

# The Child as Citizen

Special Editor: Felton Earls

Article Summaries

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## THE CHILD AS CITIZEN

*The Annals of the American Academy of Political and Social Science*

Special Editor: Felton Earls

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## CHILDREN: FROM RIGHTS TO CITIZENSHIP

### **Felton Earls**

As the special editor of this volume of the *Annals of the American Academy of Political and Social Science*, Felton Earls explains how this volume was conceived; and why now. Marking the 20th anniversary of the UN General Assembly's adoption of the Convention on the Rights of the Child (CRC), this volume sets out to discuss issues of "child protection, political maturity, deliberative democracy, and intergenerational nondomination." More than simply laying out the organization of the volume and summarizing the key points of his contributors, Earls's introduction to his *Annals* volume details the CRC's evolution, the specific case of the United States—the only country, other than Somalia, not to have ratified the CRC—and the notion of citizenship.

Following the International Year of the Child, in 1979, the UN Commission on Human Rights set up an "Open-Ended Working Group" "to produce a legally binding human rights treaty for children." From this group emerged the CRC, which was adopted in 1989 and entered into force in 1990. And while the CRC "does not mention child citizenship—the focus of this volume—the CRC follows an uncompromising path along which citizenship, with its rights and obligations, can be envisioned." However, even with the impact that the CRC has had in many countries, "the CRC's 20th anniversary was not a significant event in the United States or in many other parts of the world. Many informed people remain either unaware of the CRC's existence or consider it utopian rhetoric." This volume sets out to counter this utopian claim by illustrating the very real ways in which the CRC has been successful and the very real ways in which children around the globe have or can lay claim to the rights enshrined in the convention.

The rights that the CRC encompasses include four "cardinal principles," which "advance

the participation of children in society; cite the provision of resources required for their survival and well-being; and specify their protection from discrimination, neglect, and abuse.” According to Earls, it is “the articles specifying the participatory rights [that] are arguably the most important in the pursuit of children’s citizenship.”

The United States initially played an instrumental role in this “pursuit of children’s citizenship.” After the UN approved the CRC, the U.S. Committee for UNICEF, backed by a national campaign, urged the Bush and Clinton administrations to ratify the CRC. “President Bill Clinton eventually signed the CRC but left office without getting it ratified. He did manage to sign the two optional protocols to the unratified CRC, one that prohibits military service for children under age 18 and another that criminalizes child prostitution and pornography.” But, as Earls tells us, all this was achieved with little or no public recognition. George W. Bush put the CRC before the Senate, “which in turn failed to advance” it. If the United States were to ratify the CRC, it “would be required to monitor the well-being of children and implement policies and programs to improve their lives.” There are “reasons for resistance” against U.S. ratification, Earls remarks, but “without establishing children as rights-holders, there is little utility in advancing their pathway to citizenship.”

“*Citizenship*,” Earls writes, “is a cluttered term.” The contributors in this volume, as Earls informs us, did not attempt to “delimit the terms *citizen* and *citizenship*,” perhaps partly because over the “course of the twentieth century,” citizenship has begun to be defined in global terms. And, “global citizenship is on course to rival nationality as the predominant determinant of our freedoms and well-being.” What the contributors of this volume did set out to do is presume, as the common ground, the “historical, legal, and ethical aspects of the CRC.” Because “childhood

is a developmental phase of overwhelming potential for enhancing democratization,” this volume’s contributors focused on age as an “artificial barrier to citizenship.”

***Felton Earls** is professor of social medicine at Harvard Medical School and professor of human behavior and development at Harvard School of Public Health. His interests span child mental health, epidemiology, and human rights. From 1990 to 2005, he was the principal investigator for “The Project on Human Development in Chicago Neighborhoods,” a multilevel, longitudinal study on the causes and consequences of children’s exposure to violence. His current project, the “Ecology of HIV/AIDS and Child Mental Health in Tanzania,” is a community-level randomized control trial aimed at strengthening children’s capacity to promote community health in the context of the HIV/AIDS epidemic.*

## A HISTORICAL CONTEXT FOR THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

### **Paula Fass**

Going against the grain of traditional historical accounts, historian Paul Fass focuses her article on the twentieth century to illustrate how the international community arrived at the Convention on the Rights of the Child (CRC). Rather than going “back quite a distance to understand events,” as most historians do, Fass utilizes this particular century to help us to understand better the “tensions and contradictions” that emerged in the West between the ideals about and the realities of the treatment of children during that time.

“To understand why the CRC did not simply evolve from the earlier League of Nations Declaration of Geneva,” contends Fass, “it is important to acknowledge that by the middle of the twentieth century, child advocates recognized the harms that had been done to children after a period of elevated expectations about our abilities to protect them.” This idea about the ability to protect children was reflected in legislation directed toward children, which addressed improvements in public health, such as child vaccines and access to clean water, and a growing emphasis on the important role schools played in shaping better children and better citizens. The protective focus of the legislation, though, created problems, because, as Fass informs us, “it usually involved serious intrusion into family authority, and often caused friction with the very population it aimed to serve.”

While the public face of children’s well-being was changing, it was accompanied by a changing private face as well—the mother’s role in child rearing. Encouraged by development experts, mothers in America and elsewhere, during the early part of the twentieth century,

became confident that they could raise “well-balanced and well-adjusted” children. The establishment of progressive education, summer camps, and kindergartens reflected these views, and that of Western nations; namely, that “a more protected and well-nurtured” childhood “could turn out happy and productive young citizens.”

The reality of the harms done to children, despite these protectionist ideals, though, emerged with World War I. During the war, women and children, too, became victims of war-time atrocities. Journalist and photographers (and later, in World War II, filmmakers) objectified the suffering children, making them the “objects of sentimental perspectives,” while explicitly victimizing them. It was “this confluence of spreading sensibilities, visibility, and active targeting of civilians in World War I [that] was, [Fass] believes, the initial setting for what would become a new commitment in the twentieth century to an international ideal of defining the rights of children.” With the astonishingly high rate of child mortality during World War II, the ideal about protecting “childhood” gave way to the necessity to protect children’s “humanity.” With this change in ideology, nongovernmental organizations (NGOs), Sweden, and women in the Western world took on new roles. The Swedish NGO Radda Barn played a pivotal role in moving the international discussion toward one of child rights, as did the Save the Children Fund in America. Due in part to the role the former organization played on the international stage, “activities in the international arena became a prominent part of [Sweden’s] postwar strategy.” And by the 1950s, Fass states, “Sweden had become closely identified with international organizations ... and its views, perspectives, and personnel became important to efforts on behalf of children.” And like their counterparts who established the Save the Children Fund, women in the West, particularly the United States, “moved into the public household to act on behalf of children. ...”

While women, Sweden, and NGOs helped to move the rhetoric surrounding children from protectionist to rights-based, these entities were still acting on behalf of children. It is perhaps not surprising then that by 1980, there was a “growing recognition ... that even in acting on their behalf, children could remain the voiceless objects of exploitation. ...” Thus, in 1989, a UN commission released the CRC, acknowledging “the limitations that bedeviled earlier charters and statements on behalf of children—the limitations of dependency.” This empowerment of children is vital as we go forward, for, as Fass concludes, with the “many hazards and ever new instruments of death ... children should have every possible tool in their own defense.”

*Paula S. Fass is the Margaret Byrne Professor of History at the University of California, Berkeley, and is the author of Children of A New World: Society, Culture, and Globalization (New York University Press 2007) and Kidnapped: Child Abduction in America (Oxford University Press 1997), among other books. Her memoir, Inheriting the Holocaust, was published in 2009 by Rutgers University Press.*

## MULTIGENERATIONAL CITIZENSHIP: THE IMPORTANCE OF RECOGNIZING CHILDREN AS NATIONAL AND INTERNATIONAL CITIZENS

### **Geraldine Van Bueren**

As one of the original drafters of the Convention on the Rights of the Child (CRC), Geraldine Van Bueren can speak firsthand about its impact. In her contribution, Van Bueren, who both practices and teaches law in England, discusses multigenerational citizenship as it relates to children, and how the CRC has or should change our idea of citizenship. Taking a decidedly human rights approach, she argues that “by configuring citizenship as multigenerational, space is created for moving toward a concept of citizenship that also embraces childhood.” Including children will, Van Bueren believes, encourage them to “voluntarily assume” the responsibility to participate in public policy. (Manifestations of such participation are seen in the establishment of child parliaments in countries in West and Central Africa, for example.) And she states definitively, “...any plausible legal or political theory ought to consider multigenerational citizenship’s impact upon citizenship theories.” It is, after all, these theories that imply the rights and responsibilities of citizens; and it is these inherent rights and responsibilities that can and should allow children “to directly increase their participation in both the national and global societies.”

Using the writings of Tom Paine as her backdrop and the drafting of the CRC as her contemporary context, Van Bueren sets up her discussion of national and global child citizens, or what she terms “multigenerational citizenship.” For, it is multigenerational citizenship that “conceptualizes” children as both. What is especially significant for the concept of

multigenerational citizenship, Van Bueren asserts, is the CRC's inclusion of "the best interests of the child" and the idea that children have "evolving capacities." That this former principle was reworked in the CRC's drafting implies the very importance of children's best interests internationally, as well as domestically. "In essence," she writes, "the best interests of the child, which originated as a compassionate self-limiting power upon adult discretion, has become transformed by the CRC into an expression of child legal affirmative action." The CRC likewise implies the responsibility of the state to "allow children to participate in all levels of decision-making in accordance with their evolving capacities."

Even with these children's rights and state's responsibilities, though, children have continued to suffer, 1) because the law has failed to act on its capacity to alleviate poverty and 2) because children's citizenship in the economic and social realms is still viewed as "evolving." Therefore, Van Bueren urges, because the "powers ascribed to the legislature rest upon the bedrock of universal suffrage. ...[there is a] need, at the very least, for child legislatures." While "several treaty bodies have the jurisdiction to receive complaints from children, their respective mandates are limited. ..." Thus, even as the drafting of the CRC has advanced and expanded on the idea of children's rights, that the CRC refuses to establish interstate complaint mechanisms limits the CRC's application, thereby limiting "the concept of children as world citizens and therefore as of equal concern to the world." "If a gauge were necessary," Van Bueren writes, "to measure how far the international social movement for children has progressed in its attitude toward child citizenship, a valuable gauge would be civil societies' attitudes...about developing a complaints mechanism [or 'communications measure']...to be used by children to protect their rights under the CRC." She goes on to discuss in detail what some objections have been to such a mechanism.

However, if we recognize that children are citizens of a nation-state and of the world, we can, as Van Bueren explains, “justify the need for an international remedy to be enshrined in the CRC.” And while Van Bueren recognizes, even knows, that the UN Committee on the Rights of the Child ([UNCRC] the CRC’s monitoring committee) can only suggest or recommend such complaint mechanisms, its doing so will “assist in the development of international citizenship for children.” Such a mechanism will also enable the UNCRC “to provide fuller and better-reasoned opinions” regarding children’s concerns. Van Bueren cautions, though, that if a communications measure were to be implemented, it should not try to replicate those for other treaties but remember, instead, the “special needs of child citizenship.”

The CRC has had many successes, which Van Bueren details. However, it is not without failures, too. But, Van Bueren, reminds us in her conclusion, “The CRC was never intended to be a universal cure for all the violations of the rights of child citizens.” What is more important, though, is that the CRC has “energized” many nations to “improve the implementation” of the CRC. Quite promisingly, too, the Human Rights Council agreed not too long ago to establish an open-ended working group “to explore the possibility of elaborating an optional protocol to the CRC to provide a communications procedure. ...”

*Geraldine Van Bueren is a barrister and professor of International Human Rights Law in Queen Mary College at University of London and is a visiting fellow at Kellogg College, Oxford. She was one of the original drafters of the United Nations Convention on the Rights of the Child and was a recipient of UNICEF’s Child Rights Lawyer Award. She also serves as a commissioner on the UK’s Equality and Human Rights Commission.*

## PUBLIC POLICIES AND CHILD RIGHTS: ENTERING THE THIRD DECADE OF THE CONVENTION ON THE RIGHTS OF THE CHILD

**Marta Maurás**

Marta Maurás discusses the CRC's third decade of existence through an exploration of "changes in the public sphere brought about by the introduction of a new human rights paradigm for public policy—that is, children have rights." In her article, Maurás argues that "the emphasis on legal and normative reforms to adapt national law to the CRC needs to give space to changes in other important areas of public action, such as economic policy and financing; social policy and administration; and public participation"—participation that includes children, Maurás asserts, which will in turn lead to the enforcement of children's rights. Maurás, having worked in and with Latin America and the Caribbean in various capacities, fittingly focuses her discussion within the context of these areas.

Countries that ratified the CRC spent the first decade, Maurás informs us, reforming existing laws and drawing up new legislation that did away with the "welfare paradigm" designed to "protect" children. However, even with these successes, "very few cases of an integral and holistic application of the CRC to national law can be found today." The only legislation to come close to such an application is the Brazilian Statute on the Child and the Adolescent, which was passed in 1990. There are also examples of "unified bod[ies] of child law" in African countries and in Vietnam and there is a second generation of legislation reform "that has begun to emerge." Nevertheless, Maurás affirms, "it is increasingly clear to legislators, policy-makers, academics, and activists that to leave behind discriminatory and authoritarian forms of relating to children that impede the full exercise of their rights, the law is absolutely

necessary but not sufficient.” If “enforcement and justiciability of rights” are addressed, questions regarding public policy inevitably emerge.

To address these questions pertaining to public policy and that related to children specifically, Maurás claims that the human development paradigm and that of human rights need to be “brought together,” because, she argues, they represent “the hard reality of needs and the ‘soft’ aspiration of rights.” Maurás asserts further that if these paradigms “complement each other, then public policies, laws, and mechanisms of protection of rights...must coordinate under...a comprehensive policy and a common strategy.” For an example of such a comprehensive and common strategy, Maurás draws on the UN Economic Commission for Latin America and the Caribbean’s assessment of poverty reduction as a result of social and economic policies in these parts of the world. Maurás reports that this UN body has, for quite a long time, made the case that three dimensions need to be present to make such an assessment: high and sustained economic growth; integrated and effective social policy (such as cash transfer programs like Bolsa Escola in Brazil); and a sense of belonging.

From her exploration and discussion of these three factors in Latin America and the Caribbean, Maurás concludes that there are “new challenges for the application of the CRC,” which include “using the rights of children as a lever for more equitable, open, and progressive societies and creating ‘comprehensive systems of social protection’ that not only protect but also promote social integration and provide expansion of opportunities to all and open spaces for dialogue.” To determine if these challenges are being met and if the methods used to address them are effective, Maurás contends that there are “at least four areas in need of continued review.” They are: reviewing legislation to make certain the CRC is being incorporated into national laws; reviewing the data and statistics regarding “planning, monitoring, and evaluating

policy and programs”; assessing “participatory planning for social policy”; and reviewing “the allocation of resources for children’s rights.” Even with these areas, among others, consistently reviewed, Maurás makes the claim that “enforcement [of the CRC] will remain incomplete if the CRC continues to be the only human rights treaty without a communication and complaints mechanism.” In all, along with the legal framework required to profoundly transform cultural perspectives about parent-child relations and that of child and state, policies and institutions must be implemented that are “truly inspired by the CRC.”

*Marta Maurás, a Chilean sociologist, is an expert in social policy, human rights, and international relations. She is member of the United Nation Committee on the Rights of the Child. In 2008, she was the special envoy for UNICEF to Latin America. Between 2005 and 2007, Maurás was secretary of the Economic Commission for Latin America and the Caribbean. Before that, she served in the office of UN Secretary General Kofi Annan. Between 1992 and 1998, she was UNICEF’s regional director for Latin America and the Caribbean. She has also held teaching positions at Universidad Católica de Chile and Pontificia Universidad Católica de Rio de Janeiro.*

## THE PROMISE OF CITIZENSHIP FOR BRAZILIAN CHILDREN: WHAT HAS CHANGED?

**Irene Rizzini**

“Brazil has 60 million people under the age of 18, and half of the population is under 24,” writes Irene Rizzini. These statistics point to the reasons why the Convention on the Rights of the Child (CRC) and the Brazilian Statute on the Child and Adolescent (1990)—approved less than a year after Brazil ratified the CRC—have been so vitally important for Brazil. The statute, Rizzini relays, created “a new sense of hope that things could indeed change, and the possibility of change was clearly associated with the idea of citizenship. ...”

This sense of change was fueled by the “major conceptual change embedded in the legislation,” which was “that children were to be the ‘subject of rights’ as citizens.” Articles 19 and 23 of the Brazilian statute were particularly important for this child-as-subject-of-rights approach. The former legislates that children hold the right to be raised by their own families and in their own communities. The latter article states that a “shortage of material resources” is not “sufficient reason” to remove children from their homes. Further, Article 106 demands that children not be deprived of freedom, unless they are caught participating in illegal behaviors. “Before the statute,” Rizzini informs us, “young people could be arrested just on suspicion. ...”

The statute further influenced the idea of children as subjects of rights because it supported the idea that “children were citizens.” As implicated in the statute, “In addition, not instead of, [children] had special protections because they were ‘in the special condition of development.’” Not only did the statute make it clear that children were to be included in the concept of “citizen,” but it made sure to declare that “citizenship applies equally to young, disadvantaged people...” as well.

What has changed in Brazil as a result of the statute, and because of the CRC's influence on the statute? To name a few, infant mortality has significantly declined from 49 to 20 per 100,000 live births between 1990 and 2007, and between 1998 and 2008, the percentage of illiterate nine-year-olds was cut nearly in half. Nevertheless, challenges remain. For one, "Brazil still has one of the most inequitable distributions of income in the world." And perhaps more important, "there are insufficient mechanisms for the implementation and monitoring of the extensive rights contained in the law." Further challenges, specifically related to children, include "a persisting perception that all unattended, low-income children are a menace and that remedial efforts on their behalf are a waste of time" and that "actors, including the various police forces, insist that low-income children are dangerous and a threat to the social and economic order. ...". These challenges, among others, remain a concern in Brazil, because they still "leave many children extremely vulnerable."

What can be done, then, to protect children while also implementing their rights as citizens? Such entities helping to guide the legislation of the statute are the Children's Rights Councils, which were mandated to be implemented at the "federal, state, and municipal levels." These bodies were tasked with developing, elaborating, and monitoring the implementation of the policies laid out in the statute. "In 2008...the council [in Rio] began deliberations on policies for children living on the streets, children who are constantly exposed to poor health, violence, separation from school and community, and arbitrary police and vigilante power." This policy, Rizzini contends, "is arguably more concrete" than other, previous policies. The council in Rio has also been instrumental in involving and training various government and civil service agencies in the implementation of its policies, especially those related to children on the streets.

Similar to the legislation itself, the council in Rio has experienced successes and failures. A

“key” to its success, Rizzini argues, is the council’s decision, early on, to set up a “working group” or “Grupo de Trabalho (GT).” This entity is responsible for drafting the council’s policies. The Rio Children’s Network (a member of the council and the GT) was also instrumental, bringing “the voices of street children...into the process of developing the policy.” Some remaining challenges, however, include the dispute over the budget and inadequate funding. Discrepancies also exist between how the council’s public sector and civil society members act. In addition, the Rio council’s policy approval coincided with a mayoral change in the city, making the outgoing officials, who supported the council’s policies, lame ducks.

But “all this said,” Rizzini concludes, “the fact that there now exists a broad, yet specific, policy to help street children to attain their rights, and that this policy is set in the clear context of their constitutional and legal rights, is a major step forward.” However, Rizzini cautions, if the problems of street children are not more precisely stated in the policy document, and a clear agenda for change is not decided on, “change [will] be at the best partial, fragmentary, and haphazard.”

*Irene Rizzini is a professor and a researcher at the Pontifical Catholic University of Rio de Janeiro, Brazil and director of The International Center for Research on Childhood (CIESPI). She served as president of Childwatch International Research Network from 2002 to 2009. She held the visiting chair in Brazilian cultural studies at the Helen Kellogg Institute for International Studies at the University of Notre Dame in 2006 and was appointed a John Simon Guggenheim Memorial Foundation fellow in 2008. She is the author and editor of several books, among them: The Lost Century: The Historical Roots of Public Policies on Children in Brazil (Editora Cortez 2008, 2nd edition); and The Art of Governing Children: The History of Social Policies, Legislation and Child Welfare in Brazil (Editora Cortez 2009, 2nd edition).*

## RATIFICATION BY THE UNITED STATES OF THE CONVENTION ON THE RIGHTS OF THE CHILD: THE PROS AND CONS FROM A CHILD'S RIGHTS PERSPECTIVE

### **Elizabeth Bartholet**

The United States, the only country, besides Somalia, not to have ratified the Convention on the Rights of the Child (CRC), is the focus of Elizabeth Bartholet's contribution. Speaking from the perspective of a law professor, Bartholet makes the case for U.S. ratification of the CRC, positing that the "CRC represents one of the strongest legal statements to date that children have full human rights entitlements. ..." However, Bartholet cautions, if the United States were to ratify the CRC, the ratification could produce "both positive and negative potential for children." To counterbalance this negative potential, Bartholet believes that the United State should ratify the CRC, but do so with a reservation "rejecting the CRC provisions that limit international and transracial adoption."

Because many other countries have ratified the CRC and "have already adopted all or parts of the CRC in their national legislation or their constitutions," the United States' "failure to ratify means that we [would effectively be] silenced. ..." Successful ratification by the United States would mean, instead, that the United States could help other countries "to make the CRC a more powerful force for change." And at home, because those who ratify this treaty are required to submit reports to the CRC committee two years after ratification and then one every five years, the United States may be propelled to take "steps toward CRC implementation, including passing of federal and state legislation" that implement aspects of the CRC, so as to avoid the embarrassment of not doing so after ratification.

Children in the United States would stand to inherit positive outcomes if the United States were to ratify the CRC. “The CRC,” Bartholet reminds us, “gives children equal status with adults as rights-bearing persons.” This is not to say “that children must always be treated identically to adults”; for as Bartholet also reminds us, “that would be absurd,” considering part of the group that the CRC protects are very young children and infants. However, what it does mean is that “children have equal rights to have their interests taken into consideration.” At the moment, U.S. law weighs parental rights more heavily than that of children, thereby, limiting states’ abilities to protect children. If the United States were to ratify the CRC, the CRC’s provisions could serve to grant children the “right to maintain nurturing relationships with foster parents, prospective adoptive parents, de facto parents, and others.” Specifically, ratification of the CRC “would push to equate the child’s right to protection with the father’s right to be free from intervention. . . .” As Bartholet points out, courts historically have given “children’s interests limited consideration.”

Furthermore, currently, laws in the United States give children “little in the way of participation rights, either in the public arena or in their private lives.” Using a court case involving the guardianship of an institutionalized child with Down syndrome who needed a heart procedure to survive, Bartholet illustrates that parents typically are given “the power to make almost all medical decisions for their children.” In this case a married couple had befriended the child and they petitioned to become his legal guardians so that they could agree to the heart procedure on his behalf. The judge ruled that the child should have a right to decide, and because he could not, the judge deemed that he should make a “substituted judgment” for the child—he granted guardianship to the couple and in turn “chose life” for the boy. While this case is an example of successfully using the CRC’s principles to make an informed and important

ruling on a child's behalf, Bartholet warns that "participation rights do have some problems and limitations." Such efforts to allow children to participate in situations that directly affect them may be "for show" or may "not translate into any meaningful benefits for children." In addition, because of the costs associated with deciding "which children are mature enough to make which decisions ... limiting child decision-making to only certain contexts" is warranted, Bartholet contends. On the up-side, certain states may be compliant in experimentally granting older children voting power. And participation rights may be used to address the rights of children, similar to the boy in the case discussed above, who cannot "speak for themselves" in cases regarding those rights. Broadening participation rights to also include children who cannot actively participate may lead "courts and others to take more seriously children's actual best interests. ..."

Aside from participation rights, the CRC also calls on states to assist children in the realms of social welfare, health, and education (i.e., provision rights). Again because of the reporting system implicit in CRC ratification, the United States' high child mortality rates, high child poverty rates, and limits in child health care could come to light. And again to avoid embarrassment, the United States may be inclined to focus more heavily on addressing these issues. The provision rights of children may also "push U.S. law in the direction of developing more in the way of children's affirmative rights to nurturing care and to parenting and other family-like relationships." The negative rights tradition that the United States currently abides by could stand to be changed with CRC ratification, Bartholet argues, so that infants and young children in particular could be granted the right to "nurturing parenting so that they can survive and thrive. ..."

The last concept of rights that Bartholet touches on is that of protection. “The CRC creates powerful rights for children,” Bartholet states, “to be protected against abuse and neglect by parents and reciprocal duties on the state to protect children against such harm.” Yet again, as mentioned above, children “have no generally recognized constitutional right to such protection, in contrast to the generally recognized constitutional right parents have to raise their children free from undue state intervention. ...” Often U.S. federal and state laws give preserving the family priority over children’s interests. If the United States were to ratify the CRC, the CRC may oblige Congress and state lawmakers to “consider the CRC as they engage in the process of revising the legislation governing child protection.” Bartholet believes that this pressure to “develop law that more powerfully protects children’s rights to be free from maltreatment, and their affirmative rights to nurturing parenting would have a profound positive effect for U.S. children.”

Despite these positive effects of CRC ratification, there is also a negative potential for children if the United States were to ratify the CRC. In sum, “CRC ratification poses grave risks to children because of its restrictions on international and transracial adoption.” Transracial adoption would be in jeopardy were the United States to ratify the CRC without a reservation because Article 20 of the CRC explicitly states that there should be “continuity” in a child’s upbringing and to the child’s “ethnic, religious, cultural, and linguistic background.” If the United States were not to implement a reservation in regard to this provision, “such preferences would be predictably harmful to black children.” The CRC likewise “allows countries to forbid international adoption altogether,” which Bartholet argues is “profoundly antichild” because there are not a sufficient number of domestic homes available to children in need of adoption in any one country. As Bartholet argues here and elsewhere, “The social science evidence,

combined with developmental psychology and common sense, makes clear that adoption, whether domestic or international, serves children's interests better than foster care and much better than...living in institutions or on the streets." If the United States were to ratify the CRC, without a reservation concerning this international adoption provision, Bartholet fears that this provision would have a profoundly negative impact on children in need of nurturing homes both outside and within the United States. The United States, therefore, as Bartholet concludes, should ratify the CRC but do so with a reservation that precludes it from having to adhere to Articles 20 and 21 of the CRC.

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## CHILDREN IN THE UNITED STATES OF AMERICA: A STATISTICAL PORTRAIT BY RACE-ETHNICITY, IMMIGRANT ORIGINS, AND LANGUAGE

**Donald J. Hernandez, Nancy A. Denton, and Victoria L. Blanchard**

The United States' "make-up," particularly that of its child population, is varied. According to data from 2005 through 2007, "nearly half of children [in the United States] belong to Hispanic or nonwhite race-ethnic groups, or they live in immigrant families with at least one foreign-born parent, or both." And, as Hernandez and colleagues inform us, "The trend is toward still greater diversity": by 2023, "whites will be a numerical minority." What is driving this transformation in the United States? Immigration. The U.S. Census Bureau's American Community Surveys for 2005 through 2007 "identify 128 distinct countries of origin for children of immigrants" in the United States. Using data for "nine race-ethnic groups in native-born families and for an array of immigrant national origins for children with one English-fluent parent or one English language learner parent," Donald Hernandez, Nancy Denton, and Victoria Blanchard discuss these groups' access to resources (or lack thereof) and the rights inherent in the CRC.

Article 27 of the CRC notes that children have the right to an adequate standard of living that is conducive to a child's development on various dimensions. Within the context of this CRC article, Hernandez and colleagues discuss poverty rates, overcrowding in homes, and home ownership. Research that Hernandez and coauthors cite has shown that children whose parents own a home tend to score higher on cognitive and math tests and have fewer behavioral issues. While there are large differences across the groups discussed in this article in homeownership, Hernandez et al. point out that "it is striking that for specific immigrant national origin groups, homeownership rates are about 40 percent or more, even among groups with very high poverty

rates and even among immigrant groups, who, by definition, have at least one parent born in another country.”

Despite these data, which indicate that homeownership is relatively high among immigrant groups, overcrowded housing remains a concern for immigrant families and for Hispanic, Native American, and Pacific Islander native-born families. For immigrant families with one English fluent parent and one English language learner, and for families with only English language learners, the rate of overcrowding is much higher than that for families with two English fluent parents.

High poverty rates are likewise a concern for immigrant groups and certain native-born families. Using an alternative poverty indicator, Hernandez and colleagues calculate the poverty rates for these groups. Children whose parents are of “mixed fluency” in English and those whose parents are of “limited fluency” have higher poverty rates than that among children whose parents are fluent in English. For native-born race-ethnic groups, blacks, followed by Native Americans and Hispanics, have far higher poverty rates than that of Asians and whites. And families from certain countries of origin tend to experience higher poverty rates. Poverty and its influence on children and their rights is important to discuss within the realm of the CRC, given that children from low income families tend to have “less school success [and] lower educational attainment. ...”

A child’s right to education is the focus of Article 28 of the CRC and it is within the context of this article that Hernandez and colleagues focus their discussion of early education enrollment and high school dropout rates. The United States ranks twentieth, on a list of twenty-four OECD countries, in early education enrollment for children age four; it ranks twenty-first on the same list for enrollment of children ages three to six. For children in native-born families that

are Hispanic, Hawaiian or Pacific Islander, and Native American, the enrollment rates for children age three fall to between 29 and 31 percent. For immigrant children, of the same age, from the Dominican Republic and Indochina, the enrollment rate drops to 27 percent. For those with origins in Central America, the rate is 20 percent, and for immigrants from Mexico, the enrollment rate is a very low 16 percent. Hernandez and his coauthors point out that a number of factors can explain these low early education enrollment rates: the high costs of taking part in such early education programs; parents who are unaware of such opportunities for their children; too few programs to accommodate immigrant population demands; outreach for such programs is not conducted in a language in which the parents are fluent; and a hesitation on the part of parents who feel that the programs are not culturally sensitive. Addressing these impediments to early education enrollment is important to ensure that children's rights to education, as indicated in the CRC, are upheld, because "socioeconomic or structural influences...account for most or all of the enrollment gaps separating white children in native-born families from immigrant and native-born Mexican families and children in immigrant families from Central America and Indochina."

Like early education enrollment, high school dropout rates must be explored when assessing the impact that the CRC could have on children's rights to education in the United States. As we all know, "high school graduation is widely recognized as the minimum level of education needed in the United States for many jobs." Using Current Population Survey data, Hernandez et al. "compare first- and second-generation to third- and later-generation youth," ages 20 to 24. They find that the rate of high school dropouts is twice as high for blacks and "Mexican-origin third- and later-generation youth" than that for third- and later-generation whites. And it is higher still for Native Americans. For young adults from low- to middle-income

countries, such as the Dominican Republic and Haiti, among others, high school drop out rates are high among the first-generation. High school dropout rates continue to be high for the second-generation youth from Dominican Republic as well.

In addition to education attainment, poor health care coverage is addressed in the CRC, specifically in Article 24. To assess the health care coverage of U.S. children, Hernandez et al. use Current Population Survey data as a baseline measure. They find that “at the beginning of the twenty-first century, among most native-born and immigrant groups, about one in ten children were not covered by health insurance.” The rate rises “to much higher levels for children in immigrant families from Central American, Haiti, and Mexico.” And while President Obama signed the Patient Protection and Affordable Care Act on March 23, 2010, Hernandez et al. remind us that “it may be many years before available statistics indicate the extent to which the legislation leads to health insurance coverage for all children. ...”

If it is years before these health insurance statistics, and others, what can and should be done now to ensure the rights of children to an adequate standard of living, education, and health care are upheld? Hernandez, Denton, and Blanchard make a handful of informed recommendations. To improve children’s standard of living, the EITC should be expanded and the Temporary Assistance for Needy Families (TANF) should be revised. To address children’s rights to education, additional recourses should be focused toward immigrant children and immigrant parents should receive language education so that they can better navigate the world of education for their children. But Hernandez et al. argue, backed up by the results presented in their article, “Education policies, programs, and curricula for recent first-generation, adolescent immigrants with little or no experience in U.S. schools must address a very different set of issues than policies for first-generation immigrants who arrive at younger ages and who obtain most or

all of their education in the United States prior to reaching high school.” To attain the highest standard of health for *all* children in the United States, Hernandez et al. recommend that unauthorized immigrant children (who are not covered in the Patient Protection act) not be forgotten or ignored; likewise, children who are lawful U.S. citizens through birth but have one or both parents who are unauthorized should not be overlooked.

While many legal U.S. citizens would agree that immigration laws must be implemented and enforced to stop the surge in unauthorized migration, Hernandez, Denton, and Blanchard contend that there are “many possible approaches” to the enforcement of such laws and that, perhaps most importantly, “the manner in which enforcement occurs should not bring harm to children. ...” For *all* children in the United States “should have access to [the] critical resources reflected [in the CRC].”

*Donald J. Hernandez is a professor in the Department of Sociology at Hunter College and the Graduate Center at City University of New York. He recently completed a UNICEF project developing indicators for immigrant children for eight wealthy countries. Currently, he is studying race-ethnic, immigrant, and socioeconomic disparities in child well-being using the Foundation for Child Development’s Child Well-being Index (CWI).*

*Nancy A. Denton is a professor in the Department of Sociology at the University at Albany, State University of New York (SUNY), where she is also the director of the Lewis Mumford Center and associate director of the Center for Social and Demographic Analysis. She is currently working on a NICHD-funded project about the neighborhood locations of children in immigrant families.*

*Victoria L. Blanchard is a PhD student in the Department of Sociology at the University at Albany, SUNY. She has recently published research that examines the effectiveness of marriage education. Her research interests include fertility trends and predictors.*

## CHILDREN AND RIGHTS OF CITIZENS: NONDOMINATION AND INTERGENERATIONAL JUSTICE

### **James Bohman**

James Bohman argues that the precarious nature of childhood makes children susceptible to domination of and by other generations. Put differently, and perhaps more important for a discussion of the CRC, children (“partial citizens” or “future full citizens”) are dominated by adults (“current citizens”). Bohman is interested in his contribution less so with the practical application of the CRC and more so with the philosophical and theoretical application of it. The temporal and, therefore, intergenerational conception and application of the rights enshrined in the CRC is what matters to him. “Understanding the temporal dimension of various political statuses,” Bohman writes, “will help us to understand the type of obligations that are owed to incomplete, partial citizens such as children and perhaps even to those who may in the future be citizens.”

The current conception of democracies is that they are “spatially [confined] by the borders of the demos and temporally by those who are assembled.” This “narrow temporal interpretation,” Bohman argues, puts forward the idea that “democracies are a succession of independent generations.” But future generations unquestionably include not only those people to be born, but those children who already exist in the present. It is, therefore, important to remember that one generation (current) should not dominate (future) or be dominated by (past) other generations. It is here that the CRC steps in, according to Bohman. “The CRC develops those statuses that are necessary for the nondomination of children. ...”

Using the capabilities approach to human rights, Bohman sets out to “criticize certain restrictive notions of children’s rights.” He details the main arguments of the current philosophical debates about rights, arguing that “the standard debate falsely states that adults can exercise their rights as long as their choices are not interfered with.” Bohman goes on to say, though, that “for many of the goods that are necessary for a worthwhile life, neither children nor adults can achieve these ends on their own.” One such good that Bohman uses to illustrate his point is an “epidemiologically secure environment.” “Anyone who has such a public good,” he says, “also has a greater extent of freedom...because having such a good not only affects peoples’ choices...but also their ‘beings and doings,’ what they can do and become. ...” This freedom that Bohman speaks of (which Amartya Sen coined) includes “agency freedom”: a person’s ability or freedom to attain goals; and “well-being freedom”: a person’s freedom from harm (freedom from starvation, for example).

Using the capabilities approach in the context of children’s rights, Bohman argues, “has the advantage of seeing the diversity of requirements needed for achieving basic functioning, but the idea also can conceptualize a variety of rights in terms of the scope of the freedom to live a worthwhile human life.” And such a “worthwhile” life is not possible if present generations continue to ignore their responsibility to secure the freedom and well-being of future generations; such a life is not possible if environmental security (or protecting against global warming) is not achieved, for example. For, as Bohman claims, “Environmental security is now a global and intergenerational public good. ...” because “none have the freedom to live in a secure environment unless all have it.”

Freedom for all or nondomination is important to Bohman because of the potential harms of domination, namely, “the use of authoritative normative powers to impose obligations and

change entitlements without recourse or remedy.” The CRC has helped to develop statuses that “enable agents not to be dominated.” “The fundamental reason for achieving nondomination,” he argues, “is for individuals to have control over their own obligations and over the scope of these normative statuses, which are central to achieving democratic self-rule.” After all, as Bohman writes, (paraphrasing Hegel): to have a status is to be someone, to lack it is to be nobody.

So while the CRC has “clearly [played] a role [in] establishing various statuses and capabilities for children,” intergenerational justice and nondomination of generations past, present, and future will only be achieved if sovereignty is “pooled” and statuses and freedoms are shared “across time.” Indeed, “popular sovereignty can only be made intergenerational if each generation regards itself as the ‘temporary possessor’ of democratic power and thus [does] not act ‘as its entire master.’”

*James Bohman is Danforth Professor of Philosophy and professor of International Studies at Saint Louis University. He is author of Democracy across Borders (MIT Press 2007), Public Deliberation: Pluralism, Complexity and Democracy (MIT Press 1996) and New Philosophy of Social Science: Problems of Indeterminacy (MIT Press 1991).*

## THE CHILD AS DEMOCRATIC CITIZEN

### **Andrew Rehfeld**

In his article examining the rights of children as democratic citizens, political scientist Andrew Rehfeld agrees with the conclusion of the Convention on the Rights of the Child (CRC), emphasizing welfare over the participation rights of children. Children are by nature a vulnerable group, and democratic citizenship rights “require a minimal bundle of cognitive and emotional capacity—which may be called ‘political maturity’—that children, again by nature, lack.” Where his view differs from those of the CRC is in his belief that “the CRC goes too far in prioritizing welfare over participation.” When their welfare is not at stake, as is the case for a significant number of children, are there not benefits to be gained in having children participate as “emerging political citizens?”

Rehfeld acknowledges the importance of addressing children’s welfare prior to the development of their citizenship capabilities. He agrees that “such treatment is not only justifiable but also reflects the nature of childhood and the specific harms that children face throughout the globe, even in situations of relative peace, material security, and stability. Welfare ought to be a priority before political participation.” However, he notes, that this protection “marginaliz[es] them from active engagement as political citizens.”

He sees that “participation rights are, and rightly should be, linked to the possession of political maturity: a collection of cognitive, emotional, and moral capacity that develop with age and that children by definition, lack.” However, determining at what age children reach “political maturity” is problematic, “depending on the interaction between developmental psychology and culture broadly conceived.”

This bundle of capabilities Rehfeld calls “political maturity”—a continuous and developmental process—conflicts with how we tend to think of benefits of citizenship as “discontinuous—one has the right to vote, for example, or one does not. “ As Rehfeld notes, “children pose a specific problem for democratic institutional design: they are a population that is incrementally developing among institutions that are usually all-inclusive or all-exclusive.” Herein lays the fundamental challenge to giving children full citizenship rights.

He argues that “children—the politically maturing—ought to be given participatory opportunities first to cultivate their ability to exercise political judgment and second in a manner that mitigates the harm that their political immaturity might do to the polity as a whole.”

Rehfeld takes this up in his examination of various approaches to political representation that can provide children with opportunities to be democratically represented—not virtually or by proxy—which do not foster active participation. “That children are not permanently politically immature but developing toward maturity is—from a democratic polity’s point of view—the decisive feature of their status.” He notes that “any democratic nation has an interest in cultivating the citizenship capacity of those who will be its members” and “giving children some political power from a very early age would also allow them to habituate the practices of citizenship at a younger age and may make it more likely that they engage in and with the polity as adults.” Like having a driver’s permit before becoming a full-fledged driver, participating in voting at an early age provides an opportunity for familiarity and comfort with the voting process that would more likely lead to lifelong engagement.

While not throwing open the gates of political engagement to children for their own and the polity’s good, the author promotes tailoring institutions to provide more continuous, gradual power to children as they mature with the dual aims of promoting capacity and mitigating harm.

As Rehfeld reminds us, “the middle and high school years are precisely the time during which we should work to cultivate civic virtues and habits—such as voting and political participation—so that when students enter adulthood, they more reliably vote and take part, having habituated the participation as part of what it means to be politically active and engaged.”

*Andrew Rehfeld is an associate professor of political science at Washington University in St. Louis and is a lecturer and visiting assistant professor at the University of Chicago. He is the author of numerous articles and is the author of The Concept of Constituency (Cambridge University Press 2005) and a forthcoming book with Cambridge University Press on the relationship between representation and democracy.*

## TO BE (COME) OR NOT TO BE (COME): UNDERSTANDING CHILDREN'S CITIZENSHIP

### Allison James

To examine the ways in which the notions of “child as citizen” and “children’s citizenship” are being articulated for children, sociologist Allison James uses qualitative data collected in three children’s hospitals in England. For, as James challenges, “what is critical to changing children’s experiences is unpicking the cultural discourses through which children’s everyday lives, *as children*, are constructed on an ongoing and mundane basis,” specifically “adults’ ideas about childhood, including ideas about what children are, what they can do, and how their relationships with adults take place.”

Historically, children’s lives have been understood through sociological constructions of childhood. And in every society, there is “some concept of childhood.” Many of these constructions of childhood deem adulthood as “the end” in which full citizenship is manifested, thus circumscribing “children’s status as full participants in society.” Children are “becomings” rather than “beings.” To better understand these culturally varied conceptions, James and her colleague have coined the term, “cultural politics of childhood,” which comprises the “dynamic between the structuring effects of social institutions and children’s experiences of and reactions to them.” It is the “cultural politics of childhood,” James argues, that have to be at the center of our understanding of child citizenship and how such citizenship “unfolds for children in any setting” across varied contexts and within different societies.

To counter the idea of children as becoming full citizens rather than being such and to understand the cultural politics of childhood, James makes the argument for the study of “lived

citizenship.” This discourse is concerned with the “socio-political practice” of citizenship rather than with the “legal status” as citizen. “The idea of lived citizenship draws attention to the significance of children’s own agency with respect to their citizenship status,” James explains.

To assess this lived citizenship, James evaluated data from two hundred and fifty one-on-one interviews that were conducted in three British hospitals over the course of 27 months. She found that “the idea of children’s potential irresponsibility was apparent in the ways in which space within the hospital was demarcated and used, and the view that irresponsible children are deemed to be in need of protection or control also permeated aspects of hospital space.” It is clear through the exploration of these hospitals that “not until children can be regarded as willfully responsible, rather than incompetent and irresponsible, will their status as citizens be ameliorated.” Unfortunately, according to James, “the image of the rights-bearing, ‘globalized child’ enshrined within the CRC often fails to correspond with the everyday realities of children in different parts of the world.”

*Allison James is professor of sociology at the University of Sheffield and professor at the Norwegian Centre for Child Research, Trondheim. She has worked in the sociology and anthropology of childhood since the 1970s, pioneering theoretical and methodological approaches to research with children, which are central to childhood studies.*

## PARTICIPATORY NICHEs FOR EMERGENT CITIZENSHIP IN EARLY ADOLESCENCE: AN INTERNATIONAL PERSPECTIVE

**Judith Torney-Purta and Jo-Ann Amadeo**

Proposing “a theoretical framework...which uses a sociocultural approach to development psychology” to “enhance the maturation of participatory rights,” Judith Torney-Purta and Jo-Ann Amadeo argue less for lowering the age of voting rights, and more specifically for changes in children’s developmental niches—the niches in which children physically and socially reside, culturally exists, and in which their caretakers express their views and influence those of children. These developmental niches are important areas of exploration, Torney-Purta and Amadeo argue, because “people are socialized in every area of life, including their exercise of participatory rights. ...” Bringing together qualitative and quantitative research findings, and looking at how political involvement, aside from election participation, has been viewed across many years of political science research, the authors ultimately lay out how “the niches or spaces for adolescents to exercise participatory capabilities can be enhanced,” or, in other words, how “emergent participatory citizenship” evolves.

Exploring the idea of political involvement, Torney-Purta and Amadeo point to the fact that “youth are not focused on being part of an electorate voting from time to time...but [are focused] on everyday activities that improve their lives along with those of their communities and families.” Consistent with the CRC, Torney-Purta and Amadeo say, many countries have begun to move “away from Geneva” to create in places and spaces that “are more likely to have positive influences on the everyday lives of children.” Such examples of this move include local ombudsmen and walk-in centers for children.

In addition to a changing conception of political involvement, cross-national research, focusing on “parameters of citizenship,” has alternatively defined “effective experiences for young people” as those experiences that “lead to positive attitudes toward human rights, engagement in society, and a willingness to participate in a range of activities. ...” Using data from the IEA Civic Education Study, Torney-Purta and Amadeo draw a number of conclusions, one of which is that “there is little support for the belief that young people have new perspectives that could only be elicited by giving them the vote.” Because the authors, and others, cannot say, without question, what kind of citizens children will be once they are given the right to vote, the authors argue instead that what is a guarantee is that “the everyday niches that adolescents occupy [can be enhanced] with opportunities to explore conventional political activities as well as participation in social movement groups. ...” Citing qualitative research from England, Canada, and Africa, Torney-Purta and Amadeo maintain that children can identify as citizens, “if a more inclusive view of citizenship” is applied; and children can likewise view themselves as citizens if their “informal activities” are viewed “as expressions of citizenship.”

In sum, “possessing the right to vote in national elections may not be an essential dimension of citizenship for early adolescents as long as other competencies and attitudes are nurtured in everyday settings.” Nurturing these everyday settings or developmental niches has the advantage of allowing adolescents “to construct and choose the aspects of the polity, the economy, or the society in which they want to take action.” Instead of expending an “enormous effort” and resources to change the voting age in countries, children’s home, school, peer group, and “formal and information organizations” should be enhanced and nurtured. While a few researchers have suggested some directions, “no one,” Torney-Purta and Amadeo state, “has fully considered possible approaches to creating niches for fostering emergent citizenship as part

of implementing the participatory rights detailed in the CRC. ...” Torney-Purta and Amadeo, in this article, lay the foundation for others to do so.

*Judith Torney-Purta is a professor of human development at the University of Maryland, College Park. The international IEA Civic Education Study, which she led, and her research with young people from ages 7 to 21 have covered political socialization and human rights attitudes from the perspective of a developmental social psychologist.*

*Jo-Ann Amadeo is an educational researcher teaching in the Department of Human Development at the University of Maryland. She has conducted research as part of the IEA Civic Education Study since 1994 including responsibility for the study of upper secondary students; she has evaluated experiential civic education programs in Washington DC.*

## AMERICAN SIXTEEN- AND SEVENTEEN-YEAR-OLDS ARE READY TO VOTE

**Daniel Hart** and **Robert Atkins**

At the outset of their article, Daniel Hart and Robert Atkins emphatically state that “sixteen- and 17-year-olds living in the United States ought to be allowed to vote in local, state, and national elections.” Such a claim, they say, “rests on a variety of grounds,” which they set out in the remainder of their contribution. First, though, Hart and Atkins discuss citizenship in the broad, political and legal terms in which it is usually understood. They succinctly assert that “citizenship is largely defined by three qualities: rights, participation, and membership.” As citizens, people feel “a sense of belonging” to a country, and as members of this society they realize they have rights and that those rights are exercised through their participation in the society. Within this framework, political scientists have also identified other constructs that “are related to civic knowledge,” which are “important for motivating civic and political participation.” Such constructs include: political skills, political efficacy, and political and civic interest.

Building on these specific alternate constructs, Hart and Atkins go on to address “the question of when children are capable of citizenship in its full sense. ...” Citizenship is not only about rights, participation, and membership, they claim; it is also about “experiences, beliefs, and emotions concerning” these constructs. And while these “constructs are conceptually related...psychologically they are likely to be partially independent.” Citing research conducted with British schoolchildren, Hart and Atkins make the case that “the sense of membership in a nation and of civil rights both emerge at very young ages.” They likewise indicate research that attests to the notion that “young children are also able to infer that citizens have rights.” Children

as young as six expressed knowledge and understanding related to the concept of freedom of speech.

To parse these constructs further in regard to adolescents, Hart and Atkins explore the “development trajectories” for tolerance, civic knowledge, political skills, political efficacy, political interest, and volunteer activity. For their adult sample, they use data from the National Household Educational Survey of 1996; for their adolescent sample, the data come from the same survey given to youths between 14 and 18 years old. Many of the constructs were assessed through parallel sets of survey questions given to each sample separately. Tolerance was assessed through questions that tapped into freedom of speech; political skills were determined by questions concerning political participation; political efficacy was addressed with questions that tapped into political understanding; and political interest was assessed with questions that asked respondents how much/often they followed news via various media outlets. Volunteer activity was assessed differently for each sample, but both samples were assessed on whether they had performed community service.

The goal of Hart and Atkins’s analysis of these data was to “determine...at what age participants in the youth sample first resembled adults.” They found that civic knowledge increases between ages 14 and 16 and then levels off thereafter. And the average score for 16-year-olds on this construct was higher than that for 19-, 21-, and 23-year-olds, strongly suggesting that 16-year-olds “know as much about the American political system as do many young adults...all of whom are entitled to vote.” Political skills likewise increase between 14 and 16. Political efficacy “at 14 is already equivalent to that observed in many adults.” Tolerance and political interest increase during the adolescent years, “but [the latter] is generally lower than that observed among adults.” However, they assert, this latter finding may not be a result of youths

being uninterested in politics, per se, but may be due to the fact that many adolescents in this day-and-age do not read newspapers or listen to the radio; hence, they are receiving their news in other forms, which were not included in the survey. Overall, though, as their findings indicate, “for most of the indices of citizenship discussed [in their article], 16-year-olds are at or near adult levels.” Thus, Hart and Atkins argue, “the evidence...suggests that 16-year-olds are prepared to vote responsibly.”

While the evidence suggests that adolescents are ready to vote, the question remains: *Why* should they be allowed to vote? Hart and Atkins claim that giving this age group the right to vote will allow the interests of younger generations to be better heard and represented; it will deepen civic commitment; very simply, it is allowed in other countries; and there is “little cognitive development” after the age of 16. Hart and Atkins, though, do not ignore the counter arguments. They acknowledge public opinion, which is often assumedly against giving this age group the vote, and they address claims about deficits in neurological maturation (such as impulsivity and decision-making in adolescents versus adults). Even amid these counter arguments, Hart and Atkins aver firmly that 16- and 17-year-olds are relatively little different from 18-year-olds, who are allowed to vote in the United States. Likewise, they say, with the increase in the “fraction of older voters” along with the decline in the youth population, there are fewer voters who are concerned with the interests of the adolescent population. For these reasons, and the others discussed in their article, Hart and Atkins conclude that “by removing an arbitrary barrier to their full participation in society, enfranchising 16- and 17-year-olds adds to the moral legitimacy of...democracy” in the United States.

***Daniel Hart** is distinguished professor of psychology in the Departments of Childhood Studies and Psychology at Rutgers University in Camden, New Jersey and serves as director of Rutgers' Center for Children and Childhood Studies. Hart's research and applied work focuses on child and adolescent civic, social, and moral development in urban contexts.*

***Robert Atkins** is an assistant professor with a joint appointment in Childhood Studies and Nursing at Rutgers University in Camden, New Jersey. He is interested in studying the social and institutional processes that mediate the relationship of high-poverty neighborhoods to the health and well-being of youths living in those neighborhoods.*

## ADOLESCENTS AS DELIBERATIVE CITIZENS: BUILDING HEALTH COMPETENCE IN LOCAL COMMUNITIES

### **Mary Carlson and Felton Earls**

Drawing heavily on the work of Amartya Sen and Jürgen Habermas, and on that of Albert Bandura, Urie Bronfenbrenner, and Augusto Boal, contributors Mary Carlson and Felton Earls present a “theoretical exploration” and “scientific evaluation” of their framework to “advance the status of children as citizens.” As Carlson and Earls have said elsewhere, “Labeling children by their circumstance rather than their capacities is unfortunate and stigmatizing.” Because of this view, Carlson and Earls established the Young Citizens Program (YC Program) in Tanzania. The program, which grew out of original work in neighborhoods in Chicago and Cambridge, MA, was rigorously evaluated “in a community-based randomized control trial. ...”

In attempting to find theoretical foundations to “bolster” their conceptual framework, Carlson and Earls determined that a theory or theories had to 1) presume universality; 2) incorporate agency; 3) be equity-sensitive; 4) address governance; and 5) emphasize “that the CRC is concerned with adverse issues such as abuse,” yet address these concerns in a “positive framework.”

Enter Amartya Sen’s capability approach. Carlson and Earls first applied the capability approach to their work on “early crime prevention.” It was through this work that they further developed their interest in “deliberative democracy.” “Unlike electoral citizenship,” Carlson and Earls write, “deliberative citizenship can be recognized at any age at which they are ready to engage in rational discourse.” Extracting from Habermas’s work “elements of communicative competency that [would] target children,” Carlson and Earls operationalized four terms: 1)

mutual trust and sincerity; 2) perspective-taking (“the ability to take the attitude of the other in practical discourse”); 3) mutual understanding; and 4) shared social action. Bandura’s work on social cognition influenced Carlson and Earls as well; namely, the notion of “how well one can execute courses of action required to deal with intended outcomes” or one’s self-efficacy. The ecological systems theory of Bronfenbrenner and Augusto Boal’s “Theatre of the Oppressed” likewise informed the development of Carlson and Earls’s framework.

To test this theoretical framework, Earls began the Project on Human Development in Chicago Neighborhoods. The project initially set out to study crime and violent behaviors but soon encompassed “public health conditions and educational achievement” as well; hence, the name. The CRC, write Carlson and Earls, influenced the work in Chicago neighborhoods by, for example, “shifting attention from predators of crime and violence to persons who were either directly or indirectly affected by violence” and by revealing “the importance of working directly with children. ...” From this research also emerged a pilot study to “explore the relevance of child citizenship to collective efficacy and health promotion.” Over two years, children, also in Chicago, took part in a pilot of what would become the YC Program. In the study, they interpreted “the relevance of child rights, as articulated in the CRC, to their own lives.” A second pilot study of the YC Program also took place in Cambridge, MA. Taking what they had learned in these pilot studies, Carlson and Earls took their YC Program to Africa.

Because of their collective backgrounds in social policy and public health, along with their then–new found interest in the CRC and its application, and the HIV/AIDS epidemic in Tanzania, Carlson and Earls “reasoned that young people [in Tanzania] could be the catalyst to mobilize their communities to confront the HIV pandemic, if provided with the basic scientific

knowledge and skills of deliberative citizenship.” The YC Program then began in Tanzania, with four phases: preintervention, intervention, postintervention, and sustainability.

During the preintervention phase the researchers and their team “established relationships with local officials and community leaders.” They held “open-houses” where members of the community could discuss the project with the research team. At this time, baseline surveys and measures were given and established. During the “intervention,” twenty-nine sessions were conducted, divided into five modules, in which treatment and control groups discussed and participated in activities related to specific articles in the CRC and the HIV epidemic in their communities. During this phase the children were “provided the basic scientific knowledge and skills of deliberative citizenship” as they related to HIV. Postintervention, participant communities were given a survey; many of the questions were the same as those given at baseline. “As the scientific phases of the [trial] were completed, an agreement was reached that the YC Program would continue as a demonstration site for as long as there were funds to support an office and small staff. ...” The young citizens (YCs) “decided to organize weekend HIV testing fairs” and thus, the sustainability of the YC Program emerged. “The essential accomplishment of the YC Program,” Carlson and Earls contend, “is the demonstration that children can participate in deliberative democracy as legitimate and competent citizens.” And, they conclude, importantly for the world’s children, that “because there is something fundamentally humane about the status of being a citizen...the identity established locally for a child is readily transferred to national and international contexts.”

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*was facilitated by study at Harvard Kennedy School and with Amartya Sen, centered on his capability approach. Her new research focuses on early child deprivation (and enrichment) and the development of methods to enable deliberative citizenship in adolescents to promote the health and well-being of their communities.*

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## PROMOTING CHILDREN'S CAPACITIES FOR ACTIVE AND DELIBERATIVE CITIZENSHIP WITH DIGITAL TECHNOLOGIES: THE CADE PROJECT IN COSTA RICA

**Clotilde Fonseca and Maria Eugenia Bujanda**

In 2001, the Omar Dengo Foundation (ODF) of Costa Rica developed the Deliberative Capabilities in School Age Children project (CADE), a set of citizen education programs based on the conception of children as citizens and on a particular conception of the role of digital technologies in the promotion of children's high-order skills. In Costa Rica, CADE has been implemented in schools taking part in the National Program of Educational Informatics, a joint initiative of the ODF and the Ministry of Public Education. From 2004 to present, the project has taken place in twenty-four elementary and two high schools across the country, benefiting nearly 950 children.

This innovative program was based on two founding premises: 1) the conceptual changes resulting from the Convention on the Rights of the Child (CRC) about children and their rights requiring "rethinking the basis and justification of citizenship education" and 2) the value of incorporating a digital dimension into citizenship.

From its inception, CADE has stressed that citizenship education "can no longer be conceived exclusively as the preparation of our children and youth to assume future political and civic responsibilities but, rather, as a process that partly consists of facilitating the enactment of the participation rights that children and adolescents already possess." To this end, CADE has been developed and implemented to promote children's participation rights, first as a pilot program and later as a regular after-school program.

In their article, and Fonseca and Bujanda present the CADE project curriculum, analyze

the outcomes of the program, and present lessons learned when increasing the scale of the program. The curriculum objective: develop children's self-efficacy and deliberative capacities.

Deliberative competencies used to organize the program (based on Carlson and Earls's synthesis of Habermas's related theory) included:

- Starting or getting engaged in public deliberation
- Developing good dialogues
- Promoting thoughtful inquiry
- Undertaking cooperative and agreed-upon action

There are five main ingredients to the methodology, "all proven to lead to effective learning and also to be consistent with citizenship education":

- experiential learning
- cooperative learning
- thoughtful inquiry
- participatory theater
- deliberation as the basis for group dynamics

Digital technologies have played a large part in the CADE curriculum, offering students opportunities to broaden and enrich their identities and actions as citizens via problem solving, research, and participation in online deliberative processes.

In presenting CADE's learning outcomes, Fonseca and Bujanda present information from an evaluation carried out in 2009 of a group of students who graduated from CADE and a sample of current, participating students.

Of particular interest from the learning outcomes:

- Public insecurity (crime) and pollution are the main issues tackled by participating children.
- There was a predominance of awareness-raising activities among children's action plans, including giving talks, handing out brochures, or doing street drama to encourage a change in attitudes and behaviors of community members.
- The complexity of the problems could lessen their chances of raising plans of action with some sort of public impact.
- Some facilitators conducted the children through rather superficial processes, quickly moving into thinking and "making it known" in the community.
- When responding to their learning in CADE, students referred to the adoption of practices on a personal level.
- Children were more effective in the context of their own schools.

What effect did CADE have on the children?

"The mere fact of their being actively involved in their community brings about positive changes for the children, especially in the sense of creating a stronger sense of community belonging and the development of the disposition to contribute to community development and welfare.

Referring to the importance of the children's community action, once facilitator said, "[CADE] does not bring a solution because it takes a lot to solve a problem, but the fact that they have a proposal for the community is very valuable."

Changes reported by participating children included: less fear of speaking and interacting with others, increased interest and commitment toward their community, increased ability to

listen and participate in dialogue, and increased ability to interact with others and work together.

In their final thoughts, the authors state: “In the process of scaling up our initiatives, we have learned that defining a certain set of skills and devising a curriculum to teach these skills are only the first part of the challenge.” Even more complex is “developing frameworks for and competencies of teachers or facilitators that will enable them to generate those learning outcomes in a reliable way in many settings, in dissimilar circumstances, and with little supervision.”

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