

JONATHAN TODRES • SARAH HIGINBOTHAM



# HUMAN RIGHTS IN CHILDREN'S LITERATURE

Imagination and the Narrative of Law

OXFORD

*Human Rights in Children's  
Literature*



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Narrative of Law*



JONATHAN TODRES  
SARAH HIGINBOTHAM

*Foreword by*

CAROL BELLAMY  
Former Executive Director of UNICEF

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*We dedicate this book*

*to*

*Young readers, whose imagination and excitement make it impossible  
not to be similarly excited by children's literature,*

*&*

*to*

*The children around the world who confront human rights violations.  
Their courage, resilience, and dignity too often go unrecognized. It is for  
them we hope that the ideal of a human rights culture is soon realized.*



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## *Foreword*

IT IS MORE than a quarter of a century since the U.N. Convention on the Rights of the Child came into force, and we now live in a world where an entire generation has grown up under its protective umbrella. While many of today's twenty-five-year-olds may not have been aware of its impact on their daily lives—or even its existence—they have benefited nonetheless.

The past twenty-five years have confirmed—if confirmation were needed—that child rights *matter*. In every part of our world, from Sweden to Swaziland, Canada to Cameroon, Jamaica to Japan, the Convention has inspired changes in laws and practice that have improved the lives of millions of children, showing just what can be achieved by having common goals and a shared determination.

The Convention offers us a vision of a world where our children and young people have a healthy start in life and are educated and protected, a world in which their views are respected and where they can develop their full physical and mental potential.

It has given legal force to what has, in essence, been happening within families for decades, maybe centuries (and perhaps even millennia). Most parents have always done their very best to protect the rights of their children, without necessarily being aware that this is what they were doing. Instinctively, they have strived to ensure that their children survive, that they are healthy, that they are safe, and that they learn the skills they need for adulthood.

Fables, stories, and legends, whether shared around a communal fire or read from the latest iPad, have always instilled the values that shape everyday life for children on such basics as fair play, justice, and the belief—or hope—that good will, ultimately, triumph over evil.

Many of those who have grown up under the protection of the Convention on the Rights of the Child are now parents themselves. Their view of the world around them will have been shaped, in part, by the stories they heard or read when they were young. The stories they share with their own children and the

books they give them to read will have a similar impact on the worldview of the next generation.

The very best children's literature contains some of the earliest and most valuable lessons that they will ever learn. By sharing the adventures, bravery, and triumphs of fictional children, children learn that they too have value, but also responsibilities. They learn that other people are important and are worthy of respect.

They learn the value and power of words, often long before they go to school. And when they reach the classroom, the books they read will help to reinforce a three-way bond between child, school, and parent.

So, as Jonathan Todres and Sarah Higinbotham reveal in this remarkable and long overdue book, the content of children's literature is crucial. It matters for the children concerned and, by extension, for the very nature of the societies in which they grow up.

The authors find that some of the classics, even those loved by generation after generation, reinforce age-old stereotypes that regard certain children in particular—girls, those from minorities, or those with disabilities—as weak or flawed. Some even portray children, in general, as “lesser” beings who are totally powerless and dependent on the whims of the adults around them. But many books—and not necessarily only the most recent—encourage children to value themselves and others, regardless of gender, religion, ethnicity, or disability, an approach that happens to uphold one of the central tenets of the Convention on the Rights of the Child: nondiscrimination.

Questions remain on whether today's literature for children reflects the reality of their lives—particularly the lives of those who do not lead a comfortable, stable existence in one of the world's richer countries. Do they show the lives of children who are less fortunate while conveying the sheer energy, dynamism, and common sense of children themselves? Do they tap into their often heroic efforts to claim their rights, from children who dare to reach out to each other across the fault lines of religion or ethnicity, to young girls who risk their very lives in their determination to go to school? In other words, are there enough “Malala Yousafzais” in children's books to inspire the next generation to speak out on the issues that concern them?

I'm sure that everyone reading this book will look for—and find—a mention of a particular childhood favorite, from *To Kill a Mockingbird* to *Winnie-the-Pooh*. For myself, it was *Alice in Wonderland*. Was I aware in my early years that Alice was seen, by some, as a feminist icon—a Malala of her time? Of course not. But it is certain that, in my childish enjoyment of her adventures and her bizarre encounters, I was absorbing valuable lessons for life.

I saw Alice growing in confidence and courage as she grew in physical stature. I saw Alice speaking truth to power in a very adult courtroom and scoffing when the Queen of Hearts tries to impose a sentence before the verdict has even been decided with her crushing phrase: “Stuff and nonsense.”

And it is her opinion of the court—“who cares for *you* . . . you’re nothing but a pack of cards”—that signals both its swirling evaporation and the end of her dream.

Alice does what she wants: chases rabbits, gate-crashes tea parties, travels far from home, refuses to countenance the insane opinions that surround her, and challenges those in authority. The lesson was clear: if Alice can do whatever she likes, so can I.

The fiction that we experience in childhood has an impact that goes far deeper than any other medium. Whether listening to a story—and correcting a storyteller when they try to skip some favorite moment—or immersing ourselves deeply in a book, we are not passive. We are part of the story itself.

It is vital, therefore, that the story uplifts, inspires, encourages—that it helps children to understand that they have rights, and that these rights are important. Children’s literature has a pivotal role to play in forging that early sense of self-worth, and Jonathan and Sarah are to be congratulated for shining a new light on a role that has, until now, been underappreciated.

*Carol Bellamy*  
*Former Executive Director of UNICEF*



## *Preface*

ONE AFTERNOON SOME years ago, I was immersed in my research on children's rights law. After reviewing countless judicial opinions attempting to delineate technical points of law related to children's rights, I decided I needed a break. I walked around the library and came across a copy of Dr. Seuss's *Horton Hears a Who!*, which was being made into a movie around that time. I opened the book and saw the iconic line from that adventure:

"A person's a person, no matter how small."

It struck me immediately that this straightforward Dr. Seuss passage was a clearer and more succinct articulation of the foundational principles of human rights—human dignity, equality, nondiscrimination—than I had heard or read from any legal scholar or legal philosopher.

Spurred by that discovery, I began examining children's literature for human rights themes. For reasons I will come back to shortly, the project evolved slowly. But as I explored children's literature, I found a wealth of stories that considered human rights themes, and in some cases, the narratives confronted these themes head-on. Many of these stories reinforced the concept of human rights for children, while others seemed to reject the idea that children have rights at all.

Those discoveries inspired me to write an article on children's rights in children's literature. I welcomed the idea as a break from my usual research, much of which focuses on child trafficking and related forms of exploitation. Three additional ideas ultimately convinced me that this project could have important implications for how individuals learn about their rights and their duties to respect the rights of others, and more broadly how human rights norms are disseminated.

The first idea came from children's rights law, my primary area of research. The U.N. Convention on the Rights of the Child—the most widely accepted human rights treaty in history and the most comprehensive treaty on children's



rights—includes a provision requiring governments “to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike” (Article 42).<sup>1</sup> No other human rights treaty has a provision like it. Yet this requirement had received much less attention to date than many other rights in the Convention. In my own research, I too had spent countless hours on other provisions of the treaty and very little on this mandate. Yet fulfilling Article 42’s mandate seems critical to any human rights endeavor. After all, if individuals are unaware of their rights, how can they be expected to realize them?

So I began to explore a broader question: How are the human rights norms adopted at the global level disseminated to the local level so that they actually make a difference in the lives of individuals, and in particular children? And I wondered whether the themes of many children’s books might already be doing this work—educating children about their own rights and the rights of others.

This question of norm dissemination led me to the literature on human rights education. Discussed in more detail in subsequent chapters, human rights education research shows that teaching children about human rights produces very positive outcomes—increased self-esteem, heightened respect for others’ rights, a reduction in bullying, and other benefits.<sup>2</sup>

The final piece step was to incorporate literary theory. Among other things, it shows us that fiction is absorbed by children (and adults) in much more profound ways than nonfiction. In other words, a *story* incorporating human rights themes is much more likely to have an impact on a child reader than a legal decision or statute would.

These are the disparate pieces we bring together in this book—children’s rights law, children’s literature, human rights theory, human rights education research, and literary theory. Our research has convinced us that as a society we ought to pay more attention to the process by which children learn about human rights—both their own rights and the responsibilities they have to respect and ensure the rights of others. In the long run, we hope that work in this area will contribute to the creation of a more rights-respecting culture, which could actually prevent human rights violations from occurring in the first place.

Having said that, a disclaimer is necessary: although we believe this project has the potential to spark and contribute to an important conversation on building a human rights culture, we see this book as a preliminary step and its goals, set forth in Chapter 1, are modest. We hope this book spurs others’ efforts to contribute to this broader project.

So why write this book now? When I first rediscovered *Horton Hears a Who!*, I shared my idea with a few senior scholars at various schools. In response, the general consensus was: “You should wait until after tenure.” Conventional

wisdom in the legal academy suggested that presenting an article on children's rights in children's literature as one of my major research projects for purposes of tenure would be too risky; it might not be considered "serious scholarship." Though many of us read these books to our children—our most precious resource—studying their impact on children was not considered sufficiently "scholarly." What is more, I was already relying on children's rights as the core of my research at a time when some in the U.S. legal academy remained skeptical about international law, generally, and about children's rights, specifically. The "wait-until-after-tenure" view was a reminder that children's rights and children's literature are often marginalized in mainstream discourses—at times even within the fields of human rights and literature, respectively. After receiving this feedback, my initial reaction was to challenge this marginalization immediately, but I decided to take the advice of my senior colleagues, who genuinely had my interests in mind. I waited until after tenure to pursue this project fully. And the project benefited as a result.

Post tenure, I became more open about this project. I was determined to write an article about it. At a 2012 lunchtime presentation at my law school, I met Sarah Higinbotham. I told her about the project; she was excited and immediately engaged the idea thoughtfully. At a later meeting, she offered to help. Sarah said she would think about the project, explore children's literature sources, and share what she found. And at this point something remarkable happened, something that happens infrequently in academia or any workplace: Sarah said she did not seek recognition for her contributions. She just liked the project. We met a few more times, and it became apparent that her literature background and own experience offered important perspectives. So we agreed to work together and produced an article, "A Person's a Person: Children's Rights in Children's Literature," which was published as the lead article in the Fall 2013 issue (Vol. 45, Issue 1) of the *Columbia Human Rights Law Review*. We both felt there was still much more to say about this topic, and feedback on the article was extremely encouraging, so we decided to pursue this book project. In our view, our partnership in this project reinforces the importance of interdisciplinary work. We brought very different perspectives and experience to the project—both professionally (law versus literature) and personally (public school versus homeschooling). And while we did not always agree, our collaboration yielded a better product than either of us could have produced individually.

So a fortuitous encounter with a classic line from Dr. Seuss has prompted us to see this book as a starting point. We believe, and our research for the book—which included reading to children and hearing their views on children's stories—confirms, that there is a rich human rights discourse unfolding in children's literature. Equally important, children's literature gives expression

to human rights in a way that is more accessible and relatable to children. In this regard, children's literature has the potential to make a significant contribution to the development of a human rights culture—a rights-fulfilling and rights-respecting culture—that is the ultimate goal of international human rights law.

As Eleanor Roosevelt, who chaired the committee that drafted the Universal Declaration of Human Rights, once explained:

Where after all, do human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.<sup>3</sup>

The books children read and have read to them are woven into the fabric of those small places, close to home, where human rights emerge.

by  
*Jonathan Todres*

### *Notes*

1. U.N. Convention on the Rights of the Child, art. 42.
2. See Chapter 1 for a discussion of the benefits of human rights education for children.
3. Eleanor Roosevelt, Speech to the United Nations, Mar. 27, 1958.

## *Acknowledgments*

MANY PEOPLE ENGAGED this project in both formal and informal discussions. We are grateful to everyone who took such an interest in our book as we worked to develop it. In particular, we want to thank the following individuals who reviewed and provided comments on draft chapters at various stages: Abigail Adams, Stephen Addcox, Connie de la Vega, Meredith Johnson Harbach, Clare Huntington, Risa Kaufman, Joe Kelly, Christine Kirila, Kevin Noble Maillard, Angela Martin, Caren Morrison, Tim Saviello, Nirej Sekhon, and Chris Willis. We also thank Oxford University Press's anonymous reviewers for their suggestions during the book proposal stage. When we talked to others about the book, it frequently sparked their memories of books read to them when they were young as well as books they read to their children. They were excited to share their favorite stories. We are grateful for all the suggestions we received. In particular, our thanks to Rachel Chmiel, Clark Cunningham, Kathryn Lobley, Kyle Lobley, Mary McLaughlin, Patti Simon, Malinda Snow, and Bill Taft for wonderful children's book suggestions. This book emerged out of an article—"A Person's a Person: Children's Rights in Children's Literature"—that we published in the *Columbia Human Rights Law Review* in Fall 2013, and portions of that article are woven into this book. A number of individuals who reviewed that article offered suggestions that helped shape this book; in particular, we are grateful to Mark Drumbl, Michael Galchinsky, Suzanne Keen, and Carol Sanger.

We owe a great debt of gratitude to everyone who facilitated and participated in our qualitative study on children's interpretations of children's literature. We so appreciate the Atlanta area schools and programs that opened their doors to us and the teachers and administrators who allowed us to meet their students and read to them as part of our study. We are most indebted to the students who participated in the study. They were extraordinary. They reaffirmed our already strong belief in the value of partnering with children and adolescents to enhance our shared understanding of the world and ultimately to make this world a better place for all. We thank each of them for participating and for sharing their

ideas. We decided early on that to protect the privacy of the students, not only would we not identify the students but we would not disclose the names of the schools. They took a chance with us, and so the very least we can do is to ensure their privacy is respected. Having said that, there is a part of us that wishes we could include their names to give them the credit they deserve for their remarkable insights which are found throughout this book. Their participation made this project so much better.

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big project that I took on in the course of our twenty-two-year marriage; thank you for cheering me on even when I'm in over my head. Mom and Dad, thank you for instilling in me the love of books and for supporting me when I changed my college major from pre-med to English. No one reads Gandalf's voice like you, Dad—and like Gandalf, you and Mom “always appear when you are most needed and least expected.” Thanks also to Jonathan Cardi. Our childhood backyards merged into a sort of Narnia-world where we shared books, ambitions, and adventures, and forty years later, you still inspire me to read, write, and put good into the world. Thank you, Ellen Stockstill, for our idyllic mountain cabin writing retreat in the midst of this project, where we wrote by day and watched Wes Anderson films at night. And of course, thank you, Jonathan Todres, for being both a coauthor and a friend. If only all academic meetings involved debating Farmer McGregor's degree of culpability. Finally, thank you to the directors and children of Foreverfamily, a national nonprofit for children of the incarcerated. Sandra Barnhill and Beth Wettlin, you have demonstrated the enduring value of advocating for children's human rights.



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## *Making Children's Rights Widely Known*

ALTHOUGH CHILDHOOD IS often thought of as an age of innocence, millions of children today inhabit spaces where human rights violations abound. If we began with a story of a remote land where those in power sought to kill off a smaller ethnic group, some might immediately assume we were writing about the 1994 genocide of the Tutsis in Rwanda. A recounting of the brutal circumstances of an adolescent girl trapped in domestic servitude might conjure up Human Rights Watch reports on exploitation of children as domestic workers in Morocco, Indonesia, or Guinea.<sup>1</sup> And details of severe punishment of juvenile offenders might lead some people to recall recent challenges to harsh sentencing practices in the United States. Yet such narratives also describe the effort to eradicate the Whos in Dr. Seuss's *Horton Hears a Who!*, the abusive treatment of Cinderella, and the punishment of Curious George. Children's literature is filled with human rights scenarios. Although these fictitious accounts do not have the grave consequences of the real human rights abuses perpetrated against children around the world, they reflect a rights discourse that occurs in the books children read and have read to them. The human rights issues that are portrayed in stories for the youngest generation are connected in important ways to the actions of both the international community and individual governments as they address the rights of children.

The United Nations adopted the first international treaty on children's rights in 1989—the Convention on the Rights of the Child. It represented the most comprehensive articulation of the rights children possess and created unprecedented visibility for children and issues affecting their well-being. With the adoption of the Convention, or CRC, the international community created a set of legally binding obligations on states to ensure every child's rights. Those rights include belonging to and being cared for by their families,



health and education rights, the right to protection from maltreatment, the right to participate in decisions that affect their lives, and the right to develop in individually and culturally distinct ways. In short, the CRC recognizes that children are not merely property of adults, but rather human beings with rights.

Now more than twenty-five years old, the CRC stands as the most widely ratified human rights treaty in history and remains a landmark achievement in the global effort to secure the rights and well-being of every child.

One of the treaty's most significant innovations—enshrined in Article 42—requires that states parties “make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.” Article 42 is unique among treaties, making the CRC the first international human rights treaty that explicitly requires states to *educate* people about the treaty, to “make [children's rights] widely known.” This provision acknowledges the foundational concept that individuals must know about and understand their rights in order to exercise them. But despite the threshold nature of Article 42, its implementation has received relatively little attention. How children come to know and understand their rights has been the subject of far less examination than most substantive rights in the treaty.

Yet the obligation in the CRC to make children's rights “widely known” to both children and adults raises important questions that implicate the work of everyone from policymakers and human rights advocates to parents and teachers. For policymakers, legal scholars, human rights advocates, and others, the requirement in Article 42 poses critical questions about how international human rights norms are disseminated. There is the narrow legal question: What must states do to comply with Article 42 of the CRC? More broadly, and arguably more fundamentally, Article 42 prompts a question essential to all human rights treaties—that is, how do we ensure that human rights norms agreed upon at the international level have an impact on the ground? Thus, Article 42 also urges policymakers, human rights activists, child advocates, parents, and teachers to identify the most effective means of educating children about their rights and to ensure that children understand both their own rights and the rights of others.

This book takes up that important question of how communities can teach their children about rights and in doing so fulfill the mandate of Article 42. As children grow and develop, they are exposed to and shaped by many influences and experiences, including family background and status, parents and other role models, peers, schooling, and various media (books, television, Internet, video games, movies, and social media). All of these influences contribute to their understanding of their own rights and the rights of others. Some experiences work to cultivate children's appreciation and understanding of their rights, while

others convey to children that they do not have rights or that their rights are circumscribed. We consider children's literature to be a critical source of children's learning about rights and law. As the law and aesthetics scholar Desmond Manderson writes, "Children's literature is not a source of information *about* social structures of subjectivity in our society. It is the very site of their emergence. Children's literature is not a series of texts *about* the law. It is a source of law."<sup>2</sup> In fact, children's literature allows children (and the adults who read books with them) to explore and even grasp the rights of children more fully. This is one of the crucial roles that stories play in our lives: not just showing us what is, but also what can be.

Though we live in an increasingly complex world in which many things compete for children's attention, books constitute an important part of childhood. Most children read or are read to at home, and fiction is still a core component of children's experience at school. Given the presence of literature in the lives of most children and the idea that children's literature is a source of law, this book aims to explore what children's literature teaches children about their rights and the rights of others. While human rights are inherent in each individual, the law provides the construct in which rights are recognized, realized, or constrained. How are the lofty principles of children's rights law and human rights more generally inculcated in children? This book explores this question. We focus on children's literature because of the power it holds over children's imaginations.

Stories give expression to human rights in a way that is more accessible to children and more relatable to their lives. In this regard, children's literature has the potential to contribute to a human rights *culture*—a rights-fulfilling and rights-respecting culture—that ultimately is the goal of international human rights law.

### *Human Rights and Children*

There is a robust body of international law on children's rights. International human rights law recognizes that every child has rights. The CRC delineates the breadth of children's rights, covering the civil, political, economic, social, and cultural rights of children. In addition to the CRC, two other types of international instruments provide further recognition of the rights of the child.

First, dozens of issue-specific treaties address particular aspects of children's lives, including treaties on child labor, trafficking, and children in armed conflict.<sup>3</sup> Indeed, many treaties on specific issues affecting children, most notably child labor and trafficking, predate the CRC by years and even decades.<sup>4</sup>

Second, general human rights law that applies to every individual applies also to children. Human rights scholar Clare Breen explains, "[t]he underlying theme

of all international human rights treaties is that the rights that they seek to protect apply to everyone without distinction[.]”<sup>5</sup> Or as Dr. Seuss wrote in *Horton Hears a Who!*, “a person’s a person, no matter how small.” Accordingly, numerous general human rights instruments offer protections for children, including: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of Persons with Disabilities; and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The list of general human rights treaties applicable to children also includes regional human rights instruments in Europe, the Americas, and Africa.<sup>6</sup> In addition, the Universal Declaration of Human Rights establishes the guiding principle for human rights law that children “are entitled to special care and assistance.”<sup>7</sup>

Because the CRC is the most extensive treaty on children’s rights and because all but two countries have ratified it,<sup>8</sup> the CRC is the natural starting point for any discussion of children’s rights. Moreover, the rights recognized in the CRC coalesce with existing values on caring for and respecting children across a breadth of countries and cultures. As the Committee on the Rights of the Child expresses:

Children’s rights are not detached or isolated values devoid of context, but exist within a broader ethical framework which is partly described in article 29(1) and in the preamble to the Convention. . . . Thus, for example, [Article 29, which outlines the aims of children’s education,] underlines the importance of respect for parents, of the need to view rights within their broader ethical, moral, spiritual, cultural or social framework, and of the fact that most children’s rights, far from being externally imposed, are embedded within the values of local communities.<sup>9</sup>

The Committee emphasizes that children’s rights do not impose universal, socially constructed norms of behavior onto all children, but instead children’s rights recognize that children have the right to develop individualistically to the fullest potential within their own cultural, religious, linguistic, and social environment.<sup>10</sup> Children have often been marginalized in the same way that other repressed groups have been: their voices, concerns, and needs have been slighted in the interest of those with more power and more capital. The child rights idea challenges that perspective.<sup>11</sup>

The CRC is built on four foundational principles, found in Articles 2, 3, 6, and 12. First, the rights held by children shall be assured to all children without discrimination of any kind (Article 2). Second, in all actions concerning children, the best interests of the child shall be a primary consideration (Article 3). Third, each child has the inherent right to life, survival, and development (Article 6). Fourth, children have the right to participate in decisions that affect their lives (Article 12).

These core principles articulate a view that every child matters, that the best interests of the child must be at the forefront of policymakers' minds at all times so that children can realize their full potential, and that children should have the opportunity to contribute to decisions that shape their lives.

Beyond these foundational principles, the CRC provides a detailed articulation of the range of rights children possess. This includes traditional civil and political rights that extend to all persons, such as the right not to be subjected to torture, cruel, inhuman, or degrading treatment, the right to be free from various forms of exploitation, the right to freedom of expression, and the right to access information. It also includes core economic and social rights, including health and education rights, and cultural rights. Importantly, the CRC also enshrines rights within the family (including the child's "right to know and be cared for by his or her parents")<sup>12</sup> and other rights fundamental to childhood including the right to birth registration, protections in adoption and other alternative care settings, and protections from domestic violence.<sup>13</sup> Finally, as noted above, the CRC imposes an obligation on states parties to ensure that adults and children come to know about the rights children possess. The comprehensive nature of the CRC makes it a natural framework for the development of law and policy that advances children's rights and well-being.

Since the advent of the CRC, the international children's rights law framework has fostered positive changes in law, policies, and attitudes toward children in numerous countries.<sup>14</sup> Dozens of countries have incorporated provisions of the CRC directly into national law, and a number of countries have enshrined children's rights in new constitutions.<sup>15</sup> Colombia, Ethiopia, and South Africa, for example, all have specific provisions on the rights of the child in their constitutions, in addition to more general rights protections.<sup>16</sup> Nepal, Rwanda, Romania, and Slovenia, meanwhile, include provisions in their constitutions that establish children have the right to special protections.

In addition to constitutional protections, states parties to the CRC have strengthened national law related to children's health and education rights, their rights to live free from abusive labor practices and other forms of exploitation, the administration of juvenile justice, adoption proceedings, and many other issues that affect children.<sup>17</sup> All of this has contributed to

improvements in the lives and well-being of children over the past twenty-five years. Although causation might be difficult to establish (economic development and other factors also played a role in numerous countries), the CRC's mandate helped put children's issues on the agenda in many nations. Since the CRC's adoption, the world has become a better place for many children, suggesting that the children's rights movement, guided at least in part by the CRC, is having a positive impact. Indeed, infant mortality has declined by approximately six million children annually since 1990,<sup>18</sup> the number of school-aged children out of school has been reduced significantly in recent years,<sup>19</sup> and the prevalence of child labor has also declined.<sup>20</sup> Although substantial work remains to ensure the rights and well-being of every child, the progress on advancing children's rights since the advent of the CRC highlights the importance of making children's rights widely known to both children and adults.<sup>21</sup>

### *Human Rights in Literature*

If a primary goal of a democratic society is to have an engaged citizenry that is aware of its rights and respectful of the rights of others, then that society must educate its newest members about human rights. The materials and methodologies employed to teach about rights need to engage children deeply and be readily available. Many of the current vehicles for children's rights education—child-friendly versions of the Universal Declaration of Human Rights, for example—have a limited distribution.<sup>22</sup> Organizations such as UNICEF, Amnesty International, and the Peace Education Program at Columbia University have published creative and comprehensive curricula to teach children about their rights and responsibilities.<sup>23</sup> The results in test classrooms illustrate that when children learn about rights, both their social behaviors and their learning improves: when treated as “responsible members of their school community,” they are more highly motivated to be active learners.<sup>24</sup> These programs and curricula make human rights understandable to children and teach core concepts about how to treat people with dignity. Children's rights education has also been piloted in England, Canada, New Zealand, and Belgium. In addition to these programs, we are suggesting that a rich source of core human rights principles already exists in most homes and schools: children's books. With the publication of *Horton Hears a Who!* in 1954 and *The Sneetches* in 1961, Dr. Seuss was in fact an early explorer and translator of rights for children. Writing in the aftermath of World War II and the Holocaust, which led to the adoption of the Universal Declaration of Human Rights and the birth of the modern international human rights movement, Dr. Seuss and other children's

literature authors probed rights concepts years before the international community adopted a treaty formally recognizing children's rights as law.

Law—and foremost for our purposes in this book, children's rights law—is not merely embedded in the statutes, articles, and precedents that are codified in formal treaties. Rather, law is also experienced culturally. “[T]here *are* . . . texts,” Desmond Manderson explains, “that provide an important discourse through which we develop assumptions as to the meaning, function, and interpretation of law. . . . The texts that play this important role are not the *Magna Carta* or *Marbury v. Madison*. They are our children's books.”<sup>25</sup>

In keeping with the CRC's unique mandate to make children's rights “widely known, by appropriate and active means,” we consider children's literature as an important cultural transmitter of human rights concepts to children. *Peter Pan*, *Peter Rabbit*, *Horton Hears a Who!*, and *Harry Potter* are already deeply embedded in many children's imaginations. Stories are uniquely suited to convey inherent human rights, disseminating rights norms in ways that scholars are beginning to trace as fundamental. Stories feel *human*, whereas the law itself is often perceived of as *institutional*. Human rights and literature scholar Michael Galchinsky writes that it is a difference between vertical and horizontal orientation:

Human rights *culture* shares civic and ethical functions with human rights *law*, but while the orientation of the law is vertical, reaching down from government bodies to individuals, the orientation of rights culture tends to be horizontal, with the artist appealing as a human being directly to his or her fellows.<sup>26</sup>

In the case of children specifically, literature's horizontal reach extends directly into their imagination. When a child's right to participation is framed through a small turtle named Mack who finds himself at the bottom of a stack of turtles, as in *Yertle the Turtle*, Dr. Seuss becomes the human rights educator fostering a *culture* of civic responsibility. And when Mack urges respect for not only his rights but also the rights of other turtles, children reading or hearing the story learn simultaneously about rights and responsibilities. Not only are children's books widely known in schools and homes and after-school programs, children themselves seek out reading time with enthusiasm and energy. Our own experience as parents and as researchers affirms literature's powerful draw: the most common refrain as a book ends is “read it again!”

Not only are children captivated by the world of children's literature, they are attuned to its messages. Even very young children perceive rights issues embedded in the stories they are reading. A four-year-old girl in our study

kept repeating “that’s *so, so* not allowed” when we were reading the sections of *Horton Hears a Who!* in which the kangaroo and the monkey gang seek to destroy the Whos. One of her classmates, a five-year-old boy, grew animated when he saw Horton caged and bound with ropes: “They shouldn’t do that!” he interjected passionately. Children pay attention to the rights and responsibilities that are naturally encoded in stories, as education and literature scholars Shelby Wolf and Shirley Heath describe: “The fundamental offerings of [the children’s] reading experiences were not just pleasure; they were also connections to problem solving and long-running negotiations with adults about the rules and roles of everyday life.”<sup>27</sup> Our book is informed by our empirical study (described later in this chapter and in Appendix 4), which provided children an opportunity to explain to us, as adults, how children receive, interpret, and internalize their rights and responsibilities through the stories they read and have read to them.

Childhood reading specialist Arthur Applebee’s seminal study on how children comprehend stories reinforces the ways in which literature is a “powerful mode for extending the relatively limited experience of young children.”<sup>28</sup> Because children are vulnerable and in need of protection, literature offers them a way to learn about the world safely:

The stories [children] hear help them to acquire expectations about what the world is like—its vocabulary and syntax as well as its people and places—without the distracting pressure of separating the real from the make-believe. And though they will eventually learn that some of this world is only fiction, it is specific characters and specific events which will be rejected; the recurrent patterns of values, the stable expectations about the roles and relationships which are part of their culture, will remain. It is these underlying patterns, not the witches and giants which give them their concrete form, which make stories an important agent of socialization, one of many modes through which the young are taught the values and standards of their elders.<sup>29</sup>

The imagination is central to the integration of children’s literature and children’s rights. Child development theory validates the crucial psychological role of a child’s imagination (and, as we discuss in detail in subsequent chapters, imaginative literature helps crystallize human rights concepts). Far from being merely an escape from reality, as children’s literature scholar Eve Bearne explains, children “need the imaginative space to enact . . . moral dilemmas faced.”<sup>30</sup> They use imaginary worlds to test their own dilemmas, rework them, and resolve them. In childhood, the real and the imaginary are not always distinct categories, but

rather closer points on a continuum; children easily pass back and forth between real and pretend, factual and fictional, Neverland and the nursery.

Similarly, child psychologist Bruno Bettelheim argues that fairy tales “speak about [the child’s] severe inner pressures in a way that the child unconsciously understands, and—without belittling the most serious inner struggles which growing up entails—offer examples of both temporary and permanent solutions to pressing difficulties.”<sup>31</sup> Bettelheim pioneered the concept that children’s literature contributed to healthy psychological development, particularly in traumatized children.<sup>32</sup> Thus Bettelheim turned to fairy tales, in particular, as the genre of children’s literature best suited to help children work through their primal fears: the psychological dread of abandonment, or of parents ceasing to protect the child, seems to play out its many forms in folk tales. Bettelheim finds that fairy tales, in particular, translate complicated human psychology into narratives that children can understand.<sup>33</sup>

The imagination operates as a “means through which we can assemble a coherent world,” writes Maxine Greene, the iconic education philosopher,<sup>34</sup> who proposes that the community we create for children should be a creative, open, stimulating space where they can conceive of their own potential in imaginative ways.<sup>35</sup> Even more than adults, young readers immerse themselves in imaginative, narrative worlds, falling into rabbit holes of alternative realities and emerging as slightly different people. For this reason, and others, imbuing children with a sense of their rights and the rights of others at an early stage in their development can help position them to be engaged citizens as adults.

### *Children’s Books and Children’s Transformation*

The fields of childhood education, developmental psychology, and childhood development have documented that reading fosters children’s language skills, improves memory, increases attention spans, and even reduces violence.<sup>36</sup> Considerable evidence also demonstrates the connections between reading stories and fostering empathy.<sup>37</sup> Childhood education scholars Susan Cress and Daniel Holm document that children as young as four years old can develop empathy and understand that people can have needs and feelings that differ from their own.<sup>38</sup> This sense of empathy—of perceiving the emotions of others—is vital to human rights, both individually and globally. “Empathy plays a crucial role in pushing public sentiments toward fundamental rights,” explains Andrés Sajó, legal scholar and judge on the European Court of Human Rights.<sup>39</sup> Perceiving shared feelings with others, both individuals and groups of other people, cultivates the foundation for recognizing and respecting their human rights. Cress and Holm claim that reading develops children’s empathy, and our own research



supports the idea that children respond both cognitively and emotionally to the books they read.

Thus children's books can act as catalysts, precipitating changes in how children understand themselves and the world, and even young children are capable of decoding the texts' ethical, political, and legal ideologies.<sup>40</sup> Many recent studies definitively quantify reading's educational outcomes, such as how reading fosters language development and improves memory, and how young avid readers have more sophisticated, expressive vocabularies and longer attention spans.<sup>41</sup> Studies also find that children who read are more empathetic, have a greater capacity for detecting irony, think more creatively, and are less violent.<sup>42</sup> More abstractly, though perhaps with even greater force, children's stories encode ethics during the most formative years. Peter Hunt, one of the first literary critics to take children's literature seriously, calls children's literature "one of the roots of Western culture."<sup>43</sup> As such, the stories children read (and re-read) operate as the origins for social rituals, ideological creeds, and legal principles about justice, autonomy, rights, and punishment.<sup>44</sup> Children's literature is a powerful cultural force, as Desmond Manderson maintains:

Stories transport us, and the younger we are the more absolute is our transportation. They are for children worlds to inhabit. The authority of the story derives from its experiential force, coupled with the child's ability to summon it up again and again and to respond to it as they will. The story has a power over the very young that it may never have again.<sup>45</sup>

The power of stories over children has long been recognized, thus the predominantly didactic tradition of children's literature as moral instruction, useful for edifying and molding children into rule-following citizens.<sup>46</sup> Fables, manners books, short moral tales, and poems, increasingly popular in the eighteenth and nineteenth centuries, warned against moral corruption, as in Hannah More's "The Carpenter, Or, the Danger of Evil Company," which relates the story of a good man turned bad:

O what could ruin such a life,  
And spoil so fair a lot?  
O what could change so kind a heart,  
All goodness quite forgot?  
With grief the cause I must relate,  
The dismal cause reveal,  
Twas EVIL COMPANY and DRINK,  
The source of every ill.<sup>47</sup>

Historically, in this way, children's literature—at least in the Anglo-American tradition—has been employed as a way to transmit lessons about obedience and Christian morality.

Yet the stories we read as children do not function as overtly regulatory texts, a list of rules on the wall of a classroom. Their authority is of a different, and perhaps more powerful kind, what has been described by Desmond Manderson as a “myth-making” power, because of the ways in which children’s “stories do not prescribe behaviour; they do not lay down laws for us. Instead, they inscribe behaviour; they lay down ways of being in us.”<sup>48</sup> Children are read Aesop’s fables and are taught to be diligent, obedient, and truthful; moral maxims such as “slow but steady wins the race” are inscribed through stories of the turtle and the hare.<sup>49</sup> Books imprint behaviors in children through the powerful and ritualized aesthetic process of reading, initiating children into what legal scholar Robert Cover argued is the “creation of legal meaning,” which “takes place through an essentially *cultural* medium.”<sup>50</sup> The stories children read, like all narratives that contribute to our moral sense of the world, help children construct social expectations—their sense of what is ethical conduct with others—and frame an understanding of their own specific rights and responsibilities.

Given how few children will go on to study human rights law later in life, in probing the question of how international human rights norms are disseminated and ultimately absorbed by children, we start with the literature and imaginative space that is vital to so many children. As legal scholar Ian Ward explains, “[o]nly a tiny minority of the community will ever study law after the ages of around 18 or 19, but the vast majority who encounter a reasonably wide spectrum of children’s literature will already have engaged in the jurisprudential debate.”<sup>51</sup> It is these children’s stories that can serve as a fertile ground for developing conceptions of social expectations and of one’s rights and the rights of others in the community.

These social expectations vary according to the children’s stages of development—as well as the society and culture in which they live—and the degree to which their rights have been respected or violated. Not all human rights concepts are developmentally suitable for all ages of children. Children in the stages of early childhood (four to eight years of age) can suitably comprehend rules, fairness, and personal responsibility; later, children (nine to eleven years of age) can begin to comprehend citizenship rights and social responsibility; and finally, adolescents (twelve years old and up) can grasp increasingly abstract rights concepts such as justice and global citizenship.<sup>52</sup> Our research found that regardless of age and developmental stage, the age-appropriate rights discourses in children’s literature can contribute to children’s understanding of the values and principles that serve as the foundation of a human rights culture.

### *Reading in the Lives of Children*

Mindful that children's rights law recognizes and reinforces the value of children's participation, we conducted our own primary research on how children experience human rights in stories. We designed a qualitative, descriptive study to help us understand the ways in which children interpret human rights in the books they read. In the spirit of children's rights, we tried to encourage genuine participation: we did not "prime" or "teach" them to articulate specifically about law and rights, but rather encouraged them to talk at any point in the reading and allowed them to pursue conversational tangents. We read books such as *Horton Hears a Who!*, *The Story of Ferdinand*, *Curious George*, *The Day the Crayons Quit*, and other popular children's books and then asked them questions in a semi-structured group discussion. We read to children as young as four years old and as old as seventeen in their natural settings (schools and after-school programs) and listened as they described their perceptions. We also let them ask us questions. The study proved to be immensely rewarding to us both personally and professionally, as we saw firsthand how children respond with natural enthusiasm and remarkable insight to stories. As parents and researchers, we grew more excited with every session about how children's books allow children to think about human rights in ways that are developmentally suitable and profoundly imaginative.

Our study confirmed that children do not experience stories and their messages via simple, direct paths: as literary scholar Judith Butler points out, stories are not "transcriptions of dogma," nor should we "reduce literary works . . . to imagined political viewpoints."<sup>53</sup> Similarly, ideas about law that children developed from the stories we read were not handed down to children by means of simple, direct transmission, but through complex paths with surprising twists and reversals, even in conspicuously didactic books. In our empirical study, we found that even children of similar ages and attending the same school did not decode stories in the same ways. Some children, for example, found the peaceful conclusion to Munro Leaf's *The Story of Ferdinand* empowering. Ferdinand the pacifist bull refuses to fight the matador, so he is returned to the countryside where he can sit and smell the flowers. The final page of the book shows a simple flower with dropping petals and the words "The End." When we read this to children, one ten-year-old boy loved the ending and said that the book showed "it's okay to be different than everyone else around you," while others were puzzled by the dying flower on the last page; a girl in the same class thought the book was "just *really* sad, because Ferdinand will never fit in. That's why the flower is dying." But regardless of their individual interpretations, the children we read to

were universally engaged in the stories and attuned to details in both the text and pictures in ways that continually impressed us.

We also found that the lines between realism and fantasy were blurred for the child reader. This was especially true for the book characters that they considered "children" and identified with, whether or not the character was human or of the same gender as the reader. The child reader sees herself in the space-traveler Little Prince, in the mischievous monkey in *Curious George*, and in the soft watercolors of little Peter Rabbit.<sup>54</sup> And of course children identify readily with the shaggy, wide-bellied, Grinch-like characters that Dr. Seuss draws, for example, the wonderful little Sam-I-am in Seuss's *Green Eggs and Ham*. Most children read *Green Eggs and Ham* as the conflict between a child and an adult: in one illustration in the book, the adult sits passively reading his newspaper (an iconic grown-up activity, only today the parent would be holding a smartphone, tablet, or laptop) while the energetic Sam-I-am rushes through the room on the back of a smiling cat-like creature. In one two-page spread, Dr. Seuss captures the formulaic tensions often inherent in adult/child dynamics. The adult, buried in the news of the day, is irritated by the disruptive activity of the child. The rest of the book involves Sam-I-am trying to convince the stubborn adult to try "green eggs and ham." Unlike Dr. Seuss's explicitly political books (*The Lorax*, *The Butter Battle*, *The Sneetches*), *Green Eggs and Ham* is about two parties coming to a mutual understanding, a subtheme in many of Dr. Seuss's books.

In this case, the conflict is between a decided, authoritarian grown-up and a hopeful child. While the adult is unnamed, the child, "Sam-I-am," declares his identity with a colorful red sign. His name literally conveys a child who has no anxieties or insecurities about his identity. It is the first-person state-of-being verb, "I am." Sam is a child who has understood his identity rights and confidently expresses who he is. But his task is not an easy one, and he must continually offer creative scenarios in an attempt to bring the adult to mutual understanding with him. Sam-I-am does this by proposing grounds on which the child and adult could meet ("Would you eat them in a box? Would you eat them with a fox? Could you, would you on a train? Would you, could you, in the rain?"). In reply to Sam-I-am's questions, the adult answers definitively in short, declarative sentences ("I do not like them," "I will not eat them," "I would not," "I could not."). In the thirty illustrations of the adult character, he frowns, scowls, or bellows in twenty-seven of them. He clenches his fist threateningly at Sam-I-am's face in five of the illustrations, and often points his finger scoldingly. Sam-I-am's hands, however, are always open, inviting the grown-up to imagine new possibilities for his dinner. Seuss scholar Donald Pease writes that "the younger Sam-I-am . . . relocates the adult in a space in which he tests the conditions of the rejection: 'Would you eat it in . . . ?' or 'would you eat it with . . . ?'"<sup>55</sup> Finally,

the adult concedes to try them, and finds to his surprise that the child had much to teach him: "Say! I like green eggs and ham! I do! I like them, Sam-I-am!" The final illustration shows the smiling grown-up with his arm around the much smaller Sam-I-am.

What began as a bet between Theodore Geisel and his publisher—that Geisel could not write a book children would want to read using just fifty different words—became the fourth bestselling hardcover children's book of all time.<sup>56</sup> If the conflict of the book centers on an adult who made up his mind even before the story began that the annoying child has nothing to offer, it resolves in appreciation for Sam-I-am's unique perspective: "I do so like green eggs and ham! Thank you! Thank you, Sam-I-am!" In a similar vein, this study challenges adults' conventional wisdom in two areas: children's literature and children themselves. Both are worth listening to.

### *Human Rights Education*

Recent studies have illustrated both the short-term and the long-term benefits of ensuring that children are exposed to and understand human rights. These benefits accrue not only to children as they grow and mature but also to their families and the broader community. Evaluations of human rights education programs for children produce findings that would likely surprise many parents and policymakers. Human rights education scholars Howe and Covell explain:

The evidence shows overwhelmingly that children who learn about and experience their rights are children who demonstrate the fundamentals of good citizenship. They gain knowledge not only of their basic rights but also their corresponding social responsibilities. They develop the attitudes and values that are necessary for the promotion and protection of the rights of others, and they acquire the behavioral skills necessary for effective participation in a democratic society.<sup>57</sup>

Conversely, Howe and Covell report, "[c]hildren who have not been taught their rights, in a rights-respecting environment, tend to personalize the concept of rights and have difficulty appreciating the rights of others. . . . [C]hildren who have not received children's rights education tend to believe that having rights means being able to do what you want."<sup>58</sup>

There are numerous immediate benefits of enlightening children about their human rights. Teaching children that "a person's a person no matter how small," as *Horton Hears a Who!* does, can produce positive outcomes for

children's self-esteem and sense of self-worth. Children learn that they all possess rights and each is equally worthy.<sup>59</sup> Human rights education reinforces messages that support children's self-worth and self-esteem, which in turn can have positive influences on children's learning.<sup>60</sup> In addition, teaching children that each of them has rights has also been shown to lead to a decrease in harmful behaviors among peers. For example, rights education programs in Belgium and Canada led to a decrease in bullying because rights education taught children to respect the rights of others, and because it showed children that each had value and encouraged them to "command respect [from peers] and assert their rights."<sup>61</sup>

To teach children about their rights is to partner with children in helping them realize their own rights, the rights of other children, and the inherent dignity in each child. Acknowledging human dignity in every individual includes understanding that every person's opinion has value.<sup>62</sup> This last idea is particularly significant for children. Recognizing the value in children's voices and empowering youth to realize their right to participate can have a profound effect not only on children but also on programs that target children. Children have much to offer on a range of issues, especially with respect to issues that directly affect their lives. Children's rights scholar Barbara Bennett Woodhouse writes that "[c]hildren have valuable factual information and a unique perspective on their own needs and lives."<sup>63</sup> Yet too often, children are not consulted on issues that affect their lives.<sup>64</sup> Too often adults fail to appreciate the value of children's perspectives because they are not expressed in ways that would be employed by adults.<sup>65</sup> But even very young children are competent to be commentators, and thus should be seen, like adults, "as active social beings, constructing and creating social relationships, rather than as the 'cultural dopes' of socialization theory."<sup>66</sup> Dr. Seuss conveys this to children when, in *Horton Hears a Who!*, the entire Whoville universe is "saved by the smallest of all."

Recognizing and ensuring children's rights also helps facilitate an important transformation. Teresa Ravazzolo, discussing the citizen ideal and recognition of rights, notes the transformation that took place during the French Revolution when the people declared that they were not just subjects of the king but individuals with rights, and as a result, "individuals are consequently no longer subjects but also participants."<sup>67</sup> As children mature, they make a similar transition from subject to participant. And their rights, which are innate, must be recognized by others.

Teaching children about their rights helps children transition from mere subjects of adults to partners and participants in their families, communities, and nations. It imbues them with rights that are meaningful and, as many examples of children's literature and the research on human rights education both underscore, also conveys responsibilities that children will grow into as they mature.

What is particularly meaningful about children's rights is that, while acknowledging that children are in the process of developing and maturing, a children's rights framework sees children as unique individuals whose rights matter today. Human rights education during childhood furthers that idea of integrating human rights standards and rights respecting behaviors into children's daily lives. In this regard, human rights education and children's rights recognize that "[t]he integration of human rights must go beyond advocacy, publicity, and documentation but lead to a *culture* of human rights that is systematic and integrated."<sup>68</sup>

### *About This Book*

In examining human rights in children's literature, this book has four objectives. First, it aims to reveal children's literature as a rich source of rights discourse, one that is accessible even to young children. Rights are represented in children's literature through both positive and negative portrayals. We believe it is important to be aware of this rights discourse and its influence on children's evolving understanding of themselves and their world. Second, the book seeks to connect several disparate fields—including international human rights law, family law, cultural studies, education, literary studies, and children's rights law—to engage them in a multidisciplinary exploration of how human rights are conveyed in children's books. We aim to draw upon and engage multiple disciplines for two reasons: first, each field approaches rights questions in different ways and brings important insights to human rights; and second, we believe human rights in practice is not merely about law or culture or any single discipline, but like the human condition itself, it is immersed in and shaped by a breadth of sources. We hope this book serves as an invitation to researchers from these disciplines and others to contribute to this dialogue on human rights in children's literature. Third, drawing on and connecting research on literary studies and human rights education, as well as our own research with children, the book makes the case that children's literature can be a powerful means of explicating human rights norms and educating children on their own rights and their responsibilities toward others in a democratic society. Barbara Bennett Woodhouse explains, "Narrative allows for complexity and ambiguity. Stories about children's lives offer a more contextually rich terrain for exploration of children's rights than philosophical reasoning or legal doctrine standing alone."<sup>69</sup> And the narratives of children's literature offer that in a way that is more accessible for a broader audience of children and adults. Fourth, woven throughout the entire book is a quest

to understand how international human rights norms are disseminated and absorbed by adults and children.

If human rights are to be meaningful in the lives of individuals, families, and communities, then governments and civil society need to pay greater attention to the process by which children and adults come to know their rights and the rights of others. Our book concludes that not only does children's literature have the potential to create opportunities for children to think about human rights, but children's stories provide adults—from parents, to teachers, to advocates and policymakers—an opportunity to enrich their understanding of the rights of children.

Recent compelling work on human rights literary criticism has sought to understand how literature contributes to the way people imagine and envision human rights. Joseph R. Slaughter's *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (2007) and Elizabeth Swanson Goldberg and Alexandra Schulthesis More's edited volume, *Theoretical Perspectives on Human Rights and Literature* (2012) are two seminal works in this nascent field. Legal scholars such as Susan Ayers, Desmond Manderson, Linda Ross Meyer, Katherine Roberts, Barbara Bennett Woodhouse, and others have written about how children's literature reflects legal norms in specific areas such as adoption, punishment, and legal agency.<sup>70</sup> We aim to build on this literature by focusing a human rights lens on children's literature, seeking to recognize and articulate the ways that children's books shape their readers' understanding of rights and responsibilities. In employing a human rights framework for children's literature, this book examines the ways in which children's literature disseminates and illuminates the human rights of children.

Our exploration of human rights in children's literature reflects our view of the importance of human rights. We recognize that human rights law, and the human rights movement itself, is by no means perfect. Human rights advocates themselves are quick to acknowledge that progress has been slow in specific countries and on certain issues.<sup>71</sup> Some have criticized the human rights agenda as Western, or Global North, dominated.<sup>72</sup> Other critics question the effectiveness of the human rights movement more broadly.<sup>73</sup> Critiques of human rights law—both its content and origins—and the human rights movement deserve thoughtful consideration. However, our book primarily addresses the core values underlying the human rights idea. Whether the law that manifests human rights concepts, or the enforcement of that law, is flawed is distinct from whether human rights *ethics*—such as promoting tolerance and fostering respect for each other's rights—is a positive goal in teaching our children.



The Committee on the Rights of the Child—the body charged with oversight of implementation of the CRC—emphasizes the need to take children's views seriously, “urg[ing] States parties to avoid tokenistic approaches, which limit children's expression of views, or which allow children to be heard, but fail to give their views due weight.”<sup>74</sup> As any teacher and parent can tell you, what one teaches a child and what that child learns are not necessarily the same. Therefore, we believed it was critical to have input from children, and their contributions are incorporated throughout the book. Our empirical study validated our belief that stories initiate important conversations about rights, and that children can understand core human rights principles, in many cases at a younger age than most adults would assume.

In this project, we also place special emphasis on including young children, four to eight years old. Early childhood is a stage during which most children emerge from the private sphere, the family, which historically has been largely beyond the reach of law, and into the public sphere, beginning with school, and in some cases preschool. This is a critical transition for children, which also occurs as they start to explore stories on their own. As often studies on children's perceptions of rights and responsibilities have focused on older children, we believe it is important, and consistent with children's rights law, to include younger children. In doing so, we recognize that developmentally very young children are limited in their capacity to abstract generalized ethical principles about human rights from the picture books they read. Thus, not all of our analysis is applicable developmentally to younger children. We do not claim that young children have that capacity, but rather that it is important to see the developmental arc of childhood, of which early childhood is a foundational step. The rights and responsibilities of children are being subjectively transmitted to even very young children, and Arthur Applebee's studies have demonstrated that even children ages two to five are able to “acquire expectations about what the world is like” based on the stories they read.<sup>75</sup> Thus early childhood merits attention. Our interest is in studying children's literature as it relates to children's rights. We hope to reveal children's literature as a rich terrain for rights discourse, including in literature for young children. Understanding how that maps onto child development research is an important question, one that we hope others who read this book will be spurred to take on.

Our study includes books that are both rights-fulfilling and rights-inhibiting, because children's literature presents both. We also analyze some children's books that send contradictory messages about rights; as the law and humanities scholar Paul Kahn notes, “there is no single message in [texts in the humanities],” as “[g]reat works are, almost by definition, morally complex.”<sup>76</sup> Sometimes the children to whom we read interpreted the books differently, and

sometimes even we as authors interpreted contrasting truths in the books we analyzed. And while we find children's rights positively portrayed in some children's books, we recognize that the authors themselves may not have intended their stories to advocate for children's rights, or even human rights more broadly. Shel Silverstein's poem "Union for Children's Rights" parodies children's participation rights. Charles Kingsley, the nineteenth-century author of the great children's labor book *The Water-Babies*, portrayed Jews, the Irish, and Americans in derogatory ways.<sup>77</sup> One of the most important child psychologists of the twentieth century, Bruno Bettelheim, whose work on children and fairy tales we cite, propagated the erroneous and damaging theory that autism was caused by cold mothering styles.<sup>78</sup> We represent their work because even though they may not have embraced the universal dignity of all humans, the literature they created (and in Bettelheim's case, his theories on children and reading) transcends their individual political and social views. In our study, we aimed to read children's literature as children would; that is, we focused on the story and illustrations. Literary scholars write about the importance of understanding the political, social, and historical context in which a book is written. We agree that context matters for analysis, but most children—especially young children—do not read children's books this way. They do not read *The Water-Babies* and contemplate the influence of Darwin's *Origin of the Species* on Kingsley. Nor do most young children read *Horton Hears a Who!* and consider the aftermath of the Holocaust and birth of the international human rights movement. Thus we concentrated on the text, our interpretations, and the interpretations of children in our study.

Of course many children's books do not speak to rights issues at all, and they are not included in our study. Over the course of this project, we reviewed more than five hundred children's books. Our study focuses on widely read stories, so many classics are included. We also read historically significant books (*The Water-Babies*, *The Country Bunny and the Little Gold Shoes*), as we believe it is important to show both that children's literature has evolved in important ways over time and that long before the birth of the modern international human rights movement, there were children's stories that conveyed many important ideas about rights to children. We recognize that in focusing on the most popular books, there is a risk of excluding already marginalized voices and perspectives. We tried to address that in select chapters. Ultimately, the omission of a particular children's book does not imply that it was not worthy of inclusion. Indeed, in many instances, we had to make difficult choices in selecting one or two stories from an array of books that illustrated a particular human rights theme.

Related to our choice of children's books, we decided to focus our study on books published in the English language (and included English language

translations of select classics). In doing so, we acknowledge that the books we have included are primarily from Anglo-American literature. Children's literature from other parts of the world and from other cultures merits attention, particularly when posing questions about human rights, which itself has been critiqued for its Western or Global North bias.<sup>79</sup> In this regard, we see our study as the beginning of an exploration of and dialogue on human rights in children's literature and as an invitation to other scholars, authors, and parents to ask similar questions about the books children read in other parts of the world.

Our selection of children's books implicates debates over what constitutes children's literature. For us, it is literature that is primarily intended for and read by children. One can argue for other definitions, but as our project aims to explore what children learn through children's literature about human rights, books intended for and read by children are the body of literature that will shape children's developing ideas in this realm.

While we focus on children's literature, we understand that children absorb both rights-respecting and rights-denying principles from wider media than books. Movies, television shows, video games, the Internet, and social media are significant influences in children's lives. The competing demands on children's attention increase as they get older (yet another reason why we believed it was important to include younger children in our study).<sup>80</sup> In some families and cultures, oral story traditions are also prominent. But these other sources are beyond the scope of our project. Likewise parental modeling and other real-world teachers and mentors profoundly shape children's understanding of rights and responsibilities. We are interested in the ways in which written *stories* shape and influence children's understanding of their rights as human beings. The impact of other media on children's understanding of rights should be studied. We hope this study provides a foundation for other researchers who are interested in exploring questions about how and from what sources children learn their conception of rights and duties.

Finally, we believe the imaginative and creative space of children's literature is a critical domain to preserve for children. Accordingly, we are not promoting the reading of children's literature through a single ideological perspective; in fact, doing so violates the creative integrity and complexity of the books. Great children's literature is art, not a propaganda tool. We have primarily focused on children's books that are widely popular, books that have won awards and have stayed in print for a long time. The more widely known a children's story is, the greater its impact on children's imaginations and perspectives. For that reason we prioritized eminent authors such as Beatrix Potter, Dr. Seuss, and J. K. Rowling. At the same time, we realize that children's literature has underrepresented minority authors, characters, and themes, and we believe in fostering

more diversity in children's books. So as philosophy scholar Jonathan Lear writes in *The Humanities and Public Life*, while

[w]e are all familiar with examples of advocacy fiction that leave us cold . . . we also know that there can be occasions in which we are struck, confronted, and implicated by the words of another in ways that both draw us out of ourselves and toward our own humanity and the humanity of others. This seems to me one way in which the distinctive voice of the humanities can play a crucial role in helping us come to appreciate basic violations of human rights.<sup>81</sup>

We recognize that intentional children's books—stories that are written to make a specific point, teach a lesson, or solely to introduce a character with a particular ethnicity or disability that may be underrepresented in books—may fill a void in the literature, but we see that such books are often just not as popular with children. Children usually sense very quickly when the “lesson” is foregrounded and turn to other, more interesting stories. But to some degree, children's literature has *always* been subject to didacticism, from Victorian stories emphasizing children's compliance, to twenty-first-century books helping children understand disabilities, racial and ethnic diversity, and equality among the sexes. Sometimes intentionality can produce meaningful and empowering texts, told in a compelling way. Thus while even we as authors sometimes disagreed on whether a children's book was “literature” or just a lesson, we agreed that the lines between intentionality and art are indistinct. In the spirit of the Convention on the Rights of the Child, we focused on children's books that are “widely known,” include a rights discourse, and were recommended by children whose participation rights we aim to honor.

### *Chapter Overviews*

This study is divided according to rights of the child protected under international law, with each of the subsequent chapters exploring different rights such as the right to participate, the right to equal treatment, the right to a family and an identity, children's civil and political rights, and their economic and social rights. We also explore the role of adults in children's literature and in children's rights, as well as the overarching theme of determining what is in the “best interests” of the child. We close by reflecting on the inherent and practical value of human rights education for children.

Chapter 2 focuses on participation rights. The liberal tradition of rights is built on the notion of the autonomous individual who has the right to express

her views and make decisions about her own life. That core conception of a rights-bearing individual fits awkwardly when applied to children, especially young children. Yet children have keen insights about their own lives. One of the most progressive aspects of the CRC was its resolution of this tension through its inclusion of the child's right to be heard in decisions that affect his or her life. Giving children a voice—though not necessarily the final say—in decisions that affect their lives reflects the core principle of the child rights idea: that children are rights holders and count as individuals in their own right, not just as appendages or wards of another. Children's literature speaks loudly to this idea of participation rights of children. While some stories—such as *The Tale of Peter Rabbit* and *The Little Mermaid*—reflect the idea that children should be seen and not heard, others such as *Yertle the Turtle*; *Click, Clack, Moo: Cows That Type*; *Charlotte's Web*; and *Horton Hears a Who!* show the value of listening to children and recognizing their right to be heard. The chapter also explores select examples of metafiction, such as *Harold and the Purple Crayon* and *Don't Let the Pigeon Drive the Bus*, which place the child into the story as creator of the story itself. Honoring the participation rights of children can strengthen other rights and protections and enable children to develop into young adults prepared to fulfill their duties as citizens of their communities and nations.

Chapter 3 addresses the nondiscrimination principle in human rights law. Nondiscrimination is a central tenet of human rights law (and children's rights law). It affirms the inherent dignity in every child and adult, and Article 2 of the CRC requires that all rights of the child be ensured without discrimination of any kind. Children's literature is replete with messages—positive and negative—about discrimination. Chapter 3 explores core concepts of equality and discrimination in stories ranging from Dr. Seuss's classic *The Sneetches* to *The Berenstain Bears* to *Amazing Grace*, *X-Men*, and Roald Dahl's *Matilda*. Through these and other stories, children can navigate difficult and often painful issues of discrimination from a place of safety.

Following the discussion of participation rights and the nondiscrimination principle, foundational principles of children's rights rooted in human dignity, Chapter 4 addresses two core components of the developing child: identity and family—central themes in numerous children's books. Whether it is an enormous bull who prefers to smell the flowers rather than fight (*The Story of Ferdinand*) or a dog who makes all sorts of sounds but will not bark as other dogs do (*Bark, George*), a prominent theme in children's literature relates to shaping one's own identity even at the risk of disapproval for failure to conform. Identity rights are central to children's rights, which encompass each child's right to develop his or her own personality. Deeply connected to identity rights are family rights—foremost, the right to know and be cared for by one's parents or other

adult caregivers. And the family has been recognized as critical to children's development in children's rights law; the CRC refers to it as "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children."<sup>82</sup> Chapter 4 explores how children's literature often features children who have been deprived of their families, resulting in famous literary orphans such as Harry Potter and the ubiquitous orphans in fairy tales. We explore the ways in which children's books portray the idea of alternative care through *James and the Giant Peach*, *Missing May*, and other stories.

Human rights law encompasses all civil, political, economic, social, and cultural rights of individuals. Chapter 5 focuses on civil and political rights. This includes a breadth of issues, including rights basic to life and survival, expression rights, participation rights, and many others. Such grave matters are often thought to be beyond the world of children. Yet we know that many children suffer violations of civil and political rights. Moreover, the socialization process aims to foster children's development so that they become productive members of their communities. Civic duties are deeply connected to civil and political rights. As the right to vote, one of the foundational civil and political rights of human beings, has not been extended to children, except in very limited ways in a small number of jurisdictions, this chapter focuses on other aspects of civil rights such as juvenile justice rights and the right to be free from torture and cruel, inhuman, and degrading treatment. It examines how punishment and accountability are portrayed in children's literature, using juvenile justice as a case study. Accountability is the responsibilities side of the rights/duties coin. It is an important concept for children to appreciate as part of developing a holistic understanding of human rights and their roles and responsibilities in their community. Looking at *Curious George*, *Strega Nona*, *Harry Potter*, *Peter Rabbit*, *The Wind in the Willows*, *Little House on the Prairie*, and others, we examine children's literature's treatment of rights and accountability in juvenile justice.

Chapter 6 turns to economic, social, and cultural rights. For both historical and political reasons, these rights have garnered less recognition than civil and political rights in the United States. Yet the development of children's rights started with a clear emphasis on economic, social, and cultural rights. Adopted in 1924, the Declaration of Geneva became the first children's rights declaration, and it emphasized economic and social rights. Indeed, most children's rights advocates and parents tend to think of issues such as health and education first when asked about children. This chapter explores the portrayal of children's economic, social, and cultural rights in children's literature, looking at specific rights that help secure child well-being. Through influential children's books that convey these rights, including the Cinderella tales, C. S. Lewis's *The Silver Chair*,

Doreen Cronin's *Click, Clack, Moo*, Charles Kingsley's nineteenth-century children's book, *The Water-Babies*, and others, we see a dialogue on a range of economic, social, and cultural rights delivered to children in ways they can both comprehend and absorb.

Chapter 7 shifts focus to the other key actors in children's literature and in the lives of children: adults. Adults play a range of roles in children's stories. Some adult characters are quintessential human rights defenders, such as Horton, who suffers greatly to protect and help save the Whos, and Professor Dumbledore in the *Harry Potter* series. Other adults are perpetrators of human rights violations (or individuals who seek to commit human rights violations), such as Captain Hook in *Peter Pan* and Roald Dahl's Grand High Witch of All the World. Finally, in many children's stories, adults are portrayed as incompetent or at least not very useful to children's endeavors (such as Mr. and Mrs. Banks in *Mary Poppins*). In Antoine de Saint-Exupéry's classic book *The Little Prince*, we investigate an adult—the pilot—and the journey he takes with the Little Prince to understand and appreciate the world of children.

Chapter 8 concludes our study by returning to the guiding principle of children's rights law: the best interests of the child. We consider the highly acclaimed children's book, Drew Daywalt and Oliver Jeffers's *The Day the Crayons Quit*, as a way of looking at multiple rights with the best interests of the child in mind. In this final chapter, we also seek to explicate the role that children's literature can and does play in educating children about their rights and the rights of others. Finally, we consider how children's literature might help adults enhance their understanding of children rights.

### *Crossing Boundaries in Childhood and Literature*

As we immersed ourselves in children's books, one prominent theme that emerged was the crossing of boundaries—or the deconstructing of borders—in children's literature. In *Peter Pan*, the three Darling children cross from the grown-up world to Neverland, from rationality to imagination, and from siblings confined to a Victorian nursery room to actors in their own dangerous adventures. Such border crossing is a larger mode in children's literature, as well as in our project.

We are crossing borders from human rights law to children's literature, from rights education to empirical studies of literacy, from the Convention on the Rights of the Child to *The Cat in the Hat*. We do not believe that roads must narrow at the border. Rather, reading human rights in children's literature expands both how we think about children's rights and how we value children's stories. We also recognize that these borders are often fluid; rights are interrelated and

interdependent, "child" and "adult" are not always fixed categories (children, indeed all individuals, are in a constant process of developing), and neither is "children's literature" a static genre.

Peter Pan's Neverland is one of the most celebrated examples of a boundary crossing. While many contemporary children may not be familiar with J. M. Barrie's 1904 play *Peter Pan* or his subsequent 1911 novel, they know Peter Pan through various retellings of this childhood classic. Multiple Disney *Peter Pan* films, more than twenty *Peter Pan* prequel and sequel novels written since the 1980s, dozens of authorized stage editions of the play, and Stephen Spielberg's 1991 *Hook* all make Peter Pan and Neverland as relevant to many children today as it was a century ago.

"Neverland" conveys the exclusive space of childhood imagination. For the three Darling children in *Peter Pan*, Neverland means lagoons and magic and pirates, but the grown-up narrator assures readers that every child's Neverland varies, though each "is more or less an island, with astonishing splashes of colour here and there."<sup>83</sup> Children retreat to Neverland in their play and when they build forts under tables with blankets. They cross into Neverland in the books they read. "On these magic shores," the grown-up narrator of *Peter Pan* laments, "children are at play. . . . We too have been there; we can still hear the sound of the surf, though we shall land no more."<sup>84</sup> Neverland is essentially closed to grown-ups. Adults can catch fleeting glimpses of Neverland, but it lies beyond their jurisdiction and outside their sphere of control.

Mrs. Darling, like many parents, would like direct access into her children's Neverlands and into their minds. Like many grownups, she thinks of her children as extensions of herself, as her possessions, rather than as autonomous individuals. The controlling metaphor in the first chapter of *Peter Pan* is that children are drawers to be organized: "It is the nightly custom of every good mother after her children are asleep to rummage in their minds and put things straight for next morning, repacking into their proper places the many articles that have wandered during the day. . . . It is quite like tidying up drawers."<sup>85</sup>

Children's books are a form of Neverland; though constructed by adults, the best stories transcend grown-up efforts to indoctrinate and control, and instead offer children an imaginative space within which to think about the world in which they live. Children's books are those "astonishing splashes of colour" that transport children from the real world directly into the world inside their minds and outside of the more rigid, structured, world of adults. The grown-up world often baffles children. Books serve as a way for children to learn to navigate new territory. And children still read books: in 2007, *Harry Potter and the Deathly Hallows* sold fifteen million copies in the first twenty-four hours of sales.<sup>86</sup> Harry Potter, perhaps the most evocative child



hero of the early twenty-first century, is an embedded figure in children's minds and imaginations. In the spirit of Article 42, he is "widely known," and as such, we argue, that he—like other prominent characters in children's literature—is an important cultural component of transmitting rights to children.

Throughout this project, we engage with the ways in which children's literature has often undermined children's understandings of themselves as rights holders. Much of *Peter Pan*, in fact, reinforces damaging stereotypes: the boys John and Michael Darling are drawn to Neverland by the adventure of the pirates, while their sister, Wendy, most wants to be a *mother* to the Lost Boys. Tinker Bell is a jealous female competing for Peter's attention, and Princess Tiger Lily is "coquettish, cold, and amorous by turns; there is not a brave who would not have the wayward thing to wife, but she staves off the altar with a hatchet."<sup>87</sup> American Indians are only referred to as "Redskins" and they are portrayed as a subhuman, savage group: "[t]hey carry tomahawks and knives, and their naked bodies gleam with paint and oil. Strung around them are scalps. . . ." <sup>88</sup> And Captain Hook's disability is framed solely as a marker of his villainy. These caricatures demean the human rights of girls, of minorities, and of persons with disabilities.

Through the many literary journeys children embark upon, they confront law, justice, injustice, and many rights issues. This journey is critical to children's development and one that merits our attention and support. Indeed, when children read books, a special kind of education happens. Adam Gopnik suggests that the "enduring magic" of all classic children's literature is a subversive kind of education: the difference between the "false education of the world and school" and the "true education presented in the book":

Each story of self-education has, to be sure, its period slant. Lewis Carroll's Alice learns to resist the world's nonsense, however seductively dressed as logic, but she also learns, Victorianly, that manners matter. In *The Wind in the Willows*, Mole is educated by Rat to mess around in boats and prefer the river to the burrow, but he's also taught, as schoolchildren were in Edwardian England, to accept communality as the highest of virtues. . . .<sup>89</sup>

Gopnik captures how children's literature simultaneously adheres to "the authoritarian model of the moralizing allegory" and "break[s] away from it." The following chapters will illustrate the ways that, because of this imaginative, "true education" that children find in stories, literature is a rich source for imagining human rights.

## Notes

1. See Becker, *Child Domestic Labor in Morocco*; Sheppard, *Child Domestic Workers in Indonesia*; Kippenberg, *Girl Domestic Workers in Guinea*.
2. Manderson, "From Hunger to Love," 93.
3. See, for example, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, and the ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour.
4. Although the CRC is the most prominent children's rights instrument, international law on children dates back to the early twentieth century, decades before the birth of the modern international human rights movement. Early treaties include: International Agreement for the Suppression of White Slave Traffic, adopted May 18, 1904; International Convention for the Suppression of the White Slave Traffic, adopted May 4, 1910; ILO Convention Concerning the Night Work of Young Persons Employed in Industry, adopted Nov. 28, 1919; ILO Convention Fixing the Minimum Age for Admission of Children to Industrial Employment, adopted Nov. 28, 1919, and International Convention for the Suppression of the Traffic in Women and Children, adopted Sept. 30, 1921. The first international document that asserted the child rights concept—the Geneva Declaration of the Rights of the Child (Declaration of Geneva)—was adopted by the League of Nations in 1924. See Cohen, "Introductory Note," 1448.
5. Breen, *Age Discrimination and Children's Rights*, 12.
6. See, for example, the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the American Convention on Human Rights, and the Charter of Fundamental Rights of the European Union.
7. Universal Declaration of Human Rights, art. 25(2).
8. Only South Sudan and the United States have not ratified the CRC.
9. U.N. Committee on the Rights of the Child, *General Comment 1*, ¶ 7.
10. For a discussion of universalism and cultural relativism in human rights, see, for example, Donnelly, *Universal Human Rights*; Sen, "Human Rights and Asian Values."
11. Suzanne Keen notes, in fact, that an interdisciplinary, human rights-centered literary perspective opens new ways to respond to the postcolonial critique of social privilege ("Human Rights Discourse and Universals of Cognition and Emotion," 348–51). For an excellent discussion of children's literature from a postcolonial perspective, see Clare Bradford's close readings of children's stories in *Unsettling Narratives: Postcolonial Readings of Children's Literature*.
12. U.N. Convention on the Rights of the Child, arts. 7 (the right to know and be cared for by parents), 8 (family relations), and 9 (protection from separation from parents).

13. See, for example, U.N. Convention on the Rights of the Child, arts. 2 (protection from discrimination by association), 7 (right to birth registration), 19 (protection against domestic abuse and other forms of violence), and 20–21 (right to alternative care arrangements, including adoption).
14. See UNICEF Innocenti Research Centre, *Law Reform*; UNICEF Innocenti Research Centre, *General Measures*.
15. UNICEF Innocenti Research Centre, *Law Reform*, 13–31; UNICEF Innocenti Research Centre, *General Measures*, 1–14.
16. See Constitution of the Federal Democratic Republic of Ethiopia, 1994, art. 36; Constitution of the Republic of South Africa, 1996, art. 28; Constitution of Colombia, 1991, art. 44.
17. UNICEF Innocenti Research Centre, *Law Reform*, 39–90; UNICEF Innocenti Research Centre, *General Measures*, 4–13.
18. United Nations, *Millennium Development Goals, Goal 4: Reduce Child Mortality*, <http://www.un.org/millenniumgoals/childhealth.shtml>.
19. Globally the number of primary school-age children out of school dropped from 108 million in 1999 to 61 million in 2010. UNESCO, *EFA Global Monitoring Report*, 60. The latest data show that number further declined to 58 million as of 2012. UNESCO Institute of Statistics and UNICEF, *Fixing the Broken Promise*, 13.
20. Between 2000 and 2012, the number of child workers was reduced by one-third (from 246 million to 168 million). International Labour Office, *Marking Progress Against Child Labor*, 3.
21. U.N. Convention on the Rights of the Child, art. 42.
22. Examples include the following: Peace Child International, *Stand Up, Speak Out: A Book about Children's Rights* (2001); Amnesty International, *We Are All Born Free: The Universal Declaration of Human Rights in Pictures* (2008); National Geographic, *Every Human Has Rights: A Photographic Declaration for Kids Based on the United Nations Universal Declaration of Human Rights* (2008); Sarah Woodhouse, *Your Life, My Life: An Introduction to Human Rights and Responsibilities* (1980); Alan Serres and Aurelia Fronty, *I Have the Right to Be a Child* (2012).
23. See, for example, UNICEF, "TeachUNICEF," <http://www.teachunicef.org>; Reardon, *Educating for Human Dignity*; Amnesty International, "Lesson Plans: Human Rights Education," <http://www.amnestyusa.org/resources/educators/lesson-plans>.
24. Covell, Howe, and McNeil, "If There's a Dead Rat," 323, 333–34.
25. Manderson, "From Hunger to Love," 93.
26. Galchinsky, "Framing a Rights Ethos," 67.
27. Wolf and Heath, *Braid of Literature*, 186–87.
28. Applebee, *Child's Concept of a Story*, 52.
29. *Ibid.*, 52–53.

30. Bearne, "Myth, Legend, Culture," 197.
31. Bettelheim, *Uses of Enchantment*, 6.
32. *Ibid.*, 4.
33. *Ibid.*, 12.
34. Greene, *Releasing the Imagination*, 3.
35. *Ibid.*, 39.
36. See Hargrave and Sénéchal, "A Book Reading Intervention"; Mar, Djikic, and Oatley, "Effects of Reading"; Mar, Tackett, and Moore, "Exposure to Media"; Miall, "Empirical Approaches to Studying Literary Readers"; Mol and Bus, "To Read or Not to Read."
37. Bal and Veltkamp, "How Does Fiction Reading Influence Empathy?"; Djikic, Oatley, Zoeterman, and Peterson, "On Being Moved by Art"; Hakemulder, *The Moral Laboratory*; Mar, Oatley, and Peterson, "Exploring the Link"; van Peer, Walther, and Maat, "Perspectivation and Sympathy"; van Peer, "The 'Not-Me in Thee.'" Additionally, Howard Sklar's *The Art of Sympathy in Fiction: Forms of Ethical and Emotional Persuasion* draws on social psychology, education, and the empirical literary studies to investigate how stories elicit sympathy in readers.
38. Cress and Holm, "Developing Empathy," 594.
39. Sajó, *Constitutional Sentiments*, 157.
40. See Bearne, "Myth, Legend, Culture," 183–97; May, *Children's Literature and Critical Theory* 114–37; Spitz, *Inside Picture Books*, 122–62.
41. Hargrave and Sénéchal, *Book Reading Intervention*, 85–88. The authors found that children who were "active participants" in the reading process made more significant gains in vocabulary than did children who were read to passively.
42. See Dickinson et al., *How Reading Books Fosters Language Development*, 1–6; Leonhardt, *Keeping Kids Reading*, 13–15, 52, 105.
43. Hunt, *Introduction to Children's Literature*, 1; for further discussion, see also Knowles and Malmkjaer, *Language and Control in Children's Literature*, 41–67; McCulloch, *Children's Literature in Context*, 34–43; and Sarland, "The Impossibility of Innocence," 39–48.
44. For example, see McCulloch, *Children's Literature in Context*, 51, 151–53; Stephens, *Language and Ideology*, 229–31; Knowles and Malmkjaer, *Language and Control*, 61–68; and Sarland, "Impossibility of Innocence," 38–39.
45. Manderson, "From Hunger to Love," 91–92. Manderson's seminal article on children's literature and the law notes the relative absence of scholarship on children's literature and law: "the law and literature movement . . . has until recently focused on a particular and somewhat orthodox, though gradually expanding, corpus of adult texts. There was simply no analysis at all of literature written with a child audience in mind." *Ibid.*, 95.
46. See Lerer, *Children's Literature*, 23–28, 35–51. Alison Lurie questions the tradition's commitment to didactic morality in *Don't Tell the Grown-Ups: The Subversive*

- Power of Children's Literature* by examining the ways that children's authors subvert traditional values.
47. More, *The Works of Hannah More*, 405–08.
  48. Manderson, "From Hunger to Love," 90.
  49. Aesop, *Aesop's Fables*, 18.
  50. Cover, "Nomos and Narrative," 11.
  51. Ward, *Law and Literature*, 118.
  52. Betty A. Reardon's *Educating for Human Dignity: Learning About Rights and Responsibilities* traces the developmental stages of children and how they relate to human rights concepts. Her book is an invaluable guide for understanding how and when children can grasp the increasingly sophisticated concepts surrounding human rights.
  53. Butler, "Ordinary, Incredulous," 19.
  54. See Tucker, *Child and the Book*, 64. Describing the advantages of animal characters, Tucker writes, "Like children, they too are generally at the mercy of adult humans—another reason for identifying with them, especially those warm, furry animals that accept and sometimes return an infant's strong affections. They are also easy to identify with in other ways, since they transcend social class, skin colour, and, to a certain extent, age." *Ibid.*
  55. Pease, *Theodore Seuss Geisel*, 122.
  56. *Ibid.*, ix.
  57. Howe and Covell, *Empowering Children*, 7. See also Bajaj, *Schooling for Social Change*.
  58. *Ibid.*, 15. This effect has additional profound consequences in the arena of school performance. Child development research suggests that between ages six and ten, children's ability to infer others' specific stereotypes increases dramatically, as does the awareness of broadly held labels. McKown and Weinstein, "Stereotype Consciousness," 510–11. Beyond behavioral implications, stereotype awareness opens the possibility that children from stigmatized groups will be concerned about being judged on the basis of those stereotypes, which can lead to a "self-fulfilling prophecy" in matters of cognitive development. *Ibid.*, 500, 510.
  59. Howe and Covell, *Empowering Children*, 145.
  60. See, for example, DeCoene and De Cock, "The Children's Rights Project," 634; Wallberg and Kahn, "The Rights Project," 35.
  61. Howe and Covell, *Empowering Children*, 148. See also Allan and l'Anson, "Children's Rights in School," 131–34, 136; Wallberg and Kahn, "The Rights Project," 34; Lacharite and Marini, "Bullying Prevention and the Rights of Children," 315–17. Lacharite and Marini detail the research on the benefits of human rights education for children, including findings that show a link between children's exposure to human rights education and greater tolerance and respect for others. *Ibid.* Wallberg and Kahn show the potential impact of human rights education for young children; reporting that rights education in an early childhood

- program of four-year-old children in British Columbia over a three-month period led children to understand that “[i]n order to protect one’s own rights, it was . . . necessary to protect the rights of others.” Wallberg and Kahn, “The Rights Project,” 34.
62. Lansdown, *Promoting Children's Participation*, 2.
  63. Woodhouse, “Courage of Innocence,” 1582.
  64. Hart, *From Tokenism to Citizenship*, 34. Hart writes, “For those projects where the end product or programme is for the participants themselves, the arguments for participation are particularly strong. But for young people, even in such obvious examples as the design of classrooms, playgrounds, sports facilities, or afterschool programmes, participation is rare.” Ibid.
  65. Lansdown, “Realisation of Children’s Participation Rights,” 15.
  66. James and Prout, “A New Paradigm,” 22. Shier writes, “[M]ost of the important issues or ‘tensions’ that are being faced in children’s participation, are no different from those encountered in work on participatory governance in general.” Shier, “Children as Public Actors,” 24.
  67. Ravazzolo, “Human Rights and Citizenship,” 16.
  68. Bernath, Holland, and Martin, “Human Rights Education,” 15.
  69. Woodhouse, *Hidden in Plain Sight*, 11.
  70. For further discussion, see Manderson, “From Hunger to Love”; Thomas and Snyder, *The Law and Harry Potter*; Roberts, “Once Upon the Bench”; Ayres, “The Hand That Rocks the Cradle”; Woodhouse, “Are You My Mother?”; Woodhouse, “Hatching the Egg”; and Meyer, “Suffering and Judging.”
  71. Field investigations that uncover and draw attention to ongoing human rights abuses are a significant component of human rights advocacy.
  72. See Mutua, “Savages, Victims, and Saviors,” 204–05.
  73. See Hathaway, “Do Human Rights Treaties,” 1940.
  74. U.N. Committee on the Rights of the Child, *General Comment 12*, ¶ 132.
  75. Applebee, *Child's Concept of Story*, 52.
  76. Kahn, “On Humanities and Human Rights,” 119.
  77. Nel, “Children’s Literature Goes to War,” and Walker, “Backwards and Backwards Ever.”
  78. Bruno Bettelheim’s 1967 book *The Empty Fortress: Infantile Autism and the Birth of the Self* standardized the concept of the “refrigerator mother” causing autism. For a discussion of the book’s legacy, see Severson, Aune, and Jodlowski, “Bruno Bettelheim, Autism, and the Rhetoric of Scientific Authority.”
  79. See Mutua, “Savages, Victims, and Saviors,” 204–05.
  80. Tucker, *Child and the Book*, 226 (noting that competing demands increase in particular after age ten).
  81. Lear, “Call of Another’s Words,” 115.
  82. U.N. Convention on the Rights of the Child, preamble.
  83. Barrie, *Peter Pan*, 5.

84. Ibid., 6.

85. Ibid., 4–5.

86. “The Celebrity 100: J. K. Rowling.” *Forbes.com* (June 11, 2008), [http://www.forbes.com/lists/2008/53/celebrities08\\_JK-Rowling\\_CRTT.html](http://www.forbes.com/lists/2008/53/celebrities08_JK-Rowling_CRTT.html).

87. Barrie, *Peter Pan*, 47.

88. Ibid.

89. Gopnik, “Broken Kingdom.”

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## *Participation Rights and the Voice of the Child*

*I must not speak a useless word,  
For children should be seen, not heard.*

—“TABLE RULES FOR LITTLE FOLKS,” Anonymous, 1880<sup>1</sup>

*States Parties shall assure to the child who is capable of  
forming his or her own views the right to express those views  
freely in all matters affecting the child, the views of the child  
being given due weight in accordance with the age and  
maturity of the child.*

—CONVENTION ON THE RIGHTS  
OF THE CHILD, Article 12

PARTICIPATION IS A core component of democracy. Having the right to participate in one's community or society is tantamount to counting as a member of society. The Declaration of Independence, the foundational expression of the United States as a new nation, asserted a right to participate and, correspondingly, a right to disavow a ruler who denied individuals a voice in their government. Similarly, the Universal Declaration of Human Rights, the foundational document of the modern human rights movement, enshrined the right to participate and established that “[t]he will of the people shall be the basis of the authority of government.”<sup>2</sup> In short, participation rights equate to being seen *and* heard.

The Convention on the Rights of the Child (CRC), which aimed to elevate and secure the rights of all children, thus includes as one of its



cornerstone principles the child's right to express his or her views in matters that affect the child (Article 12). Children's rights law could have continued down more traditional paths. The other three foundational rights in the CRC—the right to life, survival, and development (Article 6), the right to nondiscrimination (Article 2), and the best interests of the child provision (Article 3)—together establish the sanctity of every child's life, their right to grow and develop freely and fully, their right to realize their rights free of discrimination, and the right to have their best interests be a primary consideration in all matters concerning children. Together, these three rights could ensure the well-being of all children. But human rights law also protects against oppressive regimes, and to do so effectively, requires recognition of every individual's right to play a role in shaping their nation and in decisions that affect their lives. This "right to be listened to and taken seriously," as UNICEF's research institute explains, is the "core" of recognizing children as subjects of rights, because it "insists on the 'visibility' of children in their own right."<sup>3</sup>

The right to be heard is a significant claim that requires governments to take more meaningful account of children's views. The right to be heard arises in the context of other rights, ranging from health rights to freedom of thought, conscience, and religion. Its centrality to children's lives and to other human rights held by children makes it a natural first area of exploration of children's rights in children's literature.

We begin by examining the "right to participate" under international human rights law and other rights relevant to meaningful participation. We then explore select children's books through the lens of children's rights law to determine what stories teach children about participation rights. Finally, we discuss the value of participation, drawing on evidence from research in a range of fields including education, health care, psychology, juvenile justice, and other areas. Participation matters: it produces positive outcomes across a range of measures. Therefore, it is critical to explore how children encounter participation rights in their favorite books such as *Horton Hears a Who!* and *Peter Rabbit*.

### *Children's Participation Rights under International Human Rights Law*

Historically, the concept of participation has encompassed a range of rights, including freedom of expression, freedom of assembly and association, the right to vote, and procedural rights in criminal justice settings, among others. Traditional notions of childhood subsumed children within the family and

assumed that parents would participate in the polity on behalf of children and represent their best interests and at times perhaps even their views.

The Convention on the Rights of the Child, and children's rights more generally, challenged the idea that children are mere wards of the family. The treaty recognizes the complex and critical nature of childhood by acknowledging that children are ideally protected within the family but also individuals in their own right. Thus, while the CRC repeatedly emphasizes the essential role that parents and families play in the lives of children, acknowledging the importance of parents and families in nineteen substantive provisions of the treaty, requiring states parties to respect parents' rights and duties in childrearing, and calling the family "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children," the treaty recognizes that children have a distinct right to be heard.<sup>4</sup> Article 12 of the CRC makes clear that a child has the right to participate in decisions that affect his or her life. Specifically Article 12 provides:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Several components of this right merit elucidation. First, the child's right to be heard applies in "all matters affecting the child." Therefore, even though subsection 2 of Article 12 provides that a child "shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child," the first requirement of CRC Article 12 is not limited to judicial proceedings. Fully realized, Article 12 is not merely about giving children a say in custody proceedings in family court, for example, but rather it means ensuring that children have meaningful opportunities to participate in *all* matters that affect their lives.

Second, this right accrues to any child "capable of forming his or her own views," which means that it is not limited solely to older adolescents nearing adulthood. As the Committee on the Rights of the Child has stated, there is no minimum age for the right to express one's views and a child should not have the burden to prove he or she is capable of expressing a view.<sup>5</sup> Further, as children's rights scholar Laura Lundy explains, "Children's right to express their views is not dependent upon their capacity to express a mature view; it is dependent only on their ability to form a view, mature or not."<sup>6</sup> Thus, as with rights held by adults, the existence of the right is not dependent on maturity; rather what changes with the child's developing maturity is the weight given to the child's view.

Third, and importantly, the CRC enshrines this right to participate in a way that accounts for the evolving and developing nature of childhood. Though children lack the full autonomy of adults (and thus also the full autonomy rights of adults, including voting rights), the CRC enshrines their right to participate in a balanced manner by providing that the weight given to the child's views should be consistent with the "age and maturity" of the child.<sup>7</sup> Article 12 grants children the right to have their voices heard; it does not necessitate that children be allowed to decide an issue. As any parent knows, in many instances, pursuing the child's best interests means making informed decisions on the child's behalf. Lothar Krappmann, a member of the U.N. Committee on the Rights of the Child, explains that Article 12's due weight requirement "means that the [child's] views are seriously considered. . . . The final responsibility, however, remains with the adult."<sup>8</sup> In fact, children frequently express that they want the opportunity to provide input and want to feel heard, but do not want the burden of having to make the final decision.<sup>9</sup> The right to participate also includes a right not to express one's view,<sup>10</sup> just as freedom of expression includes a right not to speak. If a child chooses to participate, then his or her views must be given appropriate consideration.

Finally, participation must be meaningful. As the Committee on the Rights of the Child has explained:

[A]ppearing to "listen" to children is relatively unchallenging; giving due weight to their views requires real change. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights.<sup>11</sup>

Just as the building of a school or a hospital does not fulfill a state's obligation to ensure education or health rights, it is not enough only to invite children to a meeting or to let them speak at a meeting.<sup>12</sup> Meaningful participation means ensuring they are heard and, as appropriate, incorporating their ideas into decisions.

Several other rights contained in the CRC support the right to participate. Article 14's freedom of "thought, conscience, and religion" secures for children the space to think freely and hold their own beliefs.<sup>13</sup> States are required to "respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child."<sup>14</sup> Parents play an essential role in teaching their children. Article 14 establishes that the government cannot dictate what a child must think. With the freedom to hold his or her own views, the child is then protected by Article 13 if he or she chooses to express those views. Article 13 of the CRC establishes that "[t]he child shall have the right

to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice." Access to information that can inform the child's views is also highlighted in Article 17, which provides that states "shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health." Participation rights also include the right to freedom of association, enshrined in CRC Article 15. Finally, Articles 28 and 29 enshrine the child's right to an education. Collectively, these rights provide the education and freedom for children to grow and develop in their thinking and to be positioned to participate meaningfully in decisions that affect their lives.

As noted earlier, participation is a cornerstone of democracy and human rights. Indeed, many of the most significant advances of the modern human rights movement have included extending participation rights to previously marginalized populations (e.g., racial and ethnic minorities, women) and ensuring their right to participate fully in their communities and nations. With the adoption of the CRC and the acknowledgment that children are rights holders, recognition of their right to participate is a natural extension of international human rights law. And it is balanced by grounding the child's right to participate in the context of his or her evolving maturity.

Given the critical nature of the right to participate and to have one's voice heard, it is important to understand the messages that are conveyed to children about the value of their participation. Children's literature conveys a range of ideas about the child's right to a voice.

### *Participation in Law and Narrative: "Down at the Bottom, We, Too, Should Have Rights"*

As *The Tale of Peter Rabbit* opens, we see Mrs. Rabbit instructing her children, "Now my dears, you may go into the fields or down the lane, but don't go into Mr. McGregor's garden: your Father had an accident there; he was put in a pie by Mrs. McGregor." With Mrs. Rabbit's warning, *The Tale of Peter Rabbit* begins, reflecting the normative social and legal theories about children at the turn of the twentieth century: children must silently attend to, obey, and unilaterally respect adult authority. The rabbit children's widowed mother concludes, "Now run along, and don't get into mischief. I am going out."

The only other voice in the book, besides that of the narrator and Mrs. Rabbit, is Mr. McGregor himself, yelling "Stop, thief!" to Peter Rabbit, who had

appropriated lettuce, French beans, and radishes from the garden. Peter “was very naughty,” and consequently, over the course of his adventure, he is punished severely. He is “dreadfully frightened,” “shed[s] big tears,” “tremble[s] with fright,” gets a stomachache, endures the shame of his good jacket being displayed in McGregor’s garden, and ultimately is sent to bed without the milk and blackberries that his obedient sisters are allowed to enjoy. While Peter does not suffer the same consequences as his father for venturing into McGregor’s fields, the story reinforces the shame and pain of naughty children who don’t listen obediently.

Although Beatrix Potter features large watercolor pictures of Peter and his sisters on each page, neither Peter nor his sisters actually speak in the entire book.<sup>15</sup> The adults address the children didactically, in the imperative—the grammatical mood that commands, prohibits, and permits: “you may go,” “but do not go,” “run along,” “stop!” Adult rabbits warn the young rabbits about the consequences of childhood disobedience, then those consequences are reinforced by the narrator. The message to child readers is clear: rabbit children should be seen, not heard.

The same message is conveyed in Hans Christian Andersen’s 1837 classic fairy tale, *The Little Mermaid*, adapted by Walt Disney Pictures in 1989. The Little Mermaid, who is the youngest of the Sea King’s six daughters, has “the loveliest voice of all, in the sea or on land.” Although her sisters are content and safe living beneath the sea, the youngest mermaid longs for the freedom of the open world, a world “that seems so much wider than her own”; when ships pass by, “little did they dream that a pretty young mermaid was down below, stretching her white arms up toward the keel of their ship.” Throughout the fairy tale, the Little Mermaid’s longing for the public world is reiterated in almost tragic forms: she finds the undersea world oppressive and smothering; she laments the suffocating atmosphere of the undersea castle; and she dreams almost constantly about emerging into the open air. Finally, when she is fifteen, she decides to go to the Sea Witch and request a magical potion that will give her legs and allow her to live above the ocean. The witch agrees, but her price is exorbitant: “You must give your voice to me,” she tells the Little Mermaid. “Stick out your little tongue and I shall cut it off.”

“But if you take my voice, what will be left of me?” the Little Mermaid asks; nonetheless, she consents: “go ahead.” Only with this violent act of dismemberment (subsequently softened by the Walt Disney film version, in which her voice is suppressed but her tongue is not removed) can the young girl emerge from the protective sphere of the ocean, sacrificing her voice in order to see and be seen in public. Given that public spaces are often considered to be “adult domain,” and children an unwelcome intrusion, Andersen’s fairy tale brutally conveys what children must give up when they enter the civic sphere.<sup>16</sup> The Little Mermaid’s voice was one of her most distinctive and defining traits in the beginning of the

story. But she must sacrifice it to enter into the public world. The story's most violent act socializes children into the nineteenth century's prevailing code of children's passive silence in the public sphere.

The metaphors of children's silence, disobedience, and subsequent consequences have been challenged in more recent children's books, most notably by Dr. Seuss. Dr. Seuss's stories offer a more participatory approach for children and their rights. Thus, while *Peter Rabbit* and *The Little Mermaid* convey the normative social theories about children at the close of the nineteenth century, Dr. Seuss actively confronts the construct of a silent and passive childhood. Dr. Seuss's *Yertle the Turtle* and *Horton Hears a Who!* present striking examples of child participation and the way it directly benefits their communities.

*Yertle the Turtle* takes place on the Island of Sala-ma-Sond, which is ruled by a tyrannical turtle named Yertle. Not satisfied with his power, Yertle exploits the pond's turtles by stacking them one on top of another in order to expand his kingdom: "This throne that I sit on is too, too low down./It ought to be *higher!*' he said with a frown./'If I could sit high, how much greater I'd be!/What a king! I'd be ruler of all I could see!" Mack, the very small turtle at the bottom of the stack, objects twice to the harsh treatment and conditions. His first attempt at free expression only intensifies Yertle's mistreatment of his subjects: "'SILENCE!' the King of the turtles barked back./'I'm king, and you're only a turtle named Mack.'" Then Yertle increases his throne from nine stacked turtles to two hundred.

Mack's second attempt to reason with King Yertle is an eloquent expression of rights:

Then again, from below, in the great heavy stack,  
 Came a groan from that plain little turtle named Mack.  
 "Your Majesty, please . . . I don't like to complain,  
 But down here below, we are feeling great pain.  
 I know, up on top you are seeing great sights,  
 But down at the bottom we, too, should have rights.  
 We turtles can't stand it. Our shells will all crack!  
 Besides, we need food. We are starving!" groaned Mack.

The response from Yertle is not all that different from how adults often respond to the idea of child participation. Yertle offers an emphatic version of "Because I said so": "'You hush up your mouth!' howled the mighty King Yertle./'You've no right to talk to the world's highest turtle./I rule from the clouds! Over land! Over sea!/There's nothing, no, NOTHING, that's higher than me!'" Mack's objection is met only with increased abuse from Yertle, who demands that the

turtle stack be increased from 200 to 5,607. Rather than being shut down by Yertle's increased tyranny, Mack again asserts his right to be heard. Dr. Seuss writes that Mack:

Decided he'd taken enough. And he had.  
 And that plain little lad got a little bit mad  
 And that plain little Mack did a plain little thing.  
*He burped!*  
 And his burp shook the throne of the king!

This act of defiance, Mack's burp, topples Yertle, causing him to fall into the pond. The burp is significant in that it is both something that the child reader relates to and is considered outside the bounds of accepted behavior by adults. Viewed through a human rights lens, it reinforces that Mack, the child protagonist in *Yertle*, will not simply acquiesce but insists on his own terms to be heard and have his rights and the rights of others recognized. It is meaningful that it comes from Mack, who is at the bottom of the stack, and thus arguably the lowest in Yertle's kingdom. The message for child readers is that every child's voice counts, regardless of position.

Dr. Seuss's *Horton Hears a Who!* offers another compelling example of child participation and the value of enabling children to be heard.<sup>17</sup> In his second Horton the Elephant book, Dr. Seuss tells the story of a tiny people, the Whos, who struggle to make themselves heard: "Then [Horton] heard it again! Just a very faint yelp/As if some tiny person were calling for help." Horton accepts the obligation to help the Whos, proving himself to be the quintessential human rights defender. Although early in the story the Whos are subjects of Horton's advocacy, dependent on him for representation and protection, they later must be heard in their own right to ensure their survival. Horton tells them that they must make *themselves* heard if they are to avoid ending up in a "Beezle-Nut stew":

"Don't give up! I believe in you all!  
 A person's a person, no matter how small!  
 And you very small persons will *not* have to die  
 If you make yourselves heard! *So come on, now, and TRY!*"

The Whos' participation—like Mack's—takes the form of distinctly childlike expression as they smack tom-toms, rattle tin kettles, and beat on brass pans, garbage pail tops, and old cranberry cans. They are blowing bazookas, "yapping," "yippling," "beeping," "bipping," and generally make a "howling mad hullabaloo."

But ultimately their voices are heard only when the “small, *very* small . . . young twerp” named Jo-Jo adds his “yopp” to the Whos’ attempts to communicate their existence. The story allows children to imagine how when the “smallest of all” participate, “their whole world was saved.” Horton’s initial advocacy, combined with the Whos’ own conspicuously childlike participation, convince the jungle inhabitants that these “very small persons” do exist and deserve both collaborative protection and participation rights.

Each of these moments enacts the value of child participation. Whether it’s the Mayor of the Whos explaining to Jo-Jo that “[e]very voice counts,” the familiar refrain “a person’s a person, no matter how small,” or the ultimate triumph of the Whos when the “smallest of all” joins in, Dr. Seuss illustrates the value of child participation in a way that children can visualize and imagine, conveying that every child has the right to be heard. Moreover, Horton models the ideal of the adult that children most need, as young children reported at the 2005 “Every Child Matters” national event in the United Kingdom:

The best way for adults to find out what children think is to be an asking and listening sort of adult . . . respecting children and what they think and say. Also, children themselves need to be ready to tell adults what they think. . . . If the child trusts them enough, then they will say.<sup>18</sup>

Horton is just such an “asking and listening sort of adult,” attuned to small voices. His actions and demeanor foster trust among the Whos to act at his behest and express themselves, demonstrating the ways in which adults and children can partner to foster children’s meaningful and valuable participation.

### *Listening to Children: “Every Voice Counts!”*

Convincing adults that children are worth listening to is an ongoing challenge for children and adolescents. Many children’s stories confront the resistance among adults to the idea that children have something meaningful to say. The plots of both E. B. White’s *Charlotte’s Web* (1952) and Doreen Cronin’s *Click, Clack, Moo: Cows That Type* (2010) center around the need for just such a reconsideration of adults’ preconceived notions about children. Both Wilbur the pig and Farmer Brown’s cows are perceived only as sources of food and labor, without fundamental rights. The plots are complicated by the obstacles to communication between farm animals and human adults, paralleling communication barriers that arise with children’s limited verbal skills. Although White’s child protagonist Fern Arable can understand animal language, the animals



in both stories still must concoct elaborate ways to convey their inherent value to those with power over them. Fortunately, Charlotte the spider is both a "true friend and a good writer," and she can help Wilbur express his right to be heard.<sup>19</sup> Through Charlotte's writing, Wilbur's voice is asserted. Similarly, in *Click, Clack, Moo*, the cows learn to type, enabling them to express their needs to Farmer Brown: "Dear Farmer Brown, The barn is very cold at night. We'd like some electric blankets. Sincerely, The Cows." Both stories illustrate obstacles to and the benefits of participation.

One notable element of many children's stories that address the child's right to be heard is what the children in these stories say when given a chance. In *Yertle the Turtle*, Mack exclaims, "I know, up on top you are seeing great sights,/But down at the bottom we, too, should have rights." Here, and elsewhere, Mack uses the collective pronoun ("we are feeling great pain," "we, too, should have rights," "we turtles can't stand it," "our shells," "we need food," and "we are starving"), asserting his rights as intertwined with the rights of others. By viewing rights as not merely self-entitlements but rather for all, he recognizes and accepts a duty to ensure others' rights, too. Similarly, in *Click, Clack, Moo*, the cows do not limit their advocacy to their own concerns; they advocate for the hens' rights as well (the hens are also cold at night). Children who are taught about human rights recognize this link between one's own rights and responsibilities to others. As human rights education scholars R. Brian Howe and Katherine Covell have shown in a number of studies:

Children who learn about and experience their rights are children who demonstrate the fundamentals of good citizenship. They gain knowledge not only of their basic rights but also their corresponding social responsibilities. They develop the attitudes and values that are necessary for the promotion and protection of the rights of others.<sup>20</sup>

Meanwhile, in contrast to Mack and the cows that type, in *Horton Hears a Who!*, Jo-Jo is the more reluctant hero who needs to learn about the importance of making one's voice heard (for he only wants to be left alone with his yo-yo). But when he does, it is in response to the Mayor of the Whos imploring him:

"This," cried the Mayor, "is your town's darkest hour!  
The time for all Whos who have blood that is red  
To come to the aid of their country!" he said  
"We've GOT to make noises in greater amounts!  
So, open your mouth, lad! For every voice counts!"

Jo-Jo ultimately helps save his town and all of the Whos, just as Charlotte intercedes on Wilbur's behalf in *Charlotte's Web*, giving voice to her friend's needs (and his right to survive). Later Wilbur reciprocates by saving Charlotte's eggs. In each of these stories, rights and responsibilities are intertwined: the rights of one are linked to the rights of others. Through the experiences of the child characters in their books, Dr. Seuss, E. B. White, and Doreen Cronin offer child readers the experience of different paths to imagining how rights are intertwined with duties. Mack's burp, Jo-Jo's yopp, and Charlotte's web-writings also reinforce that the "small" have an equal right to participate, both for their own protection and for the role they play in ensuring the well-being of others in the community.<sup>21</sup>

Children's literature not only provides settings and stories for the child reader to observe and experience characters articulating their right to be heard, some children's books also place the child *into* the story as creator of the story itself.

In 1955, the year after *Horton Hears a Who!* was published and just before *Yertle the Turtle*, HarperCollins Publishers released Crockett Johnson's now iconic *Harold and the Purple Crayon*, in which a small boy with a crayon creates an entire world out of his own imagination.<sup>22</sup> In contrast to books in which child readers passively watch and listen to the story unfold, Johnson's main character—Harold—is not merely a submissive subject of the book's narrator. Harold literally draws his own adventures: a forest with apple trees to explore, a "terribly frightening dragon" that scares him, an escape into a boat, a picnic with nine pies, and the hot-air balloon that rescues him when he falls off a mountain (that he, of course, has drawn). *Harold and the Purple Crayon* is often credited as the first example of children's "metafiction," now a popular trend in children's literature.

Metafiction playfully calls attention to itself *as* a work of fiction, as a construct, or as something conspicuously "created." Books such as Mo Willem's *We Are in a Book!* and *Don't Let the Pigeon Drive the Bus!*, David Wiesner's *The Three Pigs*, Lane Smith's *It's a Book*, Jon Agee's *The Incredible Painting of Felix Clousseau*, and Terry Pratchett's *Where's My Cow?* all reflect upon and question the power of books by playing with their form. In the same way that Mack challenges King Yertle's authority and power, these metafictional books conspicuously challenge the essential didacticism of books as a source of authority and law. They do so through their very form and with the playful way that their child characters take charge of their own stories. Most traditional books assume the passivity of the reader as a receptacle for the book's message, but children's metafiction openly invites children to question the book's entrenched authority. "Metafictional children's literature consciously and overtly challenges the long didactic tradition of children's stories," writes children's literature scholar Robyn McCallum, "stories that teach, impose ideology upon,

and manipulate children into adult dogma. Rather than reinforcing adult-child power structures, where the child 'is read' the book, metafiction deconstructs the authority of the book and gives the child the power."<sup>23</sup> Thus the genre's most basic conventions are at the core of children's right to participate.

In *Don't Let the Pigeon Drive the Bus*, the child reader literally transforms into an adult voice who must answer the pigeon's begging to do something he has been instructed not to. And in *The Three Pigs* (and a similar award-winning fairy-tale metafictional adaptation, *The Stinky Cheese Man and Other Fairly Stupid Tales*), traditional fairy tales that encoded moral lessons are blatantly overturned as characters step out of their customary roles, enter other fairy tales, and change the endings to their stories, deconstructing the instructive moral point. These strategies, according to McCallum, position "implied readers . . . in more active interpretive roles."<sup>24</sup> Philip Nel expands upon and reinforces McCallum's point:

Given that childhood reading occurs during and can shape identity formation, books that encourage reflection upon imposed narratives may help children think critically about their own acculturation. . . . Whether dismantling fairy tales, challenging your visual perception, or daring you to read four stories simultaneously, these other books invite readers to question rather than accept received realities.<sup>25</sup>

Thus in *Harold and the Purple Crayon*, the adventure begins when, "One evening, after thinking it over for some time, Harold decided to go for a walk in the moonlight." Even this opening suggests thoughtfulness to Harold's decision, not impulsive decision-making often presumed to be the domain of children. Children's metafiction encodes the participatory ideal into the narrative process itself, just as Dr. Seuss conveyed participation through his plots and themes and through the structure of his stories.

One of the hallmarks of Dr. Seuss's books is the engaged participation that they promote specifically in preliterate children. Through the use of innovative illustrations, controlled vocabulary, and strong end rhymes, all of which foster children's active participation in the story, Dr. Seuss offers children a space to experience participation rights on children's own terms and, as instructed by Article 42 of the CRC, "by appropriate . . . means." Dr. Seuss used iconotextual collaboration, in which the child foresees narrative events through the illustrations.<sup>26</sup> In *Yertle the Turtle*, for example, even before the adult reader narrates Yertle's demise ("For Yertle, the King of all Sala-ma-Sond,/Fell off his high throne and fell *Plunk!* In the pond!"), the child already knows that Yertle has been dethroned and disgraced: the large, vivid picture of his turtle rear end splashing into the pond, the spiral movement lines trailing from his former high

perch, and the delighted faces of his formerly exploited turtles relate the same information as the rhymed verse the children hear.

Dr. Seuss broke from traditional children's books' realistic, watercolor illustrations, opting instead for a large, flat-ink, comic book style. His guidelines for illustrations demanded that the text should contain nothing that was not clearly expressed nonverbally by the illustrations; children must be able to work out the story, on their own, from the illustrations.<sup>27</sup> Dr. Seuss was a formative children's writer-illustrator in this regard, initiating and transforming the concept that when words and pictures fully collaborate in children's books, beginning readers participate more fully.<sup>28</sup> This form of picture book initiates children into an autonomous experience with the story, almost independent of the adult reader.

Perhaps most famously, Dr. Seuss fostered participation through the anticipatory nature of rhymed verse. Rhyme functions as more than an aesthetic pleasure for children learning to read. "Rhyming," Dr. Seuss said in an interview about the importance of rhyme in his books, "forces recognition of words."<sup>29</sup> Children not only recognize and repeat books because of rhyme, rhyme leads them to foresee verbal elements in the story. Children learn to expect Horton's refrain, repeated three times in the book, so when the elephant calls to the Whos' Mayor, "Don't give up! I believe in you all!", children can often predict the subsequent "a person's a person, no matter how small."

The primary audience of Dr. Seuss books, young children transitioning from passive subjects of books to independent readers, feel what Desmond Manderson refers to as the "experiential force" of literature with added weight because of the musical, rhymed language of Dr. Seuss.<sup>30</sup> It is the rhyme and rhythm that prompts children to read the books repeatedly and subsequently memorize large portions of the books.<sup>31</sup> Dr. Seuss's books structurally empower children to participate in the reading process, while the narratives reinforce a child's right to be heard. Through his avant-garde approach, Dr. Seuss was disseminating many of the same norms that would be enshrined in the U.N. Convention on the Rights of the Child, taking children seriously, and empowering them to play an active role in matters that affect them. Thus in many children's books, it is not only the story that transmits ideas about participation rights to children, but also the narrative structures themselves that engage children in participatory learning experiences.

The stories discussed in this chapter portray for children important messages about their right to participate, the value of participation, and its importance not only to oneself but also to others in the community. These stories convey not only that children *can* express themselves, but that their voices can bring about direct change through their often creative and distinctly child-like solutions. And children in our study responded both emotionally and

intellectually to the books we read: listening, laughing, and eager to respond to our questions. One seven-year-old boy explained about the child protagonist in *Yertle the Turtle*, "Mack shows that even little guys count. And he burps, which is funny!" His classmates laughed and agreed. A girl in the same session said about Jo-Jo, "He may be little, but he's important. He speaks up and saves the Whos." These popular children's stories make an indelible impression on children, passing on important ideas about their right (and responsibility) to participate.

As we see in the next section, whether children are allowed a voice and whether they are able to participate in decisions that affect their lives together have significant consequences for their own lives and for the well-being of their families, peers, and communities.

### *Beyond the Literary World: Participation in Children's Lives*

The right to participate is arguably the most progressive right in the CRC.<sup>32</sup> As much as any right, it demands that adults broaden their views on children and recognize children as individuals who can contribute to their communities. And participation makes a difference both to children and to the issues confronting them and their families. (See Figure 2.1.) Whether in *Yertle the Turtle* or *Click, Clack, Moo*, we see how the voices and views of children (or child characters) make a difference. Similarly, research on child participation shows its potential benefits across many aspects of children's lives. This research prompts adults to consider not only how important child participation is but also how literature can inscribe values of participation in ways that can help achieve the gains of realizing children's right to be heard.

Participation has been shown to have a number of positive effects on child and adolescent development. Studies on child participation show that enabling children to play a meaningful role in and feel some control over their lives has potentially significant intrinsic value.<sup>33</sup> It can bolster self-esteem, reduce fear about situations, and foster a greater sense of connection with the outcomes of decisions.<sup>34</sup> Conversely, denying children an opportunity to participate can lead to their feeling left out, devalued, and anxious about the future.<sup>35</sup> Creating opportunities for children to participate has been shown to have positive benefits across a range of issues including family matters, schooling, health care, juvenile justice, as well as citizenship education.

To begin, children experience major family events in very profound ways. Life events ranging from geographic moves to marriage dissolution are significant events that children do not control but certainly feel the effects of.<sup>36</sup> And while children's



**FIGURE 2.1** Dialogue with Policymakers.

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rights law provides that children have the right to participate in decisions that affect their lives, this mandate is especially challenging to fulfill in the family context. A job opportunity for one parent might necessitate a move that truly is in the best interests of the family, but it still has the potential to disrupt the child's life, as she may lose her network of friends, teachers, or other mentors who are particularly meaningful to her development. Similarly, the end of a marriage is a decision that is typically beyond the reach of children but has significant consequences for the rest of their childhood and even their adult lives. These are challenging issues, but ones in which children often express a desire to participate.<sup>37</sup> Though children typically do not want the weighty burden of making the final decision on these major life events, and want the security of knowing their parents will take care of such decisions and of them, many children report a desire to be heard and that having the opportunity to express their views is meaningful to them and gives them a sense of control and security during these often turbulent transitional periods.<sup>38</sup>

There are potential benefits to fostering child participation in education settings as well. Various studies and projects have found that enabling children to realize their right to participate can have a positive effect on buy-in to the curriculum.<sup>39</sup> Allowing children input enables them more control over their education and permits them to learn at their own pace and in a way that comports with their own learning styles.<sup>40</sup> Teaching children about their rights and giving

them opportunities to exercise their right to participate and related rights has been shown to lead to a decrease in harmful behaviors among peers.<sup>41</sup> Rights education programs in Belgium and Canada produced a “decreased incidence of behaviours that infringe on the rights of others.”<sup>42</sup> Bullying declined, both because rights education taught children to respect the rights of others and because it showed children that each had value and encouraged them to assert their voice and to “command respect [from peers].”<sup>43</sup> In turn, creating safer learning environments ensures conditions that enable learning to occur. In studies in the United Kingdom, researchers found evidence that fostering child participation activities “can improve the educational attainment of children” while there was no evidence that participation activities had any negative impact on learning.<sup>44</sup>

In healthcare settings, the extent to which children are engaged and provided opportunities to participate in decision-making has a measureable impact on healthcare delivery. Research finds that children are consulted infrequently in healthcare decisions, “[e]ven in situations regarding their own health.”<sup>45</sup> Coyne and Gallagher report that studies indicate that fostering child participation in healthcare settings can produce a range of benefits, including “better provision of information; opportunity to express feelings; developing confidence and competence; feeling valued, increased locus of control, [and] increased adherence [to treatment protocols].”<sup>46</sup> Indeed, research has found that involving children in the process of developing a treatment plan improves the effectiveness of subsequent treatment.<sup>47</sup> It results in better treatment compliance among adolescents, which in turn improves their health outcomes and reduces the amount of school they miss.<sup>48</sup>

Conversely, researchers have found that “[l]ack of involvement in the communication and decisionmaking process had a negative effect as children reported feeling: disappointed, sad, confused, angry, worried, shocked, betrayed, lonely, ignored and rejected.”<sup>49</sup> And in another study, participants reported that “healthcare providers needed to take the time to listen to children’s concerns and respond to questions. Recommendations for improving communication with children included offering accurate information while using age-appropriate language in a clear and sensitive manner.”<sup>50</sup> Health care involves very personal decisions that often must be made when the child is ill, scared, and feeling little sense of control. Failing to engage children in the decision-making process can make the experience even more difficult for them.

Similar to the healthcare context, decisions are made in juvenile justice settings that have far-reaching implications for the life trajectories of young persons. Juvenile justice scholar Kristin Henning argues that “[n]owhere is the child’s voice more important than in delinquency proceedings where decisions

will be made about his or her liberty, rehabilitative prospects, and other important rights.”<sup>51</sup> As a threshold matter, ensuring the child’s voice is heard in a meaningful way, typically through the assistance of counsel, is critical to avoiding flawed decisions and to guarding against coercive state actions.<sup>52</sup> In addition, whether a child has the opportunity to participate in the adjudicative process and whether the child perceives that his or her views are taken seriously have a significant impact on the child’s emotional and mental state and on the prospects for successful rehabilitation. Henning explains that “[b]y allowing the child to meaningfully participate in the process of justice, the court enhances the child’s respect for the law and its enforcement, increases the likelihood that the child will ‘buy into’ the process of reform, and gives the child an opportunity to improve his evolving decision-making capacity.”<sup>53</sup> Indeed, in cases in which a child believes “the legal system has treated her with fairness, respect, and dignity, the child is more inclined to accept responsibility for her conduct and engage in the process of reform.”<sup>54</sup> The opposite result occurs when children feel the legal system has treated them unfairly or has been excessively paternalistic.<sup>55</sup>

Finally, providing opportunities for participation and expression during childhood is important for teaching democratic and citizenship ideals. Gerison Lansdown notes, “Supporting a child’s right to be heard in the early years is integral to nurturing citizenship over the long term. In this way, the values of democracy are embedded in the child’s approach to life—a far more effective grounding for democracy than a sudden transfer of power at the age of 18.”<sup>56</sup> Childhood is a laboratory, during which children should have opportunities to test and develop their skills. This “trial period” is relevant to participation in the polity. As children do not have the right to vote, they need other experiences to develop the skills and mindset needed to become engaged adult citizens. There is an unfortunate irony that when we teach children about democracy and democratic ideals, we often do so while denying them any meaningful avenues for participation in the democracy. As Howe and Covell articulate, “Providing for child participation rights is consistent with a commitment to the basic principles of democracy.”<sup>57</sup> Facilitating child participation does not mean letting children dictate results; it means providing children an opportunity to play a more meaningful role in their communities and to develop a sense of commitment to, and stake in, their communities.

A common refrain from children in a number of studies is that “not having a say in the decisions made about them was the single most important issue to children.”<sup>58</sup> As one research study in Northern Ireland found, “that children’s views were not sought or listened to or, worse, that they were afforded only minimalist tokenistic opportunities to participate and engage with adults was a theme



which permeated all aspects of the research study.”<sup>59</sup> Not being listened to and taken seriously in matters affecting their own lives is discouraging to children. Continually reinforcing the notion that their views do not count is unlikely to help produce engaged citizens when the youngest members of our communities turn eighteen years old.

Child and adolescent participation matters not only as a training ground for future citizenship duties. It makes a difference now. Ensuring children's input in the development and implementation of laws, policies, and programs aimed at helping children can enhance the prospects for success. As Gerison Lansdown explains: “Adults do not always have sufficient insight into children's lives to be able to make informed and effective decisions on the legislation, policies and programmes designed for children. Children have a unique body of knowledge about their lives, needs and concerns, together with ideas and views which derive from their direct experience.”<sup>60</sup> In studying child trafficking, human rights expert Mike Dottridge reached a similar conclusion:

[Children] are “experts” on the factors that make children vulnerable, their reasons for leaving home, and their special needs regarding prevention, assistance[,] and protection. Children and young people have an important role to play in helping to identify areas for intervention, design relevant solutions[,] and act as strategic informants of research.<sup>61</sup>

Finally, as one adolescent explains in the quintessentially direct language of youth:

If you had a problem in the Black community, and you brought in a group of White people to discuss how to solve it, almost nobody would take that panel seriously. In fact, there'd probably be a public outcry. It would be the same for women's issues or gay issues. But every day, in local arenas all the way to the White House, adults sit around and decide what problems youth have and what youth need, without ever consulting us.

—Jason, 17, Youth Force Member, Bronx, NY<sup>62</sup>

Lansdown notes further that “[d]ecisions that are fully informed by children's own perspectives will be more relevant, more effective and more sustainable.”<sup>63</sup> Children's literature teaches this important lesson. In *Click, Clack, Moo*, the adult, Farmer Brown, thinks everyone in his charge is content (or possibly he simply doesn't consider their needs); it is only when the cows learn to type and when Farmer Brown finally listens to them that Farmer Brown learns they are

very cold at night in the barn. Had Yertle listened to Mack instead of dismissing his plea for better treatment, he would have improved the well-being of all turtles and likely been able to continue his reign over the Island of Sala-ma-Sond.

In a range of situations, children demonstrate the capacity for thoughtful insights on their own lives; they frequently know when something is wrong or a particular decision will cause harm. Yet in many instances children are not consulted on issues that affect them.<sup>64</sup> Too often adults fail to appreciate the value of children's perspectives because they are not expressed in ways that would be employed by adults.<sup>65</sup> Jo-Jo's yopp and Mack's burp may seem like silly childish noises, but in Dr. Seuss's world, they are understood as important expressions by children. Social science research demonstrates that even very young children are competent to be commentators, and thus should be seen, like adults, "as active social beings, constructing and creating social relationships, rather than as the 'cultural dopes' of socialization theory."<sup>66</sup>

Adults have been slow to recognize the value of children's participation even in fora designed specifically to discuss and assess children's rights. At the Tenth Anniversary Commemorative Meeting of the Convention on the Rights of the Child, children were invited to Geneva to participate in the meetings. But at the closing session, the children "expressed deep disappointment that their proposals had been disregarded and that the wording and language was difficult to follow."<sup>67</sup> The High Commissioner for Human Rights acknowledged in response "that the UN was at an early stage in understanding how to listen to children."<sup>68</sup> In November 2014, the world celebrated the twenty-fifth anniversary of the CRC; although significant progress has been achieved on a number of rights issues since the CRC's adoption in 1989, governments (and adults in general) are still learning to listen to children and incorporate their views appropriately in decisions that affect children's lives.

### *Peter Rabbit Finds His Voice*

In 2012, Frederick Warne & Co. Publishers, the original publishers of Beatrix Potter's *Tale of Peter Rabbit*, convinced the award-winning British author and actor Emma Thompson to recreate a Peter Rabbit tale for the twenty-first century. In her book, Peter is the *first* to speak:

Peter Rabbit was in low spirits. It had been a rainy summer, his blue coat had been torn by briars and his shoes were hurting.

"*What I need,*" he said, "*is a change of scene.*"

Benjamin Bunny advised against it.

"Too many carts on the road," he said.  
 "Too many owls, and too many foxes."

In her adaptation, Thompson not only gives young Peter Rabbit his voice but also allows his young cousin (rather than an adult) to counsel him about the dangers he might face. Peter subsequently has a thrilling adventure, wins the "Great Golden Cup" at the athletic competition through sheer orneriness, and returns home to a grateful mother who embraces him warmly. On the book's final page, Benjamin Bunny asks, "[N]ext time you need a change of scene . . . can I come with you?" Thompson reimagines Beatrix Potter's classic story by prioritizing children's voices, inherently shifting the power structure from adult-child and the law from punishment-reward to the changing legal and social theories about children's voices envisioned by the CRC. Children are heard, listened to, and taken seriously, and their imaginative and creative impulses are explored as assets, not detractions.

Ultimately, participation rights not only call for a shift in how adults listen to children, but also an essential reconsideration of how adults *perceive* children. As Gerison Lansdown explains it:

Recognizing that children have rights does not mean that adults no longer have responsibilities towards children. On the contrary, children cannot and should not be left alone to fight the battles necessary to achieve respect for their rights. What is implied by the Convention . . . is that adults need to learn to work more closely in collaboration with children to help them articulate their lives, to develop strategies for change and exercise their rights.<sup>69</sup>

Ensuring meaningful child participation is complex, but recognizing the value of children's participation is central to advancing children's rights and well-being. Democracy and democratic processes are harder to realize than authoritarian structures. Yet the benefits of children's participation rights are many, for both children and their communities. As the U.S. Supreme Court explained in the landmark case of *Tinker v. Des Moines Independent Community School District*:

[I]n our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the

lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk.<sup>70</sup>

The CRC mandates the same. And many narratives of children's literature demonstrate the value of doing so.

### Notes

1. Research has traced this phrase "seen and not heard" back to the early fifteenth century. See Knowles, *Oxford Dictionary of Phrase and Fable*, 206.
2. Universal Declaration of Human Rights, art. 21.
3. Lansdown, *Promoting Children's Participation*, 1–2.
4. U.N. Convention on the Rights of the Child, arts. 2, 3, 5, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 22, 23, 24, 27, 37, and 40.
5. U.N. Committee on the Rights of the Child, *General Comment 12*, ¶¶ 20 and 21.
6. Lundy, "Voice Is Not Enough," 935; Archard and Skivenes, "Balancing Best Interests and Views," 10. Endorsing an equitable approach, Archard and Skivenes insist that "a child should not be judged against a standard of competence by which even most adults would fail. It is unfair to ask children to be more competent in their decision-making than those adults to whom we grant a general freedom to decide." *Ibid.*
7. U.N. Convention on the Rights of the Child, art. 12.
8. Krappmann, "Weight of the Child's View," 507–08.
9. Grahm-Farley, "Human Rights and U.S. Standing," 372 ("The right to participate does not give the child a right to make decisions. . . . [It] means that the child should be heard in all matters that concern the child. . . . [It] also includes the right of the child to participate in a meaningful way."); Morag, Rivkin, and Sorek, "Child Participation in Family Courts," 4 ("Studies indicate that children whose parents are going through a divorce are usually interested in expressing their positions and their feelings regarding decisions that affect their lives, although in most cases they do not wish to be the ones making the decision.").
10. U.N. Committee on the Rights of the Child, *General Comment 12*, ¶ 16.
11. U.N. Committee on the Rights of the Child, *General Comment No. 5*, 4.
12. Willow, *Children's Right to Be Heard*, 52–53.
13. U.N. Convention on the Rights of the Child, art. 14.
14. *Ibid.*
15. Carole Scott makes this point in "An Unusual Hero," 19, although Scott ultimately finds Peter Rabbit to be a subversive hero: "*The Tale of Peter Rabbit* is . . . subversive not only of the period's premises and expectations of what it takes to be a good

- child—obedient, dutiful, respectful of authority, social mores, and conventions—but of the hero genre itself, together with its implicit values” Ibid., 19, 29.
16. The original fairy tales are famous for their excessive violence, which Katherine Roberts argues is one of the ways the fairy tale “seeks to raise us into obedient social and legal subjects.” Roberts, “Once Upon the Bench,” 499. Fairy tale violence is usually excessive, graphic, and retributive in nature, especially to contemporary readers used to the sterilized Disney versions. (In the original versions, Cinderella’s stepsisters hack off their toes and heels, Hansel and Gretel shove their captor into an oven, and Little Red Riding Hood slowly undresses in front of the wolf before he devours her.)
  17. Dr. Seuss follows the tradition in children’s picture books of representing children as creatures who look like animals but speak, dress, and act like humans, such as Beatrix Potter’s *Peter Rabbit*, Arnold Lobel’s *Frog and Toad*, and H. A. and Margret Rey’s *Curious George*. Seuss’s very small Whos are characteristic of the mice and rabbits that predominately symbolize children in picture books, creatures who are “small enough to express the traumas of small children in a world of large adults,” writes Perry Nodelman (*Words About Pictures*, 116). Seuss rarely drew humans, instead choosing to use animals to represent the characteristics inherent in the story—Horton evoking the elephant’s faithfulness, and the almost microscopic Whos symbolizing an invisible, marginalized population. According to his biographer, Seuss said that “none of my animals are animals . . . they’re all people sort of.” (Pease, *Theodore Seuss Geisel*, 94).
  18. Hampshire City Council, “Hampshire Children and Young People’s Plan,” <http://www.hants.gov.uk/decisions/decisions-docs/060117-csprca-R0112090616.html>.
  19. White, *Charlotte’s Web*, 184.
  20. Howe and Covell, *Empowering Children*, 7.
  21. See Miller, “Horton Hears Baidou,” 87 (articulating the complex structure of Badiou’s community ethics through Horton’s moral obligation to the Whos in *Horton Hears a Who!*); Jenkins, “No Matter How Small,” 188 (“The heroic Horton challenges his community to show greater concern for the weak and powerless.”).
  22. As with Dr. Seuss’s early struggles to convince children’s publishers that his books would appeal, Johnson similarly faced skepticism from HarperCollins editors: “I don’t know what to say about it,” wrote the editor who received Johnson’s submission, “it doesn’t seem like a good children’s book to me.” For the last fifty years, *Harold and the Purple Crayon* has never been out of print. Jennifer Ludden, “The Appeal of *Harold and the Purple Crayon*,” <http://www.npr.org/templates/story/story.php?storyId=4671937>.
  23. McCallum, “Very Advanced Texts,” 142–43.
  24. McCallum, “Metafiction and Experimental Work,” 587.
  25. Nel, “Metafiction for Children.”
  26. On the power of simplistic and iconic cartoon style, see McCloud, *Understanding Comics*, 24–53.

27. Morgan and Morgan, *Dr. Seuss & Mr. Geisel*, 160.
28. See Knoepfmacher, *Children's Texts*, 159, 170–71 (describing Maurice Sendak's juxtaposition of image and text to engage young readers in *Where the Wild Things Are*).
29. "Somebody's Got to Win in Kids' Books," *U.S. News & World Report* (Apr. 14, 1986), 69.
30. Manderson, "From Hunger to Love," 91; see also Heald, "Musicality in the Language of Picture Books," 230–34.
31. See Heald, "Musicality in the Language of Picture Books," 230–34. Heald notes that conspicuously melodic language in books (such as Dr. Seuss writes) is "enormous not only for the sensory pleasure they offer the children but also for the multiplicity of intelligences they stimulate. The picture book whose language sings requires the brain not only to decode words and syntactical structures, but also to hear rhythmic patterns, durations of sounds and expressive contours."
32. Grahn-Farley, "Human Rights and U.S. Standing," 368 ("The CRC's right to be respected and to be heard shows a shift in the understanding of childhood and the role of the child in society at large. The CRC's participation rights reflect the view that childhood has value in and of itself, and that the role of the child in society is important for both the society and the child."); Kielburger, "Children Helping Children," 413 ("One of the most important statements in the [CRC] is that children have the right to participate in the implementation of their rights. Yet this seems to be the one right so often forgotten by educators, children's organizations, and governments around the world.").
33. Fitzgerald, Graham, Smith, and Taylor, "Children's Participation as a Struggle," 294.
34. Caraveo, Pérez, and Hernández, "Youth Participation," 145 (on self-esteem and confidence); Kränzle-Nagl and Zartler, "Children's Participation: European Perspectives," 171; Crowley and Skeels, "Getting the Measure," 188.
35. Lansdown, *Can You Hear Me?*, 18.
36. Gindes, "Psychological Effects of Relocation," 119.
37. Birnbaum, *Voice of the Child in Separation/Divorce Mediation*. See also Stahl, "Implementing Article 12," 823–24 (on benefits of child participation to children).
38. Morag, Rivkin, and Sorek, "Child Participation in Family Courts," 4.
39. Davies, et al., *Inspiring Schools*; Acharya, "Child Reporters," 211.
40. Kirby, et al., *Building a Culture of Participation*, 2003, 109; Kaba, "They Listen to Me," 23.
41. Howe and Covell, *Empowering Children*, 148.
42. *Ibid.* See also Allan and l'Anson, "Children's Rights in School," 131–34, 136; Wallberg and Kahn, "The Rights Project," 34 (delivering rights education to an early childhood program of four-year-old children in British Columbia over a three-month period led children to understand that "[i]n order to protect one's own rights, it was . . . necessary to protect the rights of others."); Lacharite and Marini, "Bullying Prevention and the Rights of Children," 315–17 (discussing

- research on the benefits of human rights education for children, including findings that show a link between children's exposure to human rights education and greater tolerance and respect for others).
43. Howe and Covell, *Empowering Children*, 148.
  44. Kirby et al., *Building a Culture of Participation*, 127.
  45. Koller et al., "Paediatric Pandemic Planning," 369.
  46. Coyne and Gallagher, "Participation in Communication and Decision-making," 2335.
  47. Vis et al., "Participation and Health," 330.
  48. Ibid.
  49. Coyne and Gallagher, "Participation in Communication and Decision-making," 2337.
  50. Koller et al., "Paediatric Pandemic Planning," 374.
  51. Henning, "Denial of Right to Counsel," 122.
  52. Szaj, "The Right of the Child to Be Heard," 128.
  53. Henning, "Denial of Right to Counsel," 124–25.
  54. Ibid., 125.
  55. Ibid.
  56. Lansdown, *Resource Guide*, 9.
  57. Howe and Covell, *Empowering Children*, 64.
  58. Lundy, "Voice Is Not Enough," 929.
  59. Ibid.
  60. Lansdown, *Resource Guide*, 5.
  61. Dottridge, *Young People's Voices*, vi.
  62. Lansdown, *Resource Guide*, 5.
  63. Ibid.
  64. Hart, *From Tokenism to Citizenship*, 34. Hart writes, "For those projects where the end product or programme is for the participants themselves, the arguments for participation are particularly strong. But for young people, even in such obvious examples as the design of classrooms, playgrounds, sports facilities, or afterschool programmes, participation is rare." Ibid.
  65. Lansdown, "Realisation of Children's Participation Rights," 15. A study by Ruth Sinclair highlights the differences between how children and adults interpret the same language: to children reviewing a government report, the word "protection" suggested overbearing restrictions by adults, whereas the phrase "being safe" conveyed the idea of positive environments for children free of bullying and crime. Sinclair, "Participation in Practice," 113.
  66. James and Prout, "A New Paradigm," 22. Shier writes, "[M]ost of the important issues or 'tensions' that are being faced in children's participation, are no different from those encountered in work on participatory governance in general." Shier, "Children as Public Actors," 24.

67. Lansdown, *Promoting Children's Participation*, 40.
68. *Ibid.*
69. *Ibid.*, 1.
70. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 508 (1969).





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## *Confronting Discrimination, Pursuing Equality*

WHEN DR. SEUSS PUBLISHED *The Sneetches* in 1961, he invited children to imagine a society with two distinct subgroups: Star-Belly Sneetches and Plain-Belly Sneetches. With the exception of small green stars on their bellies, Sneetches are otherwise indistinguishable as large, yellow, birdlike creatures. But for many years the Star-Belly Sneetches boasted “we’re the best kind of Sneetch on the beach,” and they excluded the Plain-Belly Sneetches from their everyday activities of playing ball, having parties, and roasting frankfurters. This entrenched discrimination left the Plain-Belly Sneetches feeling deficient, depressed, and ostracized. Dr. Seuss’s vivid illustrations of the Plain-Bellies’ abject expressions and slumped shoulders visually conveys what the U.S. Supreme Court wrote about race-based segregation seven years prior to the publication of *The Sneetches* in the landmark case of *Brown v. Board of Education*: “To separate [children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”<sup>1</sup>

The Plain-Belly Sneetches, suffering the indignity of being “left out in the cold, in the dark of the beaches,” ultimately agree to pay the enterprising capitalist Sylvester McMonkey McBean to have stars affixed to their bellies—in order to assimilate, rather than press for respect for Sneetches of all kinds. Appalled that the formerly Plain-Belly Sneetches are now among them, the Star-Belly Sneetches pay to have their stars *removed*. What ensues is a seemingly endless cycle of Sneetches of all kinds paying McBean to have stars affixed, removed, then affixed again, until confusion reigns and all Sneetches are penniless. McBean drives away laughing with their money and proclaims: “You can’t teach a Sneetch!” But as children turn to the last page, they find out McBean was “quite wrong.” From

that day onward, "They decided that Sneetches are Sneetches/And no kind of Sneetch is the best on the beaches."

The account of the Plain-Belly Sneetches offers young children—both those who are targets of discrimination and those who discriminate—a safe, imaginative space in which to confront both the painful premises and consequences of discrimination. The surreal Seussian universe removes discrimination from its concrete forms in children's own lives—racial, gender-based, religious, and other biases—and instead embeds social equality deeply in their imaginations.

In a nine-year longitudinal study of children and literature, researchers observed that children "regarded the words of written texts as available and ready resources for their own unique connections to other words, altered meanings, and new settings."<sup>2</sup> In our own study, what children valued most in *The Sneetches* is the ludicrous climax of the book, in which the Sneetches mindlessly race to distinguish themselves:

Off again! On again!  
 In again! Out again!  
 Through the machines they raced round and about again,  
 Changing their stars every minute or two.  
 They kept paying money. They kept running through  
 Until neither the Plain nor the Star-Bellies knew  
 Whether this one was that one . . . or that one was this one  
 Or which one was what one . . . or what one was who.

The text is featured on a two-page spread illustrating the frenzy. The Sneetches run into Star-*On* Machine, paying the \$3 fee in order to be "normalized" as a Star-Belly Sneetch, only to circle around and sprint frantically into the Star-*Off* Machine, which costs more than three times as much money (\$10). Children in our study seemed to recognize that the Sneetches' manic obsession parallels their own intuitive assessment of discrimination as arbitrary and foolish. Younger children laughed and even clapped excitedly at this point in the book. Children six and over quickly connected the Sneetches' stars to more obvious physical differences that lead to discrimination: differences in race and gender. When we asked the children, "How are the Plain-Belly Sneetches treated?", a second-grade girl quickly said that they are treated the way that "boys sometimes treat girls," as "not as good."

We also read *The Sneetches* to different groups of high school students. Although we asked essentially the same questions, the older students' more sophisticated developmental capacities led them to discuss the book in terms of global citizenship and moral responsibility, in particular, genocide. When we asked, "Why does it matter that some Sneetches don't have stars?"

A teenage boy replied: "Religion: 'do you have a star or not?' That could be the story of Hitler and the Jews." Another student compared the Sneetches' conflict to the Hutus and Tutsis during the Rwandan genocide, and then others quickly raised the present-day conflict between the Sunnis and Shiites. When we asked the adolescent students if they could relate to this children's book, a twelve-year-old Latina girl described the way that store employees sometimes follow her family, but not others, around the store, suspicious of them. "We don't have the right stars," she reflected. Her friends listened and nodded silently. Many of the teenagers remembered reading *The Sneetches* as a child, and when we asked, "Do you think the books you read as a child *matter*? Do they shape the way you think about yourself and other people?", the students unanimously agreed, "absolutely." One teenager approached us after the session ended, on her way to lunch, and suggested that we read Art Spiegelman's *Maus*, a graphic novel about the Holocaust. "Like *Sneetches*," she said, "it lets you imagine how it feels to be inferior, oppressed, and rejected." Immediately after, another tall teenage boy approached us in the hallway and said he had one more comment: "We've studied the ways that capitalist groups sometimes act as agents for moral exclusion, and Dr. Seuss shows that with Sylvester McMonkey McBean. Have you thought about that?" At the heart of our project is an effort to understand the ways in which children's literature contributes to rights-oriented conversations. When young adults want to continue talking about how books apply to real-world human rights issues even *after* the study session has ended, we recognize that pairing stories with human rights discussions has the potential to excite children to imagine a human rights culture.

In this chapter, we explore different ways in which children's literature confronts and, in some cases, perpetuates discrimination, exposing children to core human rights principles of human dignity and equality. We begin by discussing the principle of nondiscrimination under human rights law and then turn to expressions of this theme in children's literature. We conclude by contextualizing these literary portrayals of discrimination, briefly highlighting the impact of discrimination on children and why children must learn about this issue and the corresponding right to a life free from discrimination.

### *Nondiscrimination under International Human Rights Law*

The principle of equality and corresponding right to be free from discrimination are central tenets of international human rights law. Most major international human rights treaties contain a nondiscrimination clause that requires

states parties to ensure the rights enumerated in such treaties to all individuals *without discrimination of any kind*.<sup>3</sup> Indeed, the principle of nondiscrimination is a cornerstone of each of the three international human rights instruments collectively known as the International Bill of Rights—the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights.

Other human rights treaties—most notably, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Prevention and Punishment of the Crime of Genocide—focus specifically on addressing particular forms of discrimination.

Though drafters of these international instruments were focused primarily on human rights violations of adults, the language of these treaties does not preclude application to children. Just as references in the U.S. Declaration of Independence (1776) and the French Declaration of the Rights of Man and Citizen (1789) to all *men* being created equal are now understood to include men and women, human rights advocates recognize that children are covered under the other major human rights instruments. Practically, however, children's experiences have not been the main focus of enforcement of these other treaties. This lack of attention to children's needs in other human rights forums led the drafters of the Convention on the Rights of the Child (CRC) to determine that it was important to articulate the full range of rights possessed by every child; thus the CRC does not merely add childhood-specific rights, such as the right to know and be cared for by one's parents, but it incorporates the full range of rights of the child. This includes the right to enjoy all rights enshrined in the CRC without discrimination of any kind.

Children may experience discrimination directly and indirectly, as well as publicly and privately, and such discrimination may be exacerbated by virtue of children's age, vulnerability, and lack of meaningful opportunities to challenge discrimination through the courts or other formal complaint mechanisms.<sup>4</sup> As international law scholar Samantha Besson writes, "Children are discriminated against all the time; little girls are not treated like little boys, disabled children are not treated like non-disabled ones [], rural children do not get the same opportunities as those living in the cities, migrant children do not benefit from the same rights as national children [], etc."<sup>5</sup> At times, the discrimination can be severe, marginalizing certain children and driving them into increasingly precarious and exploitative environments. In other cases, children experience more subtle forms of discrimination that have a negative impact on their access to health care, education, housing, and social assistance, leaving them more vulnerable to

illness, stunted growth, limited educational and economic opportunities, and other harms.<sup>6</sup>

The Convention on the Rights of the Child accounts for the complexities of discrimination in childhood and incorporates a tailored nondiscrimination provision. To begin, the Preamble to the CRC reiterates the U.N. Charter's recognition of the inherent dignity and equal worth of "all members of the human family."<sup>7</sup> It also invokes the fundamental rights and freedoms set forth in the Universal Declaration of Human Rights and in the International Covenants, reaffirming that these rights and freedoms extend to everyone "without distinction of any kind."<sup>8</sup> Distinguishing these instruments, however, the preamble goes on to recognize childhood as a unique stage "entitled to special care and assistance" and that "in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration."<sup>9</sup> The difficult circumstances confronting so many children impede the realization of their rights and freedoms and necessitate special attention to children's rights.<sup>10</sup> The preamble's framing of this issue reflects that while the CRC bars discrimination of any kind, based on the principles of human dignity and equality, it allows, and even requires, states to undertake additional efforts on behalf of children, especially children living in difficult circumstances.

Reflecting both the evolving nature of human rights law and the specific circumstances confronting children, the Convention on the Rights of the Child includes a nondiscrimination clause that is broader than the ones found in the Universal Declaration and two International Covenants. It reads in part:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.<sup>11</sup>

The CRC requires a government to "respect" and "ensure" the rights of every individual subject to its jurisdiction. The former term mandates that the state refrain from any action that would infringe upon the rights of children, whereas the latter term imposes an affirmative obligation on states parties to protect children from any threat of human rights violations or to take steps that enable children to realize their rights.<sup>12</sup>

The CRC's nondiscrimination clause includes a more extensive list of protected characteristics than treaties that preceded it, reflecting the evolution of

human rights law.<sup>13</sup> For example, it was the first major treaty to include explicit reference to “disability” as a protected attribute. Even with this more extensive enumeration, the list of protected characteristics is not a closed list, as evidenced by Article’s 2 language prohibiting discrimination “of any kind”; new forms of discrimination are recognized with the passage of time. The Committee on the Rights of the Child has recognized more than fifty grounds of discrimination against children.<sup>14</sup> See Appendix 2 for the complete list.

Perhaps most striking, however, is that the CRC’s nondiscrimination clause also protects children against discrimination based on a parent’s status. This is an important development, given the dependent nature of childhood and because children have been targeted for human rights abuses as a tactic for pressuring their parents to respond in a certain way. The CRC makes clear that denying a child certain rights because of her mother’s political activities or her father’s HIV-status is barred. This protection against “discrimination by association” recognizes children’s more vulnerable status and their place within the family.<sup>15</sup> In broader, and perhaps more subtle, terms, the CRC evidences support for nondiscrimination in other ways. For example, the CRC was the first international human rights convention to use gender-neutral language.<sup>16</sup>

As noted in Chapter 1, the principle of nondiscrimination is one of the four foundational pillars of the CRC. Scholars and the CRC Committee itself predominantly view the CRC’s nondiscrimination provision as an “accessory” or “derivative” right (similar to nondiscrimination provisions in other international instruments), and not as an independent or autonomous right.<sup>17</sup> That is, it mandates that the CRC’s other provisions—for example, Article 6 on the right to life, survival, and development, and Article 12 on the right to be heard—must be ensured to all children *without discrimination of any kind*, in order to enable every child to enjoy and exercise his or her rights.

Finally, in spite of the emphasis on the importance of nondiscrimination in the CRC, the right should not be understood to mean that all children should be treated exactly the same way, or that children are to be treated the same as adults. In fact, the CRC recognizes the unique nature of childhood and the evolving capacities of the child,<sup>18</sup> and it allows for preferential treatment or affirmative action if necessary to restore the balance of life chances, rights, and protection afforded some children.<sup>19</sup> For example, it may be necessary to legitimately differentiate between children to account for their “evolving capacities” or to prioritize assistance to children in very difficult circumstances to ensure their survival and well-being.<sup>20</sup> Therefore, some differences in treatment are acceptable, even required. In other words, it is differences in treatment that lack an objective justification and a clear relationship

to the goal of the measure that are discriminatory.<sup>21</sup> Similarly, unintentional distinctions that have a discriminatory effect are also prohibited.<sup>22</sup> In assessing the permissibility of distinctions among children, the CRC offers important guidance in Article 3, requiring that “in all actions concerning children” the *best interests of the child* shall be a primary consideration.<sup>23</sup>

### *Equality and Nondiscrimination in Law and Narrative: “A Person’s a Person”*

At first glance, discrimination and equality may seem to be weighty issues for children. After all, scholars have grappled with the contours of equality for centuries, and courts have continually confronted the challenge of fashioning effective remedies for discrimination.<sup>24</sup> Yet discrimination and equality are important issues about which children and adolescents need to learn so that they can navigate their worlds successfully. And we know many children confront discrimination in their daily lives. Despite the complexity of the concept, discrimination is an idea that lends itself to straightforward explanation in children’s stories. In Harper Lee’s 1960 Pulitzer Prize winning novel, *To Kill a Mockingbird*, attorney Atticus Finch represents Tom Robinson, an African American defendant in a high-profile criminal trial in the South. In the final chapter, as his daughter Scout is falling asleep, she tells her father about a character in a book she was reading—a character who, like Tom Robinson, was misunderstood and wrongly accused. “Atticus, he was real nice,” Scout says. Atticus Finch offers a straightforward response that explains the importance of moving beyond discriminatory views: “Most people are, Scout, when you finally see them.”<sup>25</sup> Similarly, and for younger children, Dr. Seuss offers an explanation of equality in *Horton Hears a Who!* that does not require an advanced degree in law or philosophy to understand: “A person’s a person, no matter how small.”

Children’s literature explores a breadth of issues in this area. We focus our examination in particular on discrimination based on race, sex, and disability, while also highlighting other themes that literature presents to children.

### Discrimination Based on Race and Ethnicity: “Us” and “Them”

Not only is the principle of nondiscrimination central to the CRC and enumerated in the Universal Declaration of Human Rights and the two International Covenants, but it is also the focus of its own stand-alone treaty: the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Moreover,



systematic racial discrimination, such as existed under apartheid in South Africa, has been recognized as a violation of customary international law.<sup>26</sup> In short, the prohibition on discrimination on the basis of race is firmly entrenched in international law. More generally, there is widespread agreement that, as the preamble of CERD states, “any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere.”

Historically children's literature has often perpetuated racial stereotypes of minority groups. Many classic books, in fact, are responsible for the ways in which white children in literate white families came to understand African Americans and American Indians, through racialized caricatures: Helen Bannerman's 1899 *Little Black Sambo* with its title character defined throughout the book by the color of his skin (along with his mother and father, Black Mumbo and Black Jumbo); Mark Twain's *The Adventures of Tom Sawyer* and *Adventures of Huckleberry Finn* with the dangerous villain Injun Joe and Aunt Polly's slave Jim (and liberal use of racial epithets); James Barrie's *Peter Pan* and the subplot of the barbaric “Redskins”; and Laura Ingalls Wilder's *Little House on the Prairie* series that featured exaggerated racialized caricatures of American Indians and African Americans (whom Laura refers to as “darkies”).<sup>27</sup> When Doris Gary studied black characters in award-winning children's books through the 1980s, she found not only an overrepresentation of white males but also explicitly negative portrayals of minorities. She cites “Prince Bumpo” in *Doctor Doolittle* as an example:

If you will turn me white, I can go back to the Sleeping Beauty. I will give you half my kingdom and anything else besides. . . . Nothing else will satisfy me. I must be a white prince.<sup>28</sup>

As social attitudes toward discrimination slowly evolved, literature followed suit. In the original edition of *Charlie and the Chocolate Factory*, Roald Dahl wrote his Oompa-Loompas—Willy Wonka's workers who are kept locked inside the chocolate factory and who worship their master—to be African Pygmies. Rather awkwardly, the first publication of *Charlie and the Chocolate Factory* coincided in the United States with the Civil Rights Act of 1964, and in 1973 Dahl revised the book to make the Oompa-Loompas white. In perpetuating such derogatory stereotypes, children's literature reinforced what many children learned in schools and in their homes, further entrenching a racialized othering of people of color.

However, Rudine S. Bishop, a leading scholar in African American children's literature, traces a rich history of children's books written by and for African

Americans. One early example is W. E. B. Du Bois's *The Brownies Book*, "A Monthly Magazine for the Children of the Sun: Designed for All Children but Especially for *OURS*."<sup>29</sup> Concerned that children's literature did not represent the forms and culture of the black experience, Du Bois created a monthly magazine with poetry, prose, history, and photographs featuring African American children. Unfortunately, Du Bois was not able to find a broader market for the magazine, and it lasted only twenty-four issues. Nonetheless, Bishop chronicles the canon from Du Bois to contemporary African American picture books like Ana Maria Machado's *Nina Bonita* to demonstrate that while children's literature is often a product of the dominant racial constructs of the time, portraying minorities in demeaning ways, the tradition of African American children's literature emerges more strongly in the late twentieth and early twenty-first centuries.<sup>30</sup>

In an effort to teach nondiscrimination, late-twentieth-century children's books began to feature explicitly anti-bias messages: for example, in Shane DeRolf's popular 1996 book *The Crayon Box That Talked*, the child narrator overhears a crayon box espousing explicitly color-based discriminatory views:

"I don't like Red," said Yellow.  
 And Green said, "Nor do I!  
 And no one here likes Orange,  
 But no one knows just why."  
 "We are a box of crayons  
 That doesn't get along,"  
 Said Blue to all the others,  
 "Something here is wrong!"

The child takes the crayons home, and they watch as she uses their differences to create art, even blending them to create new colors ("[c]olors changing as they touched, becoming something new").

Even with the publication of some books that celebrate equality and evidence core principles of nondiscrimination, many other contemporary children's stories still reinforce discriminatory attitudes. Such views manifest in books even for very young children. For example, Kate Merritt's *Baby Faces: A Book of Happy, Silly, Funny Babies*, published in 2012, portrays a series of illustrations of children's faces with a single adjective accompanying each child. Designed for infants, the book features two-page spreads of children with contrasting emotions. Each two-page spread pictures one white child and one child of color. The juxtaposition of attributes ascribed to each is striking; the pictures of white children include almost all positive descriptors, "hurray," "yum-yum," "kiss," "wow,"

and “uh-oh,” while the children of color are shown as portraying “boo-hoo,” “yucky,” “silly,” “stinky,” and “night-night.” In this example, the words standing alone are neutral, but the way they are paired with the illustrations—whether or not intentionally—reflects and reinforces broader societal biases, both implicit and explicit. And illustrations in books designed specifically for preliterate children, such as board books, carry particular weight, as children focus their attention on the pictures. These early books matter because research dating back to the experiments conducted by Drs. Kenneth and Mamie Clark, which were cited in *Brown v. Board of Education*, suggests that children develop ideas about race, self-worth, and the worth of others at very early ages.<sup>31</sup>

Also problematic is that in many other children's books, there are no children of color. Kira Pirofski traced best-selling (more than one million copies sold) children's books in the last two decades of the twentieth century and found that “only 4 best sellers out of 253 featured African Americans.”<sup>32</sup> The Cooperative Children's Book Center in the University of Wisconsin–Madison School of Education reviewed 3,200 children's books published in 2013 and found that only ninety-three portray African Americans, sixty-nine portray Asian/Pacific Americans, fifty-seven portray Latinos, and thirty-four portray American Indians.<sup>33</sup> As Walter Dean Myers, author of over one hundred children's books, wrote:

Books transmit values. They explore our common humanity. What is the message when some children are not represented in those books? Where are the future white personnel managers going to get their ideas of people of color? Where are the future white loan officers and future white politicians going to get their knowledge of people of color? Where are black children going to get a sense of who they are and what they can be?<sup>34</sup>

The CRC requires that states parties employ “legislative, administrative, and other measures” to fully implement the rights enshrined in the treaty. As the Committee on the Rights of the Child has emphasized, addressing discrimination necessitates not only “changes in legislation, administration, and resource allocation,” but it also requires “educational measures to change attitudes.”<sup>35</sup> The absence of children of color from so many children's stories and the othering that occurs in some children's literature both signify the need for action on multiple levels to combat discriminatory beliefs and actions. Children's literature provides an influential space to convey important ideas about equality and inequality.

The abstracted discrimination of stars on bellies in *The Sneetches* grows to increasingly specific and concrete forms of discrimination as children read older juvenile fiction. Older elementary children encounter the idea of the CRC's prohibition on racial discrimination more directly in Rita Williams-Garcia's

award-winning *One Crazy Summer*, the story of three African American sisters in 1968. The girls' grandmother "Big Ma" warns them that their behavior at the airport must be above reproach in such a white world, otherwise they will make a "grand Negro spectacle" and "disgrace the entire Negro race."<sup>36</sup> The oldest sister Delphine mentally counts how many of "us" and "them"—"negroes" and "whites"—are in every social situation. Delphine's voice is extraordinary and distinct, drawing today's reader into the characters' Jim Crow-era us/them world. As children read the book, they confront racial discrimination and through this experience may absorb lessons about "respecting" and "ensuring" the rights of every individual, regardless of race, ethnicity, or other traits.

As highlighted above, there are many examples in children's literature that support the ideal of equality and condemn discriminatory behavior and systems. The Whos, the Plain-Belly Sneetches, Atticus Finch, and Delphine Gaither show children both the harsh consequences of discrimination and the value of empathy—the importance of understanding and sharing feelings with others. In doing so, the books foster tolerance and advance a message of equality. These characters illustrate how literature can fulfill Article 29 of the CRC, which mandates states to direct education toward the "development of respect for human rights and fundamental freedoms" and toward "preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin."<sup>37</sup> Children in our study specifically confirmed literature's ability to foster respect for human rights and fundamental freedoms when we asked what Sylvester McMonkey McBean means by declaring, "You can't teach a Sneetch." One elementary school-age boy replied that McBean is saying "prejudice will never end . . . that it will go on for infinity." Then the boy quickly added, "Just turn the page over and you'll see he's wrong! The Sneetches did learn, and they didn't care about the stars anymore." As the discussion progressed, we asked how the Sneetches arrived at that point, and one child told us that "they learned what it *felt* like to be in the wrong group when they went through the Fix-it-Up Chappie's machine. Once you know how it feels to be in the wrong group, you will stop doing it [discriminating]." When reading *The Sneetches* to a teenage girl in our study, she said that McBean's scheme to exploit the Sneetches parallels the market for hair-straightening and skin-lightening products.

Narratives on discrimination and equality for child readers have the potential to do something profound. CRC Article 29 calls first for education to be directed toward "development of the child's personality, talents and mental and physical abilities to their fullest potential."<sup>38</sup> We know discrimination damages children and limits their potential. Positive rights discourse on discrimination in

children's literature can reinforce a child's sense of self-worth and propel a child to reach his or her fullest potential.

### Sex Discrimination: "You Can't Be Peter—That's a Boy's Name"

International human rights law's core instruments also recognize as unjust the discriminatory treatment of women and girls. The Universal Declaration of Human Rights establishes that "[a]ll human beings are born free and equal in dignity and rights" (Article 1). The Universal Declaration includes sex as a protected trait and bars gender-based discrimination. It also establishes that "[m]en and women . . . are entitled to equal rights as to marriage, during marriage and at its dissolution." Although the two International Covenants also prohibit discrimination on the basis of sex, the international community subsequently acknowledged that more was needed to overcome discrimination against women. Thus, in 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Among its provisions, CEDAW calls on states parties to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."<sup>39</sup> This mandate is not a requirement that men and women be treated identically in all circumstances; rather it is a directive that social attitudes and practices that reinforce a construct in which women and girls are viewed as inferior to men and boys be addressed.<sup>40</sup> As with issues of race, children's literature provides both lessons on, and a space for children to consider, the societal roles of women, men, girls, and boys.

Children's literature, like law, has undergone a parallel—and not yet complete—evolution with gender issues, as it has with race. In 2011, Janice McCabe et al. authored a comprehensive study of 5,618 children's books published between 1900 and 2000. They found what they term a "symbolic annihilation" of female characters in children's literature, with lead male characters almost twice as likely to be featured as lead female characters.<sup>41</sup> And overwhelmingly, female title characters are in need of rescue: *Sleeping Beauty*, *Cinderella*, *Snow White*, and *Rapunzel* may get title billing, but they are recipients of their male counterparts' heroism, not heroes in their own right.

Yet even some very early children's literature actively resisted traditional constructs of gender. One notable example is Du Bose Heyward's 1939 *The Country Bunny and the Little Gold Shoes*, which has never been out of print in the subsequent seventy-five years. It is the story of a rabbit whose chances of becoming an Easter Bunny are seemingly limited by gender, class, race, and the traditional

roles that women play: she's not only female, she's a "country girl bunny with . . . brown skin" who has twenty-one babies to care for. The "big white bunnies who lived in fine houses" and the "Jack Rabbits with long legs who can run so fast" disparage her career aspirations. They tell her to "go back to the country and eat a carrot." But in an interesting twist, at the Easter Bunny competition, the judge does not pick the obvious white, male candidates. The judge informs the candidates that he is searching not only for speed and outward appearance but also for wisdom and kindness:

Then his kind old eyes looked everywhere and at last they rested on Little Cottontail Mother where she stood with her children around her. And he called her to come right up to the Palace steps. So she took her twenty-one children and went up and stood before him.

He asks her if her family takes all her time; she responds that she has trained her children to share responsibility for the household, and they are now full contributors to cooking and home maintenance. The judge then notes that the children also seem happy and adjusted, which he attributes to their mother's kindness. In the end, the Country Bunny is not disparaged for her "funny country clothes," nor for her role as a mother, nor for her gender. She is in fact honored as the most successful Easter Bunny. Though the story emphasizes the woman's role in childrearing and thus reinforces some traditionally gendered views, the Country Bunny also proves that females can have a successful career and raise intelligent, independent, generous children.

Although *The Country Bunny* and similar stories were outliers, over time, as children's literature began to embrace shifting attitudes toward nonmajority ethnicities, books also reflected more open attitudes toward gender roles. In the decade after Title IX legislation and the advent of CEDAW, Stan and Jan Berenstain's 1986 *No Girls Allowed* overtly targeted gender-based discrimination, as evidence in the book's epigraphic poem:

Is it so important that  
He and she bears aren't the same  
When what really matters is  
How we play the game?

The book begins with the younger Sister Bear proving to be "a bit of a nuisance" to her older brother and his friends because she was neither as fast a runner nor as skilled a climber as they were. She slowed them down, "interfered with their climbing," and "messed up their marble games" with her undeveloped skills. As

she grew older, however, her athletic ability surpassed theirs. Sister Bear could outrun, outclimb, and outhit the boys. But “what made it worse was the way Sister celebrated every time she won.” For example, she annoyed them with her “victory dance,” her “cartwheels,” and her “war whoops.” Sister isn’t just a Title IX girl beating the boys at “their own game,” she celebrates her victories.

So the male bear cubs build a clubhouse and post a sign that reads “NO GIRLS ALLOWED.” Sister Bear is outraged and hurt, after all, she’s just as strong on the baseball field as the boys are. Papa Bear offers to “tear the clubhouse limb from limb” to remedy the discrimination. But Mama Bear mildly suggests a more peaceful reconciliation, reminding her husband that the boys’ reaction is understandable; boys don’t like to be beaten by girls, and even Papa Bear would not have liked it when he was young if girls were better at sports than him (“how would you have liked it when you were a cub if some little girl could outrun, outclimb, and outhit you?” Mama Bear asks him). In order to bring the parties together, Papa builds another clubhouse for the girls, and Mama emerges from the house carrying barbecued honeycomb and salmon. The picture illustrates how the “yummy smells reached into the thicket and floated right under the noses of the Bear Country Boys Club.” The boys “followed their noses” to the new clubhouse, and the two groups are subsequently united.

The narrative of *No Girls Allowed* presents conflicting messages to child readers. The story shows that girls can be better at sports than boys and ends by suggesting that boys are wrong to exclude girls. Yet, amid the reconciling message of boys including girls, overt gender stereotypes remain entrenched. In the background illustrations, Papa Bear is portrayed maintaining the house and constructing the new fort while Mama Bear cleans the house and facilitates the traditional role of both female caregiver (she cooks for the boys to win them over) and the peacemaker, placating Papa Bear. Again, we see how critical illustrations are to messaging in children’s literature. In addition, the boys are actually given a good excuse to exclude Sister: she’s a show-off. Finally, the male cubs’ capitulation is enacted by reinforcing the primitive, animalistic impulses of boys to be ruled by their appetites. The defining moment in the book is not boys respecting the athletic talent of girls, but that the girls secure their inclusion rights by cooking for the boys.

The Berenstain Bears book illustrates the difficulties entrenched in overcoming discrimination in children’s literature. Stan and Jan Berenstain coauthored more than 300 picture books between 1962 and 2000, translated into twenty languages and selling more than 260 million books.<sup>42</sup> The Berenstain Bears books are well-represented on the bookshelves of classrooms, libraries, and children’s bedrooms. Their books are heavily moralized: the cubs learn not to fight, not to watch too much television, to help their neighbors, and to do their homework. Throughout all the Berenstain Bears books, regardless of the socially

constructive messages the authors attempt to convey, “Mama,” “Papa,” “Sister,” and “Brother” typically remain confined in gender-specific roles, as indicated by their relational names.

In fact, childhood education scholar Shirley Ernst found that even by the mid-1990s, books for children continue to overwhelmingly portray stereotypically gendered behavior: the boys are adventurous, strong, aggressive, and independent risk-takers, while the girls are sensitive, passive nurturers, often in need of rescuing.<sup>43</sup> Male names outnumber female names in titles 2:1.<sup>44</sup>

Among the still relatively small percentage of books that challenge gender stereotypes are select books that have addressed the complexities of multiple forms of discrimination. In the *Amazing Grace* book series, Mary Hoffman addresses the compounded obstacles confronted by African American girls and other girls of color. “Grace was a girl who loved stories,” begins Hoffman’s 1991 book, *Amazing Grace*, a bestselling children’s book that has been translated into eight different languages. The lyrical writing and stunning watercolor pictures fully evoke the title character of Grace as a smart, imaginative child. She immerses herself in the worlds of books and identifies with their heroes, male and female: Joan of Arc, Anansi the Spider, Hiawatha, Mowgli, and Aladdin. The pictures portray Grace in her homemade costumes and reinforce the narrator’s emphasis that Grace “played all the parts herself.”

When Grace’s school plans to enact a stage performance of *Peter Pan*, Grace raises her hand to play Peter. But her classmates disparage her aspirations: “you can’t be Peter—that’s a boy’s name” and “You can’t be Peter Pan . . . he isn’t black.” Inspired by her empowering mother and grandmother, and bolstered with her history of reading books and imagining herself as the main character, Grace bravely auditions for the role of Peter Pan: “she took a deep breath and imagined herself flying.” Grace is selected unanimously and her ultimate performance as the iconic children’s literature character is flawless.

Followed by *Boundless Grace* in 1995 and two more books featuring Grace, Mary Hoffman’s Grace provides child readers the opportunity to follow a strong young girl as she confronts and overcomes the multiple forms of discrimination against girls of color (and other individuals facing discrimination on the basis of more than one trait).

In these and other books, a discourse on gender-based discrimination and the rights of women and girls is unfolding in children’s literature. This discourse implicates CRC Article 29’s requirement that education be directed toward a respect for equality of the sexes as well as Article 42’s requirement that children’s rights be widely known. This literature conveys ideas to young girls about their worth in society and, depending on the narrative, can foster or frustrate their development. It also sends a message to boys as to how to view and treat girls.



Children's literature that offers narratives on equality of the sexes or, conversely, on gender-based discrimination, also probes harmful practices that have historically often been beyond the reach of law. In international law, as well as the domestic law of many countries, the public/private divide—law actively regulates actions in the public arena while minimizing intrusion into private life—has left many discriminatory actions against women and girls beyond the reach of the law. Many scholars have critiqued this public/private dichotomy.<sup>45</sup> Under the guise of respect for local culture, international law has respected, and even reinforced, this public/private distinction. However, many practices that have adverse consequences for the rights and well-being of women and children operate in private realms. Children's literature offers a window into some of these issues, advancing a dialogue on important issues for the development of girls (and boys) in spaces where law has more limited reach.

### Disability and Discrimination: "They Fear You Because You're Different"

As noted above, international law has evolved, and continues to evolve, to recognize new forms of discrimination. The CRC recognized and explicitly prohibited discrimination based on "race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." As law and societal views advance further, new forms of discrimination will be recognized in the future. Reflecting the evolving nature of law and society, the CRC's list is not a closed list but only illustrative. Indeed, the CRC itself reflects the ongoing development of international human rights law, as it was the first human rights treaty to explicitly recognize disability as a protected characteristic in its nondiscrimination clause. Since then, the international community has raised the profile of persons with disabilities, recognizing the importance of fully realizing their rights by promulgating the U.N. Convention on the Rights of Persons with Disabilities. Similarly, children's literature is in the early stages of responding to changing perspectives on persons with disabilities.

While children's literature has progressed—at least to some extent—in its portrayal of race and sex, portrayals of disabilities remain problematic or entirely absent. Disability scholar Joan Blaska found that of the 1,677 books available for children in the education programs she studied, only 24 of those books included a character with a disability (1.4%).<sup>46</sup> Blaska notes:

Perhaps no group has been as overlooked and inaccurately presented in children's books as individuals with disabilities. Most often they were not included in stories and when they were, many negative stereotypes

prevailed such as characters who were pitiful or pathetic, evil or superheroes, or a burden and incapable of fully participating in the events of everyday life.<sup>47</sup>

In many children's stories, physical disabilities, in fact, often serve as outward markers for their characters' villainous inner behavior: the fairy-tale wicked witch's hunchback, Captain Hook's prosthetic hand, and Long John Silver's missing leg have become archetypal representations of how a disability signals "*be warned*." In James Barrie's *Peter Pan*, the villain is solely named by his disability, "Hook," an iron weapon that replaced his right hand when Peter "cut off a bit of him."<sup>48</sup> The book's initial, long, fearful description of Captain Hook culminates with a description of his prosthesis: "but undoubtedly the grimmest part of him was his iron claw."<sup>49</sup> Other iconic literary characters with disabilities, such as lame Tiny Tim in Charles Dickens's *A Christmas Carol*, function as metaphors for the pitiable life rather than fully developed characters on their own terms.

One particularly demeaning story line in children's literature is the negative portrayal of a disabled child who is influenced by a "good child" and through their friendship is magically cured of his or her disability (for example, Colin in Frances Hodgson Burnett's 1911 *The Secret Garden* and Clara in Johanna Spyri's 1872 *Heidi*). But as with other forms of bias in children's literature, more recently select authors and educators have addressed disability discrimination. Children's books now feature main characters with autism, blindness, mobility impairments, deafness, and chronic diseases, and many do so without the stereotypes found in earlier children's literature. Some examples include Mary Thompson's *Andy and His Yellow Frisbee* (1996), featuring an autistic boy who lives in a world of his own; and Virginia L. Kroll's *Naomi Knows It's Springtime* (1987), in which the first-person title character relates how the blind sense spring is coming. *Wonder*, by R. J. Palacio (2012), tells the story of a fifth-grade boy named Auggie who was born with a severe facial deformity: "I won't describe what I look like. Whatever you're thinking, it's probably worse."<sup>50</sup> Auggie reflects on his deformity without self-pity and with sharp insight. "Here's what I think," Auggie says, "the only reason I'm not ordinary is that no one sees me that way."<sup>51</sup> Auggie's perspective explains to the reader that the stigma he experiences is imposed on him, in the way that any bias ultimately reflects on the holder of that view. *Wonder* begins in the first person, with Auggie telling his own story, but eventually expands to include multiple perspectives of his friends and sister. The multiple points of view narratively reinforce the book's profound themes of anti-bullying, compassion, and empathy.

Another notable children's book featuring disability is *Brian's Bird* by Patricia A. Davis (2000). Significantly, Brian is not constructed primarily in the context

of his disability; he is blind, but the plot does not center around his limitations, any more than it focuses on the fact that he happens to be African American. Santiago Solis, a disabilities studies scholar, notes that "framing the story around Brian's parakeet Scratchy opens up the possibility to visualize Brian in multiple and ordinary contexts. Correspondingly, no attempt is made to normalize the nature of Brian's experiences, even though the pressure to do so is colossal in light of ableist discourses that construct blindness as melancholic and pitiful."<sup>52</sup>

The same dynamic of visualizing disabled characters in multiple contexts occurs in the long-running and phenomenally successful comic book series *X-Men*, published consistently since the 1960s. The comic's foundational plot centers around discrimination: a group of teenagers with "mutant" powers or abilities come together to protect humanity from global threats. Hate groups such as the "Purifiers" and the "Sentinels" systematically and aggressively seek to destroy the mutants. "They fear you because you're different," Professor Charles Xavier tells the original X-Men. Professor X is a tremendously powerful telepath and the leader of the X-Men; he forms a school for them in which they can learn to control their powers and use them for the common good. Professor X explains in the first issue that he is motivated by his own experience of discrimination:

But when I was young normal people feared me, distrusted me! I realized the human race is not yet ready to accept those with extra powers! So I decided to build a haven . . . a school for X-Men.<sup>53</sup>

At the school, the teenage X-Men find acceptance with each other and train to save the very people who seek to destroy them through both mob violence and legal action, such as the "Mutant Registration Act"—which echoes apartheid South Africa's pass laws that required all black South Africans sixteen years of age or older to carry a particular identity document with them at all times.<sup>54</sup> Like *Brian's Bird*, the series also deals with disability in a constructive and non-demeaning way. When Professor X was traveling from Israel to America as an adult, he encounters a villain named "Lucifer," who crushed Xavier's legs with a boulder, leaving him confined to a wheelchair for the rest of his life. But Professor X is neither an object of pity nor does his disability define him.<sup>55</sup> Instead, the series visually portrays his character in a variety of everyday activities, inasmuch as orchestrating the saving of the world is normal.

This is not to say that the *X-Men* series is free from all forms of discrimination, particularly in its early years. While the mutants fight for their rights to exist peacefully, they overtly discriminate against one of their own, Jean Gray (Marvel Girl), because she is female. They patronize, ogle, stereotype, and demean Marvel Girl ("There, little lady, let the men carry that") while simultaneously competing for

her romantic attention. Marvel Girl herself is hypersexualized, vain, and acutely aware of her erotic power over her male counterparts, as are most of the women in the early comic series. She is frequently drawn looking in a mirror throughout the early years of the comic. More broadly, she fits awkwardly in a group classified distinctly for male gender, *X-Men*. In addition, although the comic series developed historically marginalized populations as empathetic and dignified, it did so not by inclusion in the larger educational system, but by creating a separate school where they could feel “normal.” Nonetheless, *X-Men* allows young readers to consider a wide range of discriminatory biases such as racism, anti-Semitism, and homophobia, as well as the umbrella concept of persecuting those who are different.

### Children’s Experience of Discrimination: “You’re Too Small. Grow Up Quicker”

As literature explores weighty issues such as discrimination based on race, sex, or disability, woven throughout many children’s stories—and the law—is a subtler but equally important form of differential treatment in the lives of children: age discrimination. Age discrimination is different from other forms of discrimination, because there are many examples of differential treatment between adults and children that are well-grounded in the developmental nature of childhood. Children need protection. They are not adults. While scholars, policymakers, parents, and others can debate the appropriate cutoff ages for various activities, no one suggests children and adults should be treated identically. Still, children have no direct voice in the polity. They are dependent on adults to advocate on their behalf. This places children in an inherently more vulnerable position.

Children’s literature explores this theme of exclusion in many narratives. As children learn about the world through literature, age-based discrimination conveys messages about their value, just as other forms of discrimination do. Some books convey a devalued view of the child’s voice, while others recognize that children can make important contributions. For example, Beatrix Potter’s *Peter Rabbit* suggests it is improper for children to voice their opinions or ask questions when given instructions by an adult. They should be seen, not heard. In contrast, *Horton Hears a Who!* introduces the child reader to Jo-Jo, whose opinion is not only valued, but essential to the survival of the Whos.

These messages on childhood are woven through many stories, and they are intertwined with other forms of discrimination and differential treatment. Children often experience discrimination just because they are children, and that can be compounded by other circumstances, such as their race, gender, or citizenship status. Legal scholar Kimberlé Crenshaw describes these compound bigotries as “intersectionality” in her work on impoverished women of color who

experience discrimination for many different reasons—race, gender, and class.<sup>56</sup> “Intersectionality simply came from the idea that if you’re standing in the path of multiple forms of exclusion, you are likely to get hit by both,” explains Crenshaw.<sup>57</sup> It also means that in “discourses that are shaped to respond to one or the other [form of discrimination],” individuals with intersectional identities “are marginalized within both.”<sup>58</sup> Roald Dahl’s classic children’s book *Matilda* confronts the experience of being both a child in an adult-dominated world and a girl in a patriarchal society, the intersection of two different forms of discrimination.

Dahl’s last children’s book, and his only one featuring a title with a girl’s name, *Matilda* tells the story of a very small, very young girl who is nonetheless competitive, strong, active, rebellious, and brilliant. “Never do anything by halves if you want to get away with it,” five-year old Matilda counsels her friend at school one day. “Be outrageous. Go the whole hog.”<sup>59</sup> *Matilda* tells the story of a young girl who resists society’s categories for what is feminine, and especially, what is expected of a young female *child*.

From *Matilda*’s first chapter, the narrator repeatedly defines the title character by her extreme childlike smallness, visually reinforced by Quentin Blake’s illustrations. The first chapter, “The Reader of Books,” includes seven illustrations of Matilda in which the books she holds physically loom over her; she can barely reach the first shelf in the library and she must lean into her copy of *Great Expectations* because it is too heavy for her to hold upright. The narrator reiterates that her size is a distinctly limiting feature in how adults see her:

You must remember that she was still hardly five years old and it is not easy for somebody as small as that to score points against an all-powerful grown-up. Even so, she was determined to have a go.<sup>60</sup>

The grown-ups in her world are likewise exaggeratedly large, especially her mother, and her nemesis, the headmistress Miss Trunchbull. Both of the women particularly despise Matilda for her smallness: “I don’t like small people,” Miss Trunchbull declares. “Small people should never be seen by anybody. They should be kept out of sight in boxes like hairpins and buttons. I cannot for the life of me see why children have to take so long to grow up. I think they do it on purpose.”<sup>61</sup> In the face of this child-hate, Matilda relies on her extraordinary genius and self-education, because “being very small and very young, the only power Matilda had over anyone in her family was brain-power.”<sup>62</sup> Ignored and scorned by her parents (who consider her a “scab” they can’t wait to pick off) in favor of her older brother, Matilda began to educate herself at the age of four years and three months. She spent afternoons at the public library immersed in the fiction of Charles Dickens, Charlotte Brontë, Jane Austen, Ernest Hemingway,

William Faulkner, and the political allegory of George Orwell. She also has the ability to “see” mathematical problems in her head and solve complicated multiplication instantly. But because of her smallness, Matilda is like a Hobbit and a Who—one of the cast of children’s literary characters who are defined and despised for being small.

And she’s also a *girl*. “A bad girl is a far more dangerous creature than a bad boy,” Miss Trunchbull generalizes. “What’s more, they’re much harder to squash. . . . Nasty, dirty things little girls are.”<sup>63</sup> While Miss Trunchbull is female, she’s also huge: “a gigantic holy terror, a fierce tyrannical monster who frightened the life out of pupils and teachers alike.”<sup>64</sup> She marches “like a storm-trooper with long strides and arms aswinging,” plowing through the hallways “like a tank” and like an “enraged rhinoceros.”<sup>65</sup> Such ultra-large adults in the book continually frame Matilda as a “bad girl,” while the narrator simultaneously shows, both explicitly and implicitly, that she is in fact quite wonderful.<sup>66</sup> Matilda is generous, polite, empathetic, thoughtful, and not the least arrogant about her extraordinary intelligence. But Matilda seems to be labeled a “bad girl” because of her intellect, which her parents consider inconsistent with femininity. Her father is enraged when she mentally solves a math problem for which he needs a calculator: “No one in the world could give the right answer just like that, *especially a girl!* You’re a little cheat, madam, that’s what you are! A cheat and a liar!”<sup>67</sup> An intelligent girl, according to Mr. Wormwood, is an oxymoron.

Mrs. Wormwood likewise considers thinking girls abject and wretched. She herself only watches television and plays bingo. The only book in the Wormwood house is a single cookbook, consistent with Mrs. Wormwood’s understanding of a woman’s fulfilled life as married to an affluent man. “But does it not intrigue you,” Matilda’s teacher tries to reason with Mrs. Wormwood, “that a little five-year-old child is reading long adult novels by Dickens and Hemingway?” “Not particularly,” answers Matilda’s mother. “A girl should think about making herself look attractive so she can get a good husband later on. Looks is more important than books.”<sup>68</sup>

In the face of such egregious stigma, Matilda takes on the adults in the novel herself, relying not only on her courage and adventurous spirit, but on the very intelligence for which she is despised. Her one ally is her teacher, Miss Honey, who is conspicuously framed not only as an intellectual female but as a fairy-tale figure. When Matilda visits her house, “[i]t seemed so unreal and remote and fantastic and so totally away from this earth. . . . It was straight out of a fairy-tale.”<sup>69</sup>

Though an adult, Miss Honey is not the one to rescue Matilda from her parents or the headmistress. Rather, it is Miss Honey who needs rescuing herself. Like Matilda, Miss Honey is intelligent and kind, but she lacks Matilda’s courage and agency to make her own better life in a strongly patriarchal society.

She is "Miss" and she is "Honey." She is the stereotypical *female* character; like Cinderella, Snow White, or Sleeping Beauty, Miss Honey is trapped in her own fairy-tale role as a helpless female. Dahl makes this connection explicit when Miss Honey recites Dylan Thomas's "In Country Sleep" to Matilda, a dramatic monologue from a father to a sleeping daughter counseling her not to fear the wolf or the prince, but the "thief" who takes away her faith in herself. For Miss Honey, that faith has already been lost; she a helpless victim of both the headmistress and even her students' parents, all of whom she is too timid to confront. She needs someone to rescue her. Dahl gives her a tiny but empowered girl protagonist.

Even more surprising, in a typically Dahl-absurdist twist in the novel, it is Matilda's intelligence that morphs into uber-telepathic power near the end of the novel, in the face of Miss Trunchbull's contemptible bullying of Matilda's classmates and Miss Honey (the headmistress force-feeds an entire chocolate cake to a boy and spins a girl around by the braids because she has ribbons in her hair, something Miss Trunchbull finds ridiculous). Lacking the physical ability to match Miss Trunchbull's size and strength, a "sense of power was brewing in those eyes of [Matilda's], a feeling of great strength was settling itself deep inside."<sup>70</sup> It was as if "a valve had burst inside her and a great gush of energy was being released."<sup>71</sup> That great mental strength allowed Matilda to subdue the tyranny of the headmistress and enact justice for Miss Honey. Roald Dahl's female hero makes small, bookish girls feel powerful. *Matilda* is an alternative fairy tale in which it is not the *prince* who rides in and saves the distressed lady, but a particularly small *girl* whose previously repressed brainpower topples patriarchal notions of a young girl's worth.

Children's stories like *Matilda* provide important context for children to confront discrimination, stigma, and exclusion, especially when multiple forms of discrimination collide. Of course, their human rights lessons are not explicit; *Matilda* makes no mention of the Universal Declaration of Human Rights. But as our study confirmed, the less didactic the story, the more likely it was to captivate children's imaginations. So *Matilda* and other similar stories simultaneously spark children's imagination and convey important ideas about empathy, kindness, and fair treatment. In doing so, they provide the groundwork upon which a human rights culture can be constructed. They provide a starting point for parents and teachers who engage children on human rights principles; after reading these stories, the formal law of human rights may still be unfamiliar to children, but the core principles will not be.

In the next section we detail the significant harmful consequences of discrimination, demonstrating how important the narratives of children's stories can be in shaping or reshaping harmful attitudes and behaviors.

### *Discrimination beyond the Literary World: Education and Opportunity*

As the U.S. Supreme Court wrote in *Brown v. Board of Education*, the consequences of discrimination can adversely affect targeted children “in a way unlikely ever to be undone.”<sup>72</sup> (See Figure 3.1) Children experience discrimination at the hands of both adults and peers.<sup>73</sup> Research has documented the detrimental consequences of discrimination to the psychological well-being of children and adolescents.<sup>74</sup> The National Association of School Psychologists emphasizes that “racism, prejudice, and discrimination harm all children and youth, and have a profoundly negative effect on school achievement, self-efficacy, and social-emotional growth.”<sup>75</sup> Many studies have found evidence of these harmful consequences. For example, a study of 5,147 fifth-grade students from public schools in Los Angeles, Houston, and Birmingham found that African American, Hispanic, and other non-white students who reported racial or ethnic discrimination were more likely to have symptoms of depression, attention deficit hyperactivity disorder, oppositional



**FIGURE 3.1** Mother explains Supreme Court ruling in *Brown v. Board of Education* to her daughter.

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defiant disorder, and conduct disorder.<sup>76</sup> The effect is widespread, with significant percentages of children reporting having been the target of discrimination. In one study of urban children ages eight to sixteen years old, 88 percent reported having at least one experience with racial discrimination.<sup>77</sup>

What is striking, and relevant to children's rights law, is that children also experience adverse health consequences from indirect forms of discrimination. George et al.'s 2012 study of immigrant children in British Columbia found that racial, ethnic, and cultural discrimination experienced *by a parent* worked to increase the child's indirect aggression and level of emotional problems, and decrease the child's likelihood to report having excellent health.<sup>78</sup> This indirect impact is addressed by the CRC, with its prohibition on discrimination by association enshrined in Article 2:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's *or his or her parent's or legal guardian's* race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Beyond the health consequences, discrimination also has an impact on children of color in terms of educational and economic opportunities.<sup>79</sup> Larisa Buhin and Elizabeth Vera explain: "A combination of a lack of economic and social advantages and experiences of racial discrimination in school settings may lead older children of color to believe that their efforts in school are futile and that academic pursuits will have relatively little financial payoff."<sup>80</sup> Discrimination affects other aspects of educational advancement. For example, research shows that African American children (and children with disabilities) are at a much higher risk of being suspended from school.<sup>81</sup>

Researchers have also attempted to understand better what interventions might ameliorate the adverse consequences of discrimination. A range of interventions have been implemented and studied. Multicultural or anti-bias education programs, which are less dependent on significant structural overhauls—as compared with school desegregation or bilingual education—are relevant to our study, in part because they can be implemented in fairly homogenous settings and do not require direct interaction with racial, ethnic, or other minority groups.<sup>82</sup> Literature and other media provide contact vicariously, conveniently, and inexpensively that can facilitate children's acquisition of new associations, behaviors, and norms for positive race, ethnic, or gender relations.

Evidence suggests that even brief interventions can have an impact in preventing or moderating discrimination's adverse effects. Phyllis Katz and Sue

Zalk's seminal 1978 study assesses the impact of a fifteen-minute intervention with white second- and fifth-graders from urban and suburban New York City elementary schools.<sup>83</sup> Four types of interventions were used, including increased positive racial contact during a fun activity, vicarious interracial contact through storytelling, positive reinforcement for selection of the color black, and perceptual differentiation of minority group faces.<sup>84</sup> The study found that "perceptual differentiation and vicarious interaction (i.e., story) conditions were considerably more effective in lowering negative racial attitudes" than the other approaches.<sup>85</sup> Although the authors point out that the study measured short-term impact and that some interventions might be more successful in the long term, the results suggest that "young children's racial attitudes are fairly malleable, particularly on short-term retests, a finding that contrasts sharply with results obtained with adults."<sup>86</sup> Other studies also indicate the idea that prejudice—and potential discrimination—can be reduced by fostering children's understanding that "people may differ on one dimension yet be similar on another."<sup>87</sup>

Building upon this research, Frances E. Aboud and Virginia Fenwick implemented an eleven-week curriculum unit titled *More Than Meets the Eye* in a multiracial school in Montreal to evaluate improvement in students' ability to process information about individual attributes of people rather than racial characteristics.<sup>88</sup> Study findings indicate that children identified as "high-prejudice" on a pre-test basis reported significantly less prejudice after the curriculum unit, reaching levels comparable to their "low-prejudice" peers.<sup>89</sup> The curriculum had no detrimental effect on "low-prejudice" children or minority children.<sup>90</sup> Aboud and Fenwick point out, "It is important to identify information that is known to reduce prejudice and that fits or is just beyond the cognitive capabilities of the student. Not all talk of race fits these two criteria."<sup>91</sup> Similar to the findings of the Katz and Zalk study, this research reinforces the idea that children's prejudices are not set in stone and that positive interventions can reduce bias and discrimination. Such programs also have implications beyond race. Other studies have found that interventions can also reduce other forms of prejudice and discrimination including gender-based discrimination.<sup>92</sup>

Additional research finds that empathy also plays an important role in the reduction of prejudice and discrimination. Seven outcome studies in Canada found a marked increase in social inclusion and a decrease in bullying, aggression, and violence in elementary schools that implemented Roots of Empathy, a program of multidisciplinary activities that foster self-awareness, problem solving, and consensus building.<sup>93</sup> Consistent with these results, a 2009 study by Nesdale et al. observed that children with greater empathy were less likely to

express direct aggression toward an outgroup, even when the ingroup endorsed aggression.<sup>94</sup>

As this range of interventions demonstrate, young children, as well as older ones, have the capacity to grasp that prejudice and discrimination is wrong, to challenge assumptions, and to take action to remedy injustice in their own spheres. Even taking into account the methodological and practical limitations of the examples discussed here, they nonetheless produced discernible change with relative ease of application.<sup>95</sup>

Children's literature offers one important tool in this regard. As Derman-Sparks and Ramsey explain, "Authentic, accurate stories and images serve as mirrors for children to see themselves and their families, and as windows to learn about the rest of the world."<sup>96</sup> Further research is needed to determine the extent of impact that children's literature can have. The findings from anti-discrimination research suggest that children's literature has the potential to play a positive role, perhaps in conjunction with other interventions, to reduce prejudice and discrimination.<sup>97</sup> Researchers are beginning to empirically assess the potential impact of children's literature in this context. In 2014, for example, a team of researchers built on earlier studies that link reading to increased empathy. They designed a series of experiments to trace whether reading the *Harry Potter* novels reduces prejudice and found that "reading the novels of Harry Potter improves attitudes toward stigmatized groups" across a wide range of ages, elementary-aged children, adolescents, and college students.<sup>98</sup>

### *You Can Teach a Sneetch*

Discrimination is harmful to all children and remains entrenched in society. Yet the CRC and many other sources of international law make clear that discrimination is a violation of human rights. Children's literature provides many models—positive and negative—for children to explore and learn about discrimination as well as to understand the principle of equality and its application to their lives. The rich discourse on human dignity and discrimination found in children's literature offers opportunities to help children learn that they have a right to live free from discrimination and that they have the responsibility to not discriminate against others. Moreover, literature allows children to experience what another person is thinking and feeling, often people very different from themselves. As Atticus Finch tells his children in *To Kill a Mockingbird*, "You never really understand a person until you consider things from his point of view . . . Until you climb into his skin and walk around in it."<sup>99</sup> Books allow children to "climb into [others'] skin" and imagine, at least to some extent, what it feels like to be someone very different. And literature offers promise

also because it reaches many children at a very young age, when children are forming ideas about their own identity and the identity of others.<sup>100</sup> Maya Angelou wrote, “Perhaps travel cannot prevent bigotry, but by demonstrating that all peoples cry, laugh, eat, worry, and die, it can introduce the idea that if we try and understand each other, we may even become friends.” Children’s literature provides young readers with a vehicle to travel to different worlds and learn about the experiences of others. Through stories they experience that even groups with entrenched differences—gendered and racial divisions, or even star- and plain-bellied Sneetches—can move beyond their hostility and resolve destructive prejudices. Children’s books provide the opportunity for children to “[decide] that Sneetches are Sneetches and no kind of Sneetch is the best on the beaches.”

### Notes

1. *Brown v. Board of Education*, 347 U.S. 483, 494 (1954).
2. Wolf and Heath, *Braid of Literature*, 182.
3. International Covenant on Civil and Political Rights, art. 2(1); International Covenant on Economic, Social and Cultural Rights, art. 2(2); Universal Declaration of Human Rights, art. 2(1); African Charter on Human and Peoples’ Rights, art. 2; American Convention on Human Rights, art. 1(1); European Convention, art. 14. Certain human rights conventions do not contain a nondiscrimination clause, but only because such a provision is inapplicable or superfluous. See, for example, Convention on the Prevention and Punishment of the Crime of Genocide, adopted Dec. 9, 1948. As prohibition on genocide and other crimes against humanity by definition apply to acts against “national, ethnical, racial or religious group[s],” a nondiscrimination clause is unnecessary. *Ibid.*
4. Besson, “Principle of Non-Discrimination,” 443; Child Rights Information Network, *Guide to Non-discrimination and the CRC*, 1.
5. Besson, “Principle of Non-Discrimination,” 433.
6. Todres, “Women’s Rights and Children’s Rights,” 607.
7. U.N. Convention on the Rights of the Child, preamble.
8. U.N. Convention on the Rights of the Child, preamble.
9. U.N. Convention on the Rights of the Child, preamble.
10. Hodgkin and Newell, *Implementation Handbook*, 27.
11. U.N. Convention on the Rights of the Child, art. 2; see also International Covenant on Civil and Political Rights, art. 2(1).
12. Buergenthal, “To Respect and to Ensure,” 77.
13. This more inclusive list of protected traits reflects, in large part, human rights law’s development over the latter half of the twentieth century. Drafted later in time

- than most of the other major human rights treaties, the CRC benefited from the collective learning of the international community.
14. Hodgkin and Newell, *Implementation Handbook*, 24–25.
  15. Discrimination by association is also prohibited by the African Charter on the Rights and Welfare of the Child (art. 3). For more on discrimination by association in the children's rights context, see Todres, "Rights Relationships," 450–52.
  16. See Cohen, "Feminist Landmark," 69.
  17. See, for example, Hodgkin and Newell, *Implementation Handbook*, 42; Breen, *Age Discrimination and Children's Rights*, 75–76; Besson, "Principle of Non-Discrimination," 442–43; Vandenhoe, *Non-discrimination and Equality*, 28.
  18. U.N. Convention on the Rights of the Child, preamble and art. 12.
  19. See, for example, U.N. Committee on the Rights of the Child, *General Comment No. 5*, ¶ 12 (explaining the nondiscrimination obligation requires states "actively to identify individual children and groups of children for whom recognition and realisation of their rights may demand special measures"); Human Rights Committee, *General Comment No. 18*, ¶¶ 8 and 10 (noting that "[t]he enjoyment of rights and freedoms on an equal footing however, does not mean identical treatment in every instance" and the principle of equality sometimes requires states "to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate [prohibited] discrimination").
  20. Hodgkin and Newell, *Implementation Handbook*, 26–27.
  21. Breen, *Age Discrimination and Children's Rights*, 19 and n.79; Besson, "Principle of Non-Discrimination," 436.
  22. Besson, "Principle of Non-Discrimination," 436.
  23. *Ibid.*, 451.
  24. See Nelson, "Changing Meaning of Equality"; see also European Commission, *Comparative Study of Antidiscrimination and Equality Laws* (exploring countries' different approaches to addressing discrimination).
  25. Lee, *To Kill a Mockingbird*, 376.
  26. Restatement (Third) of Foreign Relations Law, § 702—Customary International Law of Human Rights.
  27. Simultaneously, Mark Twain and Laura Ingalls Wilder also complicate racial stereotypes in ways that seem ahead of their time: Jim is a fully developed and empathetic character, and the young Laura of the books admires and appreciates the American Indian customs, often recognizing their humanity and dignity as superior to what she observed in the white settlers.
  28. Gary, "A Study of Black Characters," 20.
  29. W. E. B. Du Bois, *The Brownies Book*, cover.
  30. See generally Bishop, *Free within Ourselves*; Brooks and McNair, *Embracing, Evaluating, and Examining*.
  31. See Quintana, "Children's Developmental Understanding," 41–42. See also Clark, "Effect of Prejudice."

32. Pirofski, "Multicultural Literature," <http://www.edchange.org/multicultural/papers/literature.html>.
33. "Children's Books by and about People of Color," Cooperative Children's Book Center, June 19, 2014, <http://ccbc.education.wisc.edu/books/pcstats.asp>.
34. Myers, "Where Are the People of Color?" [http://www.nytimes.com/2014/03/16/opinion/sunday/where-are-the-people-of-color-in-childrens-books.html?\\_r=0](http://www.nytimes.com/2014/03/16/opinion/sunday/where-are-the-people-of-color-in-childrens-books.html?_r=0).
35. U.N. Committee on the Rights of the Child, *General Comment No. 5*, 4.
36. Williams-Garcia, *One Crazy Summer*, 11.
37. U.N. Convention on the Rights of the Child, art. 29(b) and (d).
38. U.N. Convention on the Rights of the Child, art. 29(a).
39. Convention on the Elimination of All Forms of Discrimination against Women, art. 5(a).
40. Article 4(1) of CEDAW allows for "temporary special measures aimed at accelerating de facto equality between men and women." See also Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 28*, ¶ 5 ("[I]dential or neutral treatment of women and men might constitute discrimination against women if such treatment resulted in or had the effect of women being denied the exercise of a right because there was no recognition of the pre-existing gender-based disadvantage and inequality that women face").
41. McCabe et al., "Gender in Twentieth-Century Children's Books," 198.
42. Langer, "Jan Berenstain."
43. Ernst, "Gender Issues," 66–78.
44. *Ibid.*, 69–71.
45. Charlesworth, Chinkin, and Wright, "Feminist Approaches," 629; Wasisman, "Human Trafficking," 406–07; Chanock, "Culture and Human Rights," 34.
46. Blaska, "Children's Literature."
47. *Ibid.*
48. Barrie, *Peter Pan*, 39.
49. *Ibid.*, 46.
50. Palacio, *Wonder*, 3.
51. *Ibid.*
52. Solis, "The Disabilitymaking Factory."
53. Lee and Kirby, *Uncanny X-Men*, 23.
54. South Africa, Blacks (Abolition of Passes and Co-ordination of Documents) Act No. 67 of 1952.
55. In issue 3, however, one of the very few tragic scenes occurs: Professor X mentally laments that he is both Jean Grey's teacher and disabled: "I can never tell her [I love her]! I have no right! Not while I'm the leader of the X-Men, and confined to this wheelchair!" Lee and Kirby, *Uncanny X-Men*, 4.
56. Crenshaw, "Mapping the Margins," 1242.
57. Thomas, "Interview of Professor Kimberlé Crenshaw," 455.
58. Crenshaw, "Mapping the Margins," 1244.

59. Dahl, *Matilda*, 111.
60. *Ibid.*, 22.
61. *Ibid.*, 144–45.
62. *Ibid.*, 43.
63. *Ibid.*, 79–80.
64. *Ibid.*, 61.
65. *Ibid.*
66. *Matilda* has had very little scholarly attention compared to Dahl's other books, but one exception is Kristen Guest's "The Good, the Bad, and the Ugly: Resistance and Complicity in *Matilda*." Guest argues that despite *Matilda*'s strength and triumph over tyranny, the novel still falls into gendered expectations of women. In particular, "Characterizations of women according to the logic of 'good' and 'bad' recapitulates patterns of gender associated with fairy tales, in which female characters are constructed as passive/unconscious or active/narcissistic—good or evil." *Ibid.*, 247.
67. Dahl, *Matilda*, 49 (*italics added*).
68. *Ibid.*, 91.
69. *Ibid.*, 180.
70. *Ibid.*, 159.
71. *Ibid.*, 171.
72. *Brown v. Board of Education*, 347 U.S. at 494. A similar rationale has been advanced in subsequent cases involving stigma and discrimination against particular children. See, for example, *Doe v. Dolton Elementary School Dist. No. 148*, 694 F. Supp. 440, 448 (N.D. Ill., 1988) (in case involving child with AIDS, court found that "feelings of inferiority are already evident and that irreparable harm, in an emotional and social sense, has already occurred, and will continue to occur if the Student is not allowed to return to a regular classroom environment.").
73. Rivas-Drake, Hughes and Way, "A Preliminary Analysis," 564.
74. See, for example, Rivas-Drake, Hughes, and Way, "A Closer Look"; Romero and Roberts, "Impact of Multiple Dimensions." See generally Kang, "Trojan Horses of Race."
75. National Association of School Psychologists, *Racism, Prejudice, and Discrimination*.
76. Coker et al., "Perceived Racial/Ethnic Discrimination," 881–83.
77. Pachter et al., "Perceived Racism and Discrimination," 65.
78. George, Bassani, and Armstrong, "Influence of Perceived Racial Discrimination," 7.
79. Buhin and Vera, "Preventing Racism and Promoting Social Justice," 45.
80. *Ibid.*, 45. See also Hughes and Bigler, "The Impact of Race."
81. Losen and Gillespie, *Opportunities Suspended*.
82. See Aboud and Levy, "Interventions to Reduce Prejudice," 282. On prejudice and discrimination, see generally Oskamp, *Reducing Prejudice and Discrimination*; Dovidio, Glick and Budman, *On the Nature of Prejudice*.

83. Katz and Zalk, *Modification*, 450–52.
84. *Ibid.*, 451–52.
85. *Ibid.*, 458.
86. *Ibid.*
87. Aboud and Levy, “Interventions to Reduce Prejudice,” 282.
88. Aboud and Fenwick, “Exploring and Evaluating School-Based Interventions,” 769–70.
89. *Ibid.*, 774.
90. *Ibid.*, 775.
91. *Ibid.*, 782.
92. See, for example, Pahlke, Bigler and Green, “Effects of Learning.”
93. Schonert-Reichl and Scott, “Roots of Empathy,” 252–62.
94. Nesdale et al., “Group Membership,” 252.
95. See Aboud and Levy, “Interventions to Reduce Prejudice,” 284 and 286.
96. Derman-Sparks and Ramsey, *Anti-Bias Multicultural Education*, 115 (citing Jean Mendoza and Debbie Reese, “Examining Multicultural Picture Books for Early Childhood Classroom: Possibilities and Pitfalls,” *Early Childhood Research and Practice* 3:2 (2001)).
97. Aboud and Levy, “Interventions to Reduce Prejudice,” 278–80.
98. Vezzali et al., 11. See also Sklar, *Art of Sympathy in Fiction*, 75–76.
99. Lee, *To Kill a Mockingbird*, 33.
100. Recent research indicates that children between nine and fourteen months of age can distinguish racial cues in adult faces. MacNaughton, *Respect for Diversity*, 3. Findings from many studies reveal that prejudice, particularly toward visible minorities, emerges in early and middle childhood. See generally Raabe and Beelmann, “Development of Prejudice”; McKown and Weinstein, “Stereotype Consciousness.”





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## *Identity Rights and Family Rights*

JUST AS ALL children seek to understand both who they are as individuals and what their place is within their families, the stories children read often explore themes of identity and family. Whether represented by an enormous bull who prefers to smell the flowers rather than fight in *The Story of Ferdinand*, or a dog who makes all sorts of sounds but will not bark like other dogs in *Bark, George*, a prominent subject in children's literature relates to finding oneself, even at the risk of disapproval for failing to conform. Identity rights are central to children's rights, establishing the child's right to develop his or her own personality. Deeply connected to identity rights are family rights—foremost, the right to know and be cared for by one's parents or, in their absence, other adult caregivers.

In this chapter, we explore these two critical components of childhood—and thus also for children's rights—as characterized in children's literature. In literature as well as in life, family and identity often merge and overlap, as evident in the archetypal story of Cinderella. Identified only by her work in the ashes rather than by a name, across various cultures Cinderella is called Ashpet, Little Burnt Face, Cendrillon, Tattercoats, or the Grimms' Aschenputtel, translated into the English "Cinderella." Although the details vary across the more than nine hundred different versions of the Cinderella fairy tale that exist in more than one hundred countries (see Appendix 3 for a partial listing of multicultural Cinderella tales), Cinderella is denied any authentic identity, forced into demeaning labor, and deprived of a caring family. In her story, she struggles to secure her rights to both an identity and a family.

One Cinderella version is Tomie dePaola's 2002 *Adelita: A Mexican Cinderella Story*. Adelita's life follows the basic structure of the Cinderella tale: her mother dies, and her father subsequently remarries and shortly thereafter dies himself. Adelita is left in the care of her cruel stepmother and two

stepsisters, who exploit Adelita, making her life “nothing but loneliness and hard work. Adelita had to prepare all the meals, clean the rooms, and fetch and carry for [her stepsisters] Valentina and Dulce, who became more like *maladad y vinagre*—meanness and vinegar.” But Esperanza, her birth parents’ nurse, remains in Adelita’s life, and “because she knew that Esperanza loved her, Adelita’s heart stayed as warm as the fire in the hearth.” The fairy tale progresses as we expect, with the announcement of a fiesta, the prince Javier falling in love with the mysterious and beautiful young woman (Adelita dressed in her mother’s *rebozo*), and Javier coming to the house in search of the woman with whom he danced. In a departure from the other Cinderella tales, Adelita retains her name, “Adelita,” and gives *herself* the pseudonym *Cencienta*, “Cinderella,” in order to disguise herself at the fiesta. She also exerts her own agency when Javier arrives at the house: hanging her mother’s *rebozo* out the window, dressing herself in one of her mother’s garments, and contradicting her stepmother’s declaration that “there’s no one else here” by asserting herself: “Yes, there is. Are you looking for me, Señor?” Unlike the retributive Cinderella in the Grimms’ tale, Adelita “in her sweetness” invites her stepfamily to her wedding. Adelita is both an agent in claiming her own rights as a young woman and responsible for resolving some of her family’s conflict.

*Adelita* conveys the archetypal story of a child exploited in domestic servitude by her new legal guardians, a human rights violation that has received growing but still insufficient attention in recent years.<sup>1</sup> While Adelita relies on the power of ancestral love to rescue her, most Cinderella stories rely on some form of magic, such as enchanted animals, mystical grandmother figures, and bewitched objects. This mode of magical realism makes the fairy story particularly compelling to children, as British novelist and father David Mitchell writes:

The state of childhood resonates with life inside a fantasy novel. If you have no control over how you spend large chunks of your day, or are at the mercy of flawed giant beings, then the desire to bend the laws of the world by magic is strong and deep.<sup>2</sup>

The state of the Cinderella-character’s childhood speaks to anxieties about both family and identity. A child is deprived of her biological family, and her guardian exploits her, reduces her identity to one of a slave, not a daughter, and even deprives her of her given name. But through magic, a mystical mother figure, and often a prince, Cinderella overcomes and reclaims her true identity and a caring family once again.

As Cinderella stories have flourished around the world, they offer children the opportunity to explore identity and family in their own cultural contexts.

Childhood anxieties of a mother's abandonment, a father's implicit betrayal, intrafamilial competition and cruelty, and ultimately a quest to secure a new family, all are expressed in these stories. Each Cinderella must thrive *in spite of* her family, the very unit that the Convention on the Rights of the Child (CRC) asserts is "the natural environment for the growth and well-being of all its members." Denied even the right to a name, identified only by her forced labor in the ashes, Cinderella must prevail over her family in order to shape her own identity. Many, but by no means all, versions of the story end with Cinderella being rescued by a prince, which raises questions about whether this young girl truly has the opportunity to develop her own identity (see Chapter 3 for a discussion of gender stereotypes and discrimination in children's literature).<sup>3</sup> Cinderella's struggle to escape an abusive stepmother and secure her own identity is central to the story, even if the end result is limited realization of her rights.

Even centuries after the fairy tales' original composition, Jack Zipes, a leading scholar of fairy tales, writes that they "still read like innovative strategies for survival."<sup>4</sup> The cross-cultural prevalence of the Cinderella story, as with so many other children's books about abandonment and threats to one's identity, speaks to the fundamental anxieties that children have about security and selfhood. Children have essential and parallel needs to be protected *and* to express their individuality. These multidimensional apprehensions are expressed in children's literature, reflecting on many of the same questions that children's identity and family rights seek to address.

### *Children's Right to an Identity under International Human Rights Law*

Identity is central to personhood. It encapsulates the essence of the individual. More narrowly, identity confirms a person's legal existence. The CRC does not define the contours of identity, but it includes identity rights, however individual countries elect to define them. Article 7 provides the mandate to ensure a child's legal identity is established, requiring that children "shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by [their] parents." Notably, Article 7 mandates state action in situations "where the child would otherwise be stateless." Once that identity is established, pursuant to Article 8, the state is required to respect the child's right "to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference." While Articles 7 and 8 enshrine the core right

to one's identity—the right to establish an identity and to preserve one's identity—other provisions inform actions involving children that implicate broader conceptions of identity.

As each child develops, he or she grows to form a unique identity and personality. Article 14, which enshrines the child's right to "freedom of thought, conscience and religion," ensures that the state cannot dictate what a child must think. Each child is free to form his or her own views. Article 15 establishes the child's right to freedom of association, permitting the child to form relationships that enrich his or her development, without state interference. Article 17 imposes an affirmative obligation on the state to ensure the child has "access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health." Providing children the opportunity to access a diversity of information can stimulate the child's development and help the child as she shapes her own identity.<sup>5</sup>

In each of these provisions on identity, parents and families are notably at the forefront. Parents play a critical role in fostering the healthy development of their children's identity. Thus, the state is obligated to respect the rights and duties of parents to guide their children in exercising their rights to freedom of thought, conscience, and religion.<sup>6</sup> Broader context is also relevant to the child's developing identity, and the CRC includes provisions that require states parties to ensure the child is able to experience and enjoy his or her own language, culture, and history, traditions that are rooted in family.<sup>7</sup> Finally, respect for the child's identity is reinforced in the CRC's provisions on education. The education mandate fosters the child's development, and the CRC, in Article 29, emphasizes that, foremost, education "shall be directed to . . . [t]he development of the child's personality, talents and mental and physical abilities to their fullest potential." This emphasis on the development of the child's personality and ensuring the child has the opportunity to develop to his or her fullest potential endorses the notion that each child should be free to explore, develop, and form his or her own identity.

### *Identity Rights in Children's Literature: "But Not Ferdinand"*

In many stories written for children, child characters confront challenges to their right to develop their own identity. "Once upon a time in Spain," begins Munro Leaf's beloved children's book, *The Story of Ferdinand*, "there was a little bull and his name was Ferdinand." A very small, spotted bull with gentle eyes peers shyly at a flower in the foreground of the story's first page. Throughout the rest of the

book, children repeatedly see that Ferdinand prefers to sit in a shaded pasture in the countryside rather than exhibit his machismo by fighting with the other bulls. Viking Press published Ferdinand's story in the United States in 1936, the same year as the beginning of the Spanish Civil War. Francisco Franco banned the book in Spain because Ferdinand was a pacifist, and Adolph Hitler ordered the book burned and likewise banned in Nazi Germany, calling it "degenerate democratic propaganda."<sup>8</sup> But in the last eighty years, *The Story of Ferdinand* has been translated into more than sixty languages, has never gone out of print, and is one of the best-selling children's books of all time, with admirers including Thomas Mann, H. G. Wells, and Gandhi.<sup>9</sup> A first edition of this politically controversial book, signed by Munro Leaf, was at auction in late 2014 for \$16,500.<sup>10</sup>

When little Ferdinand the bull enters into the world, he is quiet, passive, sensitive, peaceful, and loves smelling flowers more than any other activity. This is in pointed contrast to "all the other little bulls," who are hypermasculine, aggressive, competitive, strong, and active. Four different times throughout the book the dialectical differences between the title character and others his age are emphasized with the same construction: "all the other little bulls," followed by "but not Ferdinand." In the first example of the repetition, the text reads "all the other little bulls he lived with would run and jump and butt their heads together." The illustration shows bulls with arched backs and fierce eyes charging each other (and the reader). Motion lines from their tails and mouths indicate thrashing and bellowing. When the page is turned, a simple illustration shows Ferdinand placidly walking off into the distance alone, much smaller and stiller than "all the other little bulls" on the previous page. The text reads simply, "But not Ferdinand." His diminutive body is turned away from the reader, isolated by white space, and framed by three fragile flowers in the foreground. Illustrator Robert Lawson repeats these visual patterns throughout the book: in only six of the sixteen illustrations featuring Ferdinand is he actually facing the reader, suggesting his passive nature. The only time Ferdinand is not pictured with a flower is when he peers fearfully into the large open bullfight arena.

When Ferdinand's concerned mother observes him sitting in the shade smelling flowers, with his back once again to the reader and two other bulls locked in a head butt directly behind him, she worries about his isolation. "Why don't you run and play with the other little bulls and skip and butt your head?" she asks. Her question expresses concern that Ferdinand does not conform to prevailing identity roles. Ferdinand replies that he is happier smelling flowers and sitting quietly. As the narrator explains, Ferdinand's mother is "an understanding mother," and despite the book being set in a culture that values aggressive males, Ferdinand's mother respects her son's right to freedom of thought and his right to establish his own identity.

Time passes with the turning of the page, and both Ferdinand and “all the other bulls” have matured to full adults. Ferdinand is still illustrated by himself with flowers and a passive expression, standing still with a flower in his mouth, but he is now a massive bull with muscular jaw, shoulders, and neck. The subsequent page once again shows “all the other bulls” similarly rippled with muscles and long, pointed horns, but unlike Ferdinand, who is always alone, they stand in their group, bandaged from their daily fights with each other. Ferdinand still loves to “sit just quietly and smell flowers,” but what the other bulls “wanted most of all was to be picked to fight at the bull fights in Madrid.” When five men come to “pick the biggest, fastest, roughest bull to fight in the bull fights in Madrid,” “all the other bulls ran around snorting and butting, leaping and jumping so the men would think that they were very strong and fierce and pick them.” But in the story’s surprising reversal of circumstances, the five men happen to see Ferdinand at the moment he is stung by a bee (and thus is jumping and snorting). It is the only time he actually moves in the entire book. They select him and cart him off to Madrid for the bull fights.

In classical tragedy, the narrative’s turning point or reversal of circumstances typically sparks self-discovery of the hero: Oedipus realizes that he murdered his father and married his mother, and Othello gives way to jealousy and distrust of his wife. “But not Ferdinand.” Despite the plot’s turn, Ferdinand “wouldn’t fight and be fierce no matter what they did. He just sat and smelled.” Ferdinand, the story illustrates to children, is his own bull. Despite the cultural pressures to conform, he refuses to butt his way through life. As such, Ferdinand functions as a metaphor for a child’s right to develop her own distinct identity, even when that identity does not conform to the mainstream or further the national agenda. Generalissimo Franco and Adolf Hitler apparently took issue with the lesson.

The Spanish matadors give up on making Ferdinand fierce and cart him back home to the countryside. For the first time, the narrator addresses the reader in the first person:

And for all I know he is sitting there still, under his favorite cork tree,  
smelling the flowers just quietly.  
He is very happy.

The illustration once again portrays Ferdinand sitting under the cork tree framed by flowers, but this time the illustration is in darkly-inked shadow and heavy clouds spread out across the sky. The final page of the book, which reads only “The End,” shows a single flower close up, but it is sagging and wilted, and with only two petals tentatively clinging to the center. The remaining ten petals

flutter downward toward the bottom of the page. This ending is enigmatic, and responses from the children we read to reflected the varying interpretations of being an “outsider.” While many children bounced around happily through the discussion of this book, some could not get past the final image of the fading flower. “Why is it dying?” some of them asked. An older girl soberly suggested that the flower is dying because “people who don’t fit in—like Ferdinand—just don’t have good lives.” But another very thoughtful girl laughed as she noted that the flower is only dying “because Ferdinand sat on the flower.” *The Story of Ferdinand* proved to be one of the most evocative books we read to children, and we return to their interpretations and responses to the story later in this chapter.

Fifty years after publication of *The Story of Ferdinand*, the Convention on the Rights of the Child enshrined in law the right to one’s own identity that Munro Leaf expressed through a young bull who just wanted to smell the flowers. Human rights law, specifically the CRC, recognizes that every child has a right to his or her identity. In many situations, identity rights contemplate foundational issues of childhood including the right to a name and nationality and the right to know one’s parents. But identity also captures a broader set of issues implicating other rights including the child’s right to enjoy his or her own culture, freedom of association, and freedom of thought, conscience, and religion. In recent years, advances in science have prompted questions about a child’s right to know his or her genetic origins in adoption and surrogacy cases, and an evolving understanding of prejudice and discrimination has led to recognition of identity rights among LGBTQ (Lesbian, Bisexual, Gay, Transgender, Queer) individuals.

Adults play a central role in shaping children’s identity. For example, cultural identity emerges foremost from the family.<sup>11</sup> Education, both formal and informal, nurtures and shapes children’s identity. As the CRC establishes, children’s education “shall be directed to: [t]he development of the child’s personality, talents and mental and physical abilities to their fullest potential.” The Committee on the Rights of the Child explains that Article 29 of the CRC aims to secure “the holistic development of the full potential of the child.”<sup>12</sup> Identity is a critical component of this development.

The same principles in *Ferdinand* are encoded in later picture books like Charlotte Zolotow’s pioneering 1972 children’s book, *William’s Doll*. Zolotow tells the story of a preadolescent boy named William who wants a doll:

William wanted a doll.  
He wanted to hug it and cradle it in his arms  
and give it a bottle  
and take it to the park



and push it in the swing  
 and bring it back home  
 and undress it  
 and put it to bed.

“Don’t be a creep” says his brother; “Sissy, sissy, sissy,” teases the boy next door. William’s father, embarrassed and distressed by his son’s caregiving impulses, buys William a basketball and a train set to encourage him to engage in more traditional gender-conforming behavior. Although William masters shooting a basketball and playing with a train, he still longs for a doll, and tells his visiting grandmother so. “Wonderful!” she exclaims. “No,” William replies. “My brother says it will make me a creep and the boy next door says I’m a sissy and my father brings me other things instead.” Here William articulates his deep crisis. Although the child listening to *William’s Doll* and looking at the pictures will have seen that in eight of the eighteen illustrations of William, he is cradling an invisible doll in his arms, much to the derision of his brother and friend, the empty space symbolizes a strong caregiving current in William’s identity that is denied to him. His grandmother not only buys him the doll, she defends William’s right to develop according to his own personality and emotional needs. Similarly, Tomie dePaola’s 1979 *Oliver Button Is a Sissy* and Kimberly Brubacker’s 2006 *Ballerino Nate* tell the stories of boys who are bullied by those who want their identities to conform to traditional gendered expectations. In the latter story, Nate is told, “Boys can’t be ballerinas. They never, ever, ever can.” Ultimately, Nate learns that while he cannot be a ballerina, he can become a *ballerino*—a male dancer. A more playful example is Mo Willem’s 2005 *Leonardo, the Terrible Monster*. Despite Leonardo’s attempt to act like other monsters, he just isn’t scary. Ultimately Leonardo must find his own path, becoming a wonderful friend instead of a terrible monster.

Like Ferdinand the pacifist bull, William the nurturing boy, Nate the dancer, and Leonardo the friendly monster, George is a dog who meows, quacks, oinks, and says “hello” but cannot (or will not) bark in Jules Feiffer’s 1999 *Bark, George*. Unlike Ferdinand’s patient mother and William’s open-minded grandmother, George’s mother is exasperated by his nonconformist behavior and takes him to a veterinarian to be “cured.” But George cannot be transformed. Even with aggressive treatment from the veterinarian (which includes pulling a cat, duck, pig, and human from inside George), George still makes sounds other than those traditionally associated with dogs.

Older readers experience the same theme in a darker, more complex 1965 Newbery Medal-winning novel *Shadow of a Bull* by Maia Wojciechowska.

The son of a famous matador who died for his sport, young Manolo is expected to be as heroic and aggressive as his father. His father's statue stands in the town square, casting a shadow over his son. Unlike all the other village adolescent males who revel in the violence of bullfighting, Manolo neither conforms to the village's expectations nor desires to follow in his father's footsteps. Instead, Manolo finds his own way and in so doing learns a beautiful and nuanced truth: he can maintain his cultural and family identities while expressing courage in a way that is unique to him. Ferdinand, William, Manolo, Leonardo, George, and other characters like Jonathan Livingston Seagull illustrate the ways that children confront challenges when they manifest behavior that diverges from popular expectations. These characters and the children who read about them would take comfort in knowing that human rights law insists on, and protects, their right to their own identity. As we discovered when we read to children in our study, these stories give expression to children's anxieties about forging their own identities in ways that are accessible and relatable, even though sometimes the central characters are bulls and dogs.<sup>13</sup>

### *Children's Right to a Family under International Human Rights Law*

Children's rights law reaffirms the essential role and value of the family in the lives of children. The preamble of the CRC emphasizes that the family is "the natural environment for the growth and well-being of all its members and particularly children" and asserts that the family "should be afforded the necessary protection and assistance."<sup>14</sup> The family is central to children's development and well-being. Further, much of any child's identity is rooted in, and shaped by, his or her family environment.

Beginning with its preamble, the CRC consistently emphasizes the importance of family to children and reinforces all components of the child's right to a family. The preamble begins by recognizing that the family is the "fundamental group of society" and then articulates a central theme of the treaty that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding."<sup>15</sup>

Article 7(1) of the CRC, which establishes a child's right to an identity, also establishes the state's affirmative duty to preserve family relationships and promote family care. It mandates that a child "shall have . . . as far as possible, the right to know and be cared for by his or her parents."<sup>16</sup> In doing so, the drafters

of the CRC recognized the significance of parents in the child's formation of an identity. Recognizing the importance of parents, the CRC mandates that governments "respect the responsibilities, rights and duties" of parents and legal guardians (Article 5) and "render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities" (Article 18). Children's rights scholar Barbara Woodhouse explains, "The CRC establishes the complementary right of the child, mirroring that of the parent, to be raised within his own family under his parents' protection and guidance, without state interference."<sup>17</sup>

In that regard, as set forth in Article 8 of the CRC, the state must respect the child's right to family relations. Article 9(1) reinforces the child's right to a family and to the care of his or her parents, mandating "that a child shall not be separated from his or her parents against their will," subject to the limitation of necessity when it is in the child's best interest, such as in cases of abuse and neglect.<sup>18</sup> Moreover, the CRC provides that for children separated from their parents, the state must respect their right to maintain contact with their parents, again except when not in the child's best interests, such as when doing so put the child at risk of harm.<sup>19</sup> Furthermore, in the extreme cases of displacement or separation across national borders, Articles 10 and 22 require facilitation of family contact, and ultimately reunification.<sup>20</sup>

Other human rights law similarly emphasizes the importance of family in the lives of children. The three documents of the International Bill of Rights—the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights—all recognize the family as "the natural and fundamental group unit of society."<sup>21</sup> The International Covenant on Civil and Political Rights and Universal Declaration of Human Rights both affirm that the family "is entitled to protection by society and the State" while the International Covenant on Economic, Social and Cultural Rights establishes that "the widest possible protection and assistance should be accorded to the family."<sup>22</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) secures women's equal rights in family contexts, facilitating in many instances the child's right to a family and identity.<sup>23</sup> For example, CEDAW's mandate that states "grant women equal rights with men with respect to the nationality of their children" can help the child secure his or her identity rights and also avoid potential deportation or statelessness, thereby ensuring that family can stay in the same country and the child can be cared for by his or her mother.<sup>24</sup> And the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides a broad range of rights and protections for children of migrant workers.<sup>25</sup>

The CRC also recognizes that many children are deprived, temporarily or permanently, of a family. Whether as a result of armed conflicts, natural disasters, migration, or death of a parent, many children are separated from their parents. In these circumstances, children temporarily or permanently deprived of their family environment are due “special protection and assistance” under the CRC, and the state is obligated to ensure the provision of alternative care that reflects “due regard . . . [for] the desirability of continuity [in their] upbringing.”<sup>26</sup> As a result of the emphasis on the family environment, child protection expert Gary Melton argues the CRC impliedly mandates that preference must be given to “family-like settings” such as foster placement, kafalah, and adoption, as opposed to institutional care.<sup>27</sup>

While the CRC understandably focuses on children’s relationships with parents or other caregivers, it does not limit family relations solely to parents. Other members of the immediate and extended family are important to the child’s development and identity. Article 5 of the CRC requires states to respect the “responsibilities, rights and duties” not only of parents but also “where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child.” In doing so, it recognizes the value in a diversity of family arrangements and not just Western constructs that focus on the nuclear family. And although the right to know one’s siblings is not expressly recognized in the CRC or other international human rights instruments, since 2006 the Committee on the Rights of the Child *has* recognized that sibling bonds—and bonds with grandparents and other members of the extended family—“can make a distinctive contribution to the fulfillment of children’s rights under the Convention and that a range of family patterns may be consistent with promoting children’s well-being.”<sup>28</sup>

Beyond the centrality of the family *relationship* in the CRC rights framework, the treaty also mandates that states affirmatively ensure certain material benefits that “support an environment conducive to family *life*.”<sup>29</sup> This includes directives for special assistance and protection in the context of maternal and child health care,<sup>30</sup> and with respect to nutrition, clothing, and housing.<sup>31</sup> The CRC mandate also includes ensuring that the child’s education fosters “development of respect for the child’s parents.”<sup>32</sup>

Distillation of the CRC’s family-supportive provisions thus yields five interrelated categories of rights, all with important developmental implications: (1) the right to know one’s parents; (2) the right to be cared by one’s parents; (3) when those options are not reasonably feasible, the right to “family-like” alternative care arrangements; and (4) the right to maintain relations with other family members. Undergirding these are a fifth set of rights to social assistance for the

family to ensure they can provide the care children need to develop to their fullest potential.

The benefits of successfully implementing and instilling an appreciation of these rights—perhaps more so than any other group—are intuitive. Children are inherently limited in their ability to care for themselves during infancy and extending, at least, through the period of middle childhood. Equally intuitive is the notion that growing up in and receiving care from the *same* family unit during the critical developmental years can “facilitate a sense of solidarity that is difficult to achieve in other relationships” like those more transient ones among peers or educational caregivers.<sup>33</sup> We value families and seek to secure new families for children deprived of them because of “a deep-seated belief that everyone benefits from feeling secure in their deep attachments to other people.”<sup>34</sup> Moreover, the importance of family is frequently recast in well-rehearsed economic terms: children are *our most precious resource*, and *investment* in early childhood development can produce significant rates of return, “push[ing] a society towards to a prosperous future with healthy citizens.”<sup>35</sup>

### *Family Rights in Children's Literature: “Are You My Mother?”*

The significance of the child's family rights is reflected in the expansive number of children's books that address anxieties about being separated from one's family of origin. In *Is Your Mama a Llama?*, a baby llama repeatedly inquires of other animal children if *their* mothers are llamas, too. They all respond in variations of “don't be silly” and “of course not,” then subsequently explain that their species are distinct from llamas in behavior, appearance, and habitat. Other similar books are P. D. Eastman's classic *Are You My Mother?* and *Flap Your Wings*. *Are You My Mother?* follows a baby bird, who hatches while his mother is away from the nest searching for food, in his quest to find her. *Flap Your Wings* features another newly hatched baby separated from its birth family, but this time it is a crocodile who is cared for and raised by birds. In Janell Cannon's vividly illustrated *Stellaluna*, a mother fruit bat loses her baby during an owl attack. Frightened and alone, tiny Stellaluna clings to a branch with her feet, “trembling with cold and fear,” and squeaks, “Mother . . . Where are you?” She is adopted by a bird mother and although she is loved and provided for, “her bat ways were quickly disappearing.” Mama Bird does not permit her to hang by her feet, stay awake at night, or eat fruit. In conforming to the ways of her new family, Stellaluna confronts important issues regarding her identity that are necessarily linked to family.

## Orphaned and Abandoned Children in Literature

Although children's literature explores themes on family, reinforcing the importance of family to children and, in many stories, providing child readers with a sense of security through family, many stories convey these lessons through the adventures and experiences of child characters who are orphaned or abandoned. We found that of the two hundred best-selling children's books of all time, both hardcover and paperback, only seven feature children in intact, supportive families.<sup>36</sup> The prominent themes of parental loss and abandonment reveal children's anxieties and their need for stable, caring families, and in so doing, reinforce the centrality of family rights to children's rights.

There are a limited number of exceptions to the many stories that feature orphans or neglected children, including Johann David Wyss's classic *The Swiss Family Robinson*, the story of a strong and united family. Near the end of the book, after many chapters describing the Robinson family's adventures together on a "lonely island," the fictional father offers his reason for writing the book:

I shall be satisfied if young people who read this record of our lives and adventures should learn from it how admirably suited is the peaceful, industrious life of a cheerful and united family to the formation of strong, pure, and manly character.<sup>37</sup>

Thus the parents, William and Elizabeth, raised their four sons in a tree house on an East Indies island, the family thriving in the hostile environment "with no other resource than our own [family's] industry."<sup>38</sup> Likewise Laura Ingalls Wilder's account of her pioneer childhood in the *Little House on the Prairie* series instills a similar lesson. These stories serve as examples of how family functions to protect, nurture, and support each other.

Younger children might read the award-winning author and illustrator Eric Carle's *Mister Seahorse*, with its distinctive collage technique (famous in *The Very Hungry Caterpillar* and *Brown Bear, Brown Bear, What Do You See?*). *Mister Seahorse* tells the story of a seahorse father who carries eggs in his pouch. As he takes care of his developing children, he meets other fish family dads who likewise take care of their eggs: the stickleback, tilapia, Kurtus nursery fish, pipefish, bullhead catfish, and others. As he meets each nurturing dad, Mister Seahorse commends their care: "Keep up the good work," "You are doing a good job," and "You should feel proud of yourself," he tells his fellow dads. The book affirms not only the care of a parent but one that defies traditional gender roles as well.

Study the lists of best-selling children's books from Dickens to the twenty-first century, however, and very few such family-centered stories emerge. Instead, the overwhelming trend is to feature orphaned or abandoned child protagonists: David Copperfield, Oliver Twist, and Pip in Charles Dickens's novels; Peter Pan and the Lost Boys; Dorothy in *The Wizard of Oz*; Anne of Green Gables, Ludwig Bemelmans's orphan Madeline along with her sister orphan girls who emerge from the orphanage to the streets of Paris "in two straight lines in rain or shine"; Antoine de Saint-Exupéry's lonely Little Prince; the four Pevensie children fending for themselves in C. S. Lewis's *The Chronicles of Narnia*; Gertrude Chandler Warner's *Boxcar Children*; Roald Dahl's *Matilda*; and more recently, Gary Paulsen's orphaned Brian in *The Hatchet*, Hugo in Brian Selznick's *The Invention of Hugo Cabret*, the Baudelaire orphans in Lemony Snicket's *Series of Unfortunate Events*, and Jerry Spinelli's title character, Maniac Magee. And of course Harry Potter.

Abandonment is a ubiquitous theme in children's literature. The opening sentences of many of Jacob and Wilhelm Grimm's fairy tales portray families in dire crisis rather than functional families of parents protecting and nurturing their children:

"There were once a little brother and a little sister, who loved each other with all their hearts. Their own mother was, however, dead, and they had a step-mother, who was not kind to them, and secretly did everything she could to hurt them." ("The Lambkin and the Little Fish")

"There was once on a time a little girl whose father and mother were dead, and she was so poor that she no longer had any little room to live in, or bed to sleep in . . ." ("The Star-Money")

"There was once a girl whose father and mother died while she was still a little child." ("The Spindle, the Shuttle, and the Needle")

"There was once a poor shepherd-boy whose father and mother were dead." ("The Poor Boy in the Grave")

"There was once upon a time a girl who was young and beautiful, but she had lost her mother when she was quite a child, and her step-mother did all she could to make the girl's life wretched." ("The True Sweetheart")

Children are abducted, abandoned, starved, beaten, humiliated, exiled, bullied, forced to work under exhausting and degrading conditions, plucked up by giants, lured into exploitation by witches, poisoned, fattened up to be eaten, compelled to sweep ashes, and even mutilated. Children are given menial, meaningless, and herculean work by their guardians, such as emptying a pond using only a spoon that is

full of holes, sorting tiny lentils from the ashes, or spinning straw into gold. Sibling rivalry and child favoritism, weak fathers who capitulate to their new wives' jealousy, and predatory stepmothers dominate the fairy-tale genre. The favored children are typically spoiled and pampered (and ugly), while their good-hearted but despised siblings are beaten and starved (and of course, beautiful).

Fairy-tale parents often fail to parent like William and Elizabeth Robinson, or Charles and Caroline Ingalls, who help their children develop independence while simultaneously defending them from outside threats, teaching them responsibilities while protecting their rights. Overwhelmingly, fairy tales and children's literature more generally portray deceased or predatory parents and subsequently children who suffer from maltreatment and are unable to realize their right to be cared for by their parents or alternative guardians.

Reflecting on recent translations of *Grimms' Fairy Tales*, children's book author and illustrator Wendy Smith notes:

It's now well known . . . that the Grimms were so disturbed by the abundance of murderous mothers in folk tales that they recast some as stepmothers. Psychologist Bruno Bettelheim argues in his famous defense of fairy tales, *The Uses of Enchantment*, that this split between the good, conveniently dead mother and the bad stepmother allows children safely to vent their hostility toward the most overwhelming presence in their young lives and helps them negotiate the path to adult independence. You needn't buy the specifics of Bettelheim's ultra-Freudian interpretation . . . to recognize that these tales grapple with the basic truth that family life is riddled with conflict. Children resent their parents' authority and compete for their affection. Parents are infuriated by ungrateful and rebellious children who don't appreciate how difficult it is to care for them.<sup>39</sup>

Children's literature, then, offers its young readers several layers of crucial truths: children need families to support them, but many families fail to affirm the fundamental rights of children, or even secure their essential safety. Abandonment-themed stories illustrate the resilience that children are capable of when they are deprived of their families. But perhaps more important, many children's books give voice to children's most profound fears: desertion and neglect by their families. Children's literature scholars suggest that "because [fairy tales] 'reconstruct' childhood anxieties," they "defuse their explosive power."<sup>40</sup> While not explicitly didactic in conveying rights, fairy tales' persistent themes of desertion illustrate children's deep psychological need to be protected within and by a family.



Resilient Children in Literature:  
 "We Wanted a Family So Bad, All of Us"

Lest the Grimms' tales of shockingly sudden abandonment and abuse seem like a nineteenth-century trope, one need only think of Roald Dahl's popular contemporary stories of absurdly cruel and capricious caregivers. Dahl's first children's book, *James and the Giant Peach*, begins with a diametrical contrast between four-year-old James Henry Trotter's life before and after his parents die. Before they die it is a "perfect life for a small boy," with a beautiful house by the sea, a supportive family dynamic, friends to play with, and an ocean in which to swim.

Then, one day, James's mother and father went to London to do some shopping, and there a terrible thing happened. Both of them suddenly got eaten up (in full day-light, mind you, and on a crowded street) by an enormous angry rhinoceros which had escaped from the London Zoo.<sup>41</sup>

The illustration shows James sitting in his secure house with a very neat bookshelf behind him, making the excessively violent death of his parents even more shocking. On the next page, James's disrupted life is quickly narrated:

Now this, as you can well imagine, was a rather nasty experience for two such gentle parents. But in the long run it was far nastier for James than it was for them. *Their* troubles were all over in a jiffy. They were dead and gone in thirty-five seconds flat. Poor James, on the other hand, was still very much alive, and all at once he found himself alone and frightened in a vast unfriendly world. The lovely house by the seaside had to be sold immediately, and the little boy . . . was sent away to live with his two aunts.<sup>42</sup>

These infamous surrogate parents, Aunt Sponge and Aunt Spiker, are two of the most abusive caretakers in children's literature. They are "selfish and lazy and cruel," they beat James "for almost no reason at all," they conscript his labor in their garden, and they shut him in a room "as bare as a prison cell."<sup>43</sup> To make it even worse, James can see the house where he used to live way off in the distance, a constant reminder of his once happy and secure place in a loving family.

In what would become a typically Dahlist turn of events, James finds his way to a new physical house and gains a new family in the least likely of circumstances: a giant peach, with Miss Spider, a Ladybug, an Old-Green-Grasshopper, and a Centipede. As the peach home rolls toward the sea for a voyage, it flattens Aunt Sponge and Aunt Spiker. The giant peach sails through many adventures

and lands in New York City, where hungry children eat the peach all the way to the pit in the center, “licked clean and shiny by ten thousand eager little tongues.”<sup>44</sup> James lives in the peach stone in Central Park until he is an old man, often visited by friends.

In a psychoanalytic reading of the children’s book, literary critic Mark West sees the peach-pit house as a womb to which the boy withdraws, “the type of security often associated with maternal love.”<sup>45</sup> The perfect house, parents, and friends that were taken from him at age four are restored to James at the end of the adventure.

Six-year-old Summer finds similar family security in an unlikely home in Cynthia Rylant’s Newbery Medal–winning children’s book, *Missing May*. When Summer’s mother dies, she is left to be passed from relative to relative, “treated like a homework assignment somebody was always having to do.”<sup>46</sup> Instead of being nurtured in a caring family environment, as is a child’s fundamental right, Summer said, “I felt like one of those little mice who has to figure out the right button to push before its food will drop down into the cup. Caged and begging. That’s how I felt sometimes.”<sup>47</sup> That changed when she turned six and was adopted by her older aunt and uncle, May and Ob—as different from Aunt Sponge and Aunt Spiker as imaginable. But their physical home was analogous to James’s Giant Peach in strangeness, a “rusty old trailer stuck on the face of a mountain in Deep Water, in the heart of Fayette County”:

It looked to me, the first time, like a toy that God had been playing with and accidentally dropped out of heaven. Down and down and down it came and landed, thunk, on this mountain, sort of cockeyed and shaky and grateful to be all in one piece. Well, sort of one piece. Not counting that part in the back where the aluminum’s peeling off, or the one missing window, or the front steps that are sinking.<sup>48</sup>

But in that precarious trailer Summer finds what the CRC affirms is the goal for every child: “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”<sup>49</sup> Summer, her Aunt May, and her Uncle Ob all longed for the reciprocal love of a family, in particular the shared love between a child and her parents. As Aunt May told Summer, “We wanted a family so bad, all of us. And we just grabbed each other and made us one. Simple as that.”<sup>50</sup> Even when Aunt May dies, Summer’s uncle still provides the stability, protection, and resilience that family gives a child. Both Summer and James Henry Trotter, orphaned, unloved, uncared for, find alternative family environments that provide the support that children need to thrive.

Maria Tartar, one of the foremost scholars on the Grimms' fairy tales, suggests that the predominance of fairy tales about child abandonment and even infanticide might reflect the high mortality rate of mothers in the early nineteenth century, when the Grimms began collecting their tales.<sup>51</sup> But she concedes that similar tropes of parental abandonment are found across all societal borders, even in cultures such as the Pueblo Indians where child abandonment is unheard of.<sup>52</sup> Dahl's *James and the Giant Peach* and Rylant's *Missing May* are recent such examples, as is the catastrophic and sudden death of Harry Potter's parents. These stories convey the pain that abandoned and orphaned children experience, but the through line consistently emerges as one of children's strength and resilience. From the Grimms' tales to *Harry Potter*, the two intertwined themes of children's vulnerability when their family is threatened and their ability to emerge as individuals in their own right anchor countless stories. These themes of family insecurity and emerging identity reveal two of children's central anxieties and reinforce the centrality of family and identity rights to children's rights and to children.

### *What We Learn from Listening to Children*

We read Munro Leaf's *The Story of Ferdinand* to four different groups of children, and each time we saw how the book enters children's minds, inspires emotional and intellectual responses, and generates profound philosophical reflections. While we read the story to children as young as second grade, we also purposefully chose to include older children (up to seventeen years old) because of the more cognitively advanced concepts of identity in Ferdinand's story.

The teenage children gravitated to Ferdinand's essential isolation as portrayed in the book. He is almost always by himself, or when he is pictured with others, he is visually separated. A high school-aged boy noted that Ferdinand is happier this way: "He is very quiet. He likes to keep to himself. All the other bulls like to be tough and show off, but what makes Ferdinand happy is to be peaceful." We asked if people can be peaceful *with* others, and the boy elaborated that "not if you are totally different from them." "Why is that?" we asked, prompting the boy to elaborate that conformity is a powerful motivator at school:

People go very far to try to change other people—they will even harm the person who's different physically and emotionally. Other people just make snide comments in the back of the classroom, which is another way to change people. . . . Especially here in the South, people have very strong feelings about how people should be. I hate to say this, but I do believe that those people are allowed to have their own judgmental opinions. But

they can't go so far as to harm other people. Those same people that have the ideas of judgment (or conformity) feel threatened [by those who are different], and that's a huge thing.

Other children confirmed that social conformity is a "huge thing" in their elementary and middle school classrooms as well. A second-grade girl drew a parallel from Ferdinand to a girl in her class with a learning disability, who "sits alone and doesn't seem happy sometimes . . . because when you are different, people aren't nice." She noted that the other children in her class ostracize and label the girl, saying things like "she isn't smart" ("which isn't true," our reader added; "she just learns in a different way"). The girl also observed that "[bulls] are fierce. It's in their name. Their names *sound* fierce, so we call someone who pushes others around a 'bully.'"

This same concept of "difference" and "isolation" was noted by a very athletic twelve-year old boy in one of our reading sessions. When he saw the cover of the book, he groaned, "This book has no action. The entire story is based on a bull who *won't* fight." An astute critic, he said, "Books should appeal to kids, and kids like action." Despite his initial skepticism about the book's appeal, he revealed a sophisticated ability to abstract principles about social identity from *The Story of Ferdinand*. In particular, he observed how individual differences in identity create tension in groups and even prompt bullying; children who differ from the majority disrupt the "normal routines" of those who "run the show":

I think there's a lot more people who *fit in* than *fit out*. So you get used to using the same tone of aggressiveness with people—they can deal with it. But when someone is different, it makes the other ones who are running the show have to go out of their normal routines. . . . They get sort of annoyed that their routine is not going as planned. That's how bullying happens.

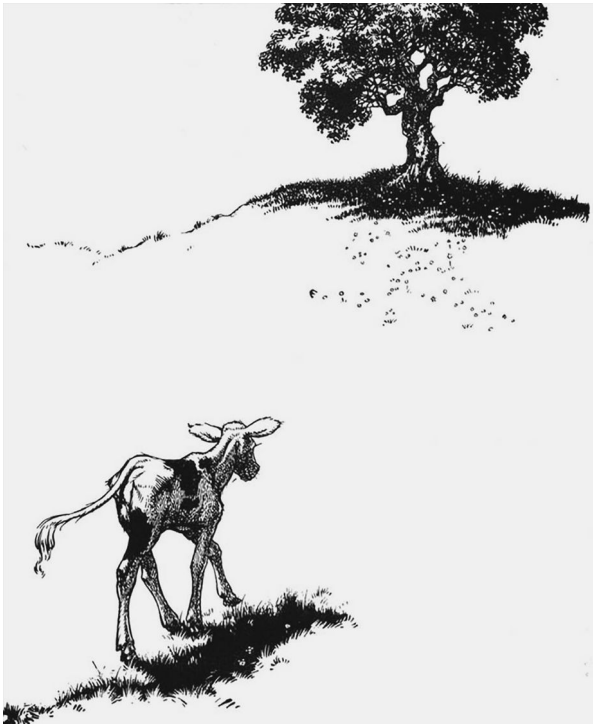
The boy also noted that *The Story of Ferdinand* draws an important conclusion about nonconformism; despite Ferdinand's isolation, he noted that "you could fake it but then you're not drawing out your real personality." He went even further to note that it is the "different" people who actually change things: "kids like [Ferdinand] might introduce another sport, one without so much aggression, and when more kids discover it, then you will have changed things." In fact, he noted, "they actually do have bullfights in Spain," and perhaps "the author could be trying to tell people in Madrid that violence is not for entertainment. So while no one likes the people who tell them to be different, those are the people who really get things done."

Another girl made a similar point that "people like Ferdinand" change things, and based her analysis on a subtle visual detail that she gravitated toward. "Even when

he's small and quiet, his shadow looks stronger, like a wolf," she observed, asking us to return to one of the early pages so she could demonstrate her point (see Figure 4.1).

The girl, eight years old, connected Ferdinand's strong "wolf" imagery to the story's ultimate conclusion, that Ferdinand—and children like him—are in fact very strong. "They say to everyone else, 'I'm going to do my own thing,'" she concluded. In projecting real-world models from the story, the children in our study demonstrated the ways that kids have a deep ability to think ethically about the books they read. They easily draw parallels to their own social interactions and undertake evaluative approaches, crossing between the world of fiction and their real worlds seamlessly. They also demonstrated the ways that children see things in books—particularly visual details—that adults miss (neither of us, as researchers, saw the "wolf" in Ferdinand's shadow, although the young girl described it as obvious and meaning-laden).

Many of the children that we read to also noted that while Ferdinand's mother plays a relatively small part in the book's narrative, she likely influences his strength of character. "She accepts him," a high school girl noted, "even



**FIGURE 4.1** Ferdinand casts a shadow.

© *The Story of Ferdinand* by Munro Leaf and Robert Lawson, 1936. Reproduced with permission.

though she worries that he is lonely. She knows that kids can be cruel and when she sees her son is different, she worries.” Ultimately, though, she empowers Ferdinand’s right to his own identity: “Then [his mother is] like, ‘that’s cool. Do what you want to do. Be who you are,’” the high school student concluded. When we asked children why Ferdinand had the strength to resist compliance, the children almost always linked it to his relationship with his mother. “As [Ferdinand] grew up,” one very quiet girl noted, “he had the support of his mom. She helped him realize that he can be his own person, he can be himself and not conform.” An older adolescent added, “Also, Ferdinand is just not a fighter. He is a gentle soul. He was *always* that way—he was that way from the beginning, and his mom knew it.” The children in our study recognized that family and identity rights are deeply entwined. They also substantiated children’s ability to transcend literal and immediate interpretations of the stories. They seemed to readily connect the books to their own lives, both their lives as they are and as they could be.

In all of their nuanced interpretations, the children still took immense pleasure from the book, revealing that children’s stories are constructed largely in the imagination. For example, when we asked the eight-year-old girl who had responded with deeply intuitive reflections on the story, what her favorite part of the book was, she said immediately, “when Ferdinand gets stung by a bee!” She elaborated that she also liked the drawings, especially the expressions on the faces of the matadors and Ferdinand’s detailed muscles. The girl invested considerable time pointing out the drawings that she particularly liked. The twelve-year-old boy, discussed above, who initially responded that he had never been enthusiastic about the story because it lacked action, paused on one of the illustrations of the matador and compared the Spaniard’s “arrogant expression” to the famously confident Portuguese soccer star, Cristiano Ronaldo.

As with all of the children in our study, these two children alternated between candid enjoyment of the book’s physical humor and thoughtful reflections about family and identity. Had we stopped listening to the children because they initially labeled the book as boring or lacking action, or because they expressed childlike appreciation of Ferdinand’s funny, cartoonish expression when he is surprised by a bee sting, we would have missed the deeply perceptive insights they also shared. Rather than judging or being dismissive of children, we engaged them on their terms and with their own medium, and they revealed remarkable insights about identity and family rights.

Children’s rights law prompts all of us—from parents to policymakers—to the same orientation. As children’s rights expert Gerison Lansdown writes, children’s rights law “requires us to begin to listen to what children say and to take them seriously. It requires that we recognise the value of their own experience, views and concerns.”<sup>53</sup> This child-centered approach, if embraced more broadly, has the

potential to foster law and policy decisions that benefit children and their families. It might lead, in some instances, to a reformulation of both the process by which judges and policymakers decide matters that implicate children's rights to identity and family and the outcomes. For example, in the 2001 case, *Nguyen v. INS*, the U.S. Supreme Court confronted a long-standing distinction made among nonmarital children born overseas and for whom one parent is a U.S. citizen.<sup>54</sup> U.S. law made it more difficult for children to obtain U.S. citizenship if only the father was a U.S. citizen, as compared with situations in which the mother was a U.S. citizen—that is, while U.S. citizenship was automatic for the child if the mother was a U.S. citizen, additional affirmative steps were required if only the father was a U.S. citizen. At the time, the Supreme Court assessed this distinction through the lens of gender-based discrimination, deciding ultimately that the law was valid (though four justices dissented, opining that the majority opinion did not apply the heightened scrutiny required for cases involving sex discrimination).<sup>55</sup> Viewed from the child's perspective, sustaining such a distinction means that children born abroad to U.S. citizen fathers face increased risks to their rights to their identity and family. A children's rights-based approach, informed by children's literature's recognition of the critical importance of family to children, would prioritize securing the child's relationship with his or her parents and preserving the child's identity.

### *The Interdependence of Rights*

Identity rights and family rights are deeply intertwined. Family life provides a child the opportunity to define, develop, and affirm his or her identity and personality, among other significant developmental advantages.<sup>56</sup> Article 29 of the CRC, which covers the aims of education and seeks to ensure the full development of every child, requires that education be directed toward “[t]he development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.”<sup>57</sup> Here and elsewhere, the Convention on the Rights of the Child recognizes that individual identity and belonging—to a family and to a community—are mutually reinforcing concepts for children.

### *Notes*

1. See, for example, Sunderland and Varia, *Swept under the Rug*; Thorson, *Child Domestic Workers*.
2. Mitchell, “By the Book.”

3. Walt Disney adaptations of *Cinderella* and similar fairy tales such as *Sleeping Beauty* and *Snow White* have highlighted the female title character's passivity. More recently, *Mulan* (1998), *Frozen* (2013), and Pixar's *Brave* (2012) have featured female lead characters that forge their own way and act on their own behalf.
4. Zipes, *When Dreams Came True*, 83.
5. U.N. Committee on the Rights of the Child, *General Comment 1*, ¶ 21. The Committee on the Rights of the Child explains, "The media, broadly defined, also have a central role to play . . . in promoting the values and aims reflected in article 29 (1) . . . Governments are obligated by the Convention, pursuant to article 17 (a), to take all appropriate steps to "encourage the mass media to disseminate information and material of social and cultural benefit to the child." Ibid.
6. U.N. Convention on the Rights of the Child, art. 14.
7. U.N. Convention on the Rights of the Child, arts. 30 and 31.
8. Elizabeth Bird, "Top 100 Picture Books," *School Library Journal* (July 6, 2012), [http://blogs.slj.com/afuse8production/2012/07/06/top-100-picture-books-poll-results/#\\_](http://blogs.slj.com/afuse8production/2012/07/06/top-100-picture-books-poll-results/#_).
9. Pamela Paul, "Ferdinand the Bull Turns 75," *New York Times* (March 31, 2011), [http://artsbeat.blogs.nytimes.com/2011/03/31/ferdinand-the-bull-turns-75/?\\_r=0](http://artsbeat.blogs.nytimes.com/2011/03/31/ferdinand-the-bull-turns-75/?_r=0).
10. AbeBooks, <http://www.abebooks.com/book-search/title/ferdinand/author/leaf/sortby/1/>.
11. Brighthouse, "What Rights," 49.
12. U.N. Committee on the Rights of the Child, *General Comment No. 1*, ¶ 1.
13. Children's books that express the Muslim American and Hispanic cultural identities are increasingly available in school and public libraries since the mid-2000s. Karen Gray Ruelle and Deborah Durland DeSaix's vivid picture book *The Grand Mosque of Paris* tells the story of Muslims who saved Jews during the holocaust; James Rumford's *Silent Music: A Story of Baghdad* portrays in stunning collage art a young boy passionate about soccer and writing; Maha Addasi and Ned Gannon's *The White Nights of Ramadan* illustrates how a Kuwaiti family celebrates the Ramadan holiday. Middle school readers can find grade-level books such as Asma Mobin-Uddin and Barbara Kiwak's *My Name Is Bilal*, the story of a boy who worries about being teased for being Muslim, and Hena Kahn and Amini Mehrdokht's *Golden Domes and Silver Lanterns: A Muslim Book of Colors*, introducing Islamic culture with a young Muslim girl as the narrator. Older Muslim readers can identify with Marina Tamar Budhos's young adult novel *Ask Me No Questions* about a teenage Muslim girl living in New York City after September 11, and Randa Abel-Fattah's *Does My Head Look Big in This?* about a pre-teen Muslim girl who decides to wear the hijab but worries about losing her identity and her individual sense of self-expression. Likewise, early readers for Hispanic children include Roseanne Greenfield Thong and John Parra's *Round Is a Tortilla: A Book of Shapes*; adolescent readers can relate to the quest for a Latino and Latina identity in Alma



- Flor Ada and Isabel Campoy's *Yes! We Are Latinos!*, Julia Alvarne's *Before We Were Free*, and Sandra Cisneros's *The House on Mango Street*.
14. U.N. Convention on the Rights of the Child, preamble.
  15. *Ibid.*
  16. U.N. Convention on the Rights of the Child, art. 7(1).
  17. Woodhouse, "Family Supportive Nature of the CRC," 42.
  18. U.N. Convention on the Rights of the Child, art. 9(1).
  19. U.N. Convention on the Rights of the Child, art. 9(3).
  20. U.N. Convention on the Rights of the Child, art. 10, art. 22(2). See also Khan, "Reunification," 83.
  21. International Covenant on Civil and Political Rights, art. 23(1); International Covenant on Economic, Social and Cultural Rights, art. 10(1); Universal Declaration of Human Rights, art. 16(3).
  22. International Covenant on Civil and Political Rights, art. 23(1); International Covenant on Economic, Social and Cultural Rights, art. 10(1); Universal Declaration of Human Rights, art. 16(3).
  23. Convention on the Elimination of All Forms of Discrimination against Women, arts. 9 and 16.
  24. Convention on the Elimination of All Forms of Discrimination against Women, art. 9(2).
  25. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 4, 29, 30, 44, 45, and 50.
  26. U.N. Convention on the Rights of the Child, art. 20.
  27. Melton, "Right to a Family Environment," 1237.
  28. U.N. Committee on the Rights of the Child, *General Comment No. 7*, ¶ 19.
  29. Melton, "Right to a Family Environment," 1237.
  30. U.N. Convention on the Rights of the Child, art. 24.
  31. U.N. Convention on the Rights of the Child, art. 27(3).
  32. U.N. Convention on the Rights of the Child, art. 29(1)(c).
  33. Kramer and Conger, "Sisters and Brothers," 7.
  34. Halpern, "Complex Nature of Sibling Relationships," 5.
  35. Vaghri et al., "General Comment 7 Indicators Framework," 178.
  36. Such lists vary slightly according to how the sales are calculated, but the results remain unchanged. See, for example, <http://www.publishersweekly.com/pw/print/20011217/28595-all-time-best-selling-children-s-books.html> or <http://childrensbooksguide.com/top-100>. We do note that sometimes, such as in the case of the famous literary orphan Harry Potter, other parents do play a role: Mr. and Mrs. Weasley are supportive and self-sacrificing parents with both their own children's and Harry's best interests at heart. We also note that many children's books, such as *The Very Hungry Caterpillar*, do not center around family themes.
  37. Wyss, *Swiss Family Robinson*, 297.

38. Ibid., 297.
39. Smith, "Happily Ever After," *The American Scholar* (December 7, 2012), <https://theamericanscholar.org/happily-ever-after/#.VKFHIZ3BKc>.
40. Tartar, *Off with Their Heads*, 92.
41. Dahl, *James and the Giant Peach*, 1.
42. Ibid., 2.
43. Ibid.
44. Ibid., 117.
45. West, "Regression and the Fragmentation," 21.
46. Rylant, *Missing May*, 7.
47. Ibid.
48. Ibid., 6.
49. U.N. Convention on the Rights of the Child, preamble.
50. Rylant, 109.
51. Maria Tartar, *Hard Facts*, 60.
52. Ibid., 60.
53. Lansdown, *Promoting Children's Participation*, 1.
54. *Nguyen v. INS*, 533 U.S. 53 (2001).
55. *Nguyen v. INS*, 533 U.S. at 73.
56. Melton, "Right to a Family Environment," 1237.
57. U.N. Convention on the Rights of the Child, art. 29(1)(c).



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*Civil and Political Rights of Children*

## ACCOUNTABILITY WITH DIGNITY

*George was carried off in a cage.  
He felt so ashamed he almost wished he were dead.*

—H. A. AND MARGRET REY, *Curious George Gets a Medal*

WHEN THE MAN with the yellow hat visits Africa, he sees “a good little monkey” playing in his natural habitat and thinks, “I would like to take him home with me.” Seemingly without any consideration of the monkey’s best interests, the man takes off his yellow hat and uses it to lure the curious little monkey into captivity, trapping him in a bag and carrying him to a ship, then to the “big city” where George will gradually become civilized to human custom and human law. “George was caught” and “George was sad,” announce the short, declarative sentences as George is carried off to where he ultimately will be exhibited at the zoo. The brightly colored pictures and the monkey’s habitual smile assure the child reader that all will be well, though readers of *Curious George* know that proves not always to be the case.

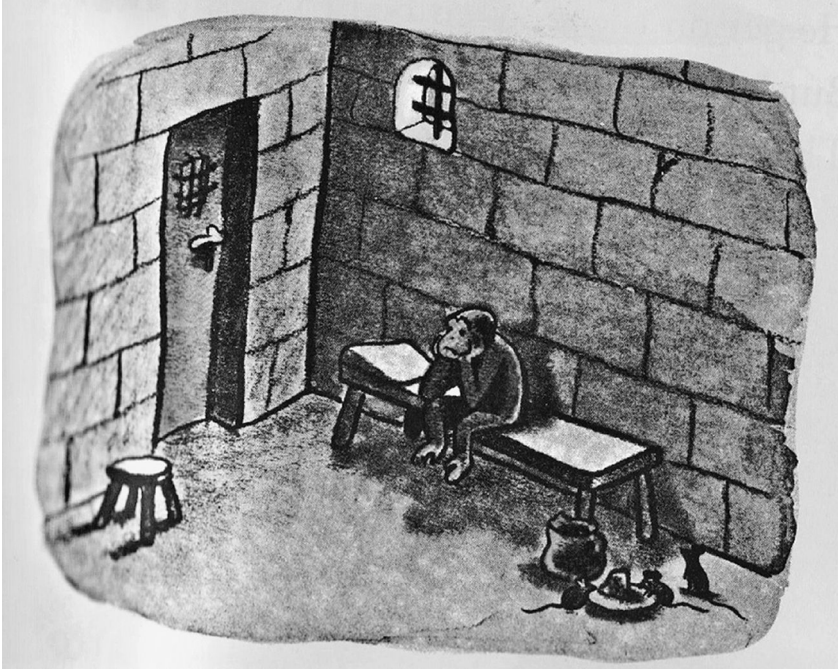
H. A. and Margret Rey’s *Curious George* books have delighted children since 1941. They rank among the best-selling children’s books of all time and have been adapted to television shows, video games, and a 2006 animated film. The through line of many *Curious George* books is a little monkey’s misbehavior, subsequent reprimand or punishment by an adult, and “rescue” by the man with the yellow hat. The children in our empirical study connected with George; they seemed to delight in George’s adventurous impulses and relate to the adults’ continual attempts to rein George in. “Monkey in the city, doing whatever he wants,” said one older boy whom we read to. “It’s just cool. And

I felt like him: always getting in trouble.” Significantly, none of the stories link George’s punishment with any real learning, thus sending mixed messages and leading to alternative readings of the *Curious George* books. While some readers are amused by George’s repeated missteps, others are troubled by the way he is punished. For some children, the *Curious George* stories and other children’s books give expression to their experience with shame- and pain-based punishment: seemingly arbitrary, often confusing, and in certain cases resulting in painful memories.

When George first arrives in New York City in the first book, he learns to eat at a table, smoke a pipe, and dress in clothes. He learns by emulating his new father figure, the man with the yellow hat. When the man leaves the house on the first day he instructs George in the vaguest terms: “Don’t get into trouble.” George’s first independent act of exploration coincides with what many young toddlers love to do. He plays with the telephone. George is pictured smiling broadly as he dials the numbers “One, two, three, four, five, six, seven. What fun!” Somehow, the series of ordinal numbers that George dials connects him to the fire department, which sends firefighters to the house who are furious to find “no fire” but “only a naughty little monkey.” To a first-time reader, the firefighters’ subsequent response would seem grossly out of proportion with George’s innocent act (not to mention contrary to the enhanced protections for juvenile offenders in human rights law): two of the firefighters take George by his arms, one on each side, and march him to prison. “We will have to shut you up where you can’t do any more harm,” they tell him, and the narrator reports that “they took him away and shut him up in a prison.” The next picture shows George isolated and dejected in his cell, with a chamber pot and mice next to his bench (see Figure 5.1).

This famous scene is the culmination of a cascade of events that raise issues about children’s rights: George was arbitrarily removed from his birth family and home environment, not taught the rules but punished when he violated them, sentenced to disproportionate punishment, and denied the opportunity to even understand why his actions were harmful.

*Curious George*’s civil rights are violated not only in this first story but also in his subsequent adventures. We read *Curious George* to several groups of children, including teenagers, because we were interested in the ways that more cognitively developed adolescents would perceive George’s punishment. The older children with whom we read *Curious George* were quick to point out the jarring introduction to civil rights that the books convey: “Why didn’t they just give him time out?” one ten-year-old boy asked, disturbed by the picture of George sitting in prison alone for breaking a law he didn’t even know existed. “They didn’t have to throw him in *jail*.” High school-aged students noted that George’s



**FIGURE 5.1** Curious George sits alone in prison.

Illustration from *Curious George* by H. A. Rey. Copyright © 1941, renewed 1969 by Margret E. Rey and H. A. Rey. Curious George®, including without limitation the character's name and the character's likenesses, are registered trademarks of Houghton Mifflin Harcourt Publishing Company. Reprinted with permission. All rights reserved.

“disobedience” almost always stems from his observance and mimicry of adults, which is in fact how children learn:

George gets in trouble because he calls the fire department. But he’s just playing around . . . he’s curious, and he saw the man with the big yellow hat [dial the phone]. He watches what the man does. He learns by making mistakes, just like kids do. But instead of learning, he’s punished.

In the discussion that followed our reading of *Curious George* in a high school classroom, the students also pointed out a central irony in the books: “the books teach a lesson: *don’t break the rules*. That’s actually what every kid’s book teaches.” But they also emphasized that George doesn’t actually learn because the adults in the story do not teach him: “The grownups didn’t say, ‘here’s what you did wrong. This is why it’s bad.’ Instead, they just took him away.” While the *Curious George*

books may be a thinly veiled lesson in obedience, the central character never really learns to obey. The students also noted that George was punished as if he had *intentionally* misbehaved, when in fact he neither understood his mistake nor had the ability to articulate his innocence. Unlike many children's books that feature animals that can converse in human language, *Curious George* doesn't talk. The teenagers pointed out this led to punishment inequity. "If the man with the yellow hat had accidentally called the fire department," one student explained, "he would have said, 'sorry, I called the wrong number.' He could talk, so he wouldn't get in trouble." Throughout the discussions with older students about the *Curious George* picture books, the teenagers made points about how they related to the curious monkey as a child, and agreed unanimously on what the book teaches: "don't be curious." In attempting to teach *Curious George* a lesson, the adult characters in these stories often fail to account for his rights.

In this chapter, we explore the portrayal of children's civil and political rights in *Curious George*, the *Harry Potter* books, *The Wind in the Willows*, *Little House on the Prairie*, and other stories. We begin with a brief overview of children's civil and political rights. We then focus on juvenile justice themes, and contrast the shame and pain models of children's punishment with approaches that uphold children's fundamental right to dignity.

We believe that focusing on juvenile justice rights highlights an important aspect of human rights education and human rights law more generally. Human rights law recognizes that every child has rights. This suggests to each child that not only are they entitled to certain opportunities and safeguards but other children are as well. As noted in Chapter 1, human rights education teaches children not only about their rights but also about the rights of others. By acknowledging and respecting the rights of others, children learn that rights holders also have duties. Related to the duties component of human rights is the concept of accountability. Although children are perceived as not mature enough to take on certain duties in society (and also not mature enough to have certain rights, like the right to vote), we still hold children of a certain age responsible for some of their misdeeds. Juvenile justice rights, and in particular Convention on the Rights of the Child (CRC) Articles 37 and 40, impose obligations on states to recognize the rights of children accused of wrongdoing and those who have been found guilty of violating the law. Recognizing that children who violate the law are nonetheless entitled to respect for their rights is a profound reminder of core principles of human rights: that they are inherent in every individual, rooted in human dignity, and not based on the whims of a particular government or official. Just as the right to freedom of expression includes allowing individuals to speak their mind, even when we find their opinions disagreeable, so too must we continue to secure the rights of children, even when they do not follow all rules

established by adults. Nelson Mandela once wrote, "There can be no keener revelation of a society's soul than the way in which it treats its children."<sup>1</sup> Mandela did not say that we are judged by how we treat well-behaved children. That is the much easier task. Rather, we are judged instead by how we treat *all* children. Juvenile justice rights remind us that even when confronted by a disobedient or delinquent child, we have an obligation to ensure the child's rights and to pursue a course that is in the child's best interests.

### *Children's Civil and Political Rights under International Human Rights Law*

One can think of civil and political rights as clustering around four key themes. First, certain civil and political rights address the life and existence of the individual. These include such rights as the right to life, survival, and development; the right to birth registration and to a name, nationality, and identity; the right to recognition as a person before the law; the right to live free of torture or cruel, inhuman, or degrading treatment; and protections from exploitation and abuse.<sup>2</sup>

Expression-related rights constitute a second area of civil and political rights. This includes freedom of thought, conscience, and religion; freedom of expression; freedom of assembly and association.<sup>3</sup> The child characters of many children's stories exercise their freedom of expression (often not in the form of speech) and related rights. Moreover, the entire imaginative world of children's literature provides a vehicle through which children can freely form their own thoughts and ideas about both the literary world and the world in which they live.

Third are participation rights, including the right to vote and the right to participate in one's government.<sup>4</sup> Notably, these rights are typically not extended to children because children are deemed not mature enough to participate directly in the polity. Despite the lack of formal voting rights, children still have much to offer as participants in decisions that affect their lives, as discussed in Chapter 2.

Fourth, there are a host of rights that revolve around criminal justice issues for those suspected or accused of wrongdoing and those convicted of wrongdoing. These include a range of procedural rights protections (due process, right to a fair hearing, right to counsel, etc.) and substantive protections, including various safeguards on one's liberty and protections while in custody. Special heightened protections are established in the juvenile justice context, because as noted in the Universal Declaration of Human Rights more than sixty-five years ago, children are entitled to "special assistance."<sup>5</sup>

By exposing children to the breadth of civil and political rights, human rights education can impart lessons on the sanctity of life, children's rights to



hold and express their own views and to freedom of thought, conscience, and religion, the rights and duties associated with participation in a community or society, and the importance of respecting the human dignity of all individuals, even those who are guilty of wrongdoing. Children's stories explore many of the same ethical concepts as human rights law and can contribute to rights-oriented conversations among teachers, parents, and children: Does George learn from his punishment? Is it fair to trap the monkey, remove him from his home in Africa, and give him the English name "George"? Why is George punished for breaking laws he didn't know existed? Is this the best way to respond to George when he does something wrong? How should adults have treated George? In our own study, we found that children moved naturally between delight in the story itself and eager, insightful engagement with the book's wider implications.

There are two primary provisions in the CRC that cover juvenile justice issues: Articles 37 and 40. Article 37(a) addresses the death penalty, life imprisonment, and torture and cruel, inhuman, and degrading treatment. The remainder of Article 37 covers issues related to detention and the deprivation of liberty, emphasizing that every child "shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age." Article 40 includes protections for children accused of or recognized as having committed a crime. It incorporates such fundamental requirements as the presumption of innocence, assistance of counsel, an impartial hearing, privacy guarantees, and other protections that also account for the age, maturity, and dignity of the child.

The jurisprudence on these substantive and procedural protections is vast. It implicates the work of several U.N. treaty bodies—including the Committee on the Rights of the Child, the Committee against Torture, and the Human Rights Committee—international and regional human rights tribunals, as well as national and local courts. This discussion focuses on some of the key principles articulated in Article 37 of the CRC, highlighting how these fundamental rights are treated in children's literature. Article 37(a) prohibits the use of the death penalty or sentences of life without possibility of parole in all cases involving juvenile offenders.<sup>6</sup> It also bars torture and cruel, inhuman, and degrading treatment of children. The prohibition on torture includes not only violent acts that go beyond what is authorized under law—such as extra-judicial killings by security forces—but also practices that are entrenched in otherwise legitimate legal systems. Even in the context of rightfully incarcerated individuals, human rights law requires that the punishment of juveniles be consistent with the child's age and maturity and respectful of the child's dignity. Lengthy sentences for young offenders have consistently run afoul of human rights law. For example, in 2014, in its concluding observations on the U.S. government's report

under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee Against Torture expressed its “concern[] about the use of solitary confinement for indefinite periods of time and its use with respect to juveniles and individuals with mental disabilities” in the United States.<sup>7</sup> In short, the state must respect the dignity of every individual and give special consideration to the age and maturity of the child, even if that person is convicted of violating the law.

There is strong support for the idea that with respect to the death penalty, life without possibility of parole, and torture, prohibitions on their use on juvenile offenders or children generally have achieved the status of customary international law.<sup>8</sup> That is, regardless of whether a particular country has ratified a treaty, it is bound by these norms. Article 37(b)–(d) then establishes the prohibition on arbitrary/unlawful detention, the requirement that detention be a measure of last resort and only be for the shortest possible duration, and the obligation to treat juveniles with humanity and dignity and in a manner consistent with their age when deprived of their liberty. It also requires that any child deprived of his or her liberty shall have access to legal counsel, an impartial hearing, and a speedy resolution of his or her case.

### *Juvenile Justice in Children’s Literature: “Lock That Naughty Monkey Up Right Away”*

As noted at the beginning of this chapter, some of these human rights principles are implicated in the story lines of *Curious George*. Following George’s incarceration in the first story in the *Curious George* series, subsequent *Curious George* books continue the pattern of innocent misbehavior followed by imprisonment. Punishment of George typically centers on “cages.” In the fifth book, *Curious George Gets a Medal*, George explores New York City and finds the Museum of Natural History. Immediately attracted to and excited by the animals on display, George first thinks he has found an environment like his native Africa. Then he realized the animals, much like his own role in his new world, are only for exhibition: “They were not alive. They were stuffed animals, put into the Museum so that everyone could get a good look at them.” When George sees a palm tree, he feels hungry and acts as any natural monkey would. He climbs the tree to retrieve the nuts. But of course they are not real nuts, and as he pulls on them, “CRASH! Down came the tree . . . and down came George!” The guards immediately catch him and the director of the museum “was terribly angry.” He commands the guards to “[l]ock that naughty monkey up right away.” The page turns, and George is shown crouching in a cage with a lock, with a rare

and affecting description of George's feelings: "George was carried off in a cage. He felt so ashamed he almost wished he were dead." George is told that he can redeem himself if he will participate in a space experiment. "Everything will be forgiven," the museum director informs him, "if you are willing to go." Many children would perceive the opportunity of space travel as a reward, not a punishment, although when H. A. and Margret Rey wrote the book in 1957, NASA had sent at least five monkeys on experimental space missions, all of whom had died as a result of suffocation, parachute failure, overheating, or mechanical failure. The Reys rewrite history to make George both "the first space monkey" and "the first living being to come back to earth from a space flight." It was "the happiest day in George's life."

While the story ends well, the narrative undercurrent of the story conveys that George's only option to avoid being imprisoned in a cage is to embark on a very dangerous mission. Both from a legal and ethical standpoint, we would hardly call that informed consent to be a research subject. Moreover the initial apprehension of George, when he is dragged off publicly and thrown in a cage, appears to conflict with core juvenile justice rights principles—including the right to be treated with respect for one's humanity and dignity, the mandate that incarceration be a measure of last resort, and a host of procedural rights. George's "trial" is conducted by private parties without notice, assistance of counsel, or any other rights commonly afforded individuals accused of a crime, much like the final chapters of the *Hunger Games* trilogy, in which Katniss is tried without representation.<sup>9</sup>

Under law, where still permitted, the death penalty is reserved for the most serious crimes in a society. With respect to juveniles, the law is clearer: the death penalty cannot be imposed on juvenile offenders. Not only has the principle been recognized as customary international law, the Inter-American Commission on Human Rights has stated that this prohibition on the death penalty "has been recognized as being of a sufficiently indelible nature to now constitute a norm of *jus cogens*"—the highest form of international law from which no derogation is permitted.<sup>10</sup> Numerous human rights treaties, including the CRC and the International Covenant on Civil and Political Rights (ICCPR), prohibit capital punishment in juvenile justice cases. Yet in children's literature, child readers find many examples of this harshest form of punishment. *The Tale of Peter Rabbit* opens with Peter's mother reminding her son of the fate of his father—"he ended up in a pie." In other words, he was killed for wandering into Mr. McGregor's garden. Peter nearly suffers the same fate later in the story. In Peter Rabbit's world, trespassing and stealing (or attempting to steal) vegetables is punishable by death. Though the global community has evolved to where it categorically rejects capital punishment for juvenile offenders (the rare exceptions by rogue

states are uniformly condemned by both governments and civil society), children enter and reside, at least temporarily, in imaginative literary spaces where the death penalty is still a punishment option for children.

Tomic dePaola's *Strega Nona* offers an example of a bridge to something better, albeit with mixed results. Readers meet Big Anthony, a child, who goes to work for Strega Nona ("Grandma Witch") in the town of Calabria. Strega Nona, who cures various ailments of the townspeople through her magic, needs the extra help as she is getting old. One day, Big Anthony spies on her and discovers the magic words Strega Nona says to make a pot produce pasta by itself, although he fails to see how she stops the pot's process. Being mischievous—the negative idea of mischievous as opposed to curious and interested in the world around him, which is a primary way a child learns—one day Big Anthony takes the pot to show off in front of the townspeople. He is able to initiate the pot creating its own pasta, but unable to stop it from making pasta because he did not know he had to blow three kisses. The pasta keeps overflowing, and the mayor shouts, "[W]e must protect our town from the pasta . . . Get mattresses, tables, doors—anything to make a barricade." Those efforts fail to stem the tide. The entire town is almost overwhelmed by pasta, when Strega Nona returns just in time and saves the town.

Angry that Big Anthony nearly destroyed the town, the townsmen shout "string him up." "Now, wait," says Strega Nona. "The punishment must fit the crime."

With that, Strega Nona takes a fork from a lady standing nearby and holds it out to Big Anthony:

"All right, Anthony, you wanted pasta from my magic pasta pot," Strega Nona said, "and I want to sleep in my little bed tonight. So start eating."

And he did—poor Big Anthony.

The final page shows Big Anthony outside her house looking ill, while through the window we can see Strega Nona sleeping in bed with a smile on her face.

Strega Nona's declaration, "the punishment must fit the crime," is a call for proportionality that echoes not only a core principle of criminal justice but also prohibitions on excessive punishment found in international human rights law. As the U.N. Standard Minimum Rules for the Administration of Juvenile Justice (known as the Beijing Rules) articulates, punishment of juvenile offenders should "always be in proportion to the circumstances of both the offenders and the offence."<sup>11</sup> Strega Nona prevents the town from hanging Big Anthony, recognizing he is still a child. In doing so, she honors the prohibition on using

the death penalty on juvenile offenders. Still, some readers might be left wondering if forcing the child to gorge himself on pasta until he was ill might conflict with human rights law's prohibition on degrading treatment. The Human Rights Committee, responsible for overseeing states parties' compliance with the ICCPR, has said that whether a punishment rises to the level of cruel, inhuman, or degrading depends on the kind, purpose, and severity of the particular treatment.<sup>12</sup> It seems that Strega Nona saves Big Anthony from being hanged for his juvenile delinquency, but left unanswered is whether her punishment still contradicts the child's rights.

In many children's books, in fact, adults use food as a form of punishment—both the denial of food and force-feeding. In Maurice Sendak's *Where the Wild Things Are*, Max is sent to his room without dinner for behaving as a "wild thing," and eventually, after he learns to behave, his mother lifts the food sanction and rewards him with a dinner that is "still hot." At the other end of the spectrum, in Roald Dahl's *Matilda*, the abusive headmistress forces a small boy, Bruce Bogtrotter, to eat an enormous chocolate cake in front of the entire school as a punishment for stealing a bite of cake. While Bruce Bogtrotter sits on the stage in front of all the other students, the cook is sent to the kitchen to get the cake:

The cook disappeared. Almost at once she was back again staggering under the weight of an enormous round chocolate cake on a china platter. The cake was fully eighteen inches in diameter and it was covered with dark-brown chocolate icing.<sup>13</sup>

Bruce Bogtrotter tries to politely refuse the cake, but the headmistress is insistent:

If I tell you to eat, you will eat! You wanted cake! You stole cake! And now you've got cake! What's more, you're going to eat it! You do not leave this platform and nobody leaves this hall until you have eaten the entire cake that's sitting there in front of you! Do I make myself clear?<sup>14</sup>

The entire school watches horrified and fascinated as the boy is forced to eat a cake that in Quentin Blake's illustrations is larger than himself.<sup>15</sup> In typical absurdist fashion, Roald Dahl subverts the lesson of the punishment, as Bruce Bogtrotter is able to finish the cake to the hysterical cheers of his fellow-students.

As in children's literature, food is used in disciplining children in many real-world families. Evidence suggests food rules during childhood can have consequences for eating behaviors well into adulthood.<sup>16</sup> In more extreme cases, force-feeding and food-deprivation as punishment has led to significant

immediate harm and even death.<sup>17</sup> So while the food-based punishments in *Strega Nona* and *Matilda* might seem extreme, in reality they reflect types of punishment inflicted on many children. And importantly, this manipulation of food, a source of nourishment for children, would seem to conflict with the Beijing Rules mandate that, in the adjudication of juvenile offenders, “[t]he well-being of the juvenile shall be the guiding factor in the consideration of her or his case.”<sup>18</sup>

### Branding the Offender: Harry Potter and the Badge of Shame

J. K. Rowling’s *Harry Potter* books provide older children with an important narrative discourse about punishment, dignity, and rights.<sup>19</sup> Rowling published the first *Harry Potter* book in 1997, casting Harry as a young orphan who, after a childhood of abuse and neglect in the home of his aunt and uncle, discovers that he is a wizard and will be attending the Hogwarts School of Witchcraft and Wizardry. Throughout each of the seven books, Harry and his friends grow one year older, so the issues and problems that the characters face develop more complexity as the children mature. While the *Curious George* and *Peter Rabbit* adventures cast punishment as a simple, adult-centered response to child misbehavior, the *Harry Potter* books situate children’s rights within the larger storylines of political repression, ethnocentrism, authoritarianism, enforced servitude, and torture.

Three main punishing agents impose penalties on the children throughout the seven-book series: the children’s own parents or guardians, or in Harry’s case, his aunt and uncle; Hogwarts teachers and administrators; and for crimes such as breaking the Decree for the Reasonable Restriction of Underage Sorcery, the Ministry of Magic, and the Wizengamot (wizards Britain’s high court). The *Harry Potter* books draw children into a nuanced and pluralistic world of legal responsibility, reflecting the progression in children’s development and understanding from the more simplistic patterns of child misbehavior and punishment seen in *Curious George* and *Peter Rabbit*. The *Harry Potter* books engage with complex human rights concepts such as exclusion, social responsibility, and diversity. The ways in which Harry and his friends navigate these dilemmas often result in punishment, both deserved and undeserved.

Punishment within the *Harry Potter* universe is varied, intricate, sometimes highly imaginative, and sometimes unduly harsh. One of the most common punishments is the loss of “house points,” when the children’s respective school houses—Gryffindor, Hufflepuff, Ravenclaw, and Slytherin—are docked points for individual children’s minor mischief or insubordination. House point penalties constitute a form of collective responsibility; they draw upon the children’s own solidarity to reform the rule-breaker. Other lesser punishments

include confiscation of the children's possessions, usually their brooms; loss of extracurricular privileges, such as visiting the town of Hogsmeade or playing in Quidditch matches; and notification of the child's misbehavior to the parents, which can result in receiving an embarrassing "howler" letter during school mealtimes, another form of public shaming. Arguably, many, if not all, of these punishments would be consistent with the CRC's requirement that "school discipline is administered in a manner consistent with the child's human dignity."<sup>20</sup>

But punishments grow more serious as the infractions (or perceived infractions) escalate: detention, suspension, expulsion, and in some cases, physical torture. Detention often involves doing physical labor without the help of magic. In the fifth book, *Harry Potter and the Order of the Phoenix*, fifteen-year-old Harry is sentenced to a week of detention by one of the most evil characters in the series, Professor Umbridge, ironically for speaking the truth to her about the villain Lord Voldemort's return. Professor Umbridge embodies injustice, prejudice, and abuse of authority. Her overt cruelty to Harry Potter parallels that of *Matilda's* Miss Trunchbull, although Professor Umbridge is hyperfeminized (she wears pink, flowered dresses and decorates her office with pictures of kittens) while Miss Trunchbull is hypermasculinized (she dresses like a military general and carries a riding crop).

When Harry arrives for his first detention with Professor Umbridge, he is informed that he must perform the canonical school punishment of "writing lines." Harry is sentenced to write "I will not tell lies" repeatedly, Umbridge informs him. "How many times?" Harry asks, prompting a cryptic reply: "'Oh, as long as it takes for the message to *sink in*,' said Umbridge sweetly. 'Off you go.'"<sup>21</sup> Puzzled that he has not been given ink, Harry sits down and begins to write the lines, then gasps in pain:

The words had appeared on the parchment in what appeared to be shining red ink. At the same time, the words had appeared on the back of Harry's right hand, cut into his skin as though traced there by a scalpel—yet even as he stared at the shining cut, the skin healed over again, leaving the place where it had been slightly redder than before but quite smooth.<sup>22</sup>

Each time he wrote the line "I must not tell lies," Umbridge's "black quill" transcribes the words with Harry's own blood and simultaneously etches the line into the back of his hand. The first night of detention lasts for seven hours, a long physical torture that the narrator emphasizes with the repetition of "again and again":

And on it went. Again and again Harry wrote the words on the parchment in what he soon came to realize was not ink, but his own blood. And

again and again the words were cut into the back of his hand, healed, and then reappeared the next time he set quill to parchment.<sup>23</sup>

For the five consecutive nights of Harry's detention, he must continue inscribing his "crime" onto his body, ultimately leaving Harry with the words permanently scarred on the back of his hand. As with Franz Kafka's *In the Penal Colony*, in which a machine carves the sentence onto the accused's back before he dies, and in Nathaniel Hawthorne's *Scarlet Letter*, when Hester Prynne must wear a red "A" embroidered on her dress, Harry's blood-quill punishment functions as a permanent and public mark of his "crime." Such punishment rises to the level of cruel and inhuman treatment and violates human rights norms. As the Committee on the Rights of the Child has expressed, "[c]hildren do not lose their human rights by virtue of passing through the school gates"—echoing a principle asserted earlier by the U.S. Supreme Court.<sup>24</sup> Human rights law applies to all individuals in all circumstances. Such corporal punishment in schools has come under increasing criticism and been deemed a violation of the rights of the child.<sup>25</sup> The Committee on the Rights of the Child has stated:

There is no ambiguity; [the CRC's prohibition on] "all forms of physical or mental violence" does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them.<sup>26</sup>

Lesser forms of the branding punishments that were used in early modern England and the Colonies as a way to humiliate offenders were adapted for children in school penalties: making a disobedient student wear a dunce cap was a way to socially humiliate and stigmatize the child, for example. Such punishments rely on pain, shame, and isolation from the group as a way to deter misbehavior. In *Harry Potter and the Order of the Phoenix*, Professor Umbridge lobbies for wizard legislation that gives her complete and arbitrary control over the methods of punishment employed to discipline the students. Specifically "Educational Decree Number Twenty-Five," which provides the following:

The High Inquisitor will henceforth have supreme authority over all punishments, sanctions, and removal of privileges pertaining to the students of Hogwarts, and the power to alter such punishments, sanctions, and removals of privileges as may have been ordered by other staff members.<sup>27</sup>



Most of the Hogwarts teachers and administrators, however, treat the students with respect and discipline them in ways that reinforce respect for school rules. As headmaster, Professor Dumbledore almost never punishes the children, although the students respect and even fear him. The passing of Educational Decree Number Twenty-Five—giving Umbridge complete and indiscriminate control over student punishment—marks Hogwarts's temporary decline into totalitarianism in the fifth book of the series.

Although Umbridge is defeated and removed from the school, and the forces for good eventually reclaim Hogwarts, her influence over the children lingers because of her promotion to Senior Undersecretary to the Minister of Magic, one of the highest positions in the wizarding governing body. Subsequently, in *Harry Potter and the Deathly Hallows*, when searching her office for a locket that can help the children defeat Lord Voldemort, Harry is surprised to see his own picture on her wall:

He saw a poster of himself on the wall with the words UNDESIRABLE NO. 1 emblazed across his chest. A little pink note was stuck to it, with a picture of a kitten in the corner. Harry moved across to read it and saw that Umbridge had written, "*To be punished.*"<sup>28</sup>

Umbridge's cruel treatment of Harry evokes strong emotions in readers, who sense the gross injustice of her conduct. In addition to the indignity and disproportion of the punishment that she gives Harry, the arbitrary authority to punish that Umbridge seizes is also one of the rights violations against which CRC guards; Article 40 specifically states that "[i]f [a child is] considered to have infringed the penal law, [the child has the right] to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law."<sup>29</sup> Furthermore, that adjudicative body or decision-maker is required to respond proportionally to the juvenile, be guided by a consideration for the juvenile's well-being, minimize restrictions on the juvenile's liberty, and incarcerate only if "the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response."<sup>30</sup>

Umbridge's violation of the students' civil rights stands in sharp contrast to Professor Dumbledore, who deals with school rule violations in a much different way. And there are many such violations: Harry breaks school rules repeatedly throughout the books, including rules that have been explicitly created to protect him. When sent to Dumbledore's office for discipline, Harry's encounters

with the headmaster reaffirm both his dignity and his understanding of the values behind the school policies. Dumbledore seeks to help the children understand *why* the rule exists and the natural consequences of breaking it. He is far more interested in fostering the community's solidarity and the students' own sense of responsibility. In *Harry Potter and the Chamber of Secrets*, Harry and his friend Ron face Dumbledore after breaking rules in order to defeat the evil forces seeking to harm the school:

"I seem to remember telling you both that I would have to expel you if you broke any more school rules," said Dumbledore.

Ron opened his mouth in horror.

"Which goes to show that the best of us must sometimes eat our words," Dumbledore went on, smiling.<sup>31</sup>

Writing about Dumbledore's pedagogy, sociologist Torbjørn Knutsen points out that Dumbledore "does not cultivate the rules as much as the values that inform the rules. He cultivates in each student the spirit of the law, even if this means that the letter of the law sometimes must be broken."<sup>32</sup> Dumbledore's approach, which employs methods seen in the next section on restorative justice, fosters cooperation among the members of the community and a spirit of mutual responsibility for each other.

### Restorative Justice: *The Wind in the Willows*

"One does not argue about *The Wind in the Willows*," writes A. A. Milne, author of *Winnie-the-Pooh*, "the book is a test of character. We can't criticize it, because it is criticizing us. It is a Household Book; a book which everybody in the household loves, and quotes continually."<sup>33</sup> Milne's estimation of Kenneth Grahame's 1908 British novel reflects its worldwide esteem. President Theodore Roosevelt wrote to Grahame from the White House in 1909, informing him that Mrs. Roosevelt read the book aloud to their children, and that subsequently Roosevelt himself had "read it and reread it, and [had] come to accept the characters as old friends."<sup>34</sup> It is a tale of four friends: Mole, Rat (known as "Ratty"), Badger, and the infamous Mr. Toad. All four characters are lovable, kindhearted, and occasionally mischievous. But Mr. Toad recklessly defies all rules that inhibit his pursuit of fun and danger. He experiences two forms of discipline: one by the formal justice system, which sentences him to twenty years in prison for stealing a car, and one by his friends, who attempt to teach him social responsibility. The punishments

and their ends reflect forms of childhood discipline that both contradict and reinforce children's rights, and we discuss them here to illustrate the ways in which they contribute to conversations about rights-respecting punishment, in particular, restorative justice.

Mr. Toad famously grows obsessed with adventurous activities, only to quickly tire of them. When we first meet him he is infatuated with rowing and causes an accident on the river. Then he buys an expensive "gypsy caravan," which he wrecks and abandons. Toad then longs to drive a car, not just because of the speed and novelty of the automobile, but specifically because of the damage that he could do. Like a small, powerless child who delights in knocking down a tower of blocks, Toad imagines driving a car as "poetry of motion" and he pictures himself out of control, endangering others on the road, "as I speed on my *reckless* way."<sup>35</sup> He wants to be "Toad the terror of the highway."<sup>36</sup> Toad's irresponsible behavior leads to seven crashed cars and three hospital stays. His friends decide they must intervene: "'Toad's . . . a hopelessly bad driver, and quite regardless of law and order. Killed or ruined—it's got to be one of the two things, sooner or later. Badger! We're his friends,' decides Ratty, 'oughtn't we to do something?'"<sup>37</sup> As his friends, they decide to "rescue" Toad from himself, and thus confine him to Toad Hall under a sort of house arrest, guarding him from doing any harm, until he has "seen the error of his ways" and "until the poison has worked itself out of his system."<sup>38</sup>

Their first attempt to teach Toad responsibility fails when he escapes their protective custody and steals a car. Toad reflects back on the incident and realizes that he lost "all sense of right and wrong" and that "all fear of obvious consequences seemed temporarily suspended."<sup>39</sup> He longed once again to be "Toad the terror . . . before whom all must give way or be smitten into nothingness."<sup>40</sup> Toad's personality is consistent with many juvenile offenders: nonconforming, impulsive, and lacking an appreciation of the consequences of their actions. His actual car theft is not narrated in the story, but we see him at his criminal trial, where he is convicted of stealing "a valuable motor-car" and "driving to the public danger" as well as "gross impertinence to the rural police."<sup>41</sup> Despite his roguish personality, Toad is very kind, sympathetic, and lovable. But in the courtroom scene, we see him characterized as juvenile offenders were in the mid-1990s: "super-predators," in John Dilulio's terminology.<sup>42</sup> The *Wind in the Willows* court brands Toad as a "hardened ruffian" and "incorrigible rouse" and a "criminal of deepest guilt."<sup>43</sup> The "brutal minions of the law fall upon hapless Toad," and the judge asks "what is the very stiffest penalty we can impose?" Toad is sentenced to "nineteen years" but the judge decides he "had better make it a round twenty years and be on the safe side." Toad is "loaded with chains,"

“dragged . . . from the Court House, shrieking, praying, protesting,” and is taken into the “grim,” “threatening” prison, where he sees “ancient warders” and torture devices such as “the rack and thumbscrews scaffold.”<sup>44</sup> But Toad escapes from prison, and the harsh sentence apparently taught him nothing:

“It was nothing very much,” said poor Toad, colouring deeply. “I only borrowed a motor-car while the owners were at lunch; they had no need of it at the time. I didn’t mean to steal it, really; but people—especially magistrates—take such harsh views of thoughtless and high-spirited actions.”<sup>45</sup>

His prison sentence leaves him evidencing little, if any, understanding of the ways that his actions harmed others.

Kenneth Grahame contrasts Mr. Toad’s ineffective prison sentence with the remainder of the novel, in which Mole, Ratty, and Badger educate Toad about the ways that his irresponsible actions hurt others. Gradually, and in the spirit of deep friendship, they show Toad the very tangible ways that he must be responsible and accountable to the community. They do this in part by sacrificing for him, helping him to regain his house that was taken over by stoats and weasels during his prison sentence, and also by articulating very specifically how Toad hurt *them*, the very friends who had been supporting him. Ratty crossly tells Toad, “And, now, look here! See what you’ve been and done! Lost me my boat that I was so fond of, that’s what you’ve done . . . Really, Toad, of all the trying animals—I wonder you manage to keep any friends at all!”<sup>46</sup> In this way, Toad’s friends employ a form of neighborhood accountability, what we now call “restorative justice,” in which the offender’s own community participates in the justice process. Instead of regarding Toad’s theft as a violation only against the state, requiring the legal professional class to impose punishment on him, restorative justice reconceives the crime in terms of the whole community. Retributive justice asks questions that center around guilt and punishment: What law has been broken? Who is at fault? What is the stipulated punishment? Restorative justice asks different questions: Who has been harmed? What are their needs? Whose obligations are these?<sup>47</sup> According to Howard Zehr, a pioneer of restorative justice in the 1970s, retributive justice adheres to an adversarial “battle model,” while restorative justice offers the offender a role in the solution, brings the offender’s family and friends into the justice process, and provides an opportunity for the victim to participate.<sup>48</sup> Restorative justice includes a range of methods such as victim-offender mediation, victim-offender panels, victim and community impact statements, family

or community group counseling, and truth and reconciliation commissions.<sup>49</sup> Its core principles include:

- Making room for the personal involvement of those mainly concerned (particularly the offender and the victim, but also their families and communities)
- Seeing crime problems in their social context
- A forward-looking (or preventative) problem-solving orientation
- Flexibility of practice (creativity).<sup>50</sup>

Decades before legal systems began to consider, and in some cases embrace, restorative justice processes for youth offenders, Ratty, Mole, and Badger introduced child readers to similar community-based justice concepts.

In *The Wind in the Willows*, it is Toad's friends—not the formal justice system—who prevail in leading Toad to take responsibility for his actions:

“While you were riding about the country in expensive motor-cars,” Rat reproached Toad, “and galloping proudly on blood-horses, and breakfasting on the fat of the land, those two poor devoted animals have been camping in the open, in every sort of weather, living very rough by day and lying very hard by night; watching over your house, patrolling your boundaries, keeping a constant eye on the stoats and weasels. . . . You don't deserve to have such true and loyal friends, Toad, you don't, really. Some day, when it's too late, you'll be sorry you didn't value them more while you had them!”<sup>51</sup>

Toad is made to understand that his friends Badger and Mole have suffered on his behalf, and he finally understands what he has done, and holds himself accountable: “Henceforth I will be a very different Toad,” says Toad. “My friends, you shall never have occasion to blush for me again.”<sup>52</sup> The forced and painful prison sentence imposed by the court taught Toad nothing. In fact, it seemed to increase his antisocial behavior, as punitive state actions sometimes do with juveniles. But when Toad perceives that he has harmed his “friends,” and grasps the injuries he has inflicted, he recognizes his obligations to the community and actively works to put things right.

Similar to Toad's friends' efforts to rehabilitate him and reintegrate him into the community, restorative justice models, which emerged in the 1970s, have achieved significant progress toward more effective juvenile justice polices in many countries. New Zealand, a pioneer in this area, remodeled its juvenile

justice system in 1989, introducing family group conferences—a restorative justice technique.<sup>53</sup> Restorative justice processes for youths have also been established in numerous jurisdictions in the United States; every state in the United States has at least one restorative justice option for juvenile offenders.<sup>54</sup> Restorative justice youth courts intervene in less punitive ways than traditional courts. Instead of sentencing the youth to expulsion, probation, or incarceration, restorative courts involve the youths in mediation with both the victims and the youths' family members, and work to reach an agreement that involves the youth accepting responsibility for the harm (to the victim, community, and the youth's family), doing community service, and participating in substance intervention programs.<sup>55</sup> A 2007 comprehensive study in the Midwest followed youth charged with violent and property crimes for up to four years after their experiences in both traditional and restorative juvenile courts. The researchers found that juveniles who were processed in restorative courts had significantly fewer subsequent interactions with the police and less harmful later behavior.<sup>56</sup> Restorative justice youth courts constitute a form of juvenile justice that considers the "long-term best interests of individual defendants and the community."<sup>57</sup>

One such juvenile court that has had success in mediating youth offenders since 1999 is the Red Hook Youth Court in New York. During the 1980s, a crack cocaine epidemic ravaged Red Hook, a low-income, high-population density, and high-crime neighborhood in Brooklyn. The area reached a crisis point in 1992 with the murder of a school principal. In response, the Red Hook Youth Court emerged as an alternative to traditional courts, featuring trained peer youth court members who act as mediators for juvenile offenders, community restitution sentencing in place of probation and incarceration, GED classes, and youth programming.<sup>58</sup> Youth advocates meet with offenders to learn about their positive qualities: What are his interests? What is her school record? Is she willing to perform community service?<sup>59</sup> By emphasizing the youths' responsibility to the community and by considering the larger problems that underlie youth crimes, the court instills dignity in the justice process. One of the trained youth advocates, a nineteen-year-old young woman who lives in the community, says she "can make [the juvenile offenders] realize what they do to the community, that they should stop thinking about themselves."<sup>60</sup> One of the Red Hook staff described the successful ways in which other youth help the offenders cooperate with adults in the process: "All the [peer advocates] are trained to think of themselves as part of a team . . . trying to act in the offenders' best interest. The offenders pick up on this, which is one of the reasons why they don't feel under attack."<sup>61</sup> The juvenile offenders write apologies to those harmed by their actions, shelve books at local libraries, serve food at homeless shelters, and read in elementary schools. One offender's mother said, "[t]his is different from other courts with a

lot of adults and an angry judge. It was something different to see children trying to teach other children."<sup>62</sup>

Another program in the Oakland, California, school system has replaced a retributive "zero tolerance" policy with a restorative alternative. According to a 2007 Berkeley Law study, Restorative Justice for Oakland Youth (RJOY) has reduced school suspension rates by 87 percent.<sup>63</sup> The report describes how one student faced suspension for an outburst against a teacher, but after mediation conferences with the teacher, the principal, the offender, and RJOY facilitators, the school learned that the boy's mother had a drug relapse and the boy had been raising his younger siblings by himself. "We were about to put this kid out of school," the principal said, "when what he really deserved was a medal."<sup>64</sup> Fania Davis, RJOY's executive director, contrasts the positive outcome for the youth with exclusionary school discipline:

If Tommy had been suspended and left unsupervised—as most suspended students are—he would have been behind in his coursework when he returned. Trapped in an under-resourced school without adequate tutoring and counseling, Tommy would have had a hard time catching up. According to a national study, he would have been three times more likely to drop out by 10th grade than students who had never been suspended. Worse, had Tommy dropped out, his chances of being incarcerated later in life would have tripled. Seventy-five percent of the nation's inmates are high school dropouts.<sup>65</sup>

Restorative justice approaches affirm children's inherent human dignity even when they are charged with a crime. Tragically, most juveniles do not have such a reaffirming experience in traditional courts. In Walter Dean Myers's critically acclaimed young adult novel *Monster*, Steve, the sixteen-year-old African American defendant on trial for felony murder, is called a "monster" by the prosecutor. "My job," his court-appointed attorney tells him, "is to make you a human being in the eyes of the jury."<sup>66</sup> But as the novel unfolds, the readers grow to understand Steve from inside his own head, and to empathize with him: Steve's challenge is not so much to make the jury understand that he is human, but to believe it himself. International human rights law mandates that even children deprived of liberty "shall be treated with humanity and respect for the inherent dignity of the human person."<sup>67</sup> By responding in this way to children, we help them grow to be responsible, empathetic citizens. "If we can begin to understand the dynamics and meaning of human dignity in childhood," write sociologist and criminologist Karen Polonko and Lucien Lombardo, "perhaps we adults can be more attentive to the world of pain and suffering we too often create for children."<sup>68</sup>

## Children's Accountability beyond Formal Systems: *Little House on the Prairie*

While Mr. Toad represents a juvenile justice case that escalated to the formal justice system, for most children, accountability and punishment come from parents. One such example is Laura Ingalls Wilder's series of *Little House on the Prairie* books, stories based on Wilder's Midwest childhood in the late nineteenth century. The Ingalls family consists of three daughters, and Laura is the middle child: high-spirited, often misbehaving, and resistant to becoming the proper, "lady-like" girl that is the social expectation. Charles Ingalls ("Pa") is her primary disciplinarian, and rather than rely solely on shame- and pain-based punishments, Pa seeks to teach Laura about the natural consequences of her irresponsible behavior.<sup>69</sup>

Almost all of Pa's discipline centers around helping Laura understand for herself why social rules and responsibility are crucial. One such example occurs when the family moves to Minnesota, narrated in *On the Banks of Plum Creek*. For the first time in their lives the girls get to swim. Laura is completely thrilled by the water, but has been strictly warned by Pa, "You girls remember what I tell you. Don't you ever go near that swimming-hole unless I am with you."<sup>70</sup> "All the next day Laura remembered," begins the next chapter. But Laura remembers the pleasure of swimming as much as she remembers her Pa's warning: "She remembered the cool, deep water in the shade of the tall willows. She remembered that she must not go near it."<sup>71</sup> Like Harry Potter and Mr. Toad, following rules does not come naturally to Laura. So despite her father's strict warning, Laura disobeys and goes to the creek by herself. Late that night she confesses to Pa:

Then for a long time he did not say anything and Laura waited. Laura could not see his face in the dark, but she leaned against his knee and could feel how strong and kind he was.

"Well," he said at last, "I hardly know what to do, Laura. You see, I trusted you. It is hard to know what to do with a person you can't trust. But do you know what people have to do to anyone they can't trust?"

"Wh—at?" Laura quavered.

"They have to watch him," said Pa. "So I guess you must be watched. Your Ma will have to do it because I must work at Nelson's. So tomorrow you stay where Ma can watch you. You are not to go out of her sight all day. If you are good all day, then we will let you try again to be a little girl we can trust."<sup>72</sup>



The subsequent day of being “watched” seemed endless to the free-spirited Laura, but instead of indiscriminate corporal punishment, or shame, or deprivation, Laura is made to understand that the prohibition against going swimming alone was for her own safety. She is reminded that the consequences of breaking the swimming rule could have been deadly. She also learns that families must rely on each other and trust each other, that her parents' laws are grounded in constructive purposes, and that she has obligations in relationship to others. The significant result of Pa's discipline is that she *learns*.

Pa's discipline provides evidence that parents can discipline children in a manner consistent with the child's dignity and simultaneously ensure that the child learns important lessons.<sup>73</sup> Throughout the *Harry Potter*, *Wind in the Willows*, and *Little House on the Prairie* books, readers encounter high-spirited characters who often break rules. The books—as with all literature—are open to multiple interpretations, but at many points, they offer examples of meaningful, rights-affirming methods of juvenile justice that recognize the characters' essential human dignity. The books allow child readers to imaginatively enter into the same situations, experiencing the discipline from the perspective of both the rule-breakers and the rule-enforcers. Albus Dumbledore and Charles Ingalls teach the children in their care about collective responsibility, courage, and trustworthiness. They reinforce children's inherent human dignity even in the process of pointing out the children's mistakes.

## Discipline and the Rights of the Child

Children's literature conveys a breadth of civil and political rights from survival rights to expression and participation rights to protections for juveniles who have been charged with, or convicted of, an offense. Many stories explore scenarios in which child characters fail to comply with family or societal rules and must face punishment for their misdeeds; from “shame and pain” juvenile justice policies in *Harry Potter* and *Curious George* to more restorative and rights-respecting examples in *The Wind in the Willows* and *Little House on the Prairie*. The range of responses portrayed in children's literature provide children and the adults who read stories to them the opportunity to reflect on the fairness and effectiveness of different forms of punishment. International human rights law insists that punishment account for the child's developmental stage and the dignity inherent in every young person. As articulated in the U.N. Standard Minimum Rules for the Administration of Juvenile Justice, juvenile justice should be understood as “an integral part of the national development process of each country” and states should “develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period

in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible.” Restorative justice models demonstrate that responses to delinquency that respect the dignity of each child and prioritize reintegration into the community can achieve positive outcomes both for the juvenile and for society. As children’s literature conveys important rights-centered concepts to children about duties and accountability, it simultaneously shows adults how discipline and instruction can be carried out in a manner consistent with the rights of the child.

### *Notes*

1. Mandela, Speech at the Launch of the Nelson Mandela Children’s Fund (May 8, 1995), *in* Mandela, *In His Own Words*, 421.
2. See U.N. Convention on the Rights of the Child, art. 6 (right to life, survival, and development); U.N. Convention on the Rights of the Child, arts. 7 and 8, International Covenant on Civil and Political Rights, art. 24 (right to birth registration and to a name, nationality, and identity); International Covenant on Civil and Political Rights, art. 16 (right to recognition as a person before the law); U.N. Convention on the Rights of the Child, art. 37, International Covenant on Civil and Political Rights, art. 7, and Convention against Torture (right to live free of torture or cruel, inhuman, or degrading treatment); and U.N. Convention on the Rights of the Child, arts. 19, 34, 35, and 36 (providing various protections against abuse and exploitation of children).
3. On freedom of thought, conscience, and religion, see U.N. Convention on the Rights of the Child, art. 14; International Covenant on Civil and Political Rights, art. 18; Universal Declaration of Human Rights, art. 18. On freedom of expression, see U.N. Convention on the Rights of the Child, art. 13; International Covenant on Civil and Political Rights, art. 19; Universal Declaration of Human Rights, art. 19. On freedom of assembly and association, see U.N. Convention on the Rights of the Child, art. 15; International Covenant on Civil and Political Rights, art. 22, Universal Declaration of Human Rights, art. 20.
4. Universal Declaration of Human Rights, art. 21; International Covenant on Civil and Political Rights, art. 25.
5. Universal Declaration of Human Rights, art. 25.
6. Use of the death penalty for juvenile offenders has been prohibited in other treaties. See International Covenant on Civil and Political Rights, art. 6(5).
7. Committee against Torture, Concluding observations on the combined third to fifth periodic reports of the United States of America under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. CAT/C/USA/CO/3-5 (Dec. 19, 2014).

8. See Restatement (Third) of Foreign Relations Law, § 702 (recognizing the prohibition on torture of any individual as customary international law); de la Vega and Leighton, "Sentencing Our Children" (discussing the customary international law status of the prohibition on sentences of life without parole for juvenile offenders); Sloss, "International Norms" (reporting consensus that prohibitions on the death penalty for juvenile offenders has attained the status of customary international law).
9. Collins, *Mockingjay*, 373–77.
10. Brief of President James Earl Carter, Jr. et al. as Amici Curiae, in Support of Respondent at 19, in *Roper v. Simmons* 543 U.S. 551 (2005) (No. 03–633).
11. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, principle 5.
12. Human Rights Committee, *General Comment No. 20*, ¶ 4.
13. Dahl, *Matilda*, 118.
14. *Ibid.*, 120.
15. *Ibid.*, 123.
16. See, for example, Puhl and Schwartz, "If You Are Good," 290–91.
17. Matthew Reilly and Saed Hindash, "The Short Life of Viktor Matthey," *Dart Center for Journalism and Trauma*, <http://dartcenter.org/content/short-life-Viktor-Matthey-8> (accessed Feb. 10, 2015); Laura Warner, "Killpacks Face Trial in Death of Daughter," *Desert Morning News*, Oct. 9, 2003, <http://www.deseretnews.com/article/1,5143,515037467,00.html>.
18. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, principle 17.1(d).
19. J. K. Rowling's series about young wizards and witches fighting for justice in their world are the best-selling children's books of all time. When the last book was released, it sold eleven million copies in the United Kingdom and United States within the first twenty-four hours ("Harry Potter Finale Sales Hit 11M," *BBC News*, July 23, 2007, <http://news.bbc.co.uk/2/hi/entertainment/6912529.stm>). As the best-selling book series in history, translated into 73 languages, more people have read the stories of Harry Potter than any other children's book ("Because It's His Birthday: Harry Potter by the Numbers," *Time.com*, July 31, 2013, <http://entertainment.time.com/2013/07/31/because-its-his-birthday-harry-potter-by-the-numbers/>).
20. U.N. Convention on the Rights of the Child, art. 28.
21. Rowling, *Order of the Phoenix*, 266.
22. *Ibid.*, 267.
23. *Ibid.*, 267.
24. U.N. Committee on the Rights of the Child, *General Comment No. 8*, ¶ 7. See also *Tinker v. Des Moines Independent Community School District*, 393 U.S. at 506 (children do not "shed their constitutional rights . . . at the schoolhouse gate.").
25. See, for example, U.N. Committee on the Rights of the Child, *General Comment No. 8*, ¶¶ 18–29. See also Bitensky, *Corporal Punishment of Children*.

26. U.N. Committee on the Rights of the Child, *General Comment No. 8*, ¶ 18. See also *A v. United Kingdom* [1998] 2 F.L.R. 959 (ECHR), ¶ 14 (“Corporal punishment of a child by a teacher cannot be justified if the punishment is inhuman or degrading.”).
27. Rowling, *Order of the Phoenix*, 416.
28. Rowling, *Deathly Hallows*, 252.
29. U.N. Convention on the Rights of the Child, art. 40(2)(b)(v).
30. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, principle 17.1.
31. Rowling, *Chamber of Secrets*, 330–31.
32. Knutsen, “Dumbledore’s Pedagogy: Knowledge and Virtue at Hogwarts,” 204.
33. Grahame, *Wind in the Willows*, 175.
34. *Ibid.*, 174.
35. *Ibid.*, 29.
36. *Ibid.*, 74.
37. *Ibid.*, 47.
38. *Ibid.*, 75–76.
39. *Ibid.*, 82.
40. *Ibid.*
41. *Ibid.*
42. For the origins of the “Super-Predator” juvenile delinquent label, see John Dilulio’s 1996 *Weekly Standard* article, “The Coming of the Super-Predators,” in which Dilulio predicted, “On the horizon . . . are tens of thousands of severely morally impoverished juvenile super-predators . . . [who are] perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons.” Franklin Zimring traces the devastating juvenile justice policies that were enacted based on Dilulio’s and others’ “wild arithmetic” and “sheer rhetorical horsepower” in his 1998 study, *American Youth Violence* (see especially 59–65).
43. Grahame, *Wind in the Willows*, 82.
44. *Ibid.*, 83–95.
45. *Ibid.*, 105.
46. *Ibid.*, 146.
47. Zehr, *Little Book*, 211.
48. *Ibid.*, 211–14; see also Morris and Maxwell, *Restorative Justice for Juveniles*; Bazemore and Schiff, *Juvenile Justice Reform*.
49. See Strickland, *Restorative Justice*, 9–12.
50. Marshall, *Restorative Justice*, 5.
51. Grahame, *Wind in the Willows*, 146–47.
52. *Ibid.*, 166.
53. Ministry of Justice, *Best Practice in New Zealand*.
54. Bergseth and Bouffard, “Long-Term Impact,” 433; Pavelka, “Restorative Justice,” 109–14.

55. Bergseth and Bouffard, 439–41.
56. *Ibid.*, 449; see also de Beus and Rodriguez, “Restorative Justice Practice,” 337–40.
57. Carter, “Red Hook Experiment.”
58. Anderson “Kids, Courts and Communities,” 1–5.
59. *Ibid.*, 4–5.
60. *Ibid.*, 5.
61. *Ibid.*
62. *Ibid.*, 9–10.
63. Davis, “Discipline with Dignity.”
64. *Ibid.*
65. *Ibid.*
66. Myers, *Monster*, 16.
67. U.N. Convention on the Rights of the Child, art. 37.
68. Polonko, Karen A. and Lucien X. Lombardo, “Human Dignity and Children,” 32.
69. In *Little House in the Big Woods*, Pa does physically discipline Laura for striking her sister. But such incidences are rare in series.
70. Wilder, *On the Banks*, 27.
71. *Ibid.*, 28.
72. *Ibid.*, 34.
73. Not only does law prohibit all forms of physical violence against children—see U.N. Convention on the Rights of the Child, art. 19, and the European Court of Human Rights *A v. U.K.* ¶¶ 19–21 (European Court of Human Rights)—but research shows the harmful consequences of such an approach to children. See, for example, Felitti et al., The Adverse Childhood Experiences (ACE) Study (reporting findings on long-term effects of childhood trauma). As of 2013, “of the 27 member states of the European Union, 16 have enacted laws which prohibit corporal punishment of children in all settings—the home, schools, penal system and care settings. In one—Italy—the Supreme Court has declared all corporal punishment to be unlawful, but this is not yet reflected in legislation. . . . Worldwide, progress is accelerating in prohibiting corporal punishment in schools and penal systems: as at February 2013 corporal punishment is prohibited in all schools in 117 states, in penal institutions in 122 states and as a sentence for crime in 157 states.”

Global Initiative to End All Corporal Punishment of Children, *Prohibiting Corporal Punishment*, 5–6.

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## *Securing Child Well-Being*

### THE ECONOMIC, SOCIAL, AND CULTURAL RIGHTS OF THE CHILD

*Even if they come to kill me, I will tell them what they are  
trying to do is wrong, that education is our basic right.*

—MALALA YOUSAFZAI<sup>1</sup>

WHEN CURIOUS GEORGE is taken to the hospital after swallowing a piece of a jigsaw puzzle, he realizes his right to access the care needed to treat his ailment. When Harry Potter goes to school, he realizes his right to education and to develop to his potential. When Ferdinand refuses to fight the matador and at last is returned to the meadows where he can leisurely smell the flowers, he is able to enjoy his right to rest, leisure, and play. In all of these stories, in the ordinary course of daily life, child characters experience the positive outcomes of fulfillment of their economic, social, and cultural rights.

Health care, education, housing, nutrition, rest, and play are essential elements of a healthy child's life. They provide a foundation for ensuring the right to life, and together, they enable the child to develop to his or her fullest potential. As the Inter-American Court of Human Rights has held, "the fundamental right to life includes, not only the right of every human being not to be deprived of his life arbitrarily, but also the right that he will not be prevented from having access to the conditions that guarantee a dignified existence."<sup>2</sup> As with civil and political rights discussed in the prior chapter, economic, social, and cultural rights law provides the legal mandate to help ensure these critical components of child development and well-being.

Perhaps it is the routine nature of many economic, social, and cultural rights in the lives of children that has led them to be overlooked in many circles. In the United States, for both historical and political reasons, economic,

social, and cultural rights have garnered less recognition than civil and political rights have. Yet the development of international children's rights law started foremost as an emphasis on economic, social, and cultural rights. Widely recognized as the first international instrument on children's rights, the 1924 Declaration of the Rights of the Child, known as the Declaration of Geneva, focused primarily on economic and social rights. In one of its five provisions, this League of Nations declaration mandates: "The child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored."<sup>3</sup> This mandate includes what today we would describe as the rights to food, health, education, rehabilitation in juvenile justice, shelter, and, for children deprived of a family, alternative care arrangements. With the exception of the juvenile justice rights, these are economic and social rights.

That early child rights advocates focused on economic and social rights is not surprising; when contemplating issues children face, adults from policymakers to parents tend to focus first on issues such as health and education. These and other economic, social, and cultural rights are critical to the development and well-being of every child. In contrast, while no less important, many civil rights—such protections against trafficking or torture—are not issues that most children confront in their lifetime. Health care, schooling, and shelter, however, implicate the day-to-day lives of all children. The category of economic, social, and cultural rights covers a breadth of issues, including health, education, labor, housing, social assistance, rest, leisure, play, cultural life, language, and more. Many of these issues are the subject of the stories that children read and that we read to children.

### *The Development of Economic, Social, and Cultural Rights*

Following the 1948 adoption of the Universal Declaration of Human Rights, discussion began on the need to transform the Universal Declaration into a legally binding international treaty. Immediately Cold War politics presented an obstacle, and what emerged was a bifurcation of civil and political rights on the one hand from economic, social, and cultural rights on the other. The United States trumpeted the former, while the Soviet Union wanted a focus on the latter. Ultimately, the Universal Declaration of Human Rights was transformed into two separate covenants: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and

Cultural Rights, both of which were adopted in 1966 and entered in force in 1976.

The wedge between the two sets of rights reinforced several principles and assumptions that inform, and in some cases are enshrined in, the Convention on the Rights of the Child (CRC). First, a dominant narrative on the two groupings of rights argues that civil and political rights are negative rights, while economic, social, and cultural rights are positive rights. Pursuant to this view, civil and political rights merely require the government to *refrain from acting* (for example, refrain from torturing or arbitrarily detaining a child); whereas economic, social, and cultural rights require *affirmative* steps by the government (to provide schools, education, and other necessities). That construct manifests itself in the differential obligations on states in the CRC and other human rights treaties; civil and political rights impose an immediate obligation on the state to fully ensure rights, while economic, social, and cultural rights are subject to the principle of progressive realization.<sup>4</sup> That is, because economic, social, and cultural rights require resources, states parties' obligations under the CRC are to ensure those rights to the "maximum extent of available resources." This language was a concession to developing countries that expressed concern that an immediate and full obligation on health, education, and other economic, social, and cultural rights would put them in violation of the treaty on the day they ratify.

It bears noting, however, that the positive rights/negative rights distinction is somewhat artificial. Fulfillment of all rights requires resources. For example, the right to a fair trial—a civil right—requires resources for a justice system, while the right to vote—a political right—necessitates substantial resources to run elections. Moreover, rights are interrelated and interdependent. Meaningful voting rights are tied to education and access to information, while realizing one's highest attainable standard of health is not possible when civil rights violations inflict physical and emotional harm. Despite these criticisms of the divide between the two groups of rights, the distinction still remains. With respect to economic, social, and cultural rights, states parties to the CRC (or the International Covenant on Economic, Social and Cultural Rights) are required to realize these rights progressively.<sup>5</sup>

### *Health Rights in Law and Literature*

Health has long been recognized as a precondition for realizing a range of other rights and enjoying all that life has to offer. The World Health Organization has stated: "Without health, other rights have little meaning."<sup>6</sup> The CRC and other



human rights law recognize that every child has the right to health. Specifically, the CRC provides that each child has the right to “the highest attainable standard of health”—a standard that acknowledges differences among both individuals and countries. That is, human rights law does not guarantee a right to be healthy—that would be impossible—rather, it mandates that the state ensure the conditions necessary to achieve the best possible health outcomes an individual can achieve. This includes access to care when ill or injured as well as programs that address the underlying determinants of health.

Children's books with health themes frequently address how children feel about going to the doctor or hospital. For the most part, contemporary children's books address children's *apprehensions* about doctors, not health rights themselves. In *Curious George Goes to the Hospital*, George eats a jigsaw puzzle piece that looks “like a piece of candy,” leading to a series of medical tests, culminating in an X-ray that reveals the piece in his stomach. The book conveys to children that fearing medical intervention is normal—especially as the nurse approaches Curious George with a shot—but that going to the hospital can make them feel better. Like *Curious George*, Ludwig Bemelmans's brave orphan Madeline causes panic in the orphanage when she must have her appendix removed, but when the other girls see how much better she feels (as well as the attention and gifts she receives), they cry, “[B]oo hoo! We want our appendix out too!” These stories presume that children have access to care when needed. Whereas the CRC mandates that governments “strive to ensure” every child has access to care, recent children's literature seems to indicate that access to care for children is a universally accepted good.

This presumption of the right to health care represents a departure from pre-twentieth-century children's literature. Fairy tales and nineteenth-century children's books feature many sick and dying children, in the days when smallpox, cholera, diphtheria, and tuberculosis regularly intersected with children's lives. In this regard, “[c]hildren's literature provides a striking marker for the enormous change brought about in everyday life experience by antibiotics and other medical advances of the twentieth century,” writes children's literature scholar Gwyneth Evans:

A quick glance at classic—and still popular—children's books written between the mid nineteenth and early twentieth centuries shows many novels in which a character suffers from a chronic illness. In fact, one could quite safely venture that few children's books of the domestic fiction genre in the period do not feature illness as at least background subject matter.<sup>7</sup>

In the novels of Charles Dickens alone—in particular *The Old Curiosity Shop*, *Bleak House*, and *Great Expectations*—childhood illness drives some of the books' primary conflicts. But as Evans notes:

In children's fiction in English since the mid twentieth century, however, we simply do not find these sickly child characters. Children in many modern books injure themselves, go to hospitals and die in accidents or war, but they don't spend months or years in bed suffering from chronic illness. It is remarkable how a major subject area in writing for children so quickly disappeared from view, thanks to the changing conditions of public health and everyday family life.<sup>8</sup>

The chronically ill child in children's literature gives way to a new illness plot: conflicts that *presume* the child's right to health care and subsequently center instead on the child's *anxiety* about receiving care. Thus a genre of children's books emerges in which familiar and beloved characters—Corduroy the stuffed bear, Dora the Explorer, Franklin the Turtle—visit the hospital and feel better as a result.<sup>9</sup>

William Steig's *Doctor De Soto*, the National Book Award winner for 1983 as well as one of the shortest books to ever win the Newbery Medal, is a picture book that inverts the child's fear of going to the dentist, making the *doctor* afraid of his *patient*. The patient is a wily fox, natural predator of small rodents, and the doctor is a gentle mouse. The conflict centers around Doctor De Soto and his wife fearing for their lives and needing to outmaneuver their patient. Steig, a longtime illustrator for *The New Yorker* (he drew 117 *New Yorker* covers), was the author of more than thirty children's books—notably the classic picture book *Sylvester and the Magic Pebble*, as well as *Shrek*, which Steven Spielberg purchased for film adaptation. Steig's cover design for *Doctor De Soto* features the small, vulnerable doctor inside his patient's mouth. Steig's illustrations exaggerate the size differences between the tiny doctor and his enormous patients, acknowledging children's natural anxiety about large, unfamiliar grown-ups interacting with—and poking and prodding—them. Doctor De Soto must overcome his fears in order to heal his patients, just as children must overcome their fears of doctors. Thus the best children's picture books validate children's suspicions, not only by showing that sickness frightens both children and adults, but that even beloved and fearless characters like the little orphan Madeline and Curious George are apprehensive about going to the hospital. *Doctor De Soto* likewise legitimizes children's fears. But by rendering kids' fears into an absurd turnaround, where

the huge predatory patient frightens the tiny vulnerable doctor, *Doctor De Soto* allows children the release of laughing at their fears.

For older children, the right to participate in medical decisions is a key concern in healthcare delivery. One survey by the Portsmouth and South East Hampshire Health Commission of children four to sixteen years of age found that when accessing health care, “children wanted open, clear, honest explanations about treatment; they wanted to be treated as equals, with time taken to listen to them.”<sup>10</sup> Children’s literature provides vehicles for young readers to see how characters navigate healthcare services, addressing the concerns and anxieties they experience in real life. However, as is the case with other rights, children depend on adults—parents, the state, and other actors—to facilitate realization of their health rights.

Gerison Lansdown explains that the mandate of children’s rights, and specifically the CRC, has profound implications for adults’ responsibility in healthcare delivery: “it means looking at the organisation of services, the allocation of budgets, the processes by which decisions are made to assess whether the interests of children have been given proper consideration.”<sup>11</sup> The mature minor doctrine, which allows minors of a certain age and maturity to make healthcare decisions without parental consent, provides eligible adolescents some autonomy to realize their right to bodily integrity.<sup>12</sup> The mature minor doctrine is an important resource for adolescents who meet the age and other requirements. However, it is a limited tool, as not all children can avail themselves of it, and more significantly, it offers nothing to children whose health rights are constrained such that they cannot access care. A child rights approach to healthcare delivery would address not only individual treatment decisions but also systemic issues like resource allocation and access to care.

### *Education Rights in Law and Literature: “Nothing but the Facts”*

Similar to health, education has long been understood as an essential component for children’s development. The right to education, as the U.N. Special Rapporteur on the Right to Education explains, “is not only a human right in itself, but also essential for the exercise of other rights.”<sup>13</sup> The critical nature of education is reflected in U.S. Supreme Court’s view that education and the provision of schools may be regarded as “the very apex of the function of a [s]tate.”<sup>14</sup> Appropriately, the 1948 Universal Declaration of Human Rights stipulated that basic education is a fundamental human right and called for primary education to be free *at least* for the elementary stages. Building on the Universal

Declaration and the major human rights treaties, the CRC contains two core articles on education rights.<sup>15</sup>

Pursuant to Article 28, states are obligated to make primary education free and compulsory for all, secondary education “available and accessible to every child,” and higher education “accessible to all on the basis of capacity by every appropriate means.” In other words, states parties must seek to provide every child with appropriate and accessible education to the highest level attainable.

While the strongest obligation resides at the primary education level, states cannot stop investing in children’s education once they have achieved the minimum. As economic, social, and cultural rights impose an obligation on states to progressively realize over time the full extent of rights for all children, in the education context, states must continue strive to create opportunities for children to achieve higher levels of education. This mandate applies even in poorer countries with large numbers of younger children out of school (though the progressive realization obligation recognizes more time may be required in these resource-constrained settings). This progressive and continuing obligation is essential to giving communities the opportunity to break the cycle of poverty and enjoy lives beyond mere subsistence and survival.

As a complement to children’s right to an education, Article 29 of the CRC sets forth the aims of education to which children have a right. It mandates that states parties develop the child’s capacity to the “fullest potential,” and that school curricula should promote respect for the human rights and fundamental freedoms of all people.<sup>16</sup> Although the content of education expressed in Article 29 has received less attention, it is critical for building a human rights culture in which all children learn about their rights and the rights of others. As the U.N. Committee on the Rights of the Child explains, “The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child’s capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values.”<sup>17</sup> We believe that children’s literature can play an integral role in fulfilling Article 29, not only because of its capacity to strengthen cognitive and emotional skills, but also because—as explored throughout this project—it can foster a culture in which all people’s human rights are recognized and valued.

Reading Articles 28 and 29 together, we see that children’s rights law does not merely require access to school, though reaching universal enrollment would be a ground-breaking achievement. It also requires that states pay attention to what happens once children walk through the doors of the schoolhouse and ensure that education is fulfilling the goal of fostering the child’s full development. In short, comprehensive implementation of the right to education is of paramount importance. As former Special Rapporteur on the Right to Education Katarina

Tomasevski emphasizes, education “functions as a multiplier, enhancing all rights and freedoms when it is guaranteed while jeopardizing them all when it is violated.”<sup>18</sup>

If children do not receive an education, they will be less equipped to exercise other civil, political, economic, social, and cultural rights. When children are unable to access education or drop out of school early, they are at greater risk of various forms of exploitation, including prostitution, forced labor, and use in armed conflict. Moreover, as education is a critical component of development, failing to secure children's education rights ultimately leaves communities weaker.

The importance of education rights has been widely recognized, not only in international law. Ninety percent of national constitutions incorporate a provision on the right to education.<sup>19</sup> In India, for example, the Right of Children to Free and Compulsory Education Act of 2009 established free and compulsory education for all children six to fourteen years of age. It states that “no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing or completing [*sic*] the elementary education.”<sup>20</sup> It also mandates that private schools reserve 25 percent of their seats for economically disadvantaged children.<sup>21</sup> While India and other countries still work toward fulfilling the promise of universal education, recognizing every child has a right to education is a critical first step.

Even in the United States, where education has not been recognized as a right, its importance to individuals and society is acknowledged. In *Plyer v. Doe*, the U.S. Supreme Court stated that while public education is not a right, it also is not “merely some governmental ‘benefit’ indistinguishable from other forms of social welfare legislation. Both the importance of education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of the child, mark the distinction. . . . In sum, education has a fundamental role in maintaining the fabric of our society.”<sup>22</sup> Earlier, in *Brown v. Board of Education*, the U.S. Supreme Court came closer to recognizing education as a right: “[I]t is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”<sup>23</sup> The importance of access to education for all children is universally accepted. Despite consensus on the value of education, the school experience, once access is secured, often falls short of providing the ideal environment for children to develop to their fullest potential. Classic children's stories portray that experience.

The “school story” genre played an important role in British children's literature until the mid-twentieth century. Sarah Fielding's *The Governess, or The Little Female Academy* (1749), Charlotte Brontë's *Jane Eyre* (1847), Charles Dickens's

*David Copperfield* (1850), and Thomas Hughes's *Tom Brown's School Days* (1857) feature English boarding schools. Dozens more children's authors from Louisa May Alcott to P. G. Wodehouse wrote novels in which all or part of the story takes place in a school. The genre declined as boarding schools grew less popular after World War II—until the success of J. K. Rowling's *Harry Potter* series, set primarily in the British wizarding boarding school, Hogwarts. All of these stories assume that education is an inherent part of childhood. However, while the books take place in a school, they have less to do with actual education than with themes of childhood friendships, sports, loneliness, and significantly, bullying—harassment from both peers and teachers. Children's school stories reveal that in previous centuries as now, harassment and fear interfere with children's right to an education.

Charles Dickens immortalized the cruel, tyrannical teacher with the Coketown School administrator, Mr. Gradgrind, and the children's primary teacher, Mr. M'Choakumchild in *Hard Times*. "Now, what I want is, Facts. Teach these boys and girls nothing but Facts," begins Mr. Gradgrind in the novel's first sentence. "Facts alone are wanted in life. Plant nothing else, and root out everything else."<sup>24</sup> Dickens's narrator describes the children in the school room as "little vessels," "arranged in order, ready to have imperial gallons of facts poured into them until they were full to the brim."<sup>25</sup> Dickens satirizes formal education by centering it not around genuine learning and developing the thinking process, but upon cold memorization of details. The tenor of the school is revealed by the title of Chapter 2: "Murdering the Innocents," and by the infamous example of "Girl Number Twenty" (Sissy) being forced to eschew all imagination and to scientifically "define a horse."<sup>26</sup> Even more grim is Lowood Institution in *Jane Eyre*, where the children's basic needs for warmth and sufficient food go unmet and where the teachers inflict cruel punishments on those girls identified as "sinners." Both of these famous literary children's schools convey more about the harm that teachers and schools can inflict on children rather than the right to education. In fact, they portray *obstacles* to education rights. C. S. Lewis, a product himself of an abusive English boarding school education, incorporates these problems into his fourth book in the Chronicles of Narnia series, *The Silver Chair*.

*The Silver Chair* opens as all the Narnia books do: ordinary British children are going about their lives when suddenly they are transported to the magical world of Narnia. In the opening of *The Silver Chair*, Jill and Eustace are fleeing bullies at their English boarding school, "Experiment House": "one did not learn much French or Maths [*sic*] or Latin or things of that sort [at Experiment House], but one did learn a lot about getting away quickly and quietly when They were looking for one."<sup>27</sup> Eustace and Jill are palpably tense and genuinely afraid when they realize one of the bullies has found them: "At that moment a voice shouted from behind, a mean spiteful little voice. . . . It was the voice of Edith

Jackle, not one of Them herself but one of their hangers-on and tale-bearers.”<sup>28</sup> Just as the bullies are closing in on Jill and Eustace, a magic door opens to a very different world, as it often does for the Narnia children. Another reality appears, one outside the world of school bullies and a formal, failed education system that drains children's creativity. Eustace and Jill enter Narnia and obtain a very different education from their adventures. When they return to the grounds of their school after many months in Narnia, no time has passed in England, and the school bullies are still in pursuit. But Lewis blends the two worlds of British boarding school and Narnia, and provides all children with a moment of wonderful Jungian wish fulfillment:

Most of the gang were there—Adela Pennyfather and Cholmondely Major, Edith Winterblott, “Spotty” Sorner, big Bannister, and the two loathsome Garrett twins. But suddenly they stopped. Their faces changed, and all the meanness, conceit, cruelty, and sneakishness almost disappeared in one single expression of terror. For they saw the wall fallen down, and a lion as large as a young elephant lying in the gap, and three figures in glittering clothes with weapons in their hands rushing down upon them.<sup>29</sup>

No children die, of course, but the bullies are put in their places, and the despotic headmaster is found to be unfit for teaching, so she is promoted to school administrator, where the narrator ironically informs us that she is similarly ineffective.<sup>30</sup>

These popular school stories convey that even when children are able to access education, they are not necessarily developing to their fullest potential in school. In other words, the two components of the right to education—access to education (Article 28) and education that is directed to helping children realize their full potential (Article 29)—must be read in conjunction with each other. Both must be fulfilled to make education rights meaningful. This lesson is critical for policy-makers and human rights advocates. As the push to universal enrollment proceeds, children's literature identifies the next challenge for education rights—ensuring the school environment promotes the full development of every child.

### *Protection from Economic Exploitation in Law and Literature*

In a perfect world, children would not have to spend their days working, but would instead be able to attend school and focus on growing and developing to their fullest potential. The reality for millions of children is that they must work to help their families survive. The International Labour Organization (ILO)

estimates that 168 million of the world's children are laborers, 85 million of whom toil in hazardous labor.<sup>31</sup> Most of these children live in developing countries and are in the five- to fourteen-year-old age group.<sup>32</sup> In every country, there are children at work. Child labor is a significant human rights issue.

Labor can be understood on a spectrum. Often social scientists reflect this idea by distinguishing between child *work* and child *labor*. The former includes household chores, age-appropriate part-time work after school, and other similar types of work that do not interfere with the child's development. Dav Pilkey's 1996 picture book *Paperboy* about a boy's early morning paper route portrays the ways that this sort of work can enhance children's lives. "On these cold mornings, the paperboy's bed is always warm, and it is hard to get out. Even for his dog. But they do." The paperboy rises while his parents and sister are still asleep, makes himself breakfast, folds his papers, and places them in his bag. The book emphasizes both the difficulty of the work and its rewards: "It's hard to ride a bike when you are loaded down with papers, but the paperboy has learned how to do this. And he's good." As he rides his bike through the dark neighborhood, he thinks about "big things and small things, and sometimes he is thinking about nothing at all." The work provides the paperboy with solitude, autonomy, and a sense of purpose: "All the world is asleep, except for the paperboy and his dog. And this is the time when they are the happiest." *The Paperboy's* Caldecott Award-winning illustrations convey the gratification a child can feel from work well done.

Child labor, on the other end of the spectrum, includes everything from work under unfair labor conditions (such as too many hours for a child or no breaks), to hazardous forms of labor (such as working in mines and construction), to exploitation (such as use in armed conflict, drug rings, and prostitution). Children's rights law aims to prohibit child labor, while allowing for forms of work that are both vital for the family and can be positive for a child's development.

Child labor regulations represent some of the earliest international children's rights instruments. ILO conventions establishing minimum ages for employment in industry, at sea, in agriculture, and nonindustrial settings were adopted between 1919 and 1932.<sup>33</sup> With the adoption of the ILO Minimum Age Convention in 1973, the CRC in 1989, and ILO Convention Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour in 1999, a renewed commitment to the abolition of economic exploitation of children as a human rights imperative has taken hold and begun to spread.<sup>34</sup> Article 32 of the CRC mandates that states parties protect children from economic exploitation and take measures to prevent any deleterious effects of work—physical, mental, spiritual, moral, and social.<sup>35</sup> The



Minimum Age Convention established fifteen years of age as the standard for entry into employment (with exceptions for light work that is not harmful to the health, education, or development of the child). And the ILO Convention on the Worst Forms of Child Labor addressed the most harmful forms of economic exploitation of children, prohibiting the use of children below eighteen years of age in these settings.

Besides these general rules, other international agreements address issues specific to exploitative labor, including two of the CRC's optional protocols—covering the sale of children, child prostitution, and child pornography, and children in armed conflict, respectively.<sup>36</sup> Pursuant to these instruments, states are required to ensure that their laws prohibit such exploitative practices and to enforce such laws.<sup>37</sup> States parties must also provide assistance to child victims of these forms of exploitation.<sup>38</sup> Finally, governments must implement prevention programs to combat exploitative practices such as prostitution, trafficking, or use of children in armed conflict.<sup>39</sup> Apart from formal legal functions, these treaties and others impose positive obligations with respect to victim assistance and, at minimum, emphasize the need for states to address the physical, psychological, and social recovery and reintegration of victims of the worst forms of child exploitation.

### Early Efforts to Secure Children's Safety: Chimney Sweeps

Children's literature has long explored exploitative children's labor. Cinderella's domestic servitude (she is forced to sort small beans from the ashes in the kitchen) and the miller's daughter in *Rumpelstiltskin* (she must spin straw into gold, or she will have her head cut off) portray two of the many abusive forms of labor described in classic fairy tales. Another notable early example of exploitative child labor in a children's book is Charles Kingsley's *The Water-Babies*, written in 1862 directly in response to exploitation of children as chimney sweeps.

Children's bodies were ideally suited to clean the narrow, twisting, coal-burning chimney flues of nineteenth-century England. Agile young boys could maneuver into the smallest nooks where soot accumulated and contributed to the likelihood of a chimney fire. The Children's Employment Commission of 1862 described the gruesome working conditions of a child sweep:

No one knows the cruelty which a boy has to undergo. . . . The flesh must be hardened. This is done by rubbing it, chiefly on the elbows and knees, with the strongest brine, close by a hot fire. You must stand over them with a cane, or coax them by a promise of a halfpenny. . . . At first they will come back from their work with their arms and knees streaming with

blood, and the knees looking as if the caps had been pulled off; then they must be rubbed with brine again.<sup>40</sup>

The Commission's report contributed to a massive campaign to make the invisible plight of the child sweep more evident. Subsequent committee reports, political tracts, essays, newspaper accounts, poetry, and novels cultivated sympathy for chimney sweeps, who suffered egregious human rights abuses, and helped spur legislative reform.<sup>41</sup>

Charles Kingsley, a Church of England clergyman and enthusiastic supporter of Darwin's *Origin of the Species*, had already written three social reform novels (or "Condition-of-England novels") on the topics of poverty, sanitation, disease, and working-class industrial distress. *The Water-Babies* was his last and most famous work of didactic fiction. The fairy tale tells the story of ten-year-old Tom, whose father is dead and his mother has been transported to a penal colony. Consequently, Tom lives a life in which almost all of his rights are abused: he is hungry, dirty, uneducated, unloved, homeless, and exploited by the cruel and brutal Mr. Grimes for his labor:

Once upon a time there was a little chimney-sweep, and his name was Tom. . . . He could not read nor write, and did not care to do either; and he never washed himself for there was no water up the court where he lived. . . . He cried when he had to climb the dark flues, rubbing his poor knees and elbows raw; and when the soot got into his eyes, which it did every day in the week; and when his master beat him, which he did every day in the week; and when he had not enough to eat, which happened every day in the week likewise.<sup>42</sup>

The narrator's repetition of "every day in the week" reiterates the perpetual state of hunger and physical abuse that Tom endures. But throughout the novel, Tom's interior life—his thoughts, hopes, and humiliations—are fully developed. Thus middle-class child readers and their parents, who benefited from having their chimneys cleaned but to whom the child sweeps were essentially invisible, were able to identify sympathetically with the plight of impoverished children. Historian Lynn Hunt accredits the "invention" of human rights to just such a practice of reading: wealthy, privileged readers "learned to extend their purview of empathy . . . across traditional social boundaries," and consequently "came to see others—people they did not know personally—as like them, as having the same kinds of inner emotions."<sup>43</sup> She concludes that "[w]ithout this learning process, 'equality' could have no deep meaning, and in particular no political consequence."<sup>44</sup>

*The Water-Babies* fostered empathy for such “invisible” children. It begins as realistic fiction: Tom is a preadolescent chimney sweep abused by his master, who one day runs away, sinks down into a stream of water, and dies. Here the fairy tale begins. Fairies transform Tom into a “water-baby” and throughout the remainder of the book, all of Tom’s adventures take place underwater, among fantastic, sentient creatures. As a water-baby, Tom gains what he never had as a poor chimney sweep, in particular a loving mother figure, protection, and an education. Tom is removed from the degrading world of the British underclass and learns both rights and responsibilities in an ecologically and socially pure environment.

When still in his human state, Tom has no sense of his own responsibilities to others, and while enduring the beatings of his master, fantasizes about the ways in which he himself will perpetuate abuse against the children under his own authority when he is an adult:

And he would have apprentices, one, two, three, if he could. How he would bully them, and knock them about, just as his master did to him; and make them carry home the soot sacks, while he rode before them on his donkey with a pipe in his mouth and a flower in his buttonhole, like a king at the head of his army.<sup>45</sup>

Tom, whose rights are consistently denied, can only imagine himself as Yertle on top of a stack of turtles, and pleasure for him would be making children suffer as he himself has suffered. Thus Kingsley demonstrates the deep connections between having one’s rights respected and practicing responsibility toward others.

More than one hundred years before children’s rights would become widely accepted, Kingsley chronicles through the medium of children’s literature the many harsh rights violations against children—poverty, homelessness, abuse, neglect, and exploitation—and allows more advantaged children to imagine a world in which those children get a different chance at life.

Unlike Charles Dickens’s realistic fiction, Kingsley encodes this human rights discourse explicitly within the realm of the imagination. As Tom dies, the fairies take him, and the narrator comments that “[s]ome people think that there are no fairies,” but in fact “[t]he most wonderful and strangest things in the world, you know, are just the things which no one can see.”<sup>46</sup> Just as the Whos were invisible to the jungle animals of Nool, and as the exploited child laborers were essentially invisible to the wealthy classes who benefited from their work, Kingsley tells his child readers that only those who cultivate their imaginations will see what is unseen. It is a form of education that reverberates throughout

the fairy tale, a very different education from Mr. Gradgrind's "nothing but the facts." The narrator reiterates that it is the *creative* part of the mind where true education happens: "Now, if you don't like my story, then go to the schoolroom and learn your multiplication-table, and see if you like that better."<sup>47</sup> The novel celebrates the imagination as the foundation for understanding the world, a distinctly child-centered approach.

As a "land baby," Tom had never known the benefits of a family. As a water-baby, the fairies and water creatures not only care for him, they teach him the value of social responsibility, rewarding him for socially generous acts and punishing him for cruelty. The fantastic maternal sea creature "Mrs. Bedonebyasyoudid" seems to be the fairies' equivalent of talionic justice, and under her care, Tom begins his long ethical education in respecting the rights of others. She punishes him solely via natural consequences: when he sneaks into her cabinet and eats too much candy, he suffers no reproach except feeling sick at the sight of it; when he taunts helpless water creatures, he experiences the same teasing from those around him. Mrs. Bedonebyasyoudid consistently teaches Tom by allowing him to suffer the likely penalties of his actions, while her sister, Mrs. Doasyouwouldbedoneby, becomes a loving mother to Tom and all the orphan water-babies. Through these two responsible "adults," Tom learns that rights-bearing people must also respect the rights of others.

A vivid and haunting portrayal of Tom's life as a chimney sweep, followed by his transformation into a fantastic child-creature who realizes his responsibilities through realizing his rights, *The Water-Babies* stands out as a remarkable children's book for transmitting children's rights. Kingsley encodes his fairy tale with testimony about children whose rights are egregiously violated, and what a different world might look like. Significantly, just as the Whos needed "very small persons" to act on their own behalf, his novel addresses child readers as allies in the quest to make exploited children's lives more just. However, while Kingsley advocated for children's labor rights, he paradoxically denied many others' rights. His racial stereotypes of Irish Catholics, Jews, and Americans have contributed to his work falling out of favor.<sup>48</sup> But even today child labor remains an issue and is addressed in contemporary stories.

### Children as Collective Actors

One hundred and fifty years after *The Water-Babies*, Doreen Cronin's *Click, Clack, Moo: Cows That Type* portrays the collective action of a group of cows who succeed in forging better working conditions for themselves and for other animals on Farmer Brown's farm. The story opens with Farmer Brown confronting

a problem: his cows have procured a typewriter, and all day long he hears "click, clack, moo." Then he is even more stunned to find a note from the cows:

Dear Farmer Brown,  
The barn is very cold  
at night.  
We'd like some electric  
blankets.  
Sincerely,  
The Cows.

Farmer Brown is outraged. The illustration portrays the farmer's shadow in a dynamic, clenched-fist rage. The vivid red background emphasizes his temper tantrum. But the facing page shows the cows standing still and thoughtful against a subtle blue background. It is the cows, not the farmer, who appear as the rational party. The cows also communicate more cogently and calmly; they present a logical argument ("the barn is cold") and make a reasonable request ("we'd like some electric blankets"). In response, the farmer shouts, "No Way," asserts their inherent inferiority ("you are cows and hens"), and insists that they continue working ("I demand milk and eggs"). When we read this story to adolescent children, one middle school girl said, "What stands out to me most is how *furious* the farmer gets about the animals speaking out. It's sort of as if he doesn't think they should be able to have thoughts and feelings." One of the other girls made a keenly observant point about the difference in the illustrations between the cows and the farmer: ironically, she said, "the farmer looks mean" but the cows "seem so thoughtful and humane." The girl observed the surprising reversal of the book: it is the *animals* who have evocative, personable faces, while the farmer (whose face is only illustrated once) looks menacingly right at the reader with furrowed eyebrows and a deep scowl.

Undeterred by Farmer Brown's denial of their rights, the cows go even further and advocate for the rights of their smaller barn mates, the hens, who are also cold. The hens are illustrated as hiding behind the cows, peering around their legs. Unlike the cows, they seem to lack the skills to type. So the cows respond as Mack did to Yertle the Turtle: not simply calling for recognition of their *own* rights but for the rights of others as well.

So Duck, "a neutral party," is called to take the Farmer Brown's response of outright denial to the cows. The cows deliberate all night, generating much interest and attention from the other animals. The next morning, Duck brings Farmer Brown the cows' answer: they offer a concession, an exchange of the typewriter for electric blankets. Farmer Brown agrees, and we see a picture of content cows and hens at night in the barn under their electric blankets.

In a playful twist, Duck takes advantage of his position, keeping the type-writer to convey a message to Farmer Brown that the ducks find their small pond “quite boring” and would like a diving board. One might see this as trickery on the part of Duck, but it also reflects the spread of human rights knowledge and empowerment. Duck has witnessed the cows advocate for better working and living conditions, and learning from that, Duck advocates for and secures the ducks’ right to play.

The power of collective action against unfair working conditions also lies at the heart of Jean Merrill’s award-winning 1964 children’s book, *The Pushcart War*. Merrill tells the story of how New York City pushcart peddlers—selling flowers, hot dogs, peanuts, ice cream, and fresh vegetables—are being bullied by the huge, aggressive trucks crowding the city streets. Their solution is to band together against the trucks, making use of pea-shooters and letters to the editor in order to defend their rights. In the end, after four months of creative guerrilla tactics, the pushcarts triumph over the trucks and successfully hold the “Pushcart Peace Conference.”<sup>49</sup> In 2014, Pulitzer Prize-winning author Tony Kushner wrote about the book’s influence on him as a child:

*The Pushcart War* had a profound impact on me; when I was a kid I devoured it several times, and I’ve carried it deep inside me ever since. The book gave me a point of entrance—my first, I imagine—into the world of resistance to political and economic injustice and chicanery. It made opposition, even non-violent civil disobedience, seem fun and right and necessary and heroic, and something even someone as powerless as a kid could and should undertake.<sup>50</sup>

Kushner “carried [the book] deep inside,” and later as an adult would write the Pulitzer Prize-winning play *Angels in America*. In honor of the book’s fifty years of inspiring children, *School Library Journal* named *The Pushcart War* one of “One Hundred Books that Shaped the Twentieth Century.”<sup>51</sup>

These playful scenes—cows and pushcart peddlers lobbying for their rights—charm young children but also metaphorically reflect ongoing challenges that millions of children encounter: challenges of bigger, stronger forces at work against them. They also highlight children’s need for adults who will protect them from such harmful forces (see Chapter 7 for a discussion of adults’ roles in children’s literature). Legal frameworks on child labor are under continued pressure, from both private sector demands and the realities of many families struggling to survive. Although advocates understandably have focused the spotlight on the worst forms of child labor, including prostitution, child soldiering, and forced begging, millions of other children face less publicized violations of their rights

as they toil in harmful work settings, are mistreated by employers, and exploited through substandard or no pay. Characters from Mack in *Yertle the Turtle* to the cows who type in *Click, Clack, Moo* remind us that the human rights enterprise is ultimately about securing rights for all. This is evident not only in labor rights movements that engage in collective action but also in family settings, where securing an adequate standard of living (discussed below) and rights for parents can help ensure the rights of children and protect them from labor exploitation.

*The Right to Play in Law and Literature:  
"Poetry and Hums"*

Although UNICEF states that "[t]here is no such thing as a 'small' right and no hierarchy of human rights,"<sup>52</sup> the right to play has often been relegated to the margins. This is understandable in some respects; play does indeed seem less significant when compared to survival and protection from exploitation. However, Article 31 of the CRC matters for three important reasons. First, Article 31 does not speak only to the right to play. It encompasses much more. Article 31 reads:

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Play, rest, leisure, and participation in family and community cultural life are interconnected and are all important components of a healthy childhood.

Second, this right comes from the Universal Declaration of Human Rights, which provides: "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."<sup>53</sup> Contrary to the assertion that this is a "new" right or that it is a childish notion that does not belong in human rights law, it has its origins in the foundational document of modern human rights law.

Finally, inclusion of the right to play itself in the CRC reflects an even more important concept—this right is vital to the healthy development of the child. As Dr. Kenneth Ginsburg reports:

Play allows children to use their creativity while developing their imagination, dexterity, and physical, cognitive, and emotional strength. Play

is important to healthy brain development. It is through play that children at a very early age engage and interact in the world around them. . . . Undirected play allows children to learn how to work in groups, to share, to negotiate, to resolve conflicts, and to learn self-advocacy skills. . . . Play is integral to the academic environment. . . . It has been shown to help children adjust to the school setting and even to enhance children's learning readiness, learning behaviors, and problem-solving skills.<sup>54</sup>

In short, play contributes in a multitude of ways to the healthy development of the child and can improve a child's capacity to realize his or her right to education as well.

Perhaps more than any other specific right, children's books support the right to play. Stories delight, surprise, and nurture the imaginative lives of children. Many of the most beloved children's stories of all time do not convey a message of any kind. They offer instead the pleasure of visuals and words, stories of children, their friendships, and their animals. *The Very Hungry Caterpillar* and *Brown Bear, Brown Bear, What Do You See?* captivate children with Eric Carle's beautiful collage techniques of illustration; *Winnie-the-Pooh* and *The House at Pooh Corner* tell the story of Christopher Robin and his adventures with stuffed animals; and Cynthia Rylant's popular *Henry and Mudge* books simply convey a boy's daily activities with his playful dog. Perhaps more than any other literary icon, *Winnie-the-Pooh* embodies the child's innate sense of unstructured play time. And Pooh takes his play very seriously, even thinking up his little songs or "hums" for Piglet. "It isn't easy," said Pooh. "Because Poetry and Hums aren't things which you get, they're things which get you. And all you can do is go where they can find you."<sup>55</sup>

One of the simplest and most profound pleasures of many childhoods is awakening to a deep snow and heading out to play. Ezra Jack Keats's *The Snowy Day* beautifully conveys a child playing in the snow. When Peter walked outside in his red hooded coat, "his feet sank into the snow. He walked with his toes pointing out" and then he "walked with his toes pointing in," and pausing to look behind him, Peter notices the different tracks that his feet make (see Figure 6.1).

The narrator continues to describe Peter's snowy day and notes that "[t]hen he dragged his feet s-l-o-w-l-y to make tracks," and once again, Peter turns to note the difference in the snow. Peter explores, experiments, wanders, discovers, climbs, and slides. He finds a stick and smacks a snow-covered tree, then makes a snowman and snow angels. Then he returns to his warm home and caring mother. He tells her about his adventures as she bends over him, offering him warm shelter as she removes his cold, wet socks. Peter's unstructured snow play celebrates a





**FIGURE 6.1** Peter explores in the snow.

*The Snowy Day* by Ezra Jack Keats, 1962. Copyright Ezra Jack Keats Foundation. Reproduced with permission.

child's autonomy and imagination. Children's literature scholar Nina Mikkelsen writes that *Snowy Day* "replicates [children's] own growth experience":

Therefore it would reveal for children, we might suppose, on a deep sub-conscious level, what is deeply satisfying—a close reading of their own experience of the world and an imaginative and cognitive extension of it. Circle and line, home and adventure, the alternative signs of hearth rug and footpath pull the reader into and through the pages here.<sup>56</sup>

*The Snowy Day* conveys the ways in which children's play contributes to all facets of learning, developing creativity, self-confidence, and physical and emotional strength. Children learn by doing. When Peter puts a snowball in his pocket to save for the next day, and finds it melted that night after his bath, he is sad. The next morning, however, to his delight, more snow is falling, and he calls to his friend in his apartment building, and "they [go] out together in the deep, deep snow."

*The Snowy Day* was one of the first mainstream picture books to feature an African American protagonist. Ezra Jack Keats—the son of Jewish immigrant parents—reported that the decision was inspired by a photograph of a young boy with expressive features that he saw in a magazine roughly twenty years earlier.<sup>57</sup> Thus, even as *The Snowy Day* is a story of play, it contributes to children's exploration of human rights and multiculturalism (explored in Chapter 3). Sherman

Alexie, the American Indian poet, writer, and filmmaker, writes about the first time he read *The Snowy Day*:

*The Snowy Day* transformed me from someone who read regularly into a true book hound. I really think the age at which you find the book with which you truly identify determines the rest of your reading life. The younger you do that, the more likely you're going to be a serious reader.<sup>58</sup>

Alexie's reflection remind us of the interconnected nature of rights and how children's literature addresses a breadth of issues, often within a single story.

### *The Right to an Adequate Standard of Living in Law and Literature*

The right to an adequate standard of living encompasses a range of rights. Human rights law has long recognized that human dignity necessitates every individual has a right to an adequate standard of living.<sup>59</sup> The CRC requires every country to recognize "the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development."<sup>60</sup> More specifically, human rights law emphasizes the state's obligation to ensure that, in the CRC's case, every child has adequate "nutrition, clothing and housing."<sup>61</sup> The International Covenant on Economic, Social and Cultural Rights similarly guarantees every individual's right to "adequate food, clothing, and housing."<sup>62</sup> Both of these legal-binding treaties reflect the earlier expression of this essential right found in the Universal Declaration of Human Rights, which states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The rights to shelter, food, and clothing are portrayed in many stories in children's literature. This is not surprising from either a child development perspective or a human rights perspective; shelter, protection, and security are concerns of all children, and the U.N. Committee on Economic, Social and Cultural Rights has confirmed that the right to shelter and adequate housing "is of central importance for the enjoyment of all economic, social and cultural rights."<sup>63</sup>

*Click, Clack, Moo*, though primarily a tale about securing labor rights, is as much a story about ensuring adequate shelter. *The Snowy Day* similarly portrays the importance of shelter; after returning from playing in the snow, Peter is pictured sitting shirtless on a stool in front of his mother as she takes off his wet socks. The beautiful illustration shows his mother curved over Peter evoking both warmth and shelter for the child. Of course, other books show children's homes or shelter threatened: *The Three Little Pigs*, *The Swiss Family Robinson*, and Virginia Lee Burton's *The Little House* are three of many children's stories where houses are threatened. In these and other stories, houses represent more than the actual physical structure; they are a metaphor for a broader sense of security. These stories thus remind us of the early understanding of the right to housing in human rights law. Twenty-five years ago, the U.N. Committee on Economic, Social and Cultural Rights explained:

[T]he right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.<sup>64</sup>

A standard of living that respects and reflects the dignity in each individual is the goal. *Cinderella*, as with many fairy tales, portrays the move from an inadequate standard of living to securing of rights. Cinderella moves from substandard living conditions—with tattered clothing and insufficient food—to a life with a prince, who very obviously has the means to ensure that she has a standard of living that respects her inherent dignity. Elements of the right to an adequate standard of living, which mandates that the state ensures every child has the basic necessities to grow and develop fully, are woven into the fabric of many children's stories and remind us of the commitment required to ensure the rights and well-being of every child.

### *Our Basic Rights*

From play to health, education, shelter, and adequate nutrition, the core entitlements of economic, social, and culture rights are the subject matter of many children's stories. Perhaps it is the right to play, which reinforces the importance of supporting children's imaginative journeys, that reminds us most that the world of children's books should not be manipulated into adult-centered, didactic "lessons." In our own experience reading to children in our study, we found that simply

being willing to discuss stories with children led to rich, evocative exchanges about human rights issues and how they are experienced in children's lives and in their own minds. Indeed, as the research on play teaches adults, by relinquishing control, adults allow children to learn and develop. Achieving a balanced, holistic approach to economic, social, and cultural rights of the child can help secure children's well-being and provide them the opportunity to develop to their fullest potential.

Even as health care and education seem commonplace in the lives of children in many communities, in other locales they are rights that must be fought for. This is powerfully portrayed in the real world experience of Malala Yousafzai and the generation of girls (and boys) she represents. Malala became an advocate for children's education as a child in Pakistan, spurring death threats from the Taliban and ultimately an assassination attempt in 2012. After recovering from being shot in the head, she grew into an even stronger spokesperson for children's rights. Her efforts were recognized with the 2014 Nobel Peace Prize (the first child ever awarded the prize), but even more important, she has forced adults to recognize that every child has a right to education. As Malala explains, "Even if they come to kill me, I will tell them what they are trying to do is wrong, that education is our basic right."<sup>65</sup>

Securing the well-being of all children requires adults to help children realize their economic, social, and cultural rights. Children's literature has powerful messages on these issues for children and adults alike and can help ensure economic, social, and cultural rights are "widely known."<sup>66</sup>

## Notes

1. Doeden, *Malala Yousafzai*.
2. Villagrán-Morales et al. Case (The "Street Children" Case) (Guatemala), 1999 Inter-Am. Ct. H.R. (ser. C) No. 63, ¶ 144 (Nov. 19, 1999).
3. Geneva Declaration of the Rights of the Child, 1924.
4. The principle of progressive realization allows states parties to fulfill the right incrementally over time. U.N. Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, ¶¶ 2, 9, 10; see also Kalantrý, Getgen, and Koh, "Enhancing Enforcement," 257; Alston and Quinn, "Nature and Scope," 172–77. As the U.N. Committee on Economic, Social and Cultural Rights explains, "while the full realization of the relevant rights may be achieved progressively," "deliberate, concrete and targeted" steps "must be taken within a reasonably short time after" after a state ratifies the Covenant. U.N. Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, ¶ 2.
5. The Limberg Principles state that compliance with the obligations of economic, social, and cultural rights requires states parties "regardless of the level of economic

- development, to ensure respect for minimum subsistence rights for all" and that compliance beyond this minimum core may be achieved progressively. U.N. Commission on Human Rights, *The Limburg Principles*, ¶ 25.
6. Jamar, "International Human Right to Health," 2 (quoting the World Health Organization).
  7. Gwyneth Evans, "Children, Illness, & Books," available at [http://www.humanist-perspectives.org/issue153/childrens\\_books.html](http://www.humanist-perspectives.org/issue153/childrens_books.html).
  8. *Ibid.*
  9. Other books include *Curious George Goes to the Hospital* by H. A. and Margret Rey, Houghton-Mifflin, 1966; *Franklin Goes to the Hospital* by Paulette Bourgeois, Random House, Inc., 1985; *Clifford Visits the Hospital* by Norman Bridwell, Scholastic, Inc. 2000; *Corduroy Goes to the Doctor* by L. McCue, Viking Children's Books, 2001.
  10. Lansdown, "Children's Rights and Health," 287.
  11. *Ibid.*, 288.
  12. See Obade, "Mature and Emancipated Minors"; Watts, "Asking Adolescents."
  13. Special Rapporteur on the Right to Education, *Promotion of Equality of Opportunity in Education*, Human Rights Council, ¶ 6, U.N. Doc. A/HRC/17/29 (Apr. 18, 2011) (by Kishore Singh).
  14. *Wisconsin v. Yoder*, 406 U.S. 205, 213 (1972).
  15. For a discussion of the widespread acceptance of the right to education in international and national law, see Special Rapporteur on the Right to Education, *Justiciability of the Right to Education*, U.N. Doc. A/HRC/23/35 (May 10, 2013) (by Kishore Singh).
  16. U.N. Convention on the Rights of the Child, art. 29(1)(a) and (b).
  17. U.N. Committee on the Rights of the Child, *General Comment No. 1*, ¶ 2.
  18. Tomasevski, *Human Rights Obligations in Education*.
  19. Special Rapporteur on the Right to Education, *Justiciability of the Right to Education*, ¶ 25, U.N. Doc. A/HRC/23/35 (May 10, 2013) (by Kishore Singh) (citing research of Comparative Constitutions Project, directed by Professors Zachary Elkins, University of Texas, Tom Ginsburg, University of Chicago, and James Melton, IMT Institute for Advanced Studies).
  20. Right of Children to Free and Compulsory Education Act, INDIA CODE (2009), § 3(2), <http://ssa.nic.in/rte-docs/free%20and%20compulsory.pdf>.
  21. *Ibid.*, § 12(c).
  22. *Plyler v. Doe*, 457 U.S. 202, 221 (1982).
  23. *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).
  24. Dickens, *Hard Times*, 9.
  25. *Ibid.*
  26. *Ibid.*, 11–12.
  27. Lewis, *The Silver Chair*, 11.
  28. *Ibid.*, 13.

29. *Ibid.*, 241.
30. *Ibid.*, 242–43.
31. The ILO defines “child laborer” as including all children in employment between five and eleven years old; children in the twelve- to fourteen-year age group excluding those engaged in “permissible light work”; and including only those fifteen- to seventeen-year-olds engaged in hazardous work or other of the worst forms of child labor. Diallo, Etienne, and Mehran, *Global Child Labor Trends*, 8.
32. Diallo, Etienne, and Mehran, *Global Child Labor Trends*, 8, 11–12; see also Emerson and Souza, “Is Child Labor Harmful?”
33. ILO Convention (No. 5) Fixing the Minimum Age for Admission of Children to Industrial Employment (1919); ILO Convention (No. 7) Fixing the Minimum Age for Admission of Children to Employment at Sea (1920); ILO Convention (No. 10) Concerning the Age for Admission of Children to Employment in Agriculture (1921); ILO Convention (No. 33) Concerning the Age for Admission of Children to Non-Industrial Employment (1932).
34. ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour; ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment; U.N. Convention on the Rights of the Child, art. 32.
35. References to spiritual and moral development were added during the drafting phase as a result of a proposal from the Holy See. Lee Swepston, *Article 32*, 25 ¶ 73.
36. See ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
37. See, for example, ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, art. 1; Protocol to Prevent, Suppress and Punish Trafficking in Persons, art. 5; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, art. 3; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, art. 6.
38. See U.N. Convention on the Rights of the Child, art. 39; ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, art. 7; Protocol to Prevent, Suppress and Punish Trafficking in Persons, arts. 6–8; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, art. 8; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, art. 7.
39. See ILO Convention (No. 182) Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, arts. 7–8; Optional Protocol

- to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, art. 9; Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, art. 6; Protocol to Prevent, Suppress and Punish Trafficking in Persons, art. 6.
40. Cited in Holt, "Kingsley's *The Water-Babies* Re-Contextualized," 353.
  41. For an excellent discussion of the chimney sweep controversy and the literature that contributed to its regulation, see Jenny Holt's "'A Partisan in Defence of Children'? Kingsley's *The Water-Babies* Re-Contextualized."
  42. Kingsley, *Water-Babies*, 5–6.
  43. Hunt, *Inventing Human Rights*, 40.
  44. Ibid.
  45. Kingsley, *Water-Babies*, 7.
  46. Ibid., 47.
  47. Ibid., 64.
  48. Leavy and Peart, *Street Porter*, 250–53.
  49. Merrill, *Pushcart War*, 213.
  50. *New York Review of Books*, available at <http://www.nybooks.com/books/imprints/childrens/the-pushcart-war/>.
  51. Ibid.
  52. UNICEF, *Convention on the Rights of the Child—Using the Convention and Protocols for Children*, Nov. 30, 2005, [http://www.unicef.org/crc/index\\_using.html](http://www.unicef.org/crc/index_using.html) (accessed Feb. 10, 2015).
  53. Universal Declaration of Human Rights, art. 24.
  54. Ginsburg, "Importance of Play," 183.
  55. Milne, *House at Pooh Corner*, 168.
  56. Mikkelsen, "Remembering Ezra Jack Keats," 614.
  57. Ibid., 619–20. Keats went on to write and illustrate a number of other stories that featured African American and Hispanic central characters.
  58. Silvey, "Falling for a Book," 32.
  59. The foundational document of the human rights movement—the Universal Declaration of Human Rights—included the right to an adequate standard of living. See Article 25.
  60. U.N. Convention on the Rights of the Child, art. 27.
  61. Ibid.
  62. International Covenant on Economic, Social and Cultural Rights, art. 11(1).
  63. U.N. Committee on Economic, Social and Cultural Rights, *General Comment No. 4*, ¶ 1.
  64. Ibid., ¶ 7.
  65. Doeden, *Malala Yousafzai*, 31.
  66. U.N. Convention on the Rights of the Child, art. 42.

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## *Adults in the World of Children's Literature*

*Grown-ups never understand anything by themselves, and  
it is tiresome for children to have to explain things to them  
always and forever.*

—ANTOINE DE SAINT-EXUPÉRY, *The Little Prince*

ADULT CHARACTERS WHO perpetrate human rights violations against children abound in children's stories: from the stock evil stepmothers and the big bad wolves to more developed villains such as Cruella de Ville (*The Hundred and One Dalmatians*), Captain Hook (*Peter Pan*), Shere Khan (*The Jungle Book*), the White Witch of Narnia (*The Chronicles of Narnia*), Long John Silver (*Treasure Island*), and, perhaps the most egregious villain in all of children's literature, Roald Dahl's The Grand High Witch of All the World (*The Witches*), whose quest is to purge the world of all children. These scary grown-ups are deeply embedded in children's psyches, keeping kids awake at night and giving a face to the darkness that children sense exists in the world (and under their beds). Children's literary villains terrorize, kidnap, chase, rob, entrap, cast spells upon, and threaten the lives of young heroes. While the malevolent characters in literature often frighten children, they also allow children to confront the evil in the world from the safe distance of fiction. Villains embody the complexities of human conflict in comprehensible narrative and visual forms and offer children a means to frame constructions in which they both face and overcome evil. As J. R. R. Tolkien writes, "A safe fairyland is untrue to all worlds."<sup>1</sup>

As antidote to the villains of children's literary world, other adult characters go to great lengths to protect children and their rights. Characters like Horton the elephant, Mary Poppins, Cinderella's fairy godmother, the penguins'



protector, Mr. Popper, and Professor Dumbledore represent but a few of the quintessential human rights defenders in children's literature. Within the worlds of books, these adults not only protect children but actively build supportive communities within which children can thrive and realize their rights. These literary children's rights protectors cooperate with children in the stories in order to instill personal courage and resourcefulness, balancing the complex dynamic of children's emerging autonomy and their vulnerability.

Although children's literature invites young readers to explore the imaginative world and adventures of fellow children, perhaps ironically adult characters dominate much of children's literature. Adults appear in and play prominent roles in numerous children's stories. In some stories, like *The Tale of Peter Rabbit*, adults are the only characters who speak. Parents, grandparents, aunts, uncles, guardians, teachers, governesses, headmasters, and other adult authority figures intersect in defining ways with the child characters in children's literature.

Beyond the world of literature, adults play a critical role in shaping the developing personality of children. The dependent nature of childhood makes it difficult, at best, to understand children's experiences without consideration of adults' influence on their lives. Although the liberal tradition of rights is built on the idea of the autonomous individual, it does not accommodate the evolving nature of childhood, in particular young children's capacities. In short, children need adults. Some scholars have suggested that parents act like trustees holding and protecting children's rights until their children reach maturity.<sup>2</sup> Others have suggested that parents and other caregivers play the role of protector and facilitator, enabling and empowering children to exercise and secure their rights.<sup>3</sup> Looking to the Convention on the Rights of the Child (CRC) for guidance, we find that one of its foundational principles—the best interests of the child—speaks directly to the role of adults in children's lives and to adults themselves. The CRC mandates that the best interests of the child must be “a primary consideration” in “all actions concerning children.”<sup>4</sup> While the language of “a” primary consideration means that children's interests do not trump under all circumstances (see Chapter 8 for more discussion), the child's best interests must be in the forefront of adults' minds, not only in formal judicial and administrative proceedings but in both public and private actions that affect children. That's the onus on adults. For some adults, the child's best interests is almost always the guiding principle when interacting with children and adolescents, while other adults seem unaware of or even uninterested in what is best for the child.

Likewise, some adult literary characters act in the best interests of children, forming a protective safety net around the main character, while others pose a

dangerous threat that must be overcome. Adult characters in children's literature typically fall into one of three roles: the villain who violates children's rights and seeks to do harm; the mentor, protector, or defender of children's rights; or the hapless bystander who appears incapable of understanding the world of children. Through these various roles, adult characters in children's literature convey powerful messages to child readers about the ways in which grown-ups can both protect and exploit children, and how children might navigate their relationships with the adults in their world.

Significantly, these portrayals can also enlighten the *adults* who read with children about the ways in which grown-ups hurt, help, or misunderstand children; as Carl Jung explored, often it is stories that address the deep parts of adults' psyches.<sup>5</sup> "However many treaties there are," writes human rights and literature scholar Michael Galchinsky, "a rights-respecting world will not truly exist until people everywhere can imagine it."<sup>6</sup> The act of sharing a story allows a child and a grown-up to confront human rights questions and to imagine such a better world together.

In this chapter, we explore the different roles that adult characters play in children's literature. We begin by looking at examples of perpetrators of children's rights violations and defenders of children's rights. Dramatic clashes between literary villains and children, as with the rescues that other grown-ups undertake on children's behalf, make perpetrators and protectors readily identifiable. We then transition to exploring less prominent adult characters—characters who may not seek to destroy or protect children but simply ignore, neglect, or do not understand the world of children. These characters have a more subtle impact on the children in their stories, but their interaction with children implicates the foundational concepts of children's rights—forging both a new understanding of children among adults and an emerging partnership between adults and children that advances the well-being of every child. Finally, because we believe that children's literature can inform adults who share these stories with children, we close by briefly considering a fourth category of adults: adult audience members of children's literature.

### *Perpetrators of Human Rights Violations: "Off with Her Head!"*

The harsh reality is that it is *adults* who are the primary perpetrators of children's rights violations. And the range of violations children experience, in the home and in their communities, is vast, as explored in the previous chapters on discrimination, juvenile justice, and labor. Trafficking of children, perhaps one of the most egregious examples of the ways in which adults hurt children,

has received growing attention in recent years. Children are trafficked for various purposes including both sexual exploitation (in prostitution, child pornography, and similar exploitative settings) and labor exploitation (in agriculture, mining, construction, fisheries, manufacturing, domestic service, and other sectors). Since 2000, the international community has responded by promulgating two significant treaties—the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the U.N. Convention against Transnational Organized Crime, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography—and by pressing for their implementation and enforcement in all countries. Trafficking, sometimes referred to as a modern form of slavery, has been recognized by government leaders, including President Barack Obama, as one of the priority issues of our day.<sup>7</sup>

This elevated attention to child trafficking, a serious crime that has been occurring for centuries though largely hidden from view, compels adults to acknowledge that many children suffer grave injuries inflicted by adults. Child trafficking victims experience an array of harms from physical injuries such as broken bones, various wounds, and malnutrition, to emotional harm including post-traumatic stress disorder (PTSD), depression, anxiety, and other long-term mental health consequences.<sup>8</sup> Many victims are also exposed to environmental harms, including hazardous materials and substandard living conditions. In the United States and other countries, there is also growing recognition that these are problems that occur not just in other parts of the world but in our own communities. In a report published in September 2013, the Institute of Medicine and National Research Council reported that “[t]here is substantial and compelling evidence that commercial sexual exploitation and sex trafficking of minors in the United States are serious problems with immediate and long-term adverse consequences for children and adolescents, as well as for families, communities, and society as a whole.”<sup>9</sup>

One recent case provides a sense of the severe trauma inflicted on children. In *U.S. v. Cortes-Meza*, perpetrators trafficked young women and girls into prostitution in Atlanta. The victims were prostituted for \$25 for a fifteen-minute session. The victims had to have sex with more than twenty customers in a night,<sup>10</sup> and sometimes they were required to have sex with as many as forty customers.<sup>11</sup> The youngest girl was fourteen years old. Ultimately, these girls and young women were rescued by adults who sought to protect them, though not before they suffered significant trauma.

In this and other trafficking cases, we see a range of roles played by adults in children's lives. Traffickers visit severe forms of violence and abuse on children,

while others seek to protect children from such harms. Still others—such as clothing manufacturers, hotels, and taxi operators—facilitate, sometimes unwittingly, the exploitation of children, or are simply oblivious to the vulnerable child's experience. In the world of trafficking, many child victims are "systems-involved"—that is, they have previously passed through the juvenile justice system, foster care, child welfare, or other state systems.<sup>12</sup> They have seen us, but we adults have failed to see them or to do enough to help protect them.

The villains of children's stories do not simply function to scare children into behaving certain ways, such as reiterating ethical morals of sexual chasteness or cautious behavior. These fictional violators of children's rights actually reflect the real experience of many children today. The Big Bad Wolf tries to lure Little Red Riding Hood into his bed, posing as her caregiver until he can "swallow her whole." As witnessed with child trafficking, some monsters of fiction are tragically very real.

In *Horton Hears A Who!*, the Sour Kangaroo and the Wickersham gang of monkeys actively seek to destroy the Whos, a people they neither hear, see, nor believe in. They attempt to have the Whos boiled in Beezle-Nut stew. In their quest to extinguish the Whos, the jungle leaders aim to violate the most fundamental right of children: the right to life, survival, and development as enshrined in Article 6 of the CRC. Similarly, in *The Hundred and One Dalmatians*, Dodie Smith develops Cruella de Ville (with her overtly malintentioned name, "cruel devil") as distinctly exploitative of the Dalmatian puppies: she wants their spotted fur for dog-skin coats. Unspotted puppies and cats are drowned. Cruella de Ville, too, represents a threat to children's rights to life and survival. The evil stepmother in *Cinderella* mistreats Cinderella and exploits her labor, violating the CRC's mandate that establishes "the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." The evil stepmother also tolerates, or even encourages, the exploitation of Cinderella by her stepsisters. These stories and others position prominent adult characters as a threat to children, intentionally seeking to harm them.

In other stories, the adults do not affirmatively seek to harm children but react to children's actions or missteps in exaggerated ways. The Giant tries to eat Jack for climbing a beanstalk and pilfering items from his house; the three bears threaten Goldilocks with her life for trespassing; the mice banish Despereaux to the rat-infested castle dungeon merely for talking to a princess. When Alice answers the Queen of Hearts somewhat impertinently, the queen shouts "off with her head!" (the King of Hearts tries to moderate her sentence: "Consider, my dear: she is only a child!").<sup>13</sup> The volatile queen is easily distracted and often

forgets her draconian sentences, but Alice's adventures in Wonderland conclude by returning to the Queen of Hearts' realm, and more specifically, to her courtroom, where the queen is about to execute the Knave of Hearts for stealing one of her tarts. Alice advocates for the knave, defending his right to a fair trial, and even presenting evidence on the stand. As Alice promotes the knave's rights, she grows steadily larger, reacquiring her human size, until she awakes and realizes that Wonderland was a dream. Alice encounters many intimidating and frightening characters in Wonderland, but the Queen of Hearts, "who had only one way of settling all difficulties, great or small"—"Off with their heads"—represents the grown-up who overreacts to children's missteps.<sup>14</sup>

Together, the villains in these and other stories portray the different ways in which adults hurt children. Readers see some adult characters deliberately target children, exploiting their vulnerability, just as real-world adults do in various ways from trafficking to maltreatment in the home. Likewise, in children's literature and in real life, we see adults harm children amidst complex circumstances or in response to children's unwitting mistakes, not fully understanding children as rights holders in their own right.

The contrast between intentional versus situational literary villains reflects an important distinction in human rights law between the obligation to respect and the obligation to ensure. The obligation to *respect* imposes on the state a duty to refrain from committing any act that would violate an individual's rights. The obligation to *ensure*, by contrast, is an active one, requiring the state to take affirmative steps to secure the individual's rights. For example, the right to freedom of assembly requires that the government refrain from curtailing that right and would prohibit the state from banning public assemblies, while the obligation to ensure would require the state to safeguard those who peacefully assemble and to prevent other individuals from harming them while they do so.

Viewing the adult characters in children's literature as authority figures, as they typically are, one can understand the jungle animals in *Horton Hears a Who!* as neither ensuring nor even respecting the Whos' right to exist. Even though the Whos occupy a mere speck of dust and do not interfere with the other animals, the jungle leaders both deny their existence and seek to destroy them in Beezle-Nut stew. In contrast, had Alice responded more deferentially to the Queen of Hearts, it seems likely that the queen might have respected Alice's rights, though probably not have done anything proactively to ensure them. It is only when Alice defies the queen's will that the queen seeks to kill Alice. Holding Alice accountable for lack of respect does not constitute a rights violation, but the disproportionate harm the queen seeks to mete out does.

In reality, most if not all rights impose positive and negative duties on the state (e.g., the right to vote, which is often proffered as an example of a negative

right, actually requires the state to expend significant resources to hold free and fair elections). However, as a general principle, international law still distinguishes between positive and negative obligations. Though children may not recognize adult literary characters as mapping onto core elements of international law, the characters in these stories nevertheless depict a range of threats to children's rights.

### *Protectors of Human Rights: "I Have to Protect Them"*

Although children's literature is replete with adults who seek to violate the rights of children, all is not lost. To the contrary, children's literature provides wonderful examples of human rights defenders—adults who seek to ensure children's rights and well-being, often at great personal cost.

Parents and other legal guardians are the primary protectors of children. Both human rights law and children's literature recognize their critical role in children's lives. The CRC emphasizes the centrality of parents and other caregivers, acknowledging the rights and duties of parents in many provisions. Article 5 provides the general mandate that states must respect the rights and duties of parents and caregivers. Article 18 reinforces this guiding principle: "Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child." Thus, foremost it is parents who are the human rights defenders of their children, as reinforced by Article 27(2): "The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development." Though aimed primarily at the requirements for an adequate standard of living, freedom from harm must also be understood as encompassed within the conditions necessary for the child's development.

Young children meet nurturing parents in a variety of picture books. In *Guess How Much I Love You*, Big Nutbrown Hare repeatedly affirms not only his son's physical safety but the child's emotional well-being, too, and at the conclusion of *Are You My Mother?*, the mother bird assures her chick that she will be responsible for its upbringing and development. Canadian children's author Robert Munsch portrays another nurturing mother in the award-winning picture book, *Love You Forever*. Older children find the same supportive parents in the *Berenstain Bears* mother and father, in the *Charlotte's Web* parents, Mr. and Mrs. Arable, and in Ma and Pa Ingalls from *Little House on the Prairie*. The Murray parents, brilliant scientists and supportive parents to the children in

*A Wrinkle in Time*, provide Meg and Charles Wallace with the secure foundation they needed to survive the challenges they face.

Yet, despite the many examples of protective, rights-affirming parents in children's literature, in many children's stories, the children are on their own. Indeed, often it is the loss of a parent that creates the circumstances that challenge the child protagonist, and instigate the plot of so many children's books. Orphans, as we discussed in Chapter 4, dominate children's literature. In fact, of the two hundred best-selling children's books of all time, both hardcover and paperback, only seven feature children in intact, supportive families.<sup>15</sup>

When children lack a primary caregiver, they are thrust into the role of independent actor. In these frightening situations, their survival and development often depend on the emergence of another protector/defender who works in concert with the child characters' own courage and determination. Horton the elephant and Harry Potter's Professor Dumbledore offer two notable examples of human rights defenders.

In many ways, as explored in the context of child participation in Chapter 2, Dr. Seuss's Horton the elephant emerges as a model human rights defender, as he seeks to protect the Whos from destruction at the hands of the other jungle animals who deny the Whos' existence. Horton confronts the kangaroo early: "So, please,' Horton said, 'as a favor to me,/Try not to disturb them. Just please let them be.'" Horton continues: "I can't let my very small persons get drowned!/I've *got* to protect them. I'm bigger than they./So he plucked up the clover and hustled away."

At different junctures, Horton contemplates other options, but always opts for the path of protecting the Whos:

"Should I put this speck down? . . ." Horton thought with alarm.

"If I do, these small persons may come to great harm.

I can't put it down. And I won't. After all,

A person's a person. No matter how small."

Horton pledges to "stick by you small folks through thin and through thick." And he does, at great cost to himself:

Horton fought back with great vigor and vim

But the Wickersham gang was too many for him.

They beat him! They mauled him! They started to haul

Him into his cage! But he managed to call

To the Mayor: "Don't give up! I believe in you all!

A person's a person, no matter how small!

And you very small persons will *not* have to die  
 If you make yourselves heard! *So come on, now, and TRY!*"

Eventually, the Whos are heard and saved. Horton's efforts are validated. His reward is the knowledge that he helped to ensure the rights of others, and that his intervention led to a shift in the jungle community's perception of the Whos, from intolerance and disregard to respect and cooperative care.<sup>16</sup> Dr. Seuss, through Horton, provides an ideal example of a human rights defender willing to stand up for the rights of others, at great cost to himself. Horton works to ensure the Whos' right to be heard, their right to survival and development, and many other rights of children, and he does this while also fostering their effective and genuine participation. When we read *Horton Hears a Who!* to nine-year-old children, and then asked, "Tell us about the Whos and Horton," one girl in our study explained that the Whos are "microscopical, . . . people you can hardly see unless you try. Like kids!" Even the youngest children in our study, four-year-olds, immediately identified with the Whos, using their fingers to show us that the Whos are "very, very tiny," "like us." ("Or like ants!!" suggested a boy.) The nine-year-olds described Horton as "huge," "protective," and willing to "listen to what [the Whos] had to say," but most important, as "knowing that if the Whos get splashed or dropped, they will die." We also read the story to older adolescents. They described the kangaroo as someone who "wants everything to be *normal*, and she thinks that Horton is turning the jungle into a 'howling hulabaloo.' Horton interrupts *normal* so he has to be punished." One teenage girl concluded that "Horton is like . . . the one cool adult who treats you as a kid but not as childish. He actually listens to what you have to say."

After listening to the Whos, Horton bravely acts to protect them, imparting key human rights ideals to readers: upholding and defending the rights of others is important. Rights are not only for ourselves. Equally so, the travails of Horton convey to the child reader that to advocate for, and ultimately ensure, the rights of others requires sustained courage.

Protecting those who stand up to injustice and seek to protect the rights of others is an ongoing task for human rights advocacy and law. The U.N. Declaration on Human Rights Defenders provides that "[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."<sup>17</sup> Though a nonbinding instrument, the Declaration articulates the rights held by defenders of human rights, the rights of many adult characters in children's literature who seek to protect children from harm. Horton the elephant embodies the spirit of Article 12 of the Declaration on Human Rights Defenders, which reads in part: "Everyone has the right, individually and in association with



others, to participate in peaceful activities against violations of human rights and fundamental freedoms." The jungle's rulers fail to respect Horton's rights, just as they fail to acknowledge the rights of the Whos. Indeed, Article 12 states: "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration." Not only does the state (read: the kangaroo and the Wickersham gang of monkeys) fail to protect Horton from harm as he peacefully advocates for the rights of the Whos, but it is the state itself perpetrating the violence against Horton—beating, mauling, and caging him.

In *Horton Hears a Who!*, the child reader then is able to appreciate the experience of human rights defenders through the interactions of elephants, kangaroos, and monkeys. This experience allows young children to imagine those brave enough to defend the rights of others in a manner that might be easier to understand and appreciate than stories about prisoners of conscience in various countries around the world. Older children can study the history of prisoners of conscience in repressive regimes around the world, or read dystopian fiction such as Lois Lowry's *The Giver* or Suzanne Collins's *The Hunger Games* in order to inhabit characters who risk their lives contending with abusive governments. But as we observed in our study, even pre-kindergarten children understood and valued Horton for his willingness to protect the vulnerable.

Like Horton, J. K. Rowling's Professor Dumbledore exemplifies the children's rights protector who appreciates and accepts children on their own terms. The greatest wizard of all time in the magical world, Dumbledore surprised many of his peers by taking the time to understand and cooperate with all oppressed and marginalized populations: from wizarding pariahs like Muggles, to house-elves, the slave class of the magical world. Dumbledore was one of the few wizards to actually learn the goblins' language ("Gobbledegook") and the merpeople's language ("Mermish") because he recognized the immense power that comes from respecting and taking the time to appreciate others. As Nelson Mandela wrote, "If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart."<sup>18</sup> Dumbledore is also, paradoxically, both eminently respectable and surprisingly childlike. Despite his academic and political prestige, Dumbledore loves candy (Bertie Bott's Every Flavor Beans and even Muggle candy, especially lemon drops). He not only likes children, he loves and values their *books*, so much that he wills his copy of wizarding fairy tales—*The Tales of Beedle the Bard*—to Hermione Granger, who is able to interpret the fairy tales and to discover the means by which she, Ron, and Harry can save the world from Lord Voldemort.

The significance of *The Tales of Beedle the Bard* unfolds in the final book of the *Harry Potter* series, when Dumbledore helps Harry understand that the series' great villain, Lord Voldemort, failed to take over the wizarding world because he did not understand people unlike him, particularly *children* and their *stories*:

[H]is knowledge remained woefully incomplete, Harry! That which Voldemort does not value, he takes no trouble to comprehend. Of house-elves and children's tales, of love, loyalty, and innocence, Voldemort knows and understands nothing. *Nothing*.<sup>19</sup>

If the great villain of the *Harry Potter* series had read fairy tales, he might have succeeded in his dark plans. Instead he ignored *The Tales of Beedle the Bard* as a trivial, childish book. Voldemort did not know that embedded within children's stories are the deep truths about human nature. As Ian Ward writes in *Law and Literature*, "[t]he literature which we read as children is the most influential and important that we ever encounter."<sup>20</sup>

The journeys of these two human rights defenders—Horton and Professor Dumbledore—convey a critical lesson about fulfillment of human rights. In *Horton Hears a Who!*, Dr. Seuss shows the child reader that the Whos are saved ultimately through a combination of Horton's advocacy ("I've got to protect them") and their own efforts to claim their rights ("We are here! We are here! We are here! We are here!"). It is this partnership among adults and children that enables children's rights to be fully recognized and protected.<sup>21</sup> Similarly, Dumbledore is both protector of Harry Potter and his friends as well as a facilitator of the children's own agency to vindicate their rights. Dumbledore not only guides Harry and his friends' development and ensures their safety, he overtly implores that adults take children seriously: "Age is foolish and forgetful when it underestimates youth," he tells Harry in *The Half-Blood Prince*, and similarly "[y]outh cannot know how age thinks and feels. But old men are guilty if they forget what it was to be young," in *The Order of the Phoenix*.<sup>22</sup> Horton, Professor Dumbledore, and other literary human rights defenders appreciate that protecting the rights of others, even children, comes from understanding and partnering with them.

### *Children's Defenders as Parens Patriae*

The narrative of many children's stories leads ultimately to a confrontation where the child protagonist must face and overcome the villain. In many stories, as with Horton confronting the sour kangaroo, the clash between villain and protector represents a central challenge regarding children for both societies

and law. While parents and families remain the primary protectors and nurturers of children, we know both in children's literature and in our own communities that many children do not have the benefit of loving, caring parents. In such situations, the state serves—or intends to serve—as a safety net for children. Under the long-standing doctrine of *parens patriae*, the state has an obligation to ensure the safety and well-being of the child. “[T]he *parens patriae* doctrine, in essence, gives the state authority to serve as a substitute parent and ultimate protector of children's interests.”<sup>23</sup> One court explains the doctrine as follows:

*Parens patriae*—“Parent of the Country”—originates from the English common law as a prerogative of the Crown arising from the Sovereign's duty to protect infants and those of legal disability unable to protect themselves. . . . The doctrine is oft cited as the fundamental principle guiding [U.S.] courts in promoting a child's welfare and best interests. . . . It is the state's quintessential compact with its citizens, an organic precept of decency of inherent constitutional dimension, as basic and equal to every other constitutional guarantee to which it may be compared. *Parens patriae*, indeed, is a preeminent promise of human kind, binding one generation to another that those who cannot protect themselves will be protected; that those who need care will receive it; and that the powers of the state, administratively, legislatively, and through its courts, will be utilized to oversee that promise. As it relates specifically to children's issues and the rights of children, *parens patriae* is the philosophical source of state law, of public policy governing their general welfare, best interests, right of protection, right to be free from harm and abuse.<sup>24</sup>

While *parens patriae* provides the state the authority *to* intervene, it does not dictate *how* the state intervenes. The best interests of the child standard is intended to guide the state response to children in need or at risk.

Through the battle between Lord Voldemort and Professor Dumbledore and other classic confrontations in children's stories, child readers actually experience both violations of adults' duty of care and formal and informal examples of the doctrine of *parens patriae*. Under law, the state, representing society, steps in when a child is in danger in order to ensure the child's well-being (typically, law enforcement, social services, or a combination of the two). Similarly, in numerous children's stories, an adult protector intercedes to help protect the child from harm and ensure his or her best interests.

This duty to protect is found not only in the state obligation enshrined in the *parens patriae* doctrine, it is a core concept in children's rights law. The CRC begins with recognition of the “rights and duties of parents” and states that

“[p]arents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.”<sup>25</sup> The CRC states further that every child has “the right to know and be cared for by his or her parents.”<sup>26</sup> Notably, it is not merely a right to know one’s parents, but that the child is entitled to care. This echoes the recognition in the foundational human rights instrument, the Universal Declaration of Human Rights, that childhood is entitled to “special care and assistance.” Drafters of the CRC, of course, recognized that children are often inadequately protected from harm, and thus Article 20 mandates that “[a] child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.” This provision enshrines the *parens patriae* doctrine in international children’s rights law. In portraying the battle between perpetrators and protectors, children’s literature conveys to the child reader that every child is entitled to the protection from harm.

*When Adults Don't Listen:  
“I’m Sorry, What Were You Saying?”*

Children’s rights are founded on recognizing children’s inherent worth and dignity. It is about taking children’s interests and ideas seriously. It ultimately is about meeting children where they are, understanding their needs, and working in partnership with them to ensure their rights, well-being, and full development. As detailed in the previous sections, in the literary world, as in real life, some adult characters do not see children as inherently valuable at all, while others truly understand children, take their views seriously, and defend them. A third category of adult characters seems unaware of children’s needs. Among these are some adult characters whose evolution unfolds before the reader, as they grow to understand children over time.

Children’s literature offers many well-known examples of self-absorbed or absentminded adults who appear to overlook the needs of children, and often the children themselves. In the first of thirteen children’s novels that make up Lemony Snicket’s *The Series of Unfortunate Events*, Violet, Klaus, and Sunny Baudelaire learn rather abruptly that they are now orphans: “‘Your parents,’ Mr. Poe said, ‘have perished in a terrible fire.’”<sup>27</sup> Mr. Poe reports to the children that he is “the executor of your parents’ estate. That means I will be handling their enormous fortune and figuring out where you children will go.”<sup>28</sup> Mr. Poe’s priorities are reflected in the order he describes his duties to the newly orphaned

children. His first concern is the financial business of the estate, and then he very distractedly chooses guardians for the children. Mr. Poe chooses their first guardian on the basis of convenience, as "Count Olaf is the only relative that lives within the urban limits" of their city.<sup>29</sup> He further explains that Count Olaf is "not your closest relative on the family tree, but he is the closest geographically." The Baudelaire children are smart, resourceful, and kind, but they are also skeptical: "If he lives in the city," Violet asks, "why didn't our parents ever invite him over?"<sup>30</sup> Mr. Poe is too busy and preoccupied with matters of business to consider the children's best interests, and he leaves the children in the care of the man who will emerge as the primary villain in the novels.

Although Count Olaf was the most convenient guardian for the children, he "placed them together in one filthy bedroom that had only one small bed in it," started drinking at breakfast, gave them demanding and unreasonable jobs, called them "orphans" instead of by their names, and hit Klaus. And "worse," according to Klaus, he had no books in the house.<sup>31</sup> The children travel on their own to Mr. Poe's bank office and tell him of their situation with Count Olaf, but Mr. Poe's office phone rings continually and he attends to his business instead of taking the children seriously:

"Excuse me," Mr. Poe said, as another telephone rang. "Poe here," he said. "Seven. Seven. Seven. Seven. Six and a half. Seven. You're welcome." He hung up quickly and wrote something down on one of his papers, then looked at the children. "I'm sorry," he said, "what were you saying about Count Olaf?"<sup>32</sup>

Mr. Poe sends the orphans back to Count Olaf, only to intercede when Olaf attempts to marry the fourteen-year-old Violet in order to take control of the children's inheritance. A kind and intelligent judge—whom the children have grown to love—offers to adopt the three orphans, but Mr. Poe does not listen to their reasons. Instead, he informs them that he has found another relative with whom they can live.

To Violet, Klaus, and Sunny, it seemed that Mr. Poe and the law had made the incorrect decision to take them away from the possibility of a happy life with Justice Strauss and toward an unknown fate with some unknown relative. They didn't understand it, but like so many unfortunate events in life, just because you don't understand it doesn't mean it isn't so. . . . [I]t seemed to the children that they were moving in an aberrant—the word "aberrant" here means "very, very wrong, and causing much grief"—direction.<sup>33</sup>

Subsequent guardians in the series are incompetent, neglectful, or self-interested. The only guardian who genuinely cares about the children's best interests is Professor Montgomery, whom Count Olaf murders. The children desperately try to convince Mr. Poe that their guardians are unfit, but Mr. Poe finds the children's explanations "very tiresome."<sup>34</sup>

Over the course of the thirteen-book series, Mr. Poe continues to distractedly place the children in the care of the most "convenient" guardians he can find, with seemingly no thought to their safety or emotional stability. In the fourth book, he cannot remember their new guardian's name and does not get off the train to introduce them because he is too busy.<sup>35</sup> In the sixth book, he likewise cannot be bothered to walk up the long staircase to meet the children's new guardians personally, a fashion-conscious couple who asked to adopt the children because "orphans are in."<sup>36</sup> When the eighth book begins, the narrator describes the failure of adults to provide even the most basic protection for the children:

After the death of the Baudelaire parents, Violet, Klaus, and Sunny had found themselves under the care of a variety of guardians. Some of them had been cruel. Some of them had been murdered. And one of them had been Count Olaf, a greedy and treacherous villain who was the real reason they were all by themselves in the middle of the night, standing in front of the Last Chance General Store, wondering who in the world they could call upon for help.<sup>37</sup>

Once again, as the ninth book begins, the three orphans find themselves alone, without any money, and being chased by an assortment of Count Olaf's gang, all trying to take control of their fortune. They consult on who could help them:

"I suppose we could try to reach Mr. Poe," Violet suggests.

The three siblings looked at each other without much hope. . . . Mr. Poe was not a wicked person, but he had mistakenly placed them in the company of so much wickedness that he had been almost as wicked as an actual wicked person, and the children were not particularly eager to contact him again, even if it was all they could think of.<sup>38</sup>

Mr. Poe is an example of the adult outside the world of children who does not recognize their needs, act in their best interests, or even attend to their suffering. The unhelpful or disinterested adult appears with some frequency in children's literature, conveying that when adults are oblivious to the real needs of children in their care, they actually intensify the children's problems.

P. L. Travers offers another example of adult caregivers who have little or no interest in children's needs. In her classic 1934 children's book *Mary Poppins*, for example, Jane and Michael's parents, Mr. and Mrs. Banks, are emotionally detached and even physically disconnected from their children. Fortunately, Jane and Michael have Mary Poppins, who not only listens to the children and attends to their needs but actively involves them in their own development as resourceful, optimistic, and increasingly autonomous people. Likewise, when Crockett Johnson's Harold in *Harold and the Purple Crayon* searches for a way back to his bedroom, he decides to ask a policeman and draws him. Harold's effort is met with disappointment: "The policeman pointed the way Harold was going anyway. But Harold thanked him." Harold's metafictional grown-up, drawn with his eyes slightly unfocused and a seemingly automated directional point of his arm, represents many authority figures within children's literature who neither harm nor advocate for children; they are of no use. The neighborhood policeman—who in many classic images is a protector of children, helping them cross the street to and from school—proves irrelevant, merely pointing Harold in the direction he was already going.

### *Emerging Partnerships between Adults and Children*

Still other stories depict an evolution in adults' conceptions of children and the world of childhood. This transition, from child as nothing more than a ward to child as a distinct individual with rights, represents an essential step toward understanding and embracing the idea of children's rights. This metamorphosis is portrayed in the Antoine de Saint-Exupéry's classic children's story, *The Little Prince*. Voted by the French as the best book of the twentieth-century, translated into more than two hundred and fifty languages, and with more than two hundred million copies in print, Saint-Exupéry's fable of a pilot stranded in the Sahara Desert and the little prince he encounters stands as one of the most beloved children's books.<sup>39</sup>

An expatriated French pilot and author, Saint-Exupéry had been living in New York for two years in the early 1940s—since France had surrendered to the Nazis—when he wrote his first children's book, *The Little Prince*. It was a disappointment to Saint-Exupéry's readers, who preferred his political nonfiction.<sup>40</sup> "However," Kathryn Shattuck writes, "years later, some of Saint-Exupéry's harshest critics came to consider *The Little Prince* his most profound work, the entirety of his philosophy wrapped up in a deceptively simple package."<sup>41</sup> Martin Heidegger characterized Saint-Exupéry's book as "one of the great existentialist books of [the twentieth] century."<sup>42</sup>

"Once upon a time there was a little prince who lived on a planet that was scarcely any bigger than himself, and who had need of a sheep. . . ."43 In such a way the narrator of *The Little Prince* would have liked his story to begin, "in the fashion of fairy-tales."<sup>44</sup> But the grown-ups, he explains, do not take such tales seriously. Thus the narrator chooses instead to introduce the title character by locating and naming the little prince's home planet, Asteroid B-612, because "grown-ups love figures":

When you tell them that you have made a new friend, they never ask you any questions about essential matters. They never say to you, "What does his voice sound like? What games does he love best? Does he collect butterflies?" Instead, they demand: "How old is he? How many brothers has he? How much does he weigh? How much money does his father make?" Only from figures do they think they have learned anything about him.<sup>45</sup>

"They are like that," the narrator laments, "one must not hold it against them. Children should always show great forbearance toward grown-up people."<sup>46</sup> Such forbearance, we learn from the book's narrator, has been a life-long source of loneliness and frustration.

*The Little Prince*, therefore, begins neither in the fairy-tale style of "once upon a time," nor, in fact, with the little prince at all. Instead, the first chapter is entirely devoted to how grown-ups thwarted the narrator's imagination at the age of six, restraining his artistic impulses with their more pedestrian concerns. As a result, the narrator never fully developed the rich, creative talents that his early years promised. He recounts that as a young boy, his imagination was taken by learning that boa constrictors swallow their prey whole. This information prompted him to portray a boa constrictor in the act of swallowing an elephant. (See Figure 7.1.)



**FIGURE 7.1** A drawing of a boa constrictor from the outside.

Illustration from *The Little Prince* by Antoine de Saint-Exupéry. Copyright 1943 by Houghton Mifflin Harcourt Publishing Company. Copyright © renewed 1971 by Consuelo de Saint-Exupéry. Reprinted by permission of Houghton Mifflin Harcourt Publishing Company. All rights reserved.

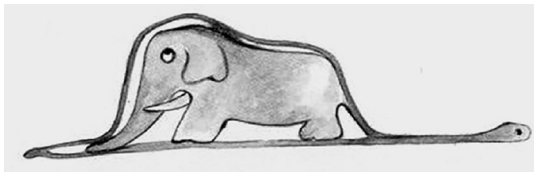


The narrator was pleased with his “masterpiece” and would show it to grown-ups, asking if it “frightened” them.<sup>47</sup> Their responses revealed one of the book’s central themes: the different ways adults and children perceive the world. “Frighten? Why should any one be frightened by a hat?”<sup>48</sup> the adults ask, because, unlike children, grown-ups do not see through the skin of snakes to the elephants within. And so the narrator concedes by creating another drawing, a boa constrictor from the inside, “so that the grown-ups could see it clearly.”<sup>49</sup> (See Figure 7.2.)

Yet even when presented with such a transparent drawing, grownups still could not grasp the frightening reality the child sought to convey. The adults still could not “see” as children do. So the grown-ups advised the narrator at this young age to “lay aside [his] drawings of boa constrictors, whether from the inside or outside, and devote [himself] instead to geography, history, arithmetic, and grammar.”<sup>50</sup> He becomes a pilot.

The story of the little prince begins, then, with a sharply polarized view of children’s and adults’ worlds. Saint-Exupéry portrays adults as dull, mundane, reductive, and as incapable of seeing the mysterious and invisible. Grown-up is a limited state of being, consumed by “figures” and “matters of consequence” that the child considers inconsequential.<sup>51</sup> Conversely, children, as represented by the little prince, think deeply about the abstract and imaginative. They are more creative, responsive, sensitive, and attuned to the “invisible” world. Saint-Exupéry’s dialectic unequivocally privileges the child: “I have lived a great deal among grown-ups,” writes the now-adult narrator. “I have seen them intimately, close at hand. And that hasn’t much improved my opinion of them.”<sup>52</sup> The narrator broadly characterizes adults as narrow-minded, dogmatic, intellectually and conceptually limited:

Whenever I met [a grown-up] who seemed to me at all clear-sighted, I tried the experiment of showing him my Drawing Number One, which I have always kept. I would try to find out, so, if this was a person of true understanding. But whoever it was, he, or she, would always say:



**FIGURE 7.2** A drawing of a boa constrictor from the inside.

Illustration from *The Little Prince* by Antoine de Saint-Exupéry. Copyright 1943 by Houghton Mifflin Harcourt Publishing Company. Copyright © renewed 1971 by Consuelo de Saint-Exupéry. Reprinted by permission of Houghton Mifflin Harcourt Publishing Company. All rights reserved.

"This is a hat."

Then, I would never talk to that person about boa constrictors, or primeval forests, or stars. *I would bring myself down to his level.* I would talk to him about bridge, and golf, and politics, and neckties. And the grown-up would be greatly pleased to have met such a man.<sup>53</sup>

Although the book refers to "grown-ups" twenty-three times, it subverts the semantic hierarchy inherent in the notions that "grown-up" and even "up-bringing" confer.<sup>54</sup> The state of legal majority, of being "grown-up"—with its grammatical connotation of being in a position above, or higher than, children—is implicitly contradicted by the narrator bringing himself "down to [the] level" of the grown-up.<sup>55</sup> Saint-Exupéry's dedication, in fact, asks his child reader's pardon for dedicating the book to an adult:

To Leon Werth

I ask the indulgence of the children who may read this book for dedicating it to a grown-up. I have a serious reason: he is the best friend I have in the world. I have another reason: this grown-up understands everything, even books about children. . . . If all these reasons are not enough, I will dedicate the book to the child from whom this grown-up grew. All grown-ups were once children—although few of them remember it. And so I correct my dedication:

TO LEON WERTH

WHEN HE WAS A LITTLE BOY<sup>56</sup>

Saint-Exupéry's dedication establishes the narrative arc of the book, which begins with an adult recounting the ways other adults stymied his ability to develop on his own terms, leading to a solitary and frustrated life, until as an adult he met a child, a "most extraordinary small person," who taught him to think and see as a child once again. The little prince also teaches the pilot to negotiate the rights and responsibilities of adult-child engagement, not through opposition and authority, but through learning to respect the perspective of children and the "matters of consequence" to them, which are often far different from adults' concerns.

The book functions on some levels as a coming-of-age story, only it is the *adult* and not the child who achieves a new level of maturity. Unlike the traditional coming-of-age story, in which the child learns the values and roles of adult society, in *The Little Prince*, the adult comes to understand and value the child's views and the creative world of childhood. *The Little Prince* portrays an adult evolving back to a child's perspective while learning both to advocate for and to

respect the child. Primarily this happens by the little prince teaching the pilot to look beneath the surface of things to what is truly important. The narrator remembers that he could once see beneath the surface, when he drew a boa constrictor digesting an elephant. But he lost the ability as he "grew up." So the little prince teaches him to peer through the walls of box drawings to see the invisible sheep inside, to look beyond the eclectic Turkish costume and instead attend to the brilliant astronomer, to look so closely at a rose that it is distinguished from all the other roses in the garden. This is a distinctly childlike perspective, one in which the invisible becomes very real.

Two themes in *The Little Prince* merit special consideration in that they represent critical concepts in the development of the child rights idea. First, the book reflects on the notion of "matters of consequence" and the distinct perspectives adults and children have on what counts as a matter of consequence. Second is the idea of the invisible, and making the invisible visible.

Saint Exupéry developed the concept of "matters of consequence" as a recurring motif in the book—illustrating the widely different perspectives of what is important, or consequential, as well as what has value and significance to adults versus children. In a pivotal scene in the book, the child and the grown-up enact a scene familiar to most adult readers who have been interrupted in an important task by a child's seemingly irrelevant questions. The little prince is asking the narrator about a matter crucial to him: Do sheep eat flowers, even if they have thorns? The narrator—a pilot, like Saint Exupéry himself—is working on his plane, trying to loosen a bolt that is stuck, and as the little prince questions him, the pilot's impatience escalates. The pilot is not the *least* concerned about whether sheep eat flowers, because he is "upset over that bolt." The pilot answers the little prince's questions carelessly, growing more irritated by the interruptions, until the little prince doggedly continues, "and you actually believe that the flowers—" prompting an outburst from the pilot:

"Oh no!" I cried. "No, no, no! I don't believe anything. I answered you with the first thing that came into my head. Don't you see—I am very busy with matters of consequence!"

He stared at me, thunderstruck.

"Matters of consequence!"

He looked at me there, with my hammer in my hand, my fingers black with engine-grease, bending down over an object which seemed to him extremely ugly . . .

"You talk just like the grown-ups!"<sup>57</sup>

The little prince ends sobbing, the only time he cries in the book. The child's grief provokes an epiphany in the grown-up and challenges his entrenched sense of what is "of consequence":

The night had fallen. I had let my tools drop from my hands. Of what moment now was my hammer, my bolt, or thirst, or death? On one star, one planet, my planet, the Earth, there was a little prince to be comforted. I took him in my arms, and rocked him.<sup>58</sup>

In this scene, *The Little Prince* dramatizes one of the complexities of children's rights: adults must both protect children's inherent vulnerabilities and recognize them as subjects of rights on their own terms. The little prince's simultaneous vulnerability and competence—as both a child in need of protection and as one capable of caring for both himself and his planet—depicts the same dynamic that the CRC seeks to negotiate. Sometimes the pilot cares for the little prince in the distinct role of an adult protector, "I was holding him close in my arms as if he were a little child."<sup>59</sup> At other times, the little prince is clearly the enlightened teacher. The story reflects that the power dynamic between adult and child is fluid, not fixed. As sociologist Sarah White describes:

The danger, however, is that this [relationship] is seen in binary terms, with adults and children as two fixed categories, defined by their opposition to one another. What is needed instead is an appreciation of the multiplicity of relations amongst and between adults and children, and the variety of forms and terms of engagement which these comprise. This opens the way to explore how both adults and children are at once "being" and "becoming," negotiating their present in relation at once to their past selves and in response to encounter with others.<sup>60</sup>

White's child rights approach, with its "multiplicity of relations amongst and between adults and children," breaks down the unilateral authority of adults in relationships with children, and emphasizes a consideration of what children bring to the table. Similarly Article 12 of the CRC requires that the child who is capable of forming his or her own view be given the opportunity to express that view. In the case of the little prince, his actions constitute a consistent pattern of contesting what the grown-up considers consequential: "On matters of consequence, the little prince had ideas which were very different from those of

the grown-ups."<sup>61</sup> The little prince had a beloved rose on his planet and was very concerned that his sheep would eat it. For most of their friendship, this was of no interest whatsoever to the grown-up pilot, who was far more concerned with fixing his plane. As he took the time to understand the little prince and love him, he grew to care deeply about what mattered to the little prince. The pilot concludes his story:

Here, then, is a great mystery. For you who also love the little prince, and for me, nothing in the universe can be the same if somewhere, we do not know where, a sheep that we never saw has—yes or no?—eaten a rose . . .

Look up at the sky. Ask yourselves: Is it yes or no? Has the sheep eaten the flower? And you will see how everything changes . . .

And no grown-up will ever understand that this is a matter of so much consequence!<sup>62</sup>

Here is the crux of adult responsibilities to children's rights: adults must learn to see and appreciate the needs of children, even when initially perceived as trivial and inconsequential. Thus, rights-affirming children's literature itself becomes a "matter of consequence," for it has the power to demonstrate to both children and adults the importance of children's views and of ensuring children's rights are realized.

A second critical children's rights theme in *The Little Prince* is the value of the invisible. Historically, children themselves were invisible; according to law, they were mere wards or appendages of the head of the household (which the law held was the father). Even today, they are often "hidden in plain sight"—a phrase that recently has been used to describe child trafficking victims, as we often do not see them or the harms they suffer.<sup>63</sup> Children's rights honor the bonds and relationships between children and parents but also assert that children must be recognized as individuals in their own right. In this regard, the idea of children's rights is a push to move children—individuals that matter—from invisible to visible, in order to ensure their well-being. The metaphor of the invisible operates on another level: reinforcing that the imaginative world of the child matters for the development of the child, despite being a world that adults often discount or ignore. In this regard, children's literature matters as a space in which children can grow and develop.

Many passages in *The Little Prince* teach the value of the invisible. As the fox explains, "it is only with the heart that one can see rightly; what is essential is invisible to the eye."<sup>64</sup> The final scene between the pilot and the

little prince exemplifies an adult character's "sudden understanding" of the invisible:

"What makes the desert beautiful," said the little prince, is that somewhere it hides a well . . ."

I was astonished by a sudden understanding of that mysterious radiation of the sands . . ."

"Yes," I said to the little prince. "The house, the stars, the desert—what gives them their beauty is something that is invisible!"<sup>65</sup>

*The Little Prince* portrays the transformation of the pilot from an adult rooted in traditional conceptions of children as small beings who are to be seen and not heard, to an adult who sees and appreciates the value in children. He "grows up" to become a partner and protector of children and the seemingly insignificant things that matters to them.

The pilot in *The Little Prince* joins the other literary adults who, rather than ignore or resist children's worlds, protect, engage, and appreciate children as and where they are. Many of these adult protectors in children's literature are distinct for their tendencies to integrate adult perspectives with a childlike creativity and imagination: Mary Poppins slides down banisters, the enormous Horton envisions an entire community upon a speck of dust, Cinderella's fairy godmother transforms pumpkins and mice into a coach and horses, and Mr. Popper willingly adapts his home into an ice-palace for the penguins' benefit. These grown-ups *see* and relish the often invisible and impractical world of children. They value collaboration with, not authority over, the small and seemingly insignificant. Professor Dumbledore, Horton the elephant, Mary Poppins, and other literary protectors of children have embraced the central tenets of children's rights, recognizing the dignity and worth in every child.

### *Adults in the Audience of Children's Literary Adventures*

To this point, we have focused primarily on how children's literature speaks to children. This emphasis reflects both the fact that children's literature, as we have defined it, addresses children specifically, and the fact that children's rights insist on recognizing children as actors, rather than passive observers, in their own lives. So our book prioritizes the child's experience (including by reading to and

listening to children in our qualitative study). However, an important part of the audience—intentionally or otherwise—are adults.

As we discussed in Chapter 4, adult caregivers play a critical role in the child's development. Their influence is particularly profound with regard to young children, who are just formulating initial ideas about the world, their role in it, and other people. Most children's early experiences with literature include being read to by a parent or teacher, or sitting side by side with an adult and reading together. While the children in our study did not need an adult's assistance to identify and engage with the human rights themes in the books we read to them, we recognize that parents, teachers, and other adults have great influence on children's developing ideas.

No different from other books, children's literature can influence how adults think and feel. Rights discourses in children's literature have the potential to shape or reshape *adults'* understanding of children, just as the pilot's views evolved from his time with the little prince. In addition, conversations about human rights inspired by children's stories can encourage adults to recognize the inherent dignity in children. Jean Merrill's *The Pushcart War* seems to also recognize this, and it has been described as "for children and intelligent grown-ups."<sup>66</sup>

We see the audience for children's literature, therefore, as not limited to children. It uncovers the world of children for adults, and permits adults and children to experience that world together. It can enlighten adults on the value of children's perspectives. It can challenge adults to act in a way that both protects children, given their inherent vulnerabilities, and recognizes them as subjects of rights entitled to their own voice. In short, it can enable adults to "grow up" and embrace children as rights holders.

### *Mutual Respect*

In that both seek to advocate for and facilitate relationships of mutual respect among adults and children, *The Little Prince* and the Convention on the Rights of the Child imagine a similar world: one in which children, though lacking the full autonomy of adults, are still subjects of rights on their own distinct terms, and engage with adults in a relationship of mutual respect and dignity. That world is one in which children are neither exploited, reduced to economic assets, nor considered merely pre-social beings in need of discipline in order to mature into the "correct" kind of citizen. Rather, it is a rights-fulfilling world in which children are protected, and where their perspectives are "given due weight."<sup>67</sup>

## Notes

1. Tolkien, *Letters*, 24.
2. See Ouellette, "Shaping Parental Authority," 996–99.
3. See Woodhouse, *Hidden in Plain Sight*, 27.
4. U.N. Convention on the Rights of the Child, art. 3.
5. See generally Robert A. Segal's *Jung on Mythology* for an exploration of the psychological uses of myth.
6. Galchinsky, "Framing a Rights Ethos," 92.
7. See Proclamation No. 8471, 75 Fed. Reg. 1267 (Jan. 4, 2010) (presidential proclamation by Barack Obama declaring January 2010 as National Slavery and Human Trafficking Prevention Month and calling on all Americans to join together in the effort to end human trafficking); Plassnik, "Opening Statement" ("Human Trafficking has many cruel faces. It is one of the most serious violations of fundamental human rights and human dignity. In the 21st century, we cannot tolerate human beings to be bought, sold and hired like commodities.").
8. Institute of Medicine and National Research Council, *Confronting Commercial Sexual Exploitation*, 115–22; Todres, "Moving Upstream," 463–67.
9. Institute of Medicine and National Research Council, *Confronting Commercial Sexual Exploitation*, 372.
10. U.S. v. Cortes-Meza, 411 Fed. Appx. 284, 286 (11th Cir. 2011).
11. U.S. Immigration and Customs Enforcement, *Head of Sex Trafficking Ring Sentenced to 40 Years in Prison* (Mar. 24, 2011), at <http://www.ice.gov/news/releases/1103/110324atlanta.htm>.
12. Institute of Medicine and National Research Council, *Confronting Commercial Sexual Exploitation*, 78, 87–88.
13. Carroll, *Alice's Adventures in Wonderland*, 95.
14. *Ibid.*, 102.
15. Such lists vary slightly according to how the sales are calculated, but the results remain essentially unchanged. See, for example, <http://www.publishersweekly.com/pw/print/20011217/28595-all-time-bestselling-children-s-books.html> or <http://childrensbooksguide.com/top-100>. We do note that sometimes, such as in the case of the famous literary orphan Harry Potter, other parents do play a role: Mr. and Mrs. Weasley are supportive and self-sacrificing parents with both their own children's and Harry's best interests at heart.
16. Although eventually the Whos are saved and accepted, from a human rights perspective, it is notable that the kangaroo, Wickersham gang, and the black-bottomed eagle are never held accountable for the human rights atrocities (mauling, etc.) they inflict on Horton.



17. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, art. 1.
18. "Mandela in His Own Words," *CNN*, June 26, 2008, at <http://edition.cnn.com/2008/WORLD/africa/06/24/mandela.quotes/>.
19. Rowling, *Deathly Hallows*, 709.
20. Ward, *Law and Literature*, 90. Ward explores his premise through both preadolescent and adolescent literature, from *Peter Rabbit* to *Lord of the Flies*. He concludes by arguing "children must use their literary and social experience to formulate their own conceptions of law and justice. The more the text requires the self-assertion of the child, the more that child is empowered." *Ibid.*, 116–17.
21. See Liebel, *Children's Rights from Below*, 5, in which Liebel outlines how adults can be "co-protagonists" and work in partnership with children to advance children's rights and well-being.
22. Rowling, *Half-Blood Prince*, 564–65; *Order of the Phoenix*, 826.
23. Kindred, "Poor Children, Parens Patriae," 526.
24. *Hoefers v. Jones*, 288 N.J. Super. 590, 672 A.2d 1299 (Ch. Div. 1994), *aff'd*, 288 N.J. Super. 478, 672 A.2d 1177 (App. Div. 1996) (citations omitted).
25. U.N. Convention on the Rights of the Child, arts. 5 and 18.
26. U.N. Convention on the Rights of the Child, art. 7.
27. Snicket, *Bad Beginning*, 8.
28. *Ibid.*, 9.
29. *Ibid.*, 15.
30. *Ibid.*, 15.
31. *Ibid.*, 28–33.
32. *Ibid.*, 64–65.
33. *Ibid.*, 162.
34. Snicket, *Reptile Room*, 110.
35. Snicket, *Miserable Mill*, 4.
36. Snicket, *Ersatz Elevator*, 6.
37. Snicket, *Hostile Hospital*, 18.
38. Snicket, *Carnivorous Carnival*, 18.
39. Jen Doll, "You Can Learn to Love *The Little Prince* All Over Again," *The Atlantic Wire* (Mar. 25, 2013), <http://news.yahoo.com/learn-love-little-prince-over-again-194435811.html>.
40. Kathryn Shattuck, "A Prince Eternal," *New York Times* (Apr. 3, 2005), <http://query.nytimes.com/gst/fullpage.html?res=9F07E3DE1E3FF930A35757C0A9639C8B63>.
41. *Ibid.*
42. Gagnon, "Webs of Concern," 61.
43. Saint-Exupéry, *Little Prince*, 18.
44. *Ibid.*

45. Ibid., 17–18.
46. Ibid., 18.
47. Ibid., 7–8.
48. Ibid.
49. Ibid.
50. Ibid.
51. Ibid., 26–27.
52. Ibid., 8.
53. Ibid., 8–9, italics inserted.
54. See Manderson, “From Hunger to Love,” 94 on “up-bringing.”
55. Saint-Exupéry, *Little Prince*, 9.
56. Ibid., 12.
57. Ibid., 25.
58. Ibid., 27–28.
59. Ibid., 82.
60. White, “Being, Becoming and Relationship,” 1097.
61. Saint-Exupéry, *Little Prince*, 47.
62. Ibid., 52.
63. See, for example, Stephanie Hepburn and Rita J. Simon, *Human Trafficking Around the World: Hidden in Plain Sight* (New York: Columbia University Press, 2013); Anti-Trafficking Monitoring Group, *Hidden in Plain Sight: Three Years On: Updated Analysis of UK Measures to Protect Trafficked Persons* (London: Anti-Slavery International, 2013); see also Woodhouse, *Hidden in Plain Sight*.
64. Saint-Exupéry, *Little Prince*, 70.
65. Ibid., 84.
66. Reviews of *The Pushcart War* by Jean Merrill, *The Library Thing*, available at <http://www.librarything.com/work/30935> (accessed Feb. 27, 2015).
67. U.N. Convention on the Rights of the Child, art. 12.



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*Reading, Rights, and the Best  
Interests of the Child*

*In all actions concerning children, . . . the best interests of the  
child shall be a primary consideration.*

— CONVENTION ON THE RIGHTS OF  
THE CHILD, Article 3

LOUIS HENKIN, ONE of the twentieth century's most influential authorities on human rights and international law, explained the concept of human rights as follows:

[E]very human being, in every political society, has “rights”: recognized, legitimate claims upon his or her society to specific freedoms and other goods and benefits. They are claims “as of right,” not by grace, or love, or charity, or compassion: claims that society is morally, politically, even legally obligated to respect, ensure, and realize. Human rights are not claims only against “bad people” or tyrannical government, but even against bona fide, benevolent, representative legislatures and democratic majorities.<sup>1</sup>

Moving from viewing children as objects of love and charity to seeing them also as subjects of rights is a significant shift. The human rights idea demands that every individual, including each child, is acknowledged as a rights bearer. Rights accrue to individuals from birth because they are inherent in every human being; individuals, as the U.S. Declaration of Independence proclaims, “are endowed, by their creator, with certain unalienable Rights.” Rights are not gifts that governments grant to individuals only upon reaching the age of maturity.

The liberal tradition of rights rests on the idea of the autonomous individual who has the right to make decisions about his or her own life. That particular construct of a rights-bearing individual fits awkwardly when applied to children, especially young children. Children begin life in a state of total dependence and then emerge through years of mixed autonomy and dependence into adulthood. Children's rights law reflects that dynamic in two important ways: first, many rights in the Convention on the Rights of the Child (CRC) are foremost about protection. Second, autonomy rights are tied to the child's evolving capacities and provide a specific role for parents to guide children in their decision-making.

The CRC's four foundational provisions reflect the importance of both protection and autonomy for children, and in doing implicate both children and adults as active participants in the realization of children's rights. Article 6 empowers children by recognizing their right to life, survival, and development. It insists that each child has the right to develop to his or her fullest potential. Yet achieving that goal requires adults—acting both individually and collectively through the state—to protect and nurture children. Article 12 similarly empowers children, establishing that they have the right to participate in decisions that affect their lives. This autonomy right still relies on adults to facilitate opportunities for participation and to give appropriate consideration to children's views. The other two foundational rights are primarily about adults' obligations to protect children. Article 2 imposes an obligation on the state (and adults) to ensure that every child can realize his or her rights without discrimination of any kind. And Article 3 imposes on adults the obligation to pursue courses of action that ensure the best interests of the child.

The best interests of the child is arguably the most significant provision in the Convention on the Rights of the Child, as it provides the foundation for all decisions that affect children.

### *Returning to the Core of Children's Rights*

Although children's rights law and human rights law overlap significantly—for example, both prohibit torture and economic exploitation and affirm health and education rights—the law recognizes that children are different. The Universal Declaration of Human Rights establishes that childhood is entitled to “special care and assistance.”<sup>2</sup> Nowhere is this distinction more evident than with the inclusion of the best interests of the child standard in the CRC. It insists that adults assess what is best for the child (with appropriate input from the child),

and in doing so, articulates a different conception of rights built not on the autonomous individual but on the vulnerable individual whose autonomy is developing and emerging.

Prior to the advent of the CRC, children were largely invisible in law and in many cultures. Building a legally binding international treaty on children's rights using the best interests of the child standard as its foundation recognizes the need to ensure that children's rights and well-being receive special consideration.

The core objective of the CRC is to advance the best interests of the child.<sup>3</sup> Article 3 establishes that in "all actions concerning children" the best interests of the child must be "a primary consideration." In this regard, Article 3's best interests of the child provision serves as a guiding principle when interpreting and implementing other rights in the CRC.<sup>4</sup>

Given its central role in children's rights law, Article 3 merits further elucidation. First Article 3 establishes that the best interests of the child principle must be employed in "all actions concerning children." Drafters of the treaty intended this clause to be interpreted broadly to cover any action that directly or indirectly affects children. They deleted the word "official" from an early draft of Article 3 that read "[i]n all official actions concerning children" to broaden the scope of the provision.<sup>5</sup> Further, the Committee on the Rights of the Child and prominent children's rights scholars suggest that the phrase "all actions concerning children" should be interpreted as broadly as possible and encompass not only state action but also actions by private actors.<sup>6</sup> Finally, the language "all actions concerning children" indicates that Article 3's mandate applies not only in situations when the action in question concerns a particular child but also when it affects children in general.

Consistent with general principles of international law, what constitutes an action concerning children is left to individual states parties to determine, so long as their decisions do not conflict with the "object and purpose" of the treaty.<sup>7</sup> As a result, in addition to family law matters such as child custody proceedings, Article 3 has been deemed applicable, for example, to deportation proceedings of noncitizen parents of citizen children.<sup>8</sup> Criminal sentencings in which both parents of a child faced prison time have also been deemed an "action concerning children."<sup>9</sup> Such a determination does not dictate a particular outcome. It simply recognizes that a range of state actions, including those that on their face implicate only adults (for example, parents), can have significant consequences for children, and therefore children's best interests must be considered.

Determining what course of action is in the child's best interests is the next critical step. The best interests of the child standard is not new; best interests determinations are commonplace in family courts in many countries.<sup>10</sup> Courts

in the United States have used the standard for well over one hundred years.<sup>11</sup> Despite, or perhaps because of, its widespread acceptance, the “best interests of the child” principle has also been the subject of criticism.<sup>12</sup> It has been employed, as children’s rights scholar Gerison Lansdown explains, to “justif[y] decisions, actions, and treatments of children which in retrospect we now consider unacceptable.”<sup>13</sup> Concerns raised about this principle include questions of who decides what is in the child’s best interests and what criteria are used to make such a determination. Legal scholar Robert Mnookin explains: “The choice is inherently value-laden; all too often there is no consensus about what values should inform this choice. These problems are not unique to children’s policies, but they are especially acute in this context because children themselves often cannot speak for their own interests.”<sup>14</sup>

Best interests of the child determinations can produce very different results based on values and constructs applied to the particular circumstances. In Zimbabwe, for example, statutory law mandates that the best interests of the child shall be the paramount consideration in custody cases.<sup>15</sup> The effect of that mandate depends on the framework one employs to assess the best interests of the child. A cultural construct suggests custody of the child rests not with an individual, but with the family, usually the paternal family; whereas applying a legal construction would result in custody awarded to an individual rather than a family, and traditionally the mother is preferred over the father.<sup>16</sup> Alice Armstrong writes that:

the very act of bringing a custody case into a formal state court means, first, that “best interests” will be decided by an institution that is not recognized by [the rules, customs, and traditions of the indigenous people of Zimbabwe] and, second, that “best interests” will largely be interpreted according to the general law, based on foreign, “Western” values.<sup>17</sup>

Cognizant of these concerns, it is important to recognize that the flexibility, or indeterminacy, of the best interests standard has value. Children “are not a homogenous group” as the Committee on the Rights of the Child has written, and therefore it is important to have a standard that provides opportunity to account for the diversity among children.<sup>18</sup> Perhaps the clearest articulation of the importance of a flexible standard was provided by Justice Albie Sachs of the South African Constitutional Court in *M v. The State*, a case that examined the constitutional requirement that the best interests of a child be paramount in all matters concerning the child.<sup>19</sup> Addressing the application of this constitutional requirement to the sentencing of primary caregivers of young children, Justice Sachs wrote: “A truly principled child-centred approach requires a close

and individualised examination of the precise real-life situation of the particular child involved. To apply a predetermined formula for the sake of certainty, irrespective of the circumstances, would in fact be contrary to the best interests of the child concerned.<sup>20</sup>

Thus, while legitimate concerns have been raised about the “openendedness” of the best interests standard,<sup>21</sup> the mandate to give primary consideration to the child’s best interests represents a significant advance for children in a breadth of circumstances. Prior to the CRC, the child’s interests were often given little, if any, consideration. Article 3 mandates that the best interests of the child be at the forefront of a decision-maker’s mind. International human rights scholar Philip Alston asserts that the CRC provides some guidance in identifying the best interests of the child.<sup>22</sup> He states, “identical norms can lead to very different results, but results that may well be, in light of the prevailing cultural or other circumstances, largely compatible with international norms.”<sup>23</sup>

Finally, Article 3 mandates that the best interests of the child must be “a primary consideration.” This language reflects a compromise. Although an early draft of the treaty stated that the best interests of the child shall be “the paramount consideration,”<sup>24</sup> some delegates viewed “paramount” to be too broad. One argued that “the interests of a child should be a primary consideration in actions concerning children but were not the overriding, paramount consideration in every case, since other parties might have equal or even superior legal interests in some cases (such as medical emergencies during childbirth).”<sup>25</sup> As a result, a U.S. proposal to move to “a primary consideration” was accepted.<sup>26</sup> Critics have pointed out that requiring the child’s best interests to be only *a primary* consideration creates a loophole that would allow for other interests to override the child’s well-being even when not necessary.<sup>27</sup> Although the language of Article 3 allows for other interests to trump, as the Committee on the Rights of the Child explains, governments, courts and other decision-makers must make clear “why [other considerations] carry greater weight in the particular case . . . The reasoning must also demonstrate, in a credible way, why the best interests of the child were not strong enough to outweigh the other considerations.”<sup>28</sup>

The history of Article 3 reflects an effort to achieve a standard that works in every country to achieve the well-being of all children. Today, the best interests of the child provision of the CRC provides three important protections. First, it constitutes *a substantive right* of the child to have his or her best interests evaluated and accepted as a primary consideration.<sup>29</sup> Second, it creates a rule of interpretation: “If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interests should be chosen.”<sup>30</sup> Finally, it is a procedural rule that “[w]henver a decision is to be made that will affect a specific child, an identified group of children or children in



general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees."<sup>31</sup>

As the guiding principle of the CRC, the best interests of the child mandates the framework through which children's rights should be understood and promoted. Pursuing the realization of children's rights requires a balance between nurturing and supporting the emerging autonomy of children and adolescents and protecting them so that they have the opportunity to develop to their fullest potential. The basket of civil, political, economic, social, and cultural rights that every child possesses provides a holistic framework for ensuring the well-being of all children.

Understanding human rights and, in particular, children's rights, requires an appreciation of one additional concept: the interdependent nature of rights. It is widely recognized that rights are interrelated and interdependent.<sup>32</sup> A child's right to education depends in part on her ability to access health care when needed. In other words, education rights are dependent, in part, on health rights. Similarly, realizing the right to education better positions an individual to access care and navigate health-related decisions. The interdependent nature of rights also extends across the divisions between civil and political rights on the one hand and economic, social, and cultural rights on the other. For example, the right to adequate nutrition and health care, both social rights, necessarily implicate the right to life, a civil right.<sup>33</sup> Attention to all of these horizontal relationships among rights is critical to ensuring children's rights and well-being.

Relationships among rights between persons—referred to as vertical relationships when they cross generations, such as with a mother and child—can also have a significant impact on children's rights and well-being.<sup>34</sup> Whether a mother can realize her rights affects her children's rights. For example, if a woman's education or labor rights are constrained, that can have an impact on her educational and employment opportunities which, in turn, might have adverse consequences for her children's rights to an adequate standard of living, health care, and education. Ensuring children's rights, therefore, also requires accounting for the rights of those who care and provide for children.

The interrelated and interdependent nature of rights is particularly evident with marginalized populations. Marginalized children are typically confronting obstacles across multiple rights. Their experience highlights the importance of a coordinated multisector response to children. And ultimately that is what children's rights is about—securing all rights of children.

Children's literature frequently portrays the interdependent and interconnected nature of rights. Many of the stories we have highlighted in one chapter could have easily been a focal point of another. *Horton Hears a Who!* speaks to participation rights and nondiscrimination. *Cinderella* incorporates family rights, identity rights, and child labor issues. And *Click, Clack, Moo* combines labor rights with the right to shelter. In this regard, the narrative worlds of children's literature provide a lens through which readers could come to understand the interconnected nature of human rights.

### *Illustrating the Best Interests of the Child*

In his 1981 book of children's poems, *A Light in the Attic*, Shel Silverstein illustrates a popular misconception of children's rights.<sup>35</sup> The children in Silverstein's illustration demand "longer weekends," "less baths and showers," "shorter school hours," "no brussel sprouts," "more root beer," and "seventeen summer vacations a year." (See Figure 8.1.) Silverstein playfully used the illustration and poem, "Union for Children's Rights," to embody typical false impressions about children and their rights: naïve, unviable demands on the part of unreasonable people. But as children's rights scholar Barbara Bennett Woodhouse explains,



**FIGURE 8.1** "Union for Children's Rights" from *A Light in the Attic* by Shel Silverstein. Copyright © 1981 Evil Eye Music, LLC, renewed 2002 Evil Eye, LLC. Used by permission of HarperCollins Publishers (U.S. and Canada rights) and by permission of Edite Kroll Literary Agency Inc. (World rights excluding U.S. and Canada).

"Children's rights . . . are about something far more serious than children hiring lawyers to sue their parents or refusing their parents' reasonable commands. [They are] about children's human rights in relation to the power of the state."<sup>36</sup> Drew Daywalt and Oliver Jeffers's highly acclaimed 2013 children's book, *The Day the Crayons Quit*, offers a contrasting portrayal of children. Daywalt and Jeffers depict a different conception of a "strike" for rights: the child-figures in this book are sentient, individualized crayons that present rational arguments about how they are being used to their owner, Duncan.

Duncan arrives at school one day and expects to reach into his desk and pull out his box of crayons as usual, but in its place he finds a packet of letters, written by the crayons themselves. Each subsequent page of the picture book features animated crayons expressing the ways in which their best interests have not been considered. But while the crayons are *childlike*—crayons are one of a child's primary mediums of expression—their arguments are coherent, equitable, and intelligent: Red always has to work on the holidays, and Beige resents Brown, who gets

all the bears, ponies, and puppies, while the only thing [he] gets are turkey dinners (If I'm lucky) and wheat, and let's be honest—when was the last time you saw a kid excited about coloring wheat?

Gray points out it is overworked from coloring large animals like elephants, rhinoceroses, hippopotamuses, and humpback whales, and suggests that Duncan draw some tiny gray pebbles or baby penguins so it can have a break. White feels ". . . well . . . empty," because it is only used for negative space. Green is satisfied with its use, but appeals as a mediator between Orange and Yellow, both of whom feel they should get to color Duncan's suns. And Black points out that it is used only for outlining other colors, never celebrated for its own unique identity. Significantly, the crayons are ungendered, including pink, who is "annoyed" that Duncan does not "color the occasional pink dinosaur or monster or cowboy." Pink challenges its use perceptively: "It's because you think I am a GIRLS' color, isn't it?" Throughout the book the crayons bring up a range of issues: discrimination, exploitative labor, participation, identity, and others. More fundamentally, the crayons assert their own voices to call attention to the ways in which their interests are not being considered. One picture in the book echoes Silverstein's earlier discontented children (see Figure 8.2).

Children's book critic Thom Barthelmess writes that "Jeffers' ability to communicate emotion in simple gestures, even on a skinny cylinder of wax, elevates crayon drawing to remarkable heights."<sup>37</sup> Shel Silverstein's children all look alike, primarily because of Silverstein's minimalist pen and ink drawings, but while



FIGURE 8.2 Duncan's crayons.

© *The Day the Crayons Quit* by Drew Daywalt and Oliver Jeffers, 2013. Used by permission of Penguin Random House LLC. All rights reserved.

"Union for Children's Rights" reflects the uniformity that many adults associate with children, *The Day the Crayons Quit* gives each crayon a unique identity, one of the foundations of human rights.

We read *The Day the Crayons Quit* to several groups of children, and the book was not only popular, it prompted laughter and enthusiastic responses. "What's funny about the book?" we asked a group of kindergartners. One five-year-old boy replied that it was funny "because the crayons are like people—they are writing letters and using *themselves* to say things!" When we asked the children what the crayons wanted, a third-grade girl replied very astutely that "the crayons didn't need *Duncan* to be different, but they needed *Duncan* to see *them* in different ways." The girl's insight encapsulates both children's rights and the ways in which children's books illuminate those rights. Oliver Jeffers visually

animates the crayons, personifying and individualizing them, in the same way that children must be recognized, protected, and, as a nine-year-old girl in our study expressed it, “seen in a different way.” The crayons are warm, intelligent, and thoughtful as they assert themselves and approach Duncan (the child, who in this case represents an adult dealing with children). Duncan listens to them and the picture he creates at the end of the book is a two-page spread of all the colors in their new capacities: a blue Santa with a green hat, a pink cowboy, a bright yellow sky, a red elephant. In short, the colors are no longer restricted to the roles they are expected to play, but are free to develop to their fullest potential. The crayons are funny and wry and smart and perceptive and creative—they want to be heard. Much like all children.

*The Children's Challenge to Us:  
“Where Are You Going with This?”*

Each time we read to a group of children, we finished the session by asking if they had any questions about our project. Older students asked us questions about writing, about how we chose the books we read, and about how to get into law school. Younger children asked, “Will I be in your book?” At the end of one session with high school students, a thoughtful teenager paused and asked sincerely, “*Where are you going with this?*” His question prompted us not only to articulate our research aims in terms that teenagers could understand, it also motivated us to reflect on our fundamental goals and to ensure that this project is meaningful and relevant to children's experiences and concerns. Jonathan answered the adolescent by explaining that while international law protects children's rights, not many adults or children know about those rights.

Our first aim in undertaking this project has been to identify children's literature as a space in which human rights discourses are occurring. Children's literature is still viewed in some circles as “unworthy of serious literary evaluation.”<sup>38</sup> In response to this myopic view of children's literature, children's literature scholar Alison Lurie writes, “many famous writers have written for children, and . . . the great children's books are also great literature . . . [and] these books and tales are an important source of archetype and symbol.”<sup>39</sup> Beyond recognizing great children's books as great art, we believe it is critical to see that human rights discourses occur in many children's books.

Children's books convey human rights issues to children—both rights-respecting and rights-denying models of how children are treated. Stories for children have historically been didactic and they functioned as instruments to mold children according to prevailing notions of appropriate behavior. But alongside that tradition, books have also fostered children's imaginations,

creativity, and autonomy. In the sense that human rights are standards of human behavior, we have explored the ways in which those standards are conveyed to children through the books they read, both through interdisciplinary analysis of international human rights law, human rights education, and literary studies, as well as by listening to children themselves respond to the stories in our qualitative study. We discovered expressive and productive connections between human rights and children's literature, convincing us that children's literature matters, whether we are policymakers, human rights advocates, teachers, or parents. What we do with the connections between human rights and children's literature depends in part on our individual perspective. Below we offer four perspectives on the human rights discourses in children's literature.

### *The Reading Experience*

Literature is an art form. One of the wonders of art is that it is open to multiple interpretations; different people see different meanings in a single work of art. As cultural studies and children's literature scholar Nicholas Tucker writes, children "when ready for it" must "eventually make their own choices from the multiplicity of literature at their disposal, and read books in their own, individual way—however much adults may wish to direct them away from particular books or attitudes towards different ones."<sup>40</sup> Using children's literature to instruct runs the risk of constraining children's imagination, or worse, co-opting the imaginative worlds of children to serve adults' agendas. Yet children's literature has been used this way for hundreds of years. In this regard, the twenty-first-century story that aims to teach tolerance and respect is no different in approach from the Victorian era story that taught silent obedience and is now recognized as a classic; only the message differs. This tension between using literature to teach children and preserving it as a space for children to explore is unlikely to be resolved. In light of this concern, we prioritized children's books that children actually enjoy—primarily, that seems to be books in which the story itself is foregrounded. Our study also reinforced our belief that it is important to support children's engagement with the literary world by making more widely available books in children's native languages and books that reflect the breadth of children's experiences and the diversity of values and cultures globally.

From a human rights perspective, however, both including children's literature as a way to explain human rights *and* reserving it as a space for children free from adult pressures can be rights fulfilling. Discussing *Yertle the Turtle* among many examples in the context of human rights education is overtly human rights supporting. Allowing children to read and explore *Yertle the Turtle* on their own, delighting in the illustrations, rhyme, and story, is similarly rights friendly. And

we believe that these two approaches do not have to be mutually exclusive; adults can allow children freedom to explore the world of literature while still engaging children in a dialogue about rights scenarios in their favorite stories.

Thus, for those who view children's literature as best left to children alone (to the extent that is possible, given among other things that the books are typically written by adults), that perspective still supports children's rights. Reading empowers children. The act of reading itself fulfills or supports many of the rights children possess, including the rights to develop to their fullest potential, to play, to their cultural life, to education, to access information, and more.

### *The Child as Citizen*

*The Tale of Peter Rabbit* and other stories of its generation not only entertained, they instructed children how to behave. Children's literature as a vehicle for teaching obedience is not a relic of the past; many books still convey important lessons about how children should behave in the home, at school, and in their communities. Many children's stories rest on and reinforce the long-standing idea that children should be seen and not heard. Such stories, in effect, teach children the rules of society and help prepare them for a role in society. Rights-fulfilling stories offer the same, admittedly with a different view of children. In teaching rights, *Horton Hears a Who!* and other rights-friendly stories can be part of the effort to teach children about their own rights, the rights of others, and corresponding duties.

In this regard, rights-fulfilling stories share a common goal with books that aimed to teach obedience. Both seek to nurture children and support their development into productive members of society. Awareness of the rights discourses in children's literature can facilitate the development of children into rights-bearing, duty-fulfilling members of society. It can inform children as to their responsibilities to others and how rights can be exercised, as Jo-Jo did in *Horton Hears a Who!*, not only for one's own welfare but for the well-being of one's entire community. Viewed this way, children's literature provides a space for children to grapple with and engage questions about what it means to be a member of their community. Children's literature contributes to citizenship education because it narrates the many ways—both constructive and disparaging—that people engage as citizens together. As the U.S. Supreme Court wrote in *Brown v. Board of Education*, “[Education] is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.”<sup>241</sup> The stories children read can be a valuable part of that education.

### *Human Rights Advocacy*

The U.N. Committee on the Rights of the Child has stated that “[h]uman rights education should be a comprehensive, life-long process and start with the reflection of human rights values in the daily life and experiences of children.”<sup>42</sup> Human rights education means not only providing knowledge about human rights norms and enforcement mechanisms but also instructing and learning in a way that respects the rights of students and teachers and empowering individuals to exercise their rights and respect others’ rights.<sup>43</sup>

The curriculum of most schools does not include human rights education, even though research discussed in Chapter 1 shows the benefits of doing so. Children’s literature offers an accessible source for human rights education. It meets children where they are and provides the opportunity to engage children in discussions about rights within the familiar borders of their favorite stories. We saw this phenomenon occur particularly when the stories we read were already familiar to the children in our study. In our own experiences and that of the children in our study, we recognize that the stories we read as children have a life-long impact.<sup>44</sup>

Viewed from the perspective of human rights advocacy, children’s literature offers a way for even our youngest children to think about their rights and responsibilities. It can enable, even empower, young children to engage with human rights ethics and principles long before they encounter formal law. Children’s literature can help foster the development of a human rights culture.<sup>45</sup> And because adults often read with younger children, children’s literature can also inform those who care for and raise children—foremost, parents and teachers—thereby helping to fulfill the mandate of CRC Article 42, to “make children’s rights widely known to adults and children alike.”

### *Educating Adults, Informing Policy*

As readers, when we return as adults to children’s stories, many of us are filled with an assortment of feelings—nostalgia, as we recall reading these stories as children, and excitement, as we see and comprehend previously undetected ideas in these stories. We saw older children in our study experience the same; they both reflected on their experiences of encountering the stories at a young age and demonstrated maturity in their analysis of the meaning of the same stories. For us, it reinforced the idea that children’s literature has value well beyond the early years. We believe, by extension, that children’s literature has the power to speak in important ways to adults.



In some instances, children's literature might offer a clearer articulation of rights issues in the context of children's lives. Nicholas Tucker explains, "One of the appeals of fiction for all ages is that it can present the reader with a pattern of events that is in itself more comprehensible than the jumble of happenings that seems to make up real life."<sup>46</sup> In this regard, children's literature might also help inform adults as to the content of children's rights. As noted in Chapter 1, Dr. Seuss's classic line, "a person's a person, no matter how small," is arguably a much more straightforward explanation of human dignity and the value of children than is articulated in law (international or domestic). And with young children, it is often the adult who absorbs the words on the page, while the child focuses on the illustrations that give life to what is read. We hope our book opens up children's literature as a space for both children and adults to explore human rights on children's own terms.

Children's literature and children's rights are, in certain respects, proceeding on parallel tracks. Like children themselves, both are insisting that they merit attention. Equally important, both demand that adults rethink their conventional wisdom. Children's rights insist that adults take children seriously, prioritize their needs, and listen to their perspectives—undermining the notion that children exist merely to be seen and not heard. Similarly, children's literature expresses values that, as Alison Lurie writes, challenge prevailing adult views:

[I]n a sense much great literature is subversive, since its very existence implies that what matters is art, imagination, and truth. In what we call the real world, on the other hand, what usually counts is money, power, and public success. The great subversive works of children's literature suggest that there are other views of human life besides those of the shopping mall and the corporation. . . . They appeal to the imaginative, questioning, rebellious child within all of us, renew our instinctive energy, and act as a force for change.<sup>47</sup>

Children's rights and children's literature offer fresh perspectives for adults, as well as children. Together, children's rights and children's literature offer a new path for adults seeking to build and strengthen a human rights culture.

### *Where We Go from Here*

In addition to recognizing the rights discourses within children's literature, we need to develop a better understanding of their impact on children who read or are read these stories. What ideas do children take from these and other stories? Are they learning to remain quiet, even in the face of violations of human rights (theirs and others)? Or are they learning to make themselves heard in the face of

oppression and stand up for themselves and others? How could children's literature contribute to human rights curriculums? In what ways does literature convey aspects of the human experience that law cannot? How could the international community support efforts to make books more widely available to children in countries and communities with more limited resources? Children's stories, we argue, offer young readers an accessible forum to appreciate the inalienable rights of every child. As Barbara Bennett Woodhouse explains, "Narrative humanizes. It challenges at a very personal level the stereotypes we use to make those whom we marginalize seem less than fully human."<sup>48</sup> We believe it is critical for everyone from policymakers to parents to understand better the power of children's literature as a conveyor of human rights ideals.

We hope our study inspires other teachers, children's advocates, and scholars to probe these questions further, as there is much we still do not know. While our study showed that children understand human rights messages in children's literature, less clear is how best to ensure transmission of such ideas. A number of variables undoubtedly shape what children take from a particular story, beyond the story itself—the child's own experiences, family background, the community and country in which the child lives, etc. How much do children absorb on their own? How important is a "rights translator"—a parent or teacher who can help draw out and explain the human rights concepts embedded in children's stories? And how and to what extent does children's experience with human rights issues in literature go beyond acquisition of knowledge and translate to more rights-fulfilling and rights-respecting behavior? Our study showed that many children understand the messages without assistance, but reading children's literature in conjunction with human rights education might yield even more powerful results. Further, as with any teaching, even assuming a child learns a particular concept, we do not know whether that translates to more human rights-fulfilling practices (either asserting one's own rights or respecting or protecting the rights of others). More research is needed on these issues as well.

One point of which we are certain is that children need to be partners in this exploration. In our study, children repeatedly showed us things in the books we had been studying that we had not seen before, opening up the stories to new insights and different interpretations. They similarly offered insights into the challenges many children confront in their day-to-day lives.

### *A Human Rights Culture*

The Convention on the Rights of the Child "marks the end of the age-old idea that children, at least in legal terms, are no more than possessions of their

guardians. At the same time, it recognizes children as children. The importance of a happy childhood is accepted for its own sake.<sup>49</sup> Children's literature encapsulates both of these ideas. Books provide children with hours of reading and re-reading their favorite stories and adventures. At the same time, stories inform children (and adults who pay attention) about human dignity, justice, fair treatment, and empathy for others who are unlike ourselves—in other words, human rights.

Whether it is the silencing of Peter Rabbit, cutting off the Little Mermaid's tongue, or enabling Mack's assertion of turtles' rights to be heard, children's books convey important ideas to children about the value of their voice and opinions—about their participation rights. Other stories impart equally powerful lessons about discrimination, equality, health and well-being, accountability, juvenile justice, and many other critical human rights issues.

A fulfilling human rights culture does not rest merely in the formal treaties and case precedents but also on the formative narratives that adults and children share through stories. Perhaps this is part of what the CRC intends when it insists that the state make children's rights "widely known" to both children and adults. This mandate provides a starting point for building a human rights culture. And children's literature can play an important role in advancing, shaping, and giving life to that culture.

### Notes

1. Henkin, "Human Rights," 5.
2. Universal Declaration of Human Rights, art. 25.
3. Hammarberg, "UN Convention on the Rights of the Child," 99.
4. Alston, "Legal Framework," 7. Other provisions of the CRC refer to the best interests of the child, including Articles 9, 10, 18, 20, 21, 37, and 40.
5. See *Considerations 1981 Working Group*, reprinted in Detrick, *Guide to the "Travaux Préparatoires,"* 133–35.
6. See Alston, *Legal Framework*, 7–10; Van Bueren, 46; U.N. Committee on the Rights of the Child, *General Comment 14*, ¶ 1.
7. Vienna Convention on the Law of Treaties, art. 31(1).
8. See Todres, "Emerging Limitations," 172; Geary, *CRC in Court*. See also Liefgaard and Doek, *Litigating the Rights of the Child*.
9. *Walsh v. Department of Social Security* (1996) No. 5795 (Austl.).
10. Kohm, "Tracing the Foundation," 351.
11. See *ibid.* 376 (stating that "[r]ather than being a recent legal phenomenon of the past few decades, the [best interests of the child] doctrine has been developed and rooted in American family law jurisprudence for the past two hundred years").

12. For critiques of the “best interests of the child” standard, see Fitzgerald, “Maturity, Difference, and Mystery,” 59–64. For a defense of the standard, see Schneider, “Discretion, Rules, and Law” (arguing that the best interests standard provides a framework, though imperfect, for obtaining individualized justice).
13. Lansdown, “Implementing Children’s Rights and Health,” 287–88 (“Mothers were denied access to children in hospital, tonsillectomies were performed almost routinely, and disabled children were removed from their families and placed in long term institutional care.”).
14. Mnookin, *In the Interest of Children*, 17–18.
15. Armstrong, *Child Belongs to Everyone*, 27.
16. *Ibid.*, v.
17. *Ibid.*, 19.
18. U.N. Committee on the Rights of the Child, *General Comment No. 14*, ¶ 55 (“Although children and young people share basic universal needs, the expression of those needs depends on a wide range of personal, physical, social and cultural aspects, including their evolving capacities”).
19. *S v. M*, 2008 (3) SA 232 (CC) (S. Afr.).
20. *S v. M*, ¶ 24.
21. Parker, “Best Interests of the Child,” 26 (arguing that the decision to use the best interests standard in the CRC was not necessarily misguided, and that we can work to minimize the indeterminacy and reach a better understanding of the real issues at stake).
22. See, for example, Alston, “Legal Framework,” 8.
23. Alston, “The Best Interests Principle,” 22.
24. Basic working text as adopted by the 1980 Working Group, in Detrick, *Guide to the “Travaux Préparatoires,”* 131.
25. *Considerations 1981 Working Group*, reprinted in Detrick, *Guide to the “Travaux Préparatoires,”* 133.
26. *Ibid.*
27. Van Bueren, 46; Todres, “Emerging Limitations,” 175–77.
28. U.N. Committee on the Rights of the Child, *General Comment No. 14*, ¶ 97.
29. U.N. Committee on the Rights of the Child, *General Comment No. 14*, ¶ 6(a).
30. U.N. Committee on the Rights of the Child, *General Comment No. 14*, ¶ 6(v).
31. U.N. Committee on the Rights of the Child, *General Comment No. 14*, ¶ 6(c).
32. See International Commission of Jurists et al., *Maastricht Guidelines*, ¶ 4 (“It is now undisputed that all human rights are indivisible, interdependent, interrelated and of equal importance for human dignity.”); World Conference on Human Rights, *Vienna Declaration and Programme of Action*, ¶ 5 (“All human rights are universal, indivisible and interdependent and interrelated.”). Commission on Human Rights, ¶ 4(d) (reaffirming “the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms”).

33. Koch, *Human Rights as Indivisible Rights*, 33.
34. Todres, "Women's Rights and Children's Rights" (discussing the interrelated and interdependent nature of women's rights and children's rights).
35. Silverstein, *A Light in the Attic*.
36. Woodhouse, *Hidden in Plain Sight*, 8.
37. Barthelmess, Review: *The Day the Crayons Quit*, <http://www.buffalolib.org/vufind/Record/1893478/Reviews>.
38. Cindy Lou Daniels, Literary Theory and Young Adult Literature: The Open Frontier in Critical Studies, *The ALAN Review*, Winter 2006, 78–82.
39. Lurie, *Don't Tell the Grown-Ups*, xi.
40. Tucker, *Child and the Book*, 216.
41. Brown v. Board of Education, 347 U.S. at 493.
42. U.N. Committee on the Rights of the Child, *General Comment No. 1*, ¶ 15.
43. U.N. Declaration on Human Rights Education and Training, art. 2(2), U.N. General Assembly Res. 66/137 (adopted Dec. 19, 2011).
44. Manderson, "From Hunger to Love," 91–92.
45. Galchinsky, "Framing a Rights Ethos," 67.
46. Tucker, *Child and the Book*, 10.
47. Lurie, *Don't Tell the Grown-Ups*, xi.
48. Woodhouse, *Hidden in Plain Sight*, 12.
49. Hammarberg, "UN Convention on the Rights of the Child," 99.

APPENDIX I

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*U.N. Convention on the Rights  
of the Child*

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.

*Preamble*

The States Parties to the present Convention, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## *Part I*

### Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

## Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

## Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

## Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

## Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction



and guidance in the exercise by the child of the rights recognized in the present Convention.

### Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

### Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

### Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

### Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

### Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

### Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the

views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

### Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

## Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

## Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

## Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

### Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is

made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

## Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - (a) To diminish infant and child mortality;
  - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
  - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
  - (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

### Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international



agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

### Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

### Article 29

1. States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

### Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

### Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law 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.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
  - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - (i) To be presumed innocent until proven guilty according to law;
    - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
    - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
    - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
    - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
    - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
    - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
  - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
  - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

### Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

## *Part II*

### Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

### Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.<sup>1</sup> The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently

prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
  - (a) Within two years of the entry into force of the Convention for the State Party concerned;
  - (b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

### Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.



*Part III*

## Article 46

The present Convention shall be open for signature by all States.

## Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

## Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

## Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

## Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

#### Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

#### *Notes*

1. The General Assembly, in its resolution 50/155 of 21 December 1995, approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word “ten” with the word “eighteen”. The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).



## APPENDIX 2

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### *Discrimination against Children*

The U.N. Committee on the Rights of the Child has identified more than fifty grounds for discrimination in its examination of Initial and Periodic Reports (listed in no particular order):<sup>1</sup>

- gender
- disability
- race, xenophobia, and racism
- ethnic origin
- sexual orientation
- particular castes, tribes
- “untouchability”
- language
- children not registered at birth
- children born a twin
- children born on an unlucky day
- children born in the breech position
- children born in abnormal conditions
- a “one-child” or “three-child” policy
- orphans
- place of residence
  - distinctions between different provinces/territories/states, etc.
  - rural (including rural exodus)
  - urban
  - children living in slums
  - children in remote areas and remote islands
  - displaced children
  - homeless children
  - abandoned children

children placed in alternative care  
 ethnic minority children placed in alternative care  
 institutionalized children  
 children living and/or working in the streets  
 children involved in juvenile justice system  
     in particular, children whose liberty is restricted  
 children affected by armed conflict  
 working children  
 children subjected to violence  
 child beggars  
 children affected by HIV/AIDS  
 children of parents with HIV/AIDS  
 young single mothers  
 minorities, including  
     Roma children/gypsies/travellers/nomadic children  
     children of indigenous communities  
 non-nationals, including  
     immigrant children  
     illegal immigrants  
     children of migrant workers  
     children of seasonal workers  
     refugees/asylum seekers  
         including unaccompanied refugees  
 children affected by natural disasters  
 children living in poverty/extreme poverty  
 unequal distribution of national wealth  
 social status/social disadvantage/social disparities  
 children affected by economic problems/changes  
 economic status of parents causing racial segregation at school  
 parental property  
 parents' religion  
 religion-based personal status laws  
 non-marital children (children born out of wedlock)  
 children of single-parent families  
 children of incestuous unions  
 children of marriages between people of different ethnic/religious groups or  
     nationalities

### *Notes*

1. Hodgkin and Newell, *Implementation Handbook*, 24–25.

## APPENDIX 3

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### *Cinderella around the World*

*Then she seated herself on a stool, drew her foot out of the heavy wooden shoe, and put it into the slipper, which fitted like a glove. And when she rose up and the King's son looked at her face he recognized the beautiful maiden who had danced with him and cried, 'That is the true bride!'*

— CINDERELLA, Jacob and Wilhelm Grimm

A jealous stepmother, a glass slipper, an abused stepdaughter, and a redeeming prince: the story of Cinderella exists as an archetypal children's story in hundreds of versions from Asia, to Africa, to Europe.<sup>1</sup> It is a story about a child who survives oppression. It is a story about a child who is unrecognized and marginalized. It is a story that seems so deeply imprinted on the human consciousness that it is told and re-told in books, plays, films, poetry, ballets, and songs. Cinderella's fairy-tale castle stands as the central icon in both the American and the Japanese Walt Disney World theme parks, indicating the character's predominance in children's imaginations.

The oldest Cinderella tale comes from ninth-century China—the story of Ye Xian—whose small, bound feet distinguish her from all the other young women in the kingdom and reveal her to the prince.<sup>2</sup> Depending on the country of origin, Cinderella is called “Ashpet,” “Little Burnt Face,” “Cendrillon,” “Tattercoats,” or the Grimms' German “Aschenputtel,” translated into English as “Cinderella.”<sup>3</sup> Some cultures have a male Cinderella character, for example, the Hawaiian “Mango Boy” and the Irish “Cinder-lad.”<sup>4</sup> Most of the tales position the central female character as essentially powerless, in need of rescue by a prince, although some of the stories listed below culminate with Cinderella herself triumphing rather than merely being rescued. The

story's common tropes tend to remain remarkably stable: a rags-to-riches narrative arc of an unloved and exploited child, usually identified by her degrading work conditions in the fireplace cinders ("Cinderella," "Sootface," "Little Burnt Face") or by her ragged clothes ("Tattercoats"), who eventually emerges as a princess. As discussed in the preceding chapters, the stories explore a number of human rights issues related to identity, family, labor, exploitation, and discrimination.

We include a selection of Cinderella children's books here to demonstrate the breadth of appeal and global differences of her story.

### *American Indian*

*Sootface: An Ojibwa Cinderella Story.* Sootface's malicious older sisters force her to do all the difficult work, and the fire often singes her hair, leaving soot on her face. She dresses in rags, but a Birch Tree provides her outfit for a visit to the mysterious great warrior, who marries her and renames her "Dawn-Light."<sup>5</sup>

### *Cambodian*

*Angkat: The Cambodian Cinderella.* The Spirit of Virtue gives Angkat a pair of slippers, one of which is taken by a bird to a prince who finds and marries Angkat. In jealousy, Angkat's family kills her, but she is later resurrected.<sup>6</sup>

### *Chinese*

*Yeh-Shen: A Cinderella Story from China.* ("Yeh-Shen" is the Anglicized version of the Chinese "Ye Xian.") Yeh-Shen's only friend is a fish, whom she feeds even though she barely has enough to eat herself. When Yeh-Shen's evil stepmother finds out, she kills the fish. But the fish's bones are magic, and give Yeh-Shen a beautiful dress to wear to the spring festival. A king falls in love with her and marries her.<sup>7</sup>

### *Filipina*

*Abadeha: The Philippine Cinderella.* A spirit visits the oppressed Abadeha and gives her a tree full of treasures. The son of the wealthiest man in town finds them and puts one of the rings on his finger. When his finger swells, no one can remove the ring from his finger but Abadeha.<sup>8</sup>

### *Greek*

*The Orphan: A Cinderella Story from Greece.* After throwing herself on her mother's grave, various elements (the meadows, the sun, the sea, the morning star, and the

moon) give the young orphan girl gifts, one of which is a pair of tiny blue shoes. She loses one shoe outside of the church that the prince attends. When he finds it, he looks for the shoe's owner and eventually falls in love with her.<sup>9</sup>

### *Hmong*

*Jouanah: A Hmong Cinderella.* Kind-hearted Jouanah is orphaned when her mother is transformed into a cow and her father dies of grief, leaving Jouanah in the custody of her cruel stepmother. Her stepmother forces her to work during the New Year celebration, but Jouanah slips away to the festivities late at night wearing her mother's clothes and meets one of the village elder's sons. After a period of separation, they are reunited when he discovers that her foot fits in her lost sandal.<sup>10</sup>

### *Indian*

*Anklet for a Princess: A Cinderella Tale from India.* Godfather Snake gives the abused stepdaughter Cinduri a beautiful gold sari and pair of ankle bracelets so she can go to the Navaratri Festival, where she meets the prince who falls in love with her.<sup>11</sup>

### *Indonesian*

*The Gift of the Crocodile: A Cinderella Story.* Damura's stepmother and stepsisters force upon her the most demeaning chores and make her sleep on the floor. An ancient crocodile rises from the river and gives Damura a silver sarong so she can win the heart of the prince.<sup>12</sup>

### *Jewish*

*The Way Meat Loves Salt: A Cinderella Tale from the Jewish Tradition.* The rabbi's youngest daughter Mireleh refuses to flatter her father, though she loves him deeply (in contrast to his selfish older daughters). He exiles her, and she must fend for herself. Mireleh's wisdom and hard work result in her marriage to a respected rabbi's son.<sup>13</sup>

### *Korean*

*The Korean Cinderella.* Pear Blossom must weed an endless rice paddy for her stepmother in one day, an impossible task if not for the magical creatures (a frog, a sparrow, and a black ox) who help her. A wealthy magistrate falls in love with Pear Blossom, identifies her by matching her foot to her tiny shoe, and marries her.<sup>14</sup>



## Mexican

*Domitila: A Cinderella Tale from the Mexican Tradition.* Because Domitila's family is so poor, she leaves her mother's home and obtains a job as a cook for a wealthy governor. She cooks a meal so delicious that it makes the governor's son, Timoteo, fall in love with her. Domitila returns home when she learns that her mother is terribly ill. In this story, Domitila's talent, service, and dedication to her mother transform the governor's son, and he marries her.<sup>15</sup>

## West African

*Chinye: A West African Folk Tale.* The orphaned Chinye is forced to make the dangerous trek into the forest for water alone, but prospers because of her goodness and obedience. This tale differs in that there is no prince. Instead, Chinye becomes a village leader in her West African community.<sup>16</sup>

## Notes

1. Lusted and Greenfield, "900 Cinderellas," 9.
2. Noyes, "Twice Upon a Time: Multi-Cultural Cinderella," *Asia Society*, <http://asiasociety.org/education/resources-schools/elementary-lesson-plans/twice-upon-time-multi-cultural-cinderella>.
3. See Northrup, "Multicultural Cinderella Stories."
4. Ibid.
5. San Souci and San Souci, *Sootface*.
6. Coburn and Flotte, *Angkat*.
7. Louie and Young, *Yen-Shen*.
8. de la Paz and Tang, *Abadeha*.
9. Manna, Mitakidou, and Potter, *The Orphan*.
10. Coburn, Lee, and O'Brien, *Jouanah*.
11. Brucker and Mehta, *Anklet*.
12. Sierra and Ruffins, *Gift of the Crocodile*.
13. Jaffe and August, *Meat Loves Salt*.
14. Cimo and Heller, *Korean Cinderella*.
15. Coburn and McLennan, *Domitila*.
16. Onyefulu and Safarewicz, *Chinye*.

## APPENDIX 4

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### *Empirical Study: How Children Interpret Human Rights in Stories*

While we rooted our project on children’s literature and human rights primarily in analysis of international human rights law and children’s literature, we also sought to understand the ways in which children actually interpret and express ideas found in the books they read. After securing approval from Georgia State University’s Institutional Review Board, we read to and discussed books with more than seventy-five children of different ages, sexes, races, ethnicities, and socioeconomic backgrounds. We sought to understand the ways in which children experience law in children’s literature: How do children’s books shape their perception of rights and responsibilities? In what ways do children talk about concepts that we would call “law,” “rights,” and “duties” in their favorite books?

#### *Study Motivation*

Our understanding of children’s rights rests fundamentally on the importance of participation: the recognition that children have the right to express their views on matters that concern them and that adults are obligated to listen to and consider those views. For that reason, we prioritized listening to real children talk about children’s books, rather than make our own assumptions about how children draw legal meaning from stories. In the spirit of Article 12 of the Convention on the Rights of the Child, we believe that children should play an important role in the legal and developmental theories that we shape about them. So we designed a qualitative study in which we read to and listened closely to children, considering their own voices—their right to be heard and taken seriously—as one of our approaches to understanding how children’s stories and children’s rights intersect.

## Study Description

Our study was primarily descriptive, qualitative, and naturalistic. Our goal was to interpret and describe children's understandings of the books they read. We conducted the study within children's ordinary settings (school and after-school programs) and intentionally privileged their free responses, as opposed to imposing a didactic agenda. Our purpose was explicitly to listen to the children's perceptions of the books as opposed to "teaching" them how to read the books. In that spirit, we encouraged the children to talk at any point during the reading sessions, asked open-ended questions, and allowed them to pursue conversational tangents.

In thirty-minute sessions with small groups of children, we read a children's book to and subsequently discussed the book with children between the ages of four and seventeen years old in the metro Atlanta area. After reading a popular children's story, we then asked questions that were designed to help us understand their perception of rights and responsibilities as expressed in the books. Our approach was to begin each discussion group with open-ended questions. We often started by asking if they liked the story, what they liked, what scenes they were drawn to and why. Then as the discussion progressed, we asked more focused questions about law, justice, and rights. For younger children, that might include asking questions about *Click, Clack, Moo* such as "Why doesn't Farmer Brown want to give the cows blankets?" and "Why is it important for the cows to tell Farmer Brown that the hens are cold, too?" For older children, when reading *The Sneetches*, for example, we asked questions like "Why are the Sneetches willing to pay Sylvester McMonkey McBean?" and "What does McBean mean when he says 'You can't teach a Sneetch'?" Below is the list of books we read to children in our study.

Although the core of this research project centered around our analysis of children's literature through a human rights lens and connecting that work with international and national law, human rights education research, and literary theory, this empirical component profoundly shaped our study, as we anticipated, but—reflecting the unique insights children brought this project—not always in ways we anticipated.

## Books

Dr. Seuss, *Yertle the Turtle, The Sneetches*, and *Horton Hears a Who!*  
 Beatrix Potter, *The Tale of Peter Rabbit*  
 Doreen Cronin and Betsy Lewin, *Click, Clack, Moo: Cows That Type*  
 Munro Leaf and Robert Lawson, *The Story of Ferdinand*  
 H. A. and Margret Rey, *Curious George*  
 Drew Daywalt and Oliver Jeffers, *The Day the Crayons Quit*

## *Children's Literature Bibliography*

We reviewed more than five hundred children's books during the course of this project. Our methodology prioritized reading award-winning, best-selling books because they have been most widely read by children, as well as historically significant books like Charles Dickens's novels and Charles Kingsley's *The Water-Babies*. We recognize that emphasizing the most popular books can lead to omitting already marginalized voices. As such, on certain issues, we included diverse books to ensure broader representation. We believe that children should have opportunities to read books that reflect their own culture's experiences and perspectives—and in their languages of origin—rather than conforming to the voices of Anglo-American authors who have long been privileged. Similarly, we believe that an examination of human rights in children's literature should ultimately expand to include books from all countries, cultures, and languages. That goal is beyond the scope of a single book, so we concentrated on English language literature—including select prominent stories that have been translated and widely read in English, like *The Little Prince*—as a starting point to allow for more depth of analysis. Our study is not intended as a comprehensive review of human rights in children's literature; rather, we see our project as initiating further conversation about the ways in which children's literature contributes to children's understanding of human rights. We hope scholars and other individuals who read and enjoy children's literature—including children themselves—will reflect on and share their literary traditions as part of this conversation.

The list below includes the children's literature discussed in our book. Many other stories that we analyzed—both rights-friendly ones and rights-restricting ones—were not included because they duplicated concepts expressed in books we already included.

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## *For More Information*

During the course of this book project, we received wonderful feedback from friends and colleagues who reviewed various chapters or sat with us as we talked through issues we had confronted in our research. As they provided comments and suggestions, one of the most common questions reviewers—themselves experts in human rights, law, and literature—asked was “which children’s books are the best for exploring human rights themes?” Although we did not see this project as designed to produce a recommended reading list, we were excited that so many reviewers wanted to discuss this further. So we hope to continue the conversation. For those interested in doing the same, please visit [jonathantodres.com](http://jonathantodres.com).



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