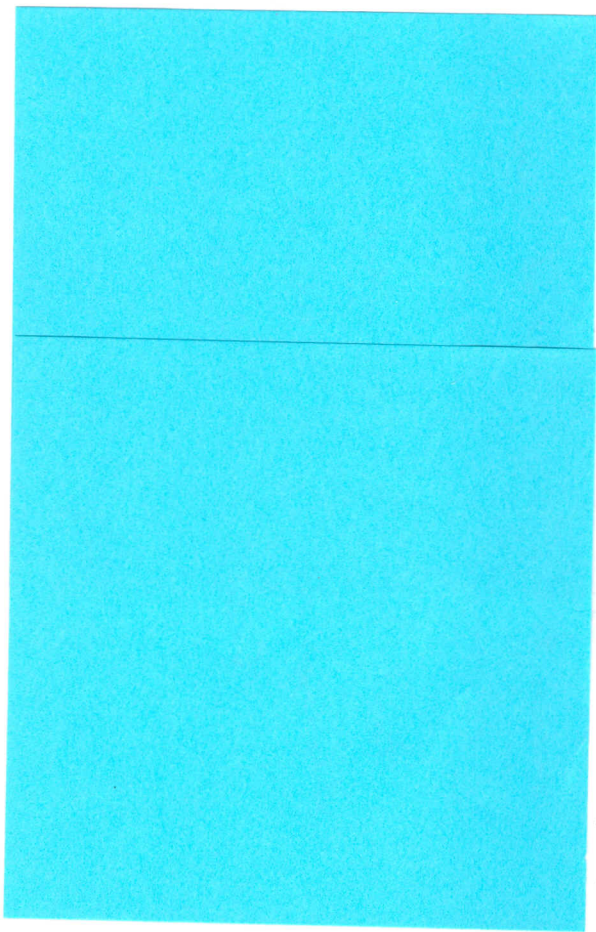




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Alex
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of
Children

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BOB FRANKLIN

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citizenship on the basis of chronology is both unjust and arbitrary. It is unjust because the individuals concerned cannot reasonably do anything, no matter how highly motivated, to alleviate or change the conditions that exclude them. If the grounds for exclusion were incompetence, and these might exclude many adults, this would be more acceptable, since the ignorant can learn and become educated and the stupid can become wise. However, a child, even if foolish enough to desire it, cannot grow old prematurely. In this way exclusion is a 'permanent' exclusion, since *all* children are denied rights simply because they are children and can acquire them only when they cease to be children. The exclusion is arbitrary, because the age at which full citizenship is presumed to commence has varied historically. In the Athenian democracies of ancient Greece a young person became a citizen, if they met certain other requirements, at the age of thirty. One writer suggested the transition to political adulthood occurs between the ages of twenty-seven and thirty-six,⁴ while in the context of British politics the age qualification for citizenship has been lowered from twenty-one to eighteen.⁵

However, while it might be expected that such arbitrary, unjust and undemocratic treatment of children would give rise to controversy, discussion and a substantial literature, quite the reverse is true. Political theorizing has tended to give only 'a passing nod'⁶ to the fact that the 'citizens of states without exception start off as children';⁷ philosophy has been 'guilty of child neglect'.⁸ The neglect is curious, since a discussion of children's rights touches upon many of the central concerns of political philosophy. It raises, for example, interesting and important questions about the nature of equality, the significance of reason and rationality in human affairs, the power of one group to control another and the ways in which such subordination is legitimated, as well as general questions about the nature of democracy: Who is a citizen, who is not and on what grounds are they excluded? Who has rights and who can participate in making laws?

One reason for the neglect of children's rights is the difficulty of getting people to take the matter seriously. Arguments have too frequently been dismissed rather than met, and few have shared Russell's view that 'no political theory is adequate unless it is applicable to children as well as to men and women'.⁹ Dahl's remarks are typical when he suggests that 'no one seriously contends that children should be full members of the State's demos'.¹⁰ What is important in all this is that the case for children's rights is dismissed, not by systematic, closely reasoned or coherent argument, but rather on the basis of implicit and taken-for-granted assumptions; a sort of

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Children's Political Rights

Bob Franklin

In this chapter I wish to consider the arguments which are traditionally offered to justify the exclusion of young people from the possession of political rights, particularly the right to vote, and suggest that such arguments are ultimately unconvincing. I shall also argue that the exclusion of children from full political status is an enigma which democratic politics should not allow. Because of their age, children are, of course, denied many rights which adults consider to be basic human rights; the right to freedom from parental control and the right to own property are obvious examples. But their exclusion from political involvement is a more serious matter, since what is at stake here is not simply the denial of citizen rights but the right to be a citizen.

As a consequence of exclusion, children constitute a unique political grouping in democracies in two important respects. First, they offer a clear example of the violation of the democratic principle that no individual or group should be subject to laws which they have not participated in making. This violation is particularly acute when many political decisions – for example, the future deployment of nuclear weapons, or educational provisions – arguably have a greater relevance for young people than other members of the polity.

Second, they are the only grouping in a democracy whose political rights are entrusted to another group, to be exercised on their behalf without the restraint of any mechanism of accountability or democratic control. It is clearly worrying and 'dangerous for one class to have its interests entrusted to another'.¹ Dahl's claim that parents understand the interests of children and will seek to promote them on their behalf, because 'adults are closely tied to children by bonds of love', does little to allay fears and prompts difficult questions.² How are children's interests to be determined if they are not consulted? Are children's and parents' interests always identical? If not can parents be trusted to promote the child's interest?³ This exclusion from

self-evident common sense which concludes the matter to be unworthy of serious consideration and thereby precludes discussion. This should not come as any surprise, since, with the benefit of hindsight, it is clear that the case for the exclusion of different groups from full political rights has never been cogently argued and could withstand no more than cursory examination. Political history is littered with examples: women, the propertyless, blacks and slaves have all been the victims of common sense. It was argued that women lacked the rationality, judgement and knowledge of the political world necessary to exercise the obligations of citizenship, while those without property had proved their inability to direct their own affairs by their very propertylessness. A similar circularity of argument excluded slaves. Slaves were denounced by Aristotle—departing from his usual reflective, detached and democratic theorizing and displaying all the prejudices of an Athenian gentleman of his day—as unworthy of political rights since they lacked intellect and were therefore less than fully human; the circle is complete when he asserts that we know they lack such qualities because they are slaves. This 'logic' has subsequently been deployed by racists to exclude blacks from citizen rights in the southern states of America and in South Africa.

Such beliefs are now recognized by most for the absurd rationalizations they have always been, but they warn of the dangers of excluding groups unless the grounds for exclusion are clearly stated, supported with evidence and proven. In democratic states the presumption must always be against exclusion and the burden of proof must rest with those who propose to disfranchise. However, if coherent argument, serious reflection and detachment are abandoned in favour of a resort to 'common sense', it is appropriate to be sceptical and ask what is the substance of this common sense and whose interests it serves. The answer, quite simply, is that it is no more than a thinly veiled justification which functions to protect and promote the interests and power of one social group against rival claimants—in this instance, the power of adults over children. It is important to remember that the extension of political rights diminishes the power of those who previously held such rights in monopoly, and history reveals that no dominant group, whether based on gender, age, race or class, has ever conceded its authority voluntarily. Since this justification is therefore one means whereby adults seek to maintain the existing pattern of power relationships, those who seek to expand the political rights of children must challenge 'common sense' and subject it to the closest reasoning.

The 'commonsense' exclusion of children from political rights derives much of its content and credibility from an uncritical

acceptance of paternalism. In the following section I shall argue that paternalism offers no cogent grounds upon which to deny young people political rights, including the right to vote, but simply provides a justification for political elites. But if age cannot serve as a criterion to decide who should possess political rights, what can serve as substitute? In the second section I consider two different criteria for establishing voting competence and offer a third, more equitable, possibility. Finally, I assess the possible implications of changing the political status of children, moves towards the acquisition of political rights for young people in International Youth Year, and the limitations upon such political change.

Paternalism

Paternalism involves intervention in an individual's freedom of choice and/or action in an attempt to enhance or secure the best interests of that individual, even though the individual concerned may not recognize any advantage in such intervention or indeed may perceive it to be injurious. In Dworkin's classic discussion of paternalism it is understood to be 'the interference with a person's liberty of action, justified by reasons referring exclusively to the welfare, good, happiness, needs, interests, or values of the person being coerced'.¹ On this account, the adult exercise of children's political rights does not constitute any undemocratic procedure, as it would if any group other than children were involved, but is simply an attempt to secure the interests and welfare of young people.

Three reasons are traditionally offered to legitimate this paternalism. First, young people lack the rationality, knowledge and experience necessary for political autonomy. If they were allowed political self-determination, children would make disastrous and damaging mistakes. Paternalism seeks to protect children from the injurious consequences of their incompetencies. Since children are unable to choose for themselves, adults must make their choices for them. Second, as children mature, they will come, with hindsight, to see the wisdom of the decisions that adults have taken on their behalf and subsequently endorse them; paternalism in this instance is justified by a 'future-oriented consent'. Third, children are dependent on adults in many ways and are incapable of sustaining themselves without adult assistance; paternalism is justified here by the young person's inability for 'self-maintenance'. I wish to examine each of these three justifications for paternalism, although the first is by far the most important and will require lengthier consideration.

The most commonplace justification for paternalism runs something along the following lines. Children are presumed to be ignorant of political matters, insufficiently rational to make discriminating choices in the political sphere, incapable of any systematic and purposeful behaviour, and thereby unable to fulfil the requirements and obligations of citizenship. Since these deficiencies are considered to be a direct consequence of age, every young person is to be excluded. As individuals grow older and acquire the competencies necessary to exercise political rights, they will be inducted into citizenship. Locke's judgement is typical:

Children I confess are not born into this full sort of equality though they are born to it. Their parents have a sort of rule or jurisdiction over them when they come into the world . . . but it's a temporary one. The bonds on this subjection are like the swaddling cloaths they are wrapt in and supported by in the weakness of their infancy. Age and reason as they grow up loosen them till at length they drop off and leave a man at his own free disposal.¹³

On this account, freedom depends on maturity, which alone can bestow the ability to make reasonable discriminations. To cite Locke again, 'We are born free as we are born rational; not that we have actually the exercise of either; age that brings one, brings with it the other too.'¹⁴ Two aspects of this argument are more problematical than appear at first glance and require closer scrutiny: the claim that children lack reason or rationality, and the assertion based upon this that, if granted political rights, they would commit errors and mistakes.

The assertion that children should be excluded from political citizenship because they lack rationality raises the problem that it is extremely difficult to ascertain exactly what is meant by rationality and whether it can be defined with sufficient precision to determine whether any individual or category of individuals possesses the capacity or does not. The question 'What is rationality?' has been answered in many ways. Rationality may be used to connote thoughts and actions which are conscious and in accord with the rules of logic and empirical knowledge. Or individuals may be considered rational to the extent to which they are able to infer the possible consequences of a choice. For Max Weber, actions could be purposively rational (*zweckrational*) where appropriate means are chosen to obtain some predetermined end, or value rational (*wertrational*) where actions are in accordance with the moral standards and values of the community. Again, rationality may be

designated by the 'possession of a certain level of measured intelligence on some standardized IQ test'.¹⁵

This uncertainty of meaning raises problems for those who seek to distinguish children from adults on the basis of a presumption of a lack of rationality in the former group. Moreover, the uncertainty is not confined to philosophers, and those who have sought a more rigorous and precise definition in the work of psychologists have been disappointed. Piaget's work is often cited in this connection.¹⁶ Piaget's theorizing on developmental psychology identified several stages in the cognitive development and moral growth of human beings. The highest stage, the stage of 'formal operations', begins at around the age of twelve and develops further during adolescence. At this stage,

the adolescent's system of mental operations has reached a high degree of equilibrium. This means among other things that the adolescent's thought is flexible and effective. He can deal efficiently with problems of reasoning . . . can imagine the many possibilities inherent in a situation. Unlike the concrete operational child, whose thought is tied to the concrete, the adolescent can transcend the immediate here and now.¹⁷

However, this assertion that children mature through a succession of evolutionary stages, gradually developing their cognitive and moral capacities *en route*, has not been accepted unequivocally. Piaget's assumption that childhood is a single uniform and universal experience denies the credibility of much cultural, historical and anthropological evidence.¹⁸ If accepted as credible, Piaget's work generates as many problems as it resolves. Does this mean that other groups, especially adults, perhaps those who are retarded or becoming senile, who do not reach the stage of formal operations, should be excluded from political rights?¹⁹ Even those who find justification for paternalism in Piaget's theories acknowledge that 'the evidence about older children is not so clear', and that, 'in both moral and cognitive development, many reach adult levels between twelve and fourteen'.²⁰ There are thus substantial difficulties in defining the term 'rationality' which must be faced by those who wish to use it as a criterion for distinguishing children from adults.

However, these difficulties are not acknowledged by everyone, and Searre, with all the certainty, confidence and naivety so characteristic of a utilitarian, offers the following account which is worth considering in some detail:

rational actions are those which are directed towards maximizing the expected utility of the agent. In addition, actions backed by rational decisions typically manifest themselves as elements of a systematic approach adopted by the agent for maximizing his good.²¹

Scarre develops his argument by presuming that which he is trying to prove: namely, that rationality is present in adults but absent in children. Adult rationality is manifest in

the ability to plan systematic policies of action . . . essential to solving the practical problems of living. Most adults, because they have lived a long time, have this ability, but children, because their mental powers and experience are alike inadequate, do not. Hence adults must impose a comprehensive 'system of purpose' on them.²²

All this, of course, sounds reminiscent of Locke. The only problem remaining, at least as far as Scarre is concerned, is to establish a criterion which will distinguish the justified from the illegitimate imposition of such a 'system of purpose'. 'The paternalist', he claims, 'should intervene in an individual's affairs only when there is reason to believe his decisions are not based on rational calculations and that they are likely to result in a diminution of his stock of existing good or under-achievement of his possible stock of good.'²³ Scarre is offering here a classic statement of the case for denying children political rights on the basis of protective paternalism: children lack rationality, they will make unwise choices and mistakes, and therefore they should be subject to a protective paternalism. His argument requires closer consideration to reveal its many shortcomings.

First, in typically utilitarian fashion Scarre overstates the presence and significance of rationality in human affairs. I consider myself to be a fairly cautious, thoughtful person who tries to assess the likely outcome and consequences of my decisions, although not necessarily in terms of 'maximizing my expected utility', but I am none the less constantly aware of how few of my decisions derive from rational considerations. In confessing this I do not feel condemned to solitude, since I doubt that many match Bentham's curious ideal-type individual who carefully, if not obsessively, estimates potential utilities on a complex felicific calculus.

Second, to be able to show — and this is what Scarre believes he can do — that adults have an understanding of the interests of children

which is superior to that possessed by the children themselves is not sufficient to justify intervention in their affairs; it does not justify imposing a 'system of purpose' on them. As adults there may be many occasions in our lives, perhaps at times of great stress or emotional upset, when others such as close friends, colleagues or professional advisers and counsellors can, from a position of some detachment from our immediate affairs, gain a clearer picture in the short term of our interests and needs. As Schrag points out, 'might not my psychoanalyst . . . have a better understanding of my situation and its possibilities and limitations than I do?'²⁴ The important word in Schrag's question is *might*, since it is far from certain that such a 'better understanding' could be achieved. However, even if it were possible, what we would seek from friends would not be intervention in our affairs but guidance, suggestions and advice. As adults we are likely to be shocked by the elitism inherent in Scarre's assertion that others might be better placed than we are ourselves to make decisions regarding our own welfare. We must be equally shocked when such elitism is argued against children. Scarre's argument here is close to one of the principles offered by Dworkin to justify paternalism, which appeals to what would be chosen by fully rational individuals. Dworkin claims that 'since we are all aware of our irrational propensities, deficiencies in cognitive and emotional capacities . . . we may argue for and against proposed paternalistic measures in terms of what fully rational individuals would accept as forms of protection.'²⁵ Dworkin's position thus requires the construction of a rational will (i.e. the will which would be expressed by any fully rational being), its comparison with the actually existing will of the individual, and finally the substitution of the former for the latter in cases of mismatch. The elitist implications of such an argument are clear and raise obvious questions. Who is to construct this rational will and decide that it should prevail over actual wills? If, as Dworkin claims, 'we are all aware of our irrational propensities', are the decision makers exempt or, as he implies, as much in need of guidance as we all are? This advocacy of paternalism falls foul of Berlin's forceful critique in his *Four Essays on Liberty*

The common assumption of these thinkers is that the rational ends of our 'true' natures must coincide, or be made to coincide, however violently our poor, ignorant, desire ridden, passionate, empirical selves may cry out against this process. Freedom is not freedom to do what is irrational or stupid or wrong.²⁶

This leads to a third and related flaw in Scarre's case.

His justification for paternalist intervention is that there may be reason to believe that an individual lacks rationality; it is therefore the possession or not of certain characteristics and competencies which justifies intervention. However, if the argument for paternalistic intervention in children's affairs is based on their assumed incapacity for reasoned and rational thought, then it is not children as such who should be excluded but those incapable of rational thought. An absence of rationality does not distinguish children from adults but the irrational from the rational. Therefore, if Scarre is to be consistent, he must intervene in the affairs of all those who, without regard to age, lack the relevant qualities necessary for autonomy. There are some obvious examples here, and Scarre himself suggests the case of the alcoholic whose behaviour and decisions, at least for much of the time, must be deemed less than rational. However, Scarre will not countenance interference in the affairs of the alcoholic.

The reason why we cannot carry the alcoholic away for a fortnight's forcible cure, even though his drinking is harmful and not sanctioned by his reason, is that by doing so we should insult him by imposing our plans for his life on him when, as an adult, he has plans and policies of his own. Children do not have such systems of purpose of their own, so it does not infringe their rights to intervene on their behalf when their irrationality threatens their well being.²⁷

Perhaps aware of his contradictory treatment of children and adults, Scarre has shifted the grounds of his argument: the justification for intervention now becomes the lack of any 'system of purpose'. However, what appears self-evidently true to Scarre again appears to me less certain and contentious. Is it really the case that children lack 'purposes' or the ability to formulate plans to achieve certain objectives and then the capacity to implement them. Watson is surely correct when he claims that children can and do plan things, 'and do them . . . from buying ice-cream to housebreaking'.²⁸ It may well be true that children's objectives and purposes are different from adult concerns, and some may even appear to adults to be trivial by comparison, but this is not the point. Scarre is claiming that children have no such 'plans and policies' at all.

The fourth objection to Scarre's case centres on his argument that, if left to their own devices, children will make mistakes which may be harmful, damaging and, in his terms, detracting from their utility. This is important, since 'the amount of a person's happiness or utility

is the key consideration in determining whether he is to be subject to paternalism'.²⁹ Scarre's error here lies in confusing the right to do something with doing the right thing or, as Dworkin expresses it, 'someone may have the right to do something that is wrong for him to do'.³⁰ Indeed, Scarre himself wishes to defend the right of alcoholics to drink themselves ultimately to death. However, he seems to wish to deny children a right which adults have long enjoyed and exercised extensively – namely, the right to make mistakes. Adults have certainly not displayed any nurtured or obvious capacity to make wise judgement and avoid mistakes. A brief review of human history reveals a catalogue of blunders. It is adults who have chosen to pollute their environment with industrial, chemical and nuclear waste, fought wars, built concentration camps, segregated people because of the colour of their skin, and it is adults in developed countries who stupidly and insensitively eat their way to a premature death through coronary disease while many starve in the Third World. It is hard to imagine how this finely developed capacity for damaging incompetence could be exceeded by children. But, since we do not believe that adults should be denied rights because they make mistakes, it is both inconsistent and unjust to argue for the exclusion of children on this ground.

Harris makes the point squarely. If the 'justification of paternalism lies in the desirability of the reduction of vicious mistakes', then 'it would be absurd if one class could become licensed, by something as absurd as chronology, to make such mistakes and another not'.³¹ As adults we consider mistakes to be something from which we learn rather than need protection. Children can also learn from their mistakes, and by giving them responsibility at an earlier age it may be possible to remove or at least reduce the more serious consequences of unwise choices. Errors are an inevitable part of the maturation and learning process. As Feinberg acknowledge's, 'Even children, after a certain point, had better not be "treated as children", else they will never acquire the outlook and capability of responsible adults'.³² It is almost certainly true that in later life I will come to regret a number of the decisions I made in my youth, perhaps I will even come to consider them as mistakes, but this does not make a case for intervention. Everyone changes and develops new needs, attitudes, interests and purposes as they progress through life. But I cannot make current decisions in the light of how I might assess them in ten or twenty years' time, or try to take account of how my attitudes might have changed in the interim; current decisions must be based on current wisdoms and follies, no matter how limited. So why establish an arbitrary age of eighteen 'rather than 11 or 31',³³ below

which attempts are made to protect people from the possibility of making mistakes and learning from them. It would be curious if, with the benefit of hindsight and the more thorough reflection which time allows, I could not see more possibilities and alternatives in my situation than were visible at the moment of taking the decision – whatever my age.

Scarre's view that paternalistic intervention in children's lives can be justified by reference to a presumed absence of rationality in young people, and hence the likelihood of their making harmful mistakes, is therefore seriously flawed in a number of ways. There is no agreed view concerning what constitutes rationality, even when the more rigorous and scientifically based discussions deriving from developmental psychology are invoked, and this clearly generates problems. Those who, like Scarre, try to put aside such difficulties offer unsatisfactory and in his case tautological definitions which stipulate a very narrow meaning for the term. Moreover, the presence or absence of rationality does not justify the exclusion of children from political rights but the exclusion of, if anyone, the irrational. This category may involve many adults who currently enjoy political rights; conversely, the yardstick of rationality may enfranchise many children. This confusion in turn leads to the employment of double standards. Confronted by the apparently irrational behaviour and mistakes of both adults and children, paternalism is deemed appropriate only for the latter group. Most important, paternalism, sanctioned on this ground, produces an adult political elite which, in the name of protection, interferes in children's lives and represses and damages their potential for learning and development by denying them the possibilities for growth.

Paternalism is traditionally supported on two further grounds: that of 'future-oriented consent' and that of 'lack of self-maintenance'. The argument centring on 'future-oriented consent' claims that parents have not only a right, but a duty, to restrict a child's freedom and take decisions on the child's behalf where it is necessary in order to promote the best interests of the child. However, the parental right to intervene is limited by the fact that the child must eventually acknowledge the wisdom and correctness of that intervention. Paternalism may therefore be thought of as a wager by the parent on the child's subsequent recognition of the wisdom of restrictions. There is an emphasis on what could be called future oriented consent – on what the child will come to welcome, rather than on what he does welcome.³⁴ However, such a position raises the obvious logical difficulty that, if the justifiability of paternalistic intervention is really to depend on future consent, there is no way of knowing at the time

of the intervention whether it is justified. But a more serious objection can be raised.

There is a danger that the consent to intervention which is achieved at some future date is itself the product of the process of intervention; that is, consent is manufactured, created or contrived by the very process of intervention.³⁵ Thus the child's later consent to intervention is not necessarily evidence of its legitimacy. To give an example, a child who is forced by parents to attend church, pray and read the Bible may indeed concur, if asked at some future date, that they now consent to the earlier parental wish that they should come to an understanding of God's love and compassion and enjoy a religious life. But what is the credibility of such consent when the hallmark of all processes of socialization, up to and including brainwashing, is that the person violated in this way should be happy in the acceptance of their newly acquired beliefs and values? Rawls has a forceful example:

imagine two persons in full possession of their reason and who will affirm different religious or philosophical beliefs, and suppose that there is some psychological process that will convert each to the other's view, despite the fact that the process is imposed upon them against their wishes. In due course, let us suppose, both will come to accept conscientiously their new beliefs. We are still not permitted to submit them to this treatment.³⁶

Despite Rawls's warnings, the notion that it is acceptable to force children to do things which they currently object to doing, but which they will subsequently endorse, has proved popular with paternalists. Freeman, for example, defends compulsory education on the grounds of its ultimate desirability and unquestionable worth. 'A morally neutral theory of the good would', he believes, 'require adolescents to undergo education whether they wished to do so or not. That many would not is a sign that short term gains rather than lasting benefits were uppermost in their thoughts.'³⁷ Freeman, however, is really rigging the argument here to the extent where even disagreement with the argument is taken to be evidence of its correctness; those unable to see the benefits of education have clearly not received enough education. But some of us genuinely believe that much of the educational provision we received was a valueless waste of time and are not convinced that 'lasting benefits' are always to be preferred to 'short-term gains'. Not all are in agreement with Freeman's rather naïve and liberal view that it is through education 'that adolescents

acquire the capacity for full autonomy'.³⁸ Althusser³⁹ has argued quite convincingly that education is one of a number of ideological state apparatuses through which a dominant social class imposes its conception of the world, thereby repressing possibilities for rationality and generating precisely the contrived consensus which so worries Rawls.

The third defence of paternalism, which has its origins in Kant's work, claims that paternalism is justified by children's presumed incapacity for self-sufficiency. In Kant's words, 'The children of the house . . . attain majority and become masters of themselves . . . even without a contract of release from their previous state of dependence. This view at first sight appears credible, since it seems reasonable that those who are not self-sufficient will require and appreciate assistance, support and protection from others. However, the criterion of self-sufficiency fails to distinguish adults from children and unless given greater precautions could be used to justify a range of further unwarranted interventions among adults as well as children. The handicapped, the sick, the unemployed and the elderly all lack self-sufficiency in the sense that they need various kinds of assistance from others, on either a temporary or a permanent basis. It is a dubious moral claim that anyone who lacks self-sufficiency must be subject to the coercion and intervention of others in their affairs. Morality aside, the important point for present purposes is that such a claim does not serve to distinguish children from adults. Moreover, in any society, all members rely on the expertise, competence and capacities of others. Everyone at some time lacks the self-sufficiency to mend a leaking tap, repair a broken television, heal a sick person, remove an aching tooth.⁴¹ We constantly depend on others for our supplies of water, power, lighting, heating and food production and distribution. Societies are by necessity built on the mutual interdependence and communitarianism of their members, and children are not unique in needing assistance to survive and flourish. To isolate one group within society and insist that they alone should display the mythical qualities of latterday Robinson Crusoes, or else be denied political rights, is unjust.

Criteria for establishing competence to vote

I have tried to argue that age cannot be related to competence in order to provide a convincing criterion for distinguishing those who should possess full political rights as citizens from those who should not. But,

if age cannot discern fitness for citizenship, how is the problem of political inclusion to be resolved? What skills, characteristics or knowledge are necessary to establish a claim to political rights? Schrag assesses the merits of allocating voting rights according to success in a test of electoral competence, while Harris, more generously, advocates voting rights for everyone who can be classified as 'a person'. I shall discuss these two options and offer a third solution to the problem of inclusion, which has its roots in John Holt's work.⁴²

Schrag is unhappy with a specified minimum age qualification for voting. One alternative would require that 'any prospective voter must pass a fitness test to qualify', even though such a test might be considered 'unpalatable.'⁴³ Schrag's test would require potential voters to illustrate a knowledge of the respective ideologies and policies of the major political parties. The test would have certain affinities to a driving test, since the information upon which questions were based would be freely available to all citizens, in much the same way as the highway code.⁴⁴ Schrag offers a sample question: 'Is the following point of view more representative of the Republican or the Democratic Party? Government ought to see to it that old and poor people get good medical care.'⁴⁵ Schrag seems to disregard the fact that many adults are not always well informed about policies and that their knowledge is often an individual interpretation of parties' public pronouncements. He does however acknowledge a danger that some children might learn or memorize sufficient information to pass the test, without really understanding what they have learned (although he does not mention that adults might do likewise), but he considers that these technical problems in implementing the test can be easily overcome. Schrag appears, at least initially, to favour such a procedure. The test would discriminate against those who lack the capacity to vote, but would 'not directly discriminate against any other identifiable minority group'; whereas existing procedures 'discriminate against capable voters under eighteen'.⁴⁶ Schrag acknowledges that there are a number of objections to such an eligibility test, and these weigh so heavily with him that he concludes by endorsing the age qualification he has so successfully called into question. By arguing here against Schrag's objections to a fitness test, I seek not to endorse the test but to criticize his view that it is acceptable to revert to an age of majority. Three objections to a test seem particularly persuasive to him.

First, a fitness test would ensure an informed and competent but not necessarily responsible electorate which would 'take their vote seriously';⁴⁷ responsibility is a product of maturity and guaranteed with age. But, if adult voters 'take their vote seriously', why is rainy

weather considered electorally good for the Conservative Party? Why did Harold Wilson change the date of the 1966 general election when he realized it clashed with the English football team's performance in the World Cup, and why did the Labour Party sponsor a 'Song for Europe' competition to generate interest in the 1984 elections to the European Parliament? The use of such tactics by politicians suggests they remain doubtful that the electorate can be both serious and responsible.

Second, Schrag claims that the age criterion does not favour any special interests or groups in society. An eligibility test may favour the well educated who, for Schrag, are synonymous with the rich. The age criterion, however, discriminates equally against all: 'the children of Republicans, or the affluent or whites and the children of Democrats or the poor or blacks are all equally excluded.'¹⁸ But this, of course, is precisely the objection: all children are excluded from political participation. Children – like blacks, whites, rich or poor – constitute a group with a common characteristic; in this way, a coherent section of the community is unrepresented. This is not discrimination 'equally against all', but simply discrimination against children. Schrag's claim that the exclusion is 'temporary', inasmuch as children ultimately mature into adulthood, does not excuse the injustice. Schrag confuses the child as an individual with children as a group. Individual children grow and 'move up' into political enfranchisement but, as an excluded class, children remain permanently disfranchised and politically ineffectual.

Schrag's third objection to a fitness test is that it leaves the question of political eligibility 'within the realm of human control'.⁴⁹ Where this is so, there remains the fear that powerful groups will try to manipulate the test to exclude other groups; Schrag acknowledges that this was the case with southern racists who attempted to exclude potential black voters. What Schrag fails to acknowledge is that the age qualification is a human choice, which can be changed by human initiative and which by conscious human purpose 'illegitimately disfranchises a proportion of the electorate'.⁵⁰ Convinced of the absurdity of an age qualification, but timorous of the potential hazards of a fitness test, Schrag opts for absurdity. He concludes: 'one is confronted with a choice between a known or at least an estimable injustice on one side and an unknown risk of injustice on the other.'⁵¹ Schrag is right to reject the elitism and dangers of the so-called 'fitness test', but wrong to resort to the injustices consequent upon a too narrow qualification for citizenship based on age.

Harris offers a different solution to the problem of political inclusion which, *contra* Schrag, is too broad in scope. His basic

assumption is that everyone who is a person is deserving of full political rights. The traditional distinction between adults and children is unhelpful in deciding who should possess rights. It must be replaced by a distinction between 'persons' and 'non-persons'; this will, in turn, distinguish those deserving rights from others. The question which Harris must address becomes 'How then do we recognize beings as people?'⁵² He lists a number of minimum requirements, chief among which is that persons must 'value their own lives', must have a conception of their life as their own – 'that they had a life to lead and valued leading it'.⁵³ This in turn requires a number of other faculties. The creatures must be self-conscious and have an awareness of themselves as beings existing over time. It requires that they have decisions to take and plans to make, and this necessitates some intelligence and the ability to use language.

If these are the characteristics which define a person, and therefore someone deserving respect, dignity and rights, says Harris, then it is difficult to exclude children. Harris is quite correct. However, the problem with his formulation is that it is not only difficult to exclude children: it becomes as difficult to exclude anyone or, indeed, anything. If the prime characteristic of a person is that they 'value their own lives', few, except the suicidal, might be denied the title 'person'. Equally, if it could be agreed that the ability to take decisions and make plans did not require language, or if a broad definition of the term 'language' is accepted, then it would be quite difficult to exclude some animals from Harris's view of a person. Harris acknowledges, if somewhat reluctantly, this conclusion to his argument. 'Where we have reason to suppose that beings, while not possessing language (or not giving evidence of such a capacity), are nonetheless self-conscious beings, aware of themselves existing over time and valuing existence' (in Harris's terms a 'person'), 'then we will have reason to include these creatures as well.'⁵⁴ Harris's admirable desire for egalitarianism commits him to answer the question 'Who is a citizen?' in a way which few could accept as legitimate.

I would suggest that the most persuasive solution to the problem of political inclusion can be provided by resurrecting a simple proposal made by John Holt, which is endorsed by the research literature on political learning and childhood political socialization. Holt's prescription is as appealing as it is simple. He doesn't wish to lower the voting age incrementally but seeks 'the right to vote for people of any age. No one should be left out.'⁵⁵ Eligibility, on his account, is determined by awareness and interest in political affairs. Everyone should have the right to vote when their interest, knowledge and involvement in politics are sufficiently developed to motivate them so to

do; as interest develops, so participation will increase. This does not mean that all children would vote, and it seems probable that very young children with only a marginal, if any, interest in politics would abstain. Holt considers that few six-year-olds would exercise their vote but that ten-year-olds would be different, since they seem to understand at least as much about the world and its problems as I or most of my friends did when we left college.⁵⁶ Children themselves are enthusiastic about the possibilities of voting. Consider the following:

We've got to vote. I mean, us children. We're not allowed to vote until we're eighteen, the Government said that. But I think we should have more say – in the Common Market and things. We might make the wrong suggestions, but at least we've tried to be more mature in our ways.⁵⁷

The exchange quoted below emerged when two children were asked if there 'should be something like a children's vote? Or should you have an adult vote?'⁵⁸

Janet: Yes I think we should. Each family discusses it with their parents first, and then the parents give in the vote that we've all settled at together. Not just the parents saying: 'Right I'm voting for the Conservatives, right, that goes in ...'

Jamie: I think it should be a separate children's vote, not a family, because they'd all have different views about it, and what would they vote then? It should be a separate vote.⁵⁹

The discussion cited here reveals not only a capacity to discuss quite complex and sophisticated problems but an ability to isolate and define potential problems if electoral arrangements were altered. Little wonder that the researcher who taped the interview queries whether 'children's abilities to handle abstract ideas contradicts much in our present assumptions about what nine year olds, and even eleven year olds can do.'⁶⁰ Moreover the exercise of franchise hardly places any intellectually onerous demands on adults. The whole process of voting has been consciously designed for simplicity. Not even basic literacy is a requirement to place an X against the chosen candidate. Holt's formula is attractive because it would allow those young people who are interested in politics, who do understand and are concerned about the issues involved in policy decisions, to help form those decisions. In addition, a franchise of this type could avoid the fatuous criticism which usually assumes the form 'I can just see

my two-year-old voting.' Of course two-year-olds will not vote, since they are likely to be interested in things other than politics at this age. But whoever imagined they might?

Holt's suggestion, which might be termed 'participation according to interest', or a 'creeping franchise', mirrors adult electoral behaviour. Adults vote when they are sufficiently interested in the issues upon which the election centres. Accordingly, turnout varies substantially. The 1983 British general election attracted 72.7 per cent⁶¹ of the electorate, while the elections to the European Parliament in June 1984 inspired only 30 per cent of the electorate to vote.⁶²

Existing research on childhood political socialization and political learning suggests that Holt's advocacy of a revised suffrage would not make demands which were beyond children's competence. This research is concerned to answer questions such as 'How are political ideas and attitudes acquired?' and, more important for present purposes, 'When?' The answers are, of course, complex, but there is substantial agreement in some areas.

Political socialization is a long process which starts very early in life. Although political learning is continuous, it is accelerated and more rapid in certain periods of the life cycle, which makes such periods more important than others in the overall process.⁶³ Childhood years are such a period, since 'in childhood we find the roots of adult political life', and 'in many respects the pre-adult years are those when the most significant political learning takes place.'⁶⁴ The development of political knowledge and attitudes can be traced by dividing the pre-adult years into three phases: early childhood (ages five to nine), late childhood (ages nine to thirteen) and adolescence (ages thirteen to eighteen).⁶⁵

Early childhood is a period of substantial learning when basic political attachments are established and children learn to identify themselves with a particular race, class, nation and political party.⁶⁶ Indeed, 'every piece of evidence indicates that the child's political world begins to take shape well before he enters elementary school and that it undergoes the most rapid change during these years.'⁶⁷ Along with these fundamental political identifications, the early childhood period, according to Greenstein, is when young people begin to form attitudes towards political authorities and leaders – monarchs, prime ministers, members of parliament and presidents. Children display a tendency to personalize political authorities and view them in an unduly benevolent fashion. Greenstein comments that the 'most conspicuous difference' between adults and children was in 'attitudes of cynicism and distrust towards politics. Virtually no children entertained these widespread adult views.'⁶⁸

Late childhood from the ages of nine to thirteen is acknowledged by research findings, to be the most significant period for developing personal and social attitudes that are reflected in political choices.⁶⁹ Two aspects of the child's development are noteworthy. First, the basic identifications of early childhood are consolidated and reinforced by an increased political knowledge and information. Second, young people develop a more discriminating, critical and sophisticated attitude towards political matters. By the age of thirteen a person has acquired the 'major components of a mature political self. Basic political attachments and identifications are well established. . . . By early adolescence much of the political world has been mapped out.'⁷⁰

Adolescence, the final phase of pre-adult learning, is a period when the existing view of politics is refined and the capacity for abstract thought develops.

Two comments about these research findings seem appropriate. First, people learn political identifications, knowledge, awareness of political problems, the capacity to discuss them, assess them and make decisions about them, at a much earlier age than popular opinion imagines. Second, the pace of political learning is, at least in part, a product of that popular opinion. If adults acknowledged young people's capacities to discuss political issues, those capacities would be nurtured, enhanced and, perhaps, show signs of even earlier or accelerated development. An obvious question needs to be asked. If political skills develop at such an early age, and if young people appear to possess similar capacities to adults in this respect, would the granting of political status to children make any difference to the outcome of elections? The answer, of course, is no. For self-evident reasons, there are difficulties in marshalling evidence to support such a view. What can be done is to compare the voting behaviour of the youngest section (eighteen to twenty-two) of voters with that of other age groups. This is a useful comparison, because, prior to the lowering of the age of citizenship from twenty-one to eighteen in 1969, the majority of these young voters would not have enjoyed suffrage. In the 1983 general election young (eighteen to twenty-two) voters' support for the three major political parties was 41 per cent for the Conservative Party, 29 per cent for the Labour Party and 30 per cent for the Liberal/SDP Alliance.⁷¹ The overall result of the election gave the Conservative Party 42 per cent, the Labour Party 29 per cent and the Liberal/SDP Alliance 25 per cent of the total vote.⁷² The political allegiances of young voters with the exception of support for the Alliance seem to be a very close reflection of the general voting pattern for all age groups. There is a need for caution

here because turnout of eighteen- to twenty-two-year-olds in the 1983 election was only 53 per cent and the trend, first evidenced in 1979, for young people to move away from Labour support continued in 1983. The myth of a radical, left-wing, young electorate remains sadly just a myth or perhaps it is simply that young people do not consider the Labour party to be radical? Whichever is true, there is no reason to believe that, if the age of citizenship were lowered to fifteen, there would be any critical difference in the outcome of an election. Young people, like any generation or age group, are heterogeneous in composition, displaying differences of gender, class, race, wealth and educational attainment, and it is these attributes rather than age which become evident in a diversity of political allegiance. Extending the franchise to children would not radically change the electoral support of any particular party. If research in political learning is correct, the differences of political opinion evident between children are simply a portent of adult political divisions. As Greenstein notes, 'differences in the political participation of adults of different social class background and of men and women are clearly presaged by similar differences among preadolescent children.'⁷³

Holt's case for extending the suffrage to children has much to recommend it, but I envisage four immediate objections, three may be dealt with briefly since they have, in part, been met before, but the fourth deserves lengthier consideration.

First, it will almost certainly be claimed that young people are ignorant of political affairs — 'that they would not know a good policy from a bad one'.⁷⁴ If this is true, then it is a truth which extends to adults and we must take care not to use double standards. In a political system where voters' ignorance of issues is readily acknowledged, and where 'no amount of ignorance, misinformation, or outright delusion will bar an adult from voting',⁷⁵ it is a weak argument to suggest that a presumed ignorance of political affairs is sufficient grounds to exclude children from citizenship. The major point here is that arguments about ignorance are spurious. People should possess a vote, not because they are specialists in some area of government or because they have detailed knowledge of some aspect of political life, but because it is a matter of justice that they do.⁷⁶ Democracy requires that everyone should have the right to participate in making political decisions which will affect their lives.

A second, related claim is that children should not be considered responsible electors and may cast their vote frivolously. While there is no evidence to support such a view, there is substantial literature which suggests that adults are less than responsible in their electoral

motives. Harrop and Hague lament that 'By and large . . . hopes have been dashed' that voters will 'cast their vote in an informed and intelligent way',⁷⁷ while McLean suggests humorously that many voters appear to have a predisposition to vote for the first candidate on the ballot paper. Since candidates are arranged alphabetically, it is not surprising that this habit 'benefits politicians whose names begin with the letter A', or produces a preponderance of twentieth-century prime ministers with surnames beginning with A, B or C.⁷⁸ As with the first claim, dual standards are unacceptable. If voters are to be excluded when it can be shown that they may vote frivolously, then this proposal would disenfranchise many adults.

Third, it might be argued that children are more likely to vote on the basis of the personality of the party leader than on the policies of the party. It is true that children tend to have an extremely benevolent and uncynical view of political authority which political leaders could exploit to their advantage, but these attitudes exist only in the period of early childhood and are transcended around the age of nine. Adults too are not indifferent to personalities when making electoral choices. 'Leaders, party policy, self-interest and sheer partisan loyalty' all influence voters to some degree, and 'disentangling precisely their separate effect is impossible'.⁷⁹ Moreover, the different personalities of the party leaders are relevant considerations which any voter might wish to take into account when assessing a party's potential for successful government and the achievement of its objectives.

Finally, it could be argued that there is a danger that parents might seek to exert influence upon children and coerce them to vote according to their preferences. This not only would render childhood suffrage meaningless, but would confer political advantage on those with children. This objection can be met in a number of ways. First, if children had the right to vote and enjoyed a greater autonomy and responsibility for their affairs, they would be likely to be much less readily influenced by adults. Children would probably value their own judgement and grow in independence so that parental influence would diminish. Holt makes a related point when he claims that a society which had changed its attitude towards children sufficiently to acknowledge their right to vote would be a society in which adults would not seek to coerce young people, or, if they did, such interference would be frowned upon.⁸⁰ Second, a secret ballot ensures the child's autonomy, since no adult could discover the child's electoral choice. Third, the argument must be conceded in a special sense. The most influential determinant of our political allegiance is the political preferences of our parents. If I had to guess the party for which a particular individual voted and I could ask only a single

question (excluding 'Which political party do you vote for?'), I would be advised to ask 'Which political party do your parents support?' Butler and Stokes's study revealed that 89 per cent of Conservative voters have parents who are both Conservative voters and 92 per cent of Labour supporters have parents who both support the Labour Party. The children of 'politically mixed' marriages divided 48 per cent Conservative and 52 per cent Labour.⁸¹ These data are, of course, complicated by the emergence of the SDP/Liberal Alliance, but such evidence suggests that, whether we are ten, thirty or sixty when we vote, the electoral behaviour and preferences of our parents are a powerful and lasting influence; to exclude only young people because of parental influence is therefore unjust.

Conclusions and prospects

In this chapter, I have tried to argue that the denial of political rights to children offends fundamental democratic principles and that the division between citizens and non-citizens, based upon age, is incoherent and cannot be sustained. I have tried to develop a different proposal which is more positive in its appraisal of children's capacities and their political interest and potentials. This would give rights to all young people but presumes that the majority of very young children, given their probable lack of concern for political affairs, would not utilize their franchise. There is, of course, a problem of abuse with such a procedure, although I consider it to be less substantial than might be imagined. Moreover, the potential danger of a few children voting who perhaps should not be far outweighed by the actual injustice involved when large numbers of children who are interested and informed about politics and wish to vote are excluded from so doing. The scale of the current exclusion of 12½ million children is massive and somewhat akin to denying voting rights to everyone in Greater London. Giving children the right to vote has distinct advantages over other proposals aimed at the protection of their rights. Various institutional devices have been suggested, such as an ombudsman for children, a minister for children, a select committee on children as well as a children's council and children's congress discussed in the Deakin Report.⁸² The advantage derived from enfranchising children is that the responsibility for securing the best interests of children and protecting their rights would reside with children themselves. For the first time, children could deploy their vote to guarantee the enjoyment of their rights and the prosecution of their interests; child perceptions would replace adult interpretations of children's rights.

Research evidence suggests that the party political implications of change would be minimal, with no party finding its support disproportionately enhanced. But the abolition of age-related rights would lead to change in at least three areas.

First, it would be reasonable to speculate that all political parties would give higher priority and emphasis to policies relating to youth affairs than at present. There would be a new section of the electorate to be wooed which, if disappointed, could hold the parties to account. Second, it could lead to the democratization of the whole range of educational, social and welfare institutions of which young people are currently the major consumers. If, for example, education were not compulsory, it is hard to imagine that many teachers could attract an audience for their tedious diet of rote learning and inconsequential knowledge. Young people would probably demand greater participation in all aspects of the operation of their school community, from issues of uniform to curriculum design. Similarly, the acquisition of suffrage would possibly initiate substantial reforms concerning children's rights in care and within the juvenile justice system.

Finally, I believe that the absence of all age qualifications, not simply political (dis)qualifications, would mean that young people could develop skills and potentials at a much earlier age across a variety of activities. If young people's efforts were taken seriously, criticized, evaluated and assessed in the way that as adults we assess each other's work in a dialogue between equals, then children's skills and intellectual achievements could be enhanced to a degree which, by existing standards, would appear precocious. Firestone makes this point when discussing the early life of Louis XIII, who grew up at a time when there was little division between childhood and adulthood. At seventeen months the Dauphin played the violin. At three he learned to read, at four to write. By five he was a keen archer who enjoyed chess and card games. The Dauphin was no exceptional genius; indeed, he proved himself to be no more intelligent than any average member of the aristocracy.⁸³ Political equality would require adults to take young people more seriously and abandon patronizing attitudes which systematically underestimate and indicate disrespect for their abilities. If these are some of the possible implications of the extension of franchise to young people, I welcome them.

But what is the likelihood of such political reform? 1985 was International Youth Year (IYY), which, although a good deal less successful than its predecessors for women and the disabled,⁸⁴ served to some extent to focus attention on the problems facing young people and prompted a number of initiatives to extend their rights. Two are especially worthy of mention.

First, a private member's bill, the Youth Charter as it became dubbed, was introduced on the first parliamentary day of IYY by Jim Wallace (Liberal), the youngest member of the House. The purpose of the charter was to 'establish rights and create a framework within which young people could participate more fully in the affairs of the community'.⁸⁵ The charter offered three specific proposals. First, the voting age should be lowered to sixteen. Second, young people should be represented on a range of local committees including health councils, local education authority committees, the Police Authority and local MSC committees. Finally, democratically elected youth councils should be established, to 'ascertain, coordinate and express to the local authorities for its area, and to public authorities, the views of the young people it represents'.⁸⁶ The charter's status as a private member's bill, coupled with its contentious proposals, meant that its chances of success were slight. A second reading was deferred from 19 April to 5 July, when it was placed twenty-third in order of business; in the language of parliament, it had fallen.

The Youth Charter was a laudable, if small, step in the direction of achieving representation for young people, but it was rather naive in its recommendations and could be criticized on two grounds. First, to give young people rights is of little use unless they also achieve an understanding of how to exercise them. The mere possession of rights without this knowledge can lead to the worst sort of tokenism, with young people being manipulated by more experienced participants. Second, meaningful participation must be participation on a genuinely equal basis, and age is only one obstacle to the achievement of such an objective. The discussions of girls' rights and black children's rights, in later chapters, illustrate quite clearly how discrimination on the basis of gender and race systematically undermine the capacities of girls and black children to participate equally, in many areas of their lives, where the right to equality of opportunity and equal participation are formally guaranteed by law. Similarly, the inequalities and advantages which derive from the possession of wealth, a high level of income or a superior educational background, which make effective participation a sham for so many adults, must also be confronted. These problems, however, are more resilient to change. Reforms of political rights guarantee no magical panacea for equality unless they are made in tandem with economic, social and attitudinal changes.⁸⁷

A more significant development for children and their political rights in IYY was the emergence of the Youth Trade Union Rights Campaign (YTURC). In 1985 YTURC organized strikes in opposition to the government's proposals to make Youth Training

Schemes (YTS) compulsory for all school-leavers without a job. On 21 March 20,000 schoolchildren went on strike in Glasgow. This was followed by a national half-day strike on 25 April which, because it involved 200,000 children, was the largest demonstration by children in British history. Four thousand attended a rally in Liverpool, a thousand marched in each of the cities of Belfast, Cardiff and Manchester, there were strikes in sixty other towns and cities, and children were arrested in Reading and Stoke-on-Trent as police tried to stop the children's protest.⁸⁸ Leading members of all the major political parties condemned the day of action. The TUC General Council, Neil Kinnock and the majority of the Labour Party National Executive Committee spoke out against YTURC and evicted it from Labour Party headquarters in Walworth Road. Some Labour MPs supported the strike with Tony Benn urging the party to identify with it, insisting that if the Labour Party wished to attract young people to its ranks it was not enough 'to encourage school children to listen to Billy Bragg protest songs'.⁸⁹

Despite the derision of adult politicians, YTURC's claims reveal a sophisticated and radical understanding of youth training. YTURC want training schemes at trade-union rates of pay, guaranteed jobs upon completion of training, and no use of YTS labour to substitute for someone previously working at a proper rate for the job. What is significant about the emergence of YTURC is that it illustrates young people's capacities to analyse political issues that concern them and to initiate and organize themselves politically without assistance from adults. They understand that conventional party politics currently largely ignores their demands and offers few possibilities for change. The joint president if IYY commented:

We've got to bypass the existing channels because they're not listening anymore... It's down to young people... to seize their own power.⁹⁰

However, any organized attempt by children to secure their rights faces a unique set of obstacles which the campaigns to secure black and female suffrage, for example, never had to confront. There is the problem of lack of money. Most children have no independent access to cash and receive only trivial sums, usually from adult sources. There are the difficulties involved in producing leaflets, organizing meetings, or mounting a systematic campaign, which arise from the fact that children's organizational, administrative and formal educational skills are less well developed. Children are also under the constant surveillance and control of adults both at home and at

school. In both environments they can legitimately be subjected to emotional or physical punishment for behaviour which does not meet with adult approval. Children organizing for political rights will probably be treated initially with ridicule and derision, and then with misunderstanding and perhaps eventually violence if the experience of the struggle for women's suffrage is any precedent. Undoubtedly the greatest obstacle to be overcome is the adult refusal to acknowledge that children suffer political discrimination and exclusion. Adults do not perceive children as a minority group but as helpless, inexperienced, defenceless young people who need protection. Adult paternalism seeks to protect and if in this process it curtails freedom, truncates potentials and destroys civil liberties this is taken to be incidental. The belief in the legitimacy of paternalism justifies and cements the existing power relationships between adults and young people. This attitude must be confronted, challenged and refuted if young people are to secure their political rights.

Notes

- 1 F. Schrag, 'The child's status in the democratic state', *Political Theory*, 3, 4 (1975), p. 445.
- 2 R. Dahl, 'Procedural democracy', in *Philosophy, Politics And Society*, ed. P. Laslett and J. Fiskin, 5th series (Blackwell, 1979), p. 128.
- 3 For an attack on what they term 'the child's best interest syndrome', see H. Geach and E. Szewed, *Providing Civil Justice for Children* (Edward Arnold, 1983).
- 4 H. S. Harris, *Hegel's Development: towards the sunlight, 1770-1801* (Oxford University Press, 1972), p. 265.
- 5 Representation of the People Act (1969).
- 6 G. Haydon, 'Political theory and the child: problems of individualist tradition', *Political Studies*, XXII, 3 (September 1979), p. 405.
- 7 *Ibid.*
- 8 Scarre notes that there is a more substantial literature dealing with the rights of foetuses, animals and even plants: G. Scarre, 'Children and paternalism', *Philosophy*, 55 (1980), p. 117. There are remarkably few discussions of children's political rights. See Haydon, 'Political theory and the child'; Schrag, 'The child's status in the democratic state', and the reply by C. Cohen in *Political Theory*, 3, 4 (1975), pp. 458-63; J. Harris, 'The political status of children', in *Contemporary Political Philosophy: radical studies*, ed. K. Graham (Cambridge University Press, 1982), pp. 35-59; T. M. Reed and P. Johnston, 'Children's liberation', *Philosophy*, 55 (1980), p. 263-6; V. Worstfold, 'A philosophical justification for children's rights', *Harvard Educational Review*, 44 (1974), pp. 142-57.
- 9 B. Russell, *Principles of Social Reconstruction*, 15th edn, (Allen and Unwin, 1971), p. 100.

- 10 Dahl, 'Procedural democracy', p. 120.
- 11 G. Dworkin, 'Paternalism', in *Morality and the Law*, ed. R.A. Wasserstrom (Wadsworth Publishing Co., 1971), p. 108.
- 12 The phrase and the argument belong to Kant. See I. Kant, *The Philosophy of Law*, tr. W. Hastie and W. Clark (Edinburgh, 1887), p. 118.
- 13 J. Locke, *Two Treatises of Government*, ed. P. Laslett (Cambridge University Press, 1964), section 42, p. 321.
- 14 *Ibid.*, section 61, p. 326. Political theorists, when they have considered children at all, have always entertained a pessimistic view of their potential for political activity. See J.S. Mill, *Utilitarianism*, ed. M. Warnock (Fontana, 1969), pp. 135 and 211; T. Hobbes, *Leviathan* (Fontana, 1967), pp. 299 and 197; J.-J. Rousseau, *The Social Contract and Discourses*, Everyman (Dent, 1968), p. 234; Spinoza, *Ethics*, Everyman (Dent, 1963), p. 193; Kant on *Education*, tr. A. Churton (Heath, 1906), pp. 93 and 51. G.W.F. Hegel, *Hegel's Philosophy of Mind*, tr. W. Wallace and A.V. Miller (Oxford University Press, 1971), p. 60.
- 15 Worsfold, 'A philosophical justification for children's rights', p. 146.
- 16 See J. Piaget, *The Moral Judgement of the Child* (Routledge and Kegan Paul, 1968). Among those who have tried to use Piaget's work as a justification for paternalism are F. Schrag, 'The child in the moral order', *Philosophy*, 52 (1977), pp. 171-2, and M. D. A. Freeman, *The Rights and the Wrongs of Children* (Frances Pinter, 1983), p. 46.
- 17 H. Grinzberg and S. Oppet, *Piaget's Theory of Intellectual Development: an introduction* (Prentice-Hall, 1969), p. 181, quoted in Schrag, 'The child in the moral order', p. 172.
- 18 P. Ariès, *Centuries of Childhood* (Jonathan Cape, 1962), especially pp. 15-137; M. Hoyles, *Changing Childhood* (Writers and Readers, 1979); J. Walvin, *A Social History of English Childhood, 1800-1914* (Penguin, 1982).
- 19 Aiken argues, for example, that if rationality is the criterion for inclusion then such categories as those who are becoming senile must be denied political rights. See H.D. Aiken, 'Rights, human and otherwise', *The Monist*, 52 (October 1968), p. 513.
- 20 Freeman, *The Rights and the Wrongs of Children*, p. 46.
- 21 Scarre, 'Children and paternalism', p. 123.
- 22 *Ibid.*
- 23 *Ibid.*
- 24 Schrag, 'The child in the moral order', p. 171.
- 25 Dworkin, 'Paternalism', p. 120.
- 26 I. Berlin, *Four Essays on Liberty* (Oxford University Press, 1969), p. 148.
- 27 Scarre, 'Children and paternalism', p. 123.
- 28 D. Watson, *Caring for Strangers* (Routledge and Kegan Paul, 1980), p. 123.
- 29 Scarre, 'Children and paternalism', p. 123.
- 30 R.D. Dworkin, *Taking Rights Seriously* (Duckworth, 1977), pp. 188-9.
- 31 Harris, 'The political status of children', p. 54.
- 32 J. Feinberg, 'Legal paternalism', in *Rights, Justice and the Bounds of Liberty: Essays in Social Philosophy* (Princeton University Press, 1980), p. 110.
- 33 Schrag, 'The child in the moral order', p. 171.
- 34 Dworkin, 'Paternalism', p. 119.
- 35 See J. G. Murphy, 'Incompetence and Paternalism', *Archiv für Rechts und Sozialphilosophie*, 60 (1974), p. 482.
- 36 J. Rawls, *A Theory of Justice* (Oxford University Press, 1972), p. 249.
- 37 Freeman, *The Rights and the Wrongs of Children*, p. 4.
- 38 *Ibid.* This view is shared, however, by Amy Gutman, 'Children, paternalism and education: a liberal argument', *Philosophy and Public Affairs*, 9, 4 (1980), pp. 338-58.
- 39 L. Althusser, 'Ideology and ideological state apparatus', in *Lenin and Philosophy and Other Essays* (New Left Books, 1977).
- 40 I. Kant, *The Philosophy of Law* (T. and T. Clark, 1887), p. 118, quoted in Schrag, 'The child in the moral order', p. 173.
- 41 This point is made by Harris, 'The political status of children', p. 42, and H. Cohen, *Equal Rights for Children* (Littlefield Adams, 1980), p. 60.
- 42 J. Holt, *Escape from Childhood* (Penguin, 1975), ch. 17.
- 43 Schrag, 'The child's status in the democratic state', p. 452.
- 44 *Ibid.*, p. 452.
- 45 *Ibid.*, p. 457.
- 46 *Ibid.*, p. 453.
- 47 *Ibid.*, p. 453.
- 48 *Ibid.*, p. 454.
- 49 *Ibid.*, p. 454.
- 50 *Ibid.*, p. 454.
- 51 *Ibid.*, p. 47.
- 52 Harris, 'The political status of children', p. 47.
- 53 *Ibid.*, p. 47.
- 54 *Ibid.*, p. 55.
- 55 Holt, *Escape from Childhood*, p. 118.
- 56 *Ibid.*, p. 122.
- 57 O. Stevens, *Children Talking Politics* (Martin Robertson, 1982), p. 28.
- 58 *Ibid.*
- 59 *Ibid.*
- 60 *Ibid.*, p. 29.
- 61 B. Jones and D. Kavanagh, *British Politics Today* (Manchester University Press, 1983), p. 184.
- 62 *The Times*, 18 June 1984, p. 1.
- 63 R. Hague and M. Harrop, *Comparative Government: an introduction* (Macmillan, 1982).
- 64 R. E. Dawson, K. Prewitt and K. S. Dawson, *Political Socialization* (Little, Brown, 1977), p. 49.

- 65 This threefold division of pre-adult learning belongs to Dawson, Prewitt and Dawson, *Political Socialization*, pp. 49-63.
- 66 F. Greenstein, *Children and Politics* (Yale University Press, 1974), p. 8.
- 67 D. Easton and R. D. Hess, 'The child's political world', *Midwest Journal of Political Science*, VI (1962), pp. 237-8.
- 68 Greenstein, *Children and Politics*, p. 31.
- 69 Dawson et al., *Political Socialization*, pp. 53-4; Easton and Hess, 'The child's political world', pp. 237-8; Hague and Harrop, *Comparative Government*, p. 51; Greenstein, *Children and Politics*, p. 1.
- 70 Dawson et al., *Political Socialization*, p. 56.
- 71 I. Crewe, 'The disturbing truth about Labour's rout', *Guardian*, 13 June 1983.
- 72 Jones and Kavanagh, *British Politics Today*, p. 184.
- 73 Greenstein, *Children and Politics*, p. 155.
- 74 Watson, *Caring for Strangers*, p. 131.
- 75 Holt, *Escape from Childhood*, p. 128.
- 76 *Ibid.*, p. 118.
- 77 Hague and Harrop, *Comparative Government*, p. 122.
- 78 I. McLean, *Elections* (Longman, 1976), p. 28.
- 79 I. Crewe, 'How Labour was trounced all round', *Guardian*, 14 June 1983.
- 80 Holt, *Escape from Childhood*, p. 129.
- 81 H. Elcock, 'Young voters 1988: will they break the mould?', *Youth and Policy*, 2, 2 (Autumn 1983), p. 30.
- 82 N. Deakin, *A Voice for All Children* (Bedford Square Press/NCVO, 1982), pp. 31-7.
- 83 S. Firestone, *The Dialectic of Sex* (Bantam Books, 1972), p. 84.
- 84 'Will Youth Year be wasted on the West?', *The Times Higher Education Supplement*, 19 April 1985, p. 11.
- 85 Youth Charter Bill, no. 55, 9 January 1985, Hansard.
- 86 Youth Charter, section 3 (2).
- 87 The Labour Party also introduced *Labour's Charter for Young People* (Labour Party, July 1985). This was not a bill but a statement of its policy intentions in the area of youth affairs. A similar 'Charter' was introduced in the European Parliament by Kyriakos Gerontopoulos in July 1985. See *European Parliament Working Documents*, no. A2-71/85, 2 July 1985, and *European Parliament News*, 67 (July 1985), p. 1.
- 88 *Guardian*, 26 April 1985, and *The Times* 25 April 1985.
- 89 *The Times*, 25 April 1985.
- 90 'Rise, rise, protest and rise', an interview with Paul Weller, *Sanity*, 4 (April 1985), p. 19.

Further reading

- G. Dworkin, 'Paternalism', in *Morality and the Law*, ed. R. A. Wasserstrom (Wadsworth Publishing Co., 1971).

- F. Greenstein, *Children and Politics* (Yale University Press, 1974).
- J. Harris, 'The political status of children', in *Contemporary Political Philosophy: radical studies*, ed. K. Graham (Cambridge University Press, 1982).
- G. Haydon, 'Political theory and the child: problems of the individualist tradition', *Political Studies* XXCII, 3 (September 1979).
- J. Holt, *Escape from Childhood* (Penguin, 1975).
- G. Scarre, 'Children and paternalism', *Philosophy*, 55 (1980).
- F. Schrag, 'The child's status in the Democratic State', *Political Theory* 3, 4 (1975).
- O. Stevens, *Children Talking Politics* (Martin Robertson, 1982).