

Beyond Balancing: Toward an Integrated Approach to Children’s Rights

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Discussions of children’s rights often are framed in terms of balancing—balancing parents’ and children’s rights, balancing rights to autonomy and protection, balancing rights and responsibilities. By its nature, such a comparative inquiry pulls for relativist reasoning, but such an approach undermines the universalism that is at the root of the concept of human rights. Like the international human rights instruments that preceded it, the Convention on the Rights of the Child is based on “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family.” Whether grounded in religious or secular ethical reasoning, human rights are directed toward a world in which the Golden Rule—a regime of mutual respect—serves as the guidepost for the social order. Building from that premise, recommendations are offered for social scientists’ contributions to creation and preservation of such societies.

In the past generation or two, there have been remarkable changes in the recognition of children’s rights. The U.S. Supreme Court first expressly acknowledged children as “persons” within the meaning of the Constitution less than a half century ago (*In re Gault*, 1967; *Tinker v. Des Moines Independent School District*, 1969). Today U.S. courts almost always recognize when minors’ constitutional rights are at stake. Still, their approach to the application of those rights is often crabbed (see Levesque, 2008), typically because of an underestimate of the significance of liberty and privacy to young people (especially in the contexts of public schools and juvenile justice).

Analogously, the commitments in the past generation to meet children’s rights to education and care have often been impressive. (The universal reach of free, appropriate, and minimally restrictive special education and related services to

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children who need them is perhaps the best example. For a review, see Melton, Petrila, Poythress, & Slobogin, 2007, chap. 17; cf. Convention on the Rights of the Child, 1989, art. 23.) Nonetheless, too many children in the United States still lack the basics of health care, safety, shelter, nutrition, and so forth. Authorities in the United States have not embraced social and economic rights as a part of fundamental domestic law (*San Antonio Independent School District v. Rodriguez*, 1973) or, as a general matter, of international human rights law. Although President Carter signed the International Covenant on Economic, Social, and Cultural Rights (1966) in 1977 (a step that signifies a government's intent to work for ratification of the instrument and thus, under U.S. law, to make it part of the nation's domestic law), the Senate has never ratified that treaty. By contrast, the United States has ratified the parallel International Covenant on Civil and Political Rights (1966), a document that echoes many of the provisions in the U.S. Bill of Rights and thus is consistent with U.S. political culture.

Nonetheless, expansive articulation of social and economic rights can be found in federal and state statutory law and sometimes, as illustrated by the right to education, in state constitutional law. Further, although the solutions themselves have sometimes become threats to children's safety and well-being (see, e.g., Melton, 2005b), the fact remains that the United States often has been the originator of widely adopted reforms in policies and practices intended to ensure children's personal security. Even when the specific commitments have fallen short—as they often have (see, e.g., Melton, 2002, in regard to child protection)—of those provided in many other industrialized democracies (see, e.g., Bradbury & Jantti, 1999; Kamerman & Kahn, 1991, 1998), the difference has typically been more of magnitude than form (Melton & Sullivan, 1993).

Internationally, although momentous threats to children's safety and well-being persist in much of the world (Melton, 1993), the changes in children's status in the past generation have been even more remarkable in the world at large than the analogous developments over a somewhat longer period in the United States. Notably, as many of the contributors to this issue discuss, the nearly universal adoption of the Convention on the Rights of the Child (1989) has changed the global discourse on children's policy. This change is easily observed among academicians even in the United States, which shamefully stands alone among countries with a functioning government in having thus far declined to ratify the main body of the Convention.¹

¹Having signed the Convention on the Rights of the Child (1989), the United States is committed as a matter of international law to work toward ratification. The act of signing, which occurred during the Clinton administration, has not been renounced by President G. W. Bush. Under international law, signatories that are not yet parties to a treaty are obligated not to take actions contrary to it, but they are not bound by law to follow its dictates.

By contrast, the United States is a party to the treaty's optional protocols on children in armed conflict and on sexual exploitation and trafficking of children. Having ratified those instruments, the

The Articles in This Issue

Amid the burgeoning discussion of means of fulfilling children's rights, this issue of the *Journal of Social Issues* provides an impressive contribution to related scholarship, particularly in regard to children's own perspective on their rights. This journal issue presents a substantial expansion of such empirical research, as conducted in diverse cultures (Peterson-Badali & Ruck, this issue). Torney-Purta, Wilkenfeld, and Barber's (this issue) article breaks new ground by demonstrating that the political context, including the prevailing foreign policies, can shape young people's attitudes and beliefs about their rights. The literature is also extended by consideration of such ideas and experiences in the context of diverse cultures (Cherney & Shing, this issue; Khoury-Kassabri & Ben-Arieh, this issue; Torney-Purta, Wilkenfeld, and Barber, this issue), civil society (Sherrod, this issue), and religious life (Khoury-Kassabri & Ben-Arieh, this issue). Although some interesting differences were revealed in the exploration of young people's perspectives in a broad array of contexts, the bigger message is the general consistency of the findings in regard to the nature of adolescents' reasoning about such matters and the importance of particular rights to them.

The differences in attitudes across cultures and situations can be understood in relation to the *salience* of pertinent issues (Peterson-Badali & Ruck, this issue). For example, it would be unsurprising to find that adolescents looking toward job hunting in a tight local economy would be especially concerned with job creation and job training (see Melton, 1987a).

In that regard, adults' presumptions about the nature of *youth issues* are typically and perhaps unsurprisingly reflections of adults' perspective alone. Notably, adult "advocates" for youth often assume that issues directly related to questions of future consequences (e.g., environmental issues) are matters of special interest to young people. This categorization requires that observers overlook young people's tendency (like that of adults) to examine current issues in terms of their near-term significance to them. Although strong generational differences do appear in relation to attitudes on some political and social issues (e.g., attitudes toward the

United States, like all other functioning governments in the world, is required to report periodically to the United Nations Committee on the Rights of the Child about its compliance with the protocols. (Without an internationally recognized sovereign government, Somalia is a party to neither the Convention itself nor the related optional protocols.)

Moreover, the Convention has achieved such a wide level of adoption within the community of civilized nations that it arguably has risen to the level of customary international law. Although the U.S. Supreme Court has not ruled on this question directly, it gave weight to the Convention in holding that the Eighth Amendment to the Constitution prohibits application of the death penalty to offenders who committed capital offenses while they were juveniles [*Roper v. Simmons*, 2005; see also Convention, 1989, art. 37(a)]. However, the significance of this decision in consideration of the reach of the Convention in U.S. domestic law may be limited, because Eighth Amendment jurisprudence has long been grounded in *evolving standards of human decency*, a principle that by its nature pulls for indicia of public opinion, including international legal norms.

death penalty; see Gallup, 2002; Jones, 2002; Lyons, 2002), other demographic factors are usually stronger predictors. Hence, pollsters would undoubtedly find a much greater proportion of Republicans in the student body at Clemson University, where I am employed in South Carolina (a consistently “Red” state), than at Boston University, where I attended graduate school in Massachusetts (an equally “Blue” state).

Two of the articles in this issue present interesting, relatively novel topics in the area of adolescents’ rights: Horn, Szalacha, and Dill (this issue) on rights of gay and lesbian adolescents, and Flanagan, Stout, and Gallay (this issue) on adolescents’ assertion of risky behavior as matters of right. In both instances, the pertinent attitudes may not be typically associated with children’s concepts of their rights,² but the current articles do point the way to related research that would be more clearly rights-focused.

Although the attention in this issue of the *Journal of Social Issues* to young people’s attitudes toward children’s rights is laudable and overdue, the contributors’ concepts of children’s rights reflect the continuing ambivalence in both public and academic discourse on the topic. Specifically, the need for *balancing* is a theme of the issue. Indeed, the importance of balancing was a theme of the external reviews of the manuscripts that ultimately comprised the issue. The authors variously refer to the purported needs to balance between possessors of rights (parents vs. children), between types of rights (autonomy vs. protection³),

²Horn, Szalacha, and Dill (this issue) examine peers’ attitudes about gay and lesbian students in school. Although the context (public schools) is one that is clearly within the scope of discussions of children’s rights, Horn et al. focus their research on young people’s attitudes. School officials’ and even voters’ attitudes are undoubtedly more directly germane to questions of the nature and scope and perhaps even the assertion of gay and lesbian students’ rights. Peers’ attitudes become germane to policy and practice primarily as evidence of the effects of school culture (specifically, prevailing policies) on the definition and fulfillment of minority rights, not as direct determinants in themselves.

Flanagan et al.’s (this issue) work is also tangential to issues of *rights*, although it is clearly relevant to health education. Almost no one seriously contends in the contemporary era that government is unable to regulate behavior that has obvious costs to the society. Indeed, the range of mechanisms for such regulation is remarkably broad (Bonnie, 1985)—not only direct prohibition but also incentives, taxation, government speech, and indirect regulation (application of carrots and sticks to create social conditions inconsistent with risky behavior). Although the recognition of liberty inevitably carries the risk of unwise decisions (for example, foolish purchases), it does not thereby create a right to incur liabilities for the society at large. In the same vein, *conduct* (distinguished from *speech*) that creates health risks and related collective costs is not within the bounds of freedom of expression. The state may place few limits on debate about legalization of drug abuse, but that doctrine does not imply that the state lacks the ability to regulate such conduct.

In short, the assertion that risky behavior is “none of your business” does not go far. Nonetheless, there are related live issues of children’s rights that do merit future examination from young people’s own perspective. For example, do developmental considerations warrant *differential* regulation of behavior that threatens adolescents’ health? In that regard, young people themselves may have useful insights about ways of minimizing such risk (given social norms prevailing among their peers) that would also minimally restrict liberty or invade privacy. Variations on the learner’s-permit model (see, e.g., Williams, 2003) may be illustrative.

³Following the nomenclature in Rogers and Wrightsman’s (1978) early factor analysis of attitudes toward children’s rights, empirical researchers on children’s rights tend to refer instead to

and between types of obligations (rights vs. responsibilities). In my judgment, these dichotomies are false. In this epilogue, I argue for an approach to children's rights that has a stronger philosophical grounding, and I offer suggestions for a corollary research agenda that would advance a rights consciousness inclusive of respectful concern for children.

Treating Children the Way That We Would Like to Be Treated

Children's Rights in Context

The seminal international human rights instrument, the Universal Declaration of Human Rights (1948), begins with the premise that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (preamble). Toward those ends, the Declaration further proclaims (emphases added) that "*all* human beings are born free and equal in dignity and rights" (art. 1), that "*everyone* has the right to life, liberty and security of person" (art. 3), that "*everyone* has the right to recognition everywhere as a person before the law" (art. 6), and that "*all* are equal

self-determination (rather than *autonomy*) and *nurturance* (rather than *protection*) rights. Analyzing the attitudes prevailing among adults, Rogers and Wrightsman correctly described two broad perspectives on children's rights—popularly known as *kiddie libbers* and *child savers* (see Mnookin, 1978)—that reflect divergent views of the nature of childhood (Melton, 1983a).

As several contributors to this issue describe, cultural, political, and developmental factors affect adherence to these perspectives. Although I concur in the validity of these empirical observations, I also argue *infra* that maintenance of such a dichotomy is philosophically incoherent.

My point in this note, however, is less profound: i.e., the descriptors that Rogers and Wrightsman (1978) chose are not fully apposite. For example, freedom of expression does not by itself connote self-determination. Similarly, although expectations of privacy do entail some measure of personal control (over personal information, physical space and possessions, and one's body; Melton, 1983b), they do not necessarily entail conscious decision making, as the term *self-determination* implies. *Autonomy* better communicates the multiple dimensions of respect for personal boundaries, expression, and decisions.

Although the reference to *self-determination* rights is underinclusive, the label of *nurturance* rights is too broad. It implies that humanitarian actions by caring adults are matters of right. That something is nice to have, however, does not create an entitlement. Even demonstrable causal relation of a particular experience to an increase in children's well-being is insufficient by itself to establish a right.

The label that I am using—*protection* rights—is also not without problems, in that the term carries surplus meaning in some contexts. In particular, *child protection* is often narrowly construed to be synonymous with the right to personal security (freedom from assault). As I am using the term here, however, protection rights include not only defensive protection against assaults but also affirmative assurance of the resources—education, health care, nutrition, etc.—required to protect the opportunity to develop as a unique *personality* (see Melton, 2005a). By analogy, children have a right to protection from neglect, not just protection from abuse, regardless whether the cause is parental or societal negligence.

Thus, society has an obligation to *protect* the social and economic resources minimally necessary for children's development of personal identity. A wisely constructed social policy is apt to go further, however, to *promote* improved quality of life, economic competitiveness, and so forth.

before the law and are entitled without any discrimination to equal protection of the law” (art. 7). Indeed, the word *everyone* appears 30 times in the 30 articles of the Declaration.

Notice that the principles of human rights found in the Universal Declaration do not include an age-related qualifier. Human rights were not conceived to apply only to those people who are at least 18 or, for most purposes at the time that the Declaration was promulgated, 21 years old.

Stunning in its scope, the Convention on the Rights of the Child (1989) is remarkable in its sensitivity to the diverse ecology of childhood. With 54 articles, most of which are divided into sections, the range of settings and situations that the Convention covers is an accurate representation of childhood, whether of children in ordinary or exceptional circumstances. Indeed, the Convention extends to “all [government-related] actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies” (art. 3).

This breadth of coverage reflects the reality in modern societies that the government is heavily involved in the lives of children in general, not only if they are abused or neglected (arts. 19, 34, & 39), adopted (art. 21), delinquent or accused of being delinquent (arts. 37 & 40), disabled (art. 23), ethnic minority (art. 30), trafficked (arts. 11 & 35), working (art. 32), selling or using illicit drugs (art. 33), seeking or granted asylum (art. 22), living or participating in armed conflict (arts. 38 & 39), or separated from parents because of foster care (art. 20), their own or parents’ imprisonment (arts. 9 & 37), national borders (art. 10), or residential treatment (art. 25). Accordingly, the Convention not only addresses assistance to families in general (as discussed *infra*), but it also pertains directly to the settings of everyday life: the arts and other cultural activities (art. 31), child care centers [arts. 18(2)-18(3)], forums for public discussion (arts. 13–15), health clinics (art. 24), libraries (art. 17), mass media (art. 17), parks and recreation centers (art. 31), places of worship (art. 14), and schools (arts. 28 & 29). Similarly, the Convention even goes beyond recognition of a right to social security (art. 26) to assert “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development” [art. 27(1)].

The drafters of the Convention showed striking concern not only about *what* children are owed but also *how* those obligations are fulfilled (see, e.g., art. 29, on the goals of education). For example, children with disabilities are guaranteed “a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child’s active participation in the community” (art. 23). Analogously, the Convention not only recognizes a panoply of specific due-process rights for children accused of violating the law [art. 40(2)], but it also recognizes juvenile respondents’ right “to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account

the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society" [art. 40(2)].

In general, the Convention depicts children as *participants* in the settings of which they are a part (see generally Flekkøy & Kaufman, 1997; Melton, 2006; Smith, 2007). Any child "who is capable of forming his or her own views" has a right to be heard (art. 12; see also arts. 13–15 & 17). This standard is a very low one. Indeed, it is tautological in some circumstances, because children who express their views are *ipso facto* capable of doing so.

The drafters' principal goal was the preparation of children "to live an individual life *in society*. . . in the spirit of peace, dignity, tolerance, freedom, equality and solidarity" (preamble, emphasis added). Recognizing that the family is "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children," the drafters intended for children to spend their childhood in a "*family environment*, in an atmosphere of happiness, love and happiness" (preamble, emphasis added). Without precedent for doing so, the drafters broadened the ordinary simple terminology (*family*) to *family environment*, an inspired choice of words, because it framed the relevant rights in a form that governments reasonably could fulfill (How could a government possibly ensure that every child has a family?) and that enabled protection of family and family-like relationships, regardless of the biological connection (Melton, 1996).

To add emphasis to this point, the Convention (1989) extends the obligation of states parties to respect and assist parents to, "where applicable, the members of the extended family or community as provided for by local custom" (art. 5). In effect, the Convention frames the breadth of children's rights from their own perspective—in this instance, in regard to the relationships that are so fundamental that they are critical not only to the fulfillment of children's needs, as related to their survival and development [see, e.g., arts. 6(2), 18(2), & 27(2)] but also to their establishment of a personal identity (see, e.g., arts. 7, 8, 29, & 30). In that regard, the Convention places a strong emphasis on states parties' obligations to preserve the relationships most important to children (see, e.g., arts. 5, 9, 10, 18, & 22).

In so doing, the Convention is remarkable in its "bottom-up" orientation (cf. Dahl, 1987; Nader, 1985). Not only is *family* extended to *family environment*, but the scope of children's rights is defined in terms of the requisites in the present for children's experiencing respect as persons and in the future for their continued full participation in community life.

The Content of Children's Rights

Like other human rights instruments (Melton, 1992), the Convention is focused on promotion of a sense of community in the grandest sense of that term.

It is oriented toward establishment of communities in which children *feel* that they are treated like people who count and in which their functions and opportunities in community life naturally evolve and expand (Melton, 2005a, 2005c). The expectation is that children's interactions take place in a context in which the adults in their lives, especially their parents, are also treated like people by public authorities, so that the institutions at the heart of society are strengthened as centers of community (Melton, 1996, 1999).

In this reciprocity of care, *all* of the people who are a part of children's community and the settings that constitute it (e.g., family and school), including children themselves, are worthy of notice (cf. Melton & Holaday, 2008, for detailed discussion of a community-wide child protection initiative that rests on such a premise), so that observers need not and indeed should not choose between parents and children. Protection of relationships and preservation of dignity are important to all, and recognition of one set of fundamental interests generally does not imply that others should thereby be ignored or discarded. Unsurprisingly, therefore, there is a large and long-standing body of knowledge showing that rights consciousness both reflects and stimulates a culture of caring and reciprocity. Consciousness of one's own rights is related to tolerance of expression of rights by others (see, e.g., Day, Peterson-Badali, & Ruck, 2006; Melton & Saks, 1985; Torney-Purta et al., this issue).

Indeed, the interests that are protected by children's rights vary minimally from those that are protected by adults' rights. That fact does not imply, however, that the claims that may be brought legitimately and justly are the same across the generations. For example, freedom of expression for a 10-year-old, like a 50-year-old, is derived from respect for the individual as a person, someone who should have a say (cf. Lind & Tyler, 1988, on the factors affecting perceived justice). For the 10-year-old who has little experience in community meetings, however, related education may be necessary in order to make the right to speak meaningful. Similarly, the community may need to provide special opportunities for young people to have access to the podium if freedom of expression is to be meaningful.

Analogous to the legal theory underlying the U.S. Constitution (Tremper, 1988), the overarching construct in the Convention on the Rights of the Child (1989) is protection of *dignity*, a concept that is expressly relied upon at several points [e.g., preamble; arts. 23(1), 28(2), 37(c), 39, 40(1)] and implicitly embedded throughout the instrument. Both normative (moral) and psychological in overtones (see Melton, 1992), the quest for dignity neutralizes the conflict between autonomy and protection rights. Both are necessary if one is to be or become a personality with a meaningful role in the community. As noted *supra*, freedom of expression, for example, is largely meaningless unless one has the forum, the skills, and the self-respect to articulate one's point of view.

The Obligations Associated with Children's Rights

Sen's taxonomy of criticisms. Nobel laureate Amartya Sen (2000) has articulated—and debunked—three arguments that are commonly made by skeptics about expansive human rights doctrines, including broad application of rights to children. The *legitimacy* critique refers to “the worry that human rights confound consequences of legal systems, which give people certain well-defined rights, with pre-legal principles that cannot really give one a justiciable right” (p. 227). Susceptible to the privileges accorded by the state, “human beings in nature are, in this view, no more born with human rights than they are born fully clothed; rights would have to be acquired through legislation, just as clothes are acquired through tailoring” (p. 228). Accordingly, skeptics argue, human rights have no meaning beyond that which is conferred by legislative authorities.

The *coherence* critique is an argument familiar to students of children's rights. The claim is that rights cannot be discussed without specifying who has the duty of fulfilling the rights. Unless a particular party has such a duty in a manner that results in perfect symmetry, so the argument goes, the claim of a right is empty. Further, even if the duty-holder is specified, that individual may also have just claim to rights. If so, the expected symmetry is apt still to be violated.

This is the classic form of the argument about the purportedly antithetical nature of children's rights. The societally designated protectors of children's rights are usually presumed to be their parents. In this view, recognition of rights for children is part of a zero-sum game in which parents' rights are necessarily in play and in which their successful assertion inevitably diminishes the authority of children, the state, or both.

The final critique of human rights that Sen (2000) described is also one that is familiar to proponents of children's rights. The *cultural critique* posits that human rights are not really *human* rights at all; instead, it is argued, such axioms are expressions of *Westerners'* values. The concept of human rights is said to emanate from the vision of individual persons that was the overriding idea of the Western Enlightenment. In this view, support for rights as universal attributes of children at best shows insensitivity to children, families, and communities in non-Western societies and at worst establishes expectations that undermine the very structures that are most likely to provide children with care and protection in the context of long-prevailing cultural norms.

The answers. Unsurprisingly, Sen's (2000) responses to these several criticisms in regard to human rights in general are also pertinent to understanding of children's rights in particular. The legitimacy critique is the easiest to rebut. Human rights can be conceived as potential legal rights that are grounded in fundamental moral claims. If a right is unfulfilled, it is nonetheless a right in principle.

The question is whether, as a matter of morality, the status of *person* provides an individual with just claim to a particular opportunity. As Sen (2000) noted, “The demand for legality is no more than just that—a demand—which is justified by the ethical importance of acknowledging that certain rights are appropriate entitlements of all human beings” (p. 229).

A similar rebuttal negates the coherence critique (“whether we can coherently talk about rights without specifying whose duty it is to guarantee the fulfillment of the rights”; Sen, 2000, p. 230). Statements of human rights should connote what people—in this instance, children—*should* have. In Sen’s (2000) words, “The claims are addressed generally to anyone who can help, even though no particular person or agency may be charged to bring about the fulfillment of the rights involved” (p. 230). Rights language announces shared expectations about how people should be treated—in effect, a Golden Rule.

Finally, the cultural critique (whether “human” rights really are simply “Western”) is based on a simplistic concept of culture in which diversity of ideas within cultural traditions is ignored. In fact, values consistent with recognition of human rights (e.g., tolerance; egalitarianism) can be found in Eastern as well as Western philosophies and religions. Indeed, a number of the articles in this issue also make this point. Moreover, people have worked to overcome oppression in all parts of the world. Further, although compliance is undeniably incomplete, the realities that rights language has been embraced by governments around the world and that democracy now has a foothold in almost every world region cannot be overlooked. Dismissal of children’s rights as “Western” and therefore inapplicable in much of the world shows an unbecoming snobbery in itself. In that regard, it is telling that the ideas in the Convention on the Rights of the Child (1989) that are the most closely related to autonomy have been relatively slow to be adopted in the West as well as the East. (See Daiute’s, 2008, observations about the provisions of the Convention that have been most troublesome for governments.) Indeed, review of the legislative history of the Convention (Office of the United Nations High Commissioner, 2007) shows ironically that many of the provisions that have been most commonly the source of political controversy in the United States were included at the insistence of the representative of the United States in the drafting group, typically during the Reagan administration.

Conclusions

Although the demand for balancing in matters pertaining to children’s rights is strong, it is not a sensible practice. Those who would pit parents against children fail to see that respect for children implies no diminution of respect for the adults who care for them. Indeed, protection of such relationships is of mutual importance. Not only is there a shared interest in protection of family relationships from unwelcome intrusions, but there is also a joint interest in promoting respect within

the family. A rights-oriented climate in “the smallest democracy at the heart of society”⁴—in effect, a setting in which the legitimacy of the rights of all family members is recognized—is likely to result in a better functioning family in which such relationships are strengthened (Tyler & Degogey, 1995).

In the same vein, neither autonomy nor protection rights are preeminent. All are important elements of treating children as people should be treated, with due consideration of both developmental and situational factors. Autonomy and protection rights are *integrated*, not *balanced*, in the effort to protect children’s dignity.

Moreover, rights need not be balanced by responsibilities in one-to-one fashion. In that regard, those who believe that a declaration of children’s rights should be accompanied by a declaration of responsibilities miss the point in three ways. First, the enforcement of legal rights is not the responsibility of private parties. Although parents and, in some cultures, other elder authorities are recognized by the state and by children themselves as having a special role in the lives of children, it is the government itself that bears the obligations recognized in international instruments. Analogously, assurance of the fulfillment of moral rights is a responsibility of the community at large.

Second, as already noted, rights do not exist in a zero-sum environment. Rather, sense of duty is apt to flourish in a context in which all people, including children, are shown proper respect. Thus, when children—or any disadvantaged class—are treated as members of the community, everyone’s sense of worth increases. The expression of dignity *multiplies* amid the recognition and exercise of rights; there are no losers. By the same token, each fulfillment of the Golden Rule reverberates; it confirms the humanity of both receiver and giver and establishes the expectations for future interactions.

Third, a requirement that a child (or any person) accepts a responsibility before a right is conferred shows a fundamental misunderstanding of the concept. There is no entitlement if rights are contingent. Human rights have no meaning if they do not accompany the status of human being. In the same vein, a conception of children’s rights that is effectively limited to good (responsible) children is empty indeed.

In determining the scope of children’s rights, ultimately there are just two questions. First, *are children persons deserving of respect?* The answer to this question is unequivocally yes, whether the answer is based on law, morality, or religion.⁵ Second, *what interests must be protected for a child to be (as a child) and become (as an adult) a meaningful participant in community life and,*

⁴“Building the smallest democracy at the heart of society” was the slogan of the International Year of the Family, as proclaimed by the United Nations, in 1994 (see Sokalski, 1993).

⁵For a religiously grounded exposition of children’s rights, see World Vision (2002). Although the secular ethical theories underlying most academic commentary on children’s rights are compatible with most relevant religious doctrines, religious arguments on point generally rest on the notion that

in so doing, to develop and express her or his unique personality? Note that no balancing test is embedded in this inquiry. Instead, the question demands a straightforward normative analysis (in regard to the criteria for “meaningful participation in community life”) and corollary social impact analyses in regard to the effects of various policies, programs, settings, and situations in facilitating such experiences.

Questions of Politics

The Politics of Children’s Rights

Of course, the latter question does have a corollary: how best to conduct the requisite social planning and then to implement the desired programs and policies in various political structures and community settings. In that regard, thoughtful discussion of the questions at hand in child policy has often been disastrously impeded by the tendency to view the core questions as primarily symbolic and to overlook their practical meaning (Melton, 1987b). More than in most policy contexts, the issues are not clarified, the interests at stake are not fully identified, and the most relevant information is neither sought nor used. Unfortunately, the reframing of such issues in terms of children’s rights rarely reduces the triumph of sloganeering over reason.

Discussions of children’s rights are easily co-opted. On the one hand, politicians jockey to define their side as pro-children, even when the issue is not distinctively focused on children (see Melton, 1987a, on child policies as *valence issues*). Such a strategy is intended to make thoughtful discussion impossible by making the opponent’s position unthinkable. Politicians want to be cast as anti-children as much as they want to be remembered as antiflag!

On the other hand, association with children’s rights is apt to result in a characterization as antiparent or antifamily, also hardly a winning position. As illustrated by the history of child mental health policy (see Melton, Spaulding, & Lyons, 1998), framing of an issue in terms of children’s rights is especially likely

people, including children, are created in the image of God and therefore worthy of sacred respect (Melton & Anderson, 2008).

This viewpoint was expressed in a resolution of the United Methodist Church (2004):

Human dignity is the foundation of all human rights. . . . Human dignity is the image of God in each human being. Human dignity is the sum total of all human rights. We protect human dignity with human rights. . . . It is God’s gift of love for everyone. . . . As peoples and governments increase the catalogue of rights that are recognized and protected, . . . our approximation of and striving for human dignity also increase.

In the Christian tradition, support for *children’s* rights is given extra credence by Jesus’ expression of special concern for “the least of these” (see Mercer, 2005). It is further amplified by the concept of the child as a gift from God (see, e.g., Episcopal Church, 1997).

to pull for symbolic debate about the relative power of various family members. This battle then distracts policymakers and the public from consideration of their unity of interests in protection of family relationships and in provision of resources to make child rearing easier.

This polarization is especially applicable to the Convention on the Rights of the Child (1989), because it is a transformative document. Consider, for example, how daily life would change if public officials (not only politicians but also teachers, recreation leaders, pediatric health workers, and social workers) took seriously the requirement at least to have a conversation with children before taking actions affecting them [art. 12(1)]. Although the values at stake flow easily from the best traditions of U.S. culture, the revolutionary nature of full recognition of children's rights in practice becomes obvious when one considers that the thought-problem just raised concerns only one section of one article among 54 in the Convention itself, a number that is expanded by the two optional protocols.

Effective Advocacy for Children's Rights in Practice

In this context, the advocate's first challenge is to avoid the definition of the topic as children's rights *per se*, while also functionally applying the concept. For example, in Strong Communities for Children, our current initiative to prevent child maltreatment in a portion of the Upstate region of South Carolina, we have so far united more than 5,000 volunteers and hundreds of organizations in an area (adult population in 2000, 97,000) known for its political and theological conservatism (Melton, in press; Melton & Holaday, 2008). Although the term *right* is not commonly used in the language of the initiative, the concept is deeply embedded in the approach. Specifically, the participating communities have pledged to ensure that *every child and every parent will know that, whenever they have reason to celebrate, worry, or grieve, someone will notice, and someone will care*. Promising to that end that *no families will be left outside*, the communities are dedicated to such watchfulness and mutual assistance in all sectors of everyday life, so that *everyone*—all children—will be kept safe.

In effect, we are committed to fulfillment of each child's rights to personal security and, to that end, to a family environment that is supported sufficiently by the community at large to ensure that the child's basic needs are met in a setting that is safe, humane, and responsive. Meeting these goals requires the attention and dedication of all sectors of the community.

These ideas have been remarkably conflict-free. Usual "turf" issues have simply not appeared, notwithstanding fundamental differences that some of the organizations have with each other on other issues. Regardless of politics, theology, ethnicity, gender, class, and age, everyone believes that children deserve an environment in which they will grow up noticed and cared for as individuals, their families will be supported through a collective expression of good will, and that in

the end children will live securely in dignity. The actions that have been taken by various community groups and volunteers to fulfill their collective obligation have been stunning not only in their quantity but also in the creativity, thoughtfulness, and passionate concern that they represent.

In a sense, the local culture for consideration of—and response to—children’s interests now reflects a psychological mindedness that is attuned to the everyday experience of children themselves and of the adults who care for them. This wisdom, in turn, emanates from Strong Communities’ straightforward expression of its normative underpinnings—of the moral principles at stake—in a commonsense manner that comports with community values and that enables citizens in general and organizational leaders in particular to understand how they can operationalize the principles in daily life in their own corner of the world.

Questions for Research

This approach—starting with inquiries about particular requisites for children’s meaningful participation in community life in a way that the personality of each can emerge in safety and dignity—dramatically contrasts with the common readiness to “balance” one part of the community against another or, for that matter, one part of children’s personalities against another. Ironically, the common tendency to enter into balancing tests about the application of rights to children opens a wide door to consideration of psychological evidence (Mnookin, 1985) about matters that would be settled in a more psychologically minded analysis. A particularly gross, but by no means a singular example, was the Supreme Court’s approval of the constitutionality of preventive detention of juveniles because their “undoubtedly substantial” fundamental “interest in freedom from institutional restraints . . . must be qualified by the recognition that juveniles, unlike adults, are always in some form of custody” (*Schall v. Martin*, 1984, p. 266). Uncovering the fallacy of this logic should not have required deep inquiry into conditions in juvenile detention centers or the meaning to young people of being locked up.

Elsewhere (Melton, 2005c), I have argued that a rights-oriented program of research relates not only to the topics chosen but also to the process, the analysis, and the reporting of findings. For example, analysis of data should not rest simply on comparison across groups or time:

The ordinary goal in children’s services is to do greater good—to achieve higher quality inputs or better outcomes.

In a rights-based agenda, however, the data should be analyzed in relation to their match with minimum standards (*entitlements*) derived from a normative inquiry. In that sense, the standard is not what is best or even good for children but instead what is morally required. Therefore, the aspiration in fulfilling rights usually is not just to do more but instead to do something different. The question that the researcher must address is whether a right is being met, not how much good is being done. (Melton, 2005c, p. 651)

Analogously, the research base on young people's reasoning about rights is now sufficiently rich and sufficiently consistent that it is time to change directions to focus more directly on the strategies that are most apt, directly or indirectly, to enable children to be meaningful participants in the community.⁶ For example, in discussing Strong Communities, I alluded to approaches that may increase community sensitivity to such needs and, therefore, may enhance adults' interest in children's place in the community. Similar questions can be posed about children's own experience: "Under what circumstances do children feel like people? When do they feel that they are meaningful participants in the settings of which they are a part?" (Melton, 2005c, p. 651). In designing rights-sensitive settings for children, developmental and situational research on the meaning of key constructs in the Convention (e.g., dignity; exploitation; honor; privacy) can also be useful. Administrative data systems and evaluation research may also be helpful in determining whether rights-based thresholds are crossed.

The potential for such a program of research is extraordinary:

The vision that is embedded in our work is grand, but it is also mundane. It applies our highest aspirations to the seemingly inconsequential actions of everyday life. Communities in which children feel safe, in which they are heard, in which they and their parents are treated with respect, and in which there are strong norms of caring and mutual assistance would be fine places to live.

Scholarship that systematically increased understanding of such experiences and the conditions under which they occur would be profound indeed. It would also be likely to change public discourse—to achieve a resonance between the scientific enterprise and the most sensitive stirrings of human hearts. At a time when people—especially young people—feel ever more disconnected, such a goal is a formidable challenge, but its achievement would be stunning. Such an accomplishment would require scholarship that is fueled by moral fervor, structured by careful logic, guided by psychological sensitivity, sustained by creative policy analysis, and refined by systematic empirical study in a climate of openness and common concern. (Melton, 2005c, p. 656, citation omitted)

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⁶This program of action research should go beyond the scope of this special issue to include elementary-school-age children. Research suggests that a child's general political orientation—in essence, the attitudes that comprise the political culture—is well-established by the end of the primary grades (Melton & Limber, 1992).

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These children have joined the ranks of 25 million displaced boys and girls worldwide – a number equivalent to the population of a midsize European country and the largest in the 70 years since the end of World War II. Images of vulnerable, desolate refugee children – likely to be displaced for a decade or more – have become so common that the world seems unable to comprehend what it is seeing. But the plight of child refugees is only one reason why a new approach to children’s rights is needed. This year, an estimated 15 million school-age girls will become child brides, forced into marriage against their will. Some 14 million boys and girls below the age of 14 are child laborers, many forced to work in the most hazardous of conditions. An integrated approach to teaching and learning. Introduction. Informed by Literacy and Numeracy for Learning and Life - The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020 and the School Self-evaluation Guidelines, this booklet contains practical examples of how teachers can use differentiated active learning methodologies, inquiry-based approaches to learning and ongoing assessment to enhance the key skills of literacy, numeracy and working with. in small groups toward a common goal. The core element of collaborative learning is the emphasis on student interactions rather than on learning as a solitary activity. Cooperative Learning can be defined as a structured form of group work where students. children (childcare and pre-primary education, parental support, out-of-school care, health, culture, etc.). The aim is to ensure that children and families in vulnerable situations have access to high-quality ECEC provided by services that are better integrated across the different sectors (education, health, welfare, etc.), different professions and across age groups and governance levels. The Recommendation which followed called for a children’s rights approach and integrated strategies based on three pillars: 5. - children’s right to participate – which includes the participation of all children in play, recreation, sport and cultural activities and in decision-making that affect their lives. (EU Alliance for Investing in Children 2014). Integrative learning is a learning theory describing a movement toward integrated lessons helping students make connections across curricula. This higher education concept is distinct from the elementary and high school "integrated curriculum" movement. Integrative Learning comes in many varieties: connecting skills and knowledge from multiple sources and experiences; applying skills and practices in various settings; utilizing diverse and even contradictory points of view; and, understanding issues... Download now. SaveSave Beyond Balancing- Toward an Integrated Approach t For Later. 0 ratings0% found this document useful (0 votes). 42 views19 pages. Discussions of children’s rights often are framed in terms of balancingbalancing parents and children’s rights, balancing rights to autonomy and protection, balancing rights and responsibilities. By its nature, such a comparative inquiry pulls for relativist reasoning, but such an approach undermines the universalism that is at the root of the concept of human rights. Like the international human rights instruments that preceded it, the Convention on the Rights of the Child is based on recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family.