

# **CHILDREN'S RIGHTS**

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A Philosophical Study

C.A. Wringer

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C.A. WRINGE

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A philosophical study

C.A. Wringe



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# Contents

General editor's note	ix
Preface	xi
Introduction	1
PART I THE CLAIM THAT CHILDREN HAVE RIGHTS	3
1 The children's rights movement	5
PART II WHAT IS A RIGHT?	21
2 Three traditional theories of rights	23
3 Rights and other forms of moral language	30
PART III THE JUSTIFICATION OF DIFFERENT KINDS OF RIGHTS CLAIMS	39
4 Positive rights and moral rights	41
5 Rights of freedom in the sense of liberties	46
6 Claim rights of freedom and non-interference	52
7 Rights of participation	57
8 Special rights	67
9 Welfare rights	74
PART IV THE RIGHTS OF CHILDREN	85
10 Rights and the concept of childhood	87
11 The legal rights of children	90
12 Children's rights of freedom in the sense of liberties	98
13 Children's claim rights of freedom	104
14 Children's rights of participation	118
15 Children and special rights	130
16 Children's welfare rights and the right to education	135
17 Children's rights and the children's rights controversy	150

viii *Contents*

Notes	163
Bibliography	173
Index	177

## General editor's note

There is a growing interest in philosophy of education amongst students of philosophy as well as amongst those who are more specifically and practically concerned with educational problems. Philosophers, of course, from the time of Plato onwards, have taken an interest in education and have dealt with education in the context of wider concerns about knowledge and the good of life. But it is only quite recently in this country that philosophy of education has come to be conceived of as a specific branch of philosophy like the philosophy of science or political philosophy.

To call philosophy of education a specific branch of philosophy is not, however, to suggest that it is a distinct branch in the sense that it could exist apart from established branches of philosophy such as epistemology, ethics and philosophy of mind. It would be more appropriate to conceive of it as drawing on established branches of philosophy and bringing them together in ways which are relevant to educational issues. In this respect the analogy with political philosophy would be a good one. Thus use can often be made of work that already exists in philosophy. In tackling, for instance, issues such as the rights of parents and children, punishment in schools, and the authority of the teacher, it is possible to draw on and develop work already done by philosophers on 'rights', 'punishment', and 'authority'. In other cases, however, no systematic work exists in the relevant branches of philosophy - e.g. on concepts such as 'education', 'teaching', 'learning', 'indoctrination'. So philosophers of education have had to break new ground - in these cases the philosophy of mind. Work on educational issues can also bring to life and throw new light on long-standing problems in philosophy. Concentration, for instance, on the particular predicament of children can throw new light on problems of punishment and responsibility. G.E. Moore's old worries about what sorts of things are good in themselves can be brought to life by urgent questions about the justification of the curriculum in schools.

There is a danger in philosophy of education, as in any other applied field, of polarization to one of two extremes. The work could be practically relevant but philosophically feeble; or it could be philosophically sophisticated but remote from practical problems. The aim of the new International Library of Philosophy of Education is to build up a body of fundamental work in this area which is both practically relevant and philosophically competent. For unless it achieves both types of objective it will fail to satisfy those for whom it is intended and fall short of the conception

of philosophy of education which the International Library is meant to embody.

Twelve years ago the children's rights movement, as represented by the Little Red School Book, was an unknown phenomenon. In the first chapter of his book Dr Wringe gives an interesting and well-documented account of how the movement developed. At the end of the book he assesses the claims made for and by children during the course of the movement - e.g. the right to refuse to wear uniforms, to participate in school government, to enjoy social relations, etc. This brings the philosophical discussion of rights in the middle of the book down to earth and gives Dr Wringe's book a sense of reality. So also does his admission at the start that his interest in the topic of rights arose from his experience as a young teacher, when he was confronted with the conflict of preserving order in class and the claims of independence for his pupils.

The philosophical section of Dr Wringe's book discusses traditional theories of rights and their justification. Rights as freedoms are distinguished from welfare rights and the question is raised whether the latter are properly called rights. His analysis is applied to the various rights claimed for the children. He is very judicious, when dealing with claims for participation by pupils in school government, in de-limiting the spheres in which such claims are reasonable. He also makes the important point that the claims for children's rights go far beyond the more moderate appeals of the child-centred movement.

There are many teachers who are hostile to claims for children's rights - often because of ignorance of the type of philosophical case that can, with reservations, be made for them. Dr Wringe has written a clear and interesting book that throws light on a controversial issue of considerable importance. It should be read by teachers, parents and administrators and anyone else interested in the welfare of children.

*R. S. Peters*

# Preface

At a personal level my interest in the question of children's rights dates back to my experience as a newly qualified schoolmaster, for whom the relations of authority and obedience between teachers and pupils were not yet something to be taken for granted. As such I frequently found myself 'caught' between the seemingly proper requirements of the school for the prompt establishment of good order and endeavour, and the intuition - thoroughly justified as it now seems - that young people were entitled to a greater degree of independence, consideration and respect than they sometimes received.

Since then I have found this apparent conflict an increasingly absorbing topic of academic enquiry, ultimately leading on to a consideration of some of the central questions of political philosophy. These include not only the nature of rights and their relation to other moral and political concepts, but also the relationship in which the individual stands to the community as a whole and in which the generations, young and old, parents and children, teachers and pupils stand to each other.

These are some of the fundamental issues with which I am concerned in the following pages. At this point it is appropriate to acknowledge my debts to my own philosophical elders and betters, notably Professor R. S. Peters and Mrs Pat White. Apart from my general philosophical indebtedness, I have to thank Professor Peters for his encouragement to work my material into publishable form. My sincere gratitude is due to Mrs White for her patient and constructive discussion of all the main arguments I advance.



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# Introduction

The notion that children should be treated less harshly and dealt with in a less authoritarian manner has long been an important theme in educational writing, and dates back to Rousseau and beyond. It is true that in advocating a more child-centred pedagogy some writers have not failed to appeal to the humane sentiments of their readers on children's behalf. The main burden of such writing, however, has been that to follow the natural development and interests of the child, to provide agreeable conditions in which to learn, to encourage rather than to coerce, is the most effective way of achieving certain educational aims.

More recently, however, a new note has entered the argument. The view has been maintained, forcefully in some cases, that children should be allowed a certain independence and equality of consideration, not only because that is more effective educationally, or more worthy of humane and rational parents and teachers, but because children are entitled to be so treated, as of right.

Not only are children held to have rights, but certain established practices are held to infringe those rights and to justify protest and demands for implementation as unabashed, peremptory and insistent as those which are appropriate when the rights of adults are ignored. A particular feature of the situation is that when such claims are made, opposition is seldom addressed to the actual claims in question but to the more general issue of whether children may be said to have rights at all and more especially whether it is permissible for them to actively seek their recognition.

The term 'rights' has become an indispensable term in the vocabulary of those campaigning on behalf of various groups in society. The claim to rights may be as precise as the letter of the law, or as broad as the ideals of international bodies. It may carry overtones of the day-to-day morality of doing as one would be done by as well as of the fundamental assumptions shared by all who support a democratic way of life. To use the term, therefore, may be at once to cast a doubt on the legal and moral rectitude of one's opponent's position and to brand him as a reactionary, not to say as a tyrant and an aggressor. No consensus exists as to what it is to have a right or even under what general conditions the claim to have a right may be justified.

A major part of the present study is therefore concerned with the elucidation of these broad questions before considering the application of conclusions reached to the case of children and pupils. Although our main purpose is a philosophical one, however, it will be helpful in establishing the practical context of our enquiry to

## 2 *Introduction*

begin with a brief historical review of the children's rights movement, particularly during the years 1969-72 when the controversy was at its height. Such a review, it is hoped, will indicate the considerable range of sources from which such claims have emanated and show that the movement has at least been sufficiently concerted to pose for school authorities and adult bodies both problems of administration and questions of general attitude and policy.

**The claim that  
children have rights**

**Part I**



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# 1

## The children's rights movements

### PUPIL MILITANCY AND ADULT POLEMICS (1)

Following the events of May 1968 at various European and British universities the spread of militancy into secondary schools was widely anticipated. In France *Lycéens* were already involved in the student unrest of 1968 and by 1969 pupils' joint management committees (*Schülermitverwaltungen*) were established in *Gymnasien* in certain German *Länder*, only to be stigmatised by many of the pupils whom they were meant to placate as '*eine Farce*'.

It is perhaps small wonder that as student militancy became old hat, the exploits and utterances of members of the Schools' Action Union should rapidly be seized upon as 'news'. When on the last day of Christmas Term 1969 this organisation mounted a strike and marched on County Hall, five pupils of an East London comprehensive school were suspended. Significantly, the issue which divided the governors and others who discussed the case was not the validity of the pupils' demands contained in a letter handed in at County Hall, but whether those suspended were properly to be described as 'truants' and 'recalcitrants', who might easily be dealt with inside the traditional framework of school discipline, or whether they were 'strikers', to be treated according to different canons.(2) It is perhaps an indication of the tense atmosphere surrounding pupil militancy that the five pupils in question were eventually expelled and the then Minister of State for Education asked the Inner London Education Authority for a full report.(3) The SAU were again in the news in February 1970 when it was revealed that the headmaster of one of their members had written about his political activities to a university which had subsequently rejected his application for entrance.(4) In July of that year the speech day at a well-known London public school was interrupted by SAU activities,(5) and in November a boy was suspended at a school in Suffolk after 'openly defying school rules' by publishing an article in 'Vanguard', the organ of the SAU.(6) In the same month some of the specific demands of the SAU were widely reported following the organisation's conference in Manchester.(7) In December a 'good natured strike' over the dismissal of a teacher at Holland Park Comprehensive School also threw up demands for increased pupil representation.(8) Apart from eight boys being transferred from one secondary modern school to another for 'trying to start a union',(9) 1971 appears to have been rather quiet from the point of view of actual pupil militancy, though as will be seen, the