

Education Now Feature Supplement

Children's rights to greater freedom and self-determination

Annie Clegg's Doctorate

Aged 74, Annie has just been awarded her Ph.D for a study in the philosophy of autonomous education, entitled "*Children's rights to greater freedom and self-determination*" - the philosophy of learning that 'control-freaks' in our society detest.

Her thesis has its origins in the family experience of home-based education way back in the 1960s. Annie and husband Tony, who was a secondary school maths teacher and later teacher-trainer, elected to home-educate their family in Accrington – about 17 years before the founding of *Education Otherwise*.

It was about the time of the famous '*Children in Chancery*' case of Joy Baker, who fought a court case in Norfolk for the right to educate at home. The Clegg family watched the case with some apprehension but the Lancashire Local Education Authority was headed by Percy Lord, who had some sympathy for their chosen course of action.

The circumstances of the Joy Baker court hearings appeared to have had some effects on the style of the Clegg's home-based education, which stayed close to a 'school-at-home' approach to keep the local advisers from becoming hostile.

Annie ran a part-time school for young dancers which expanded as her children grew older, finally catering for over 3000 local children. Not surprisingly, Annie's three daughters became excellent dancers. The eldest obtained a teacher's certificate in Tap Dancing, and the younger two obtained high qualifications with the Royal Academy of Dancing.

Writing some children's stories and some pantomime scripts brought in some extra income. Then, Annie and Tony started a small business supplying dance clothing at prices the local families could afford. It now supplies dance schools all over Europe.

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What follows is a précis of Annie's thesis:

Neil Postman, in *The Disappearance of Childhood*, (London: W.H.Allen, 1982, p.xii) refers to "*how the printing press created childhood and how the electronic media are now disappearing it*". His hypothesis led me to investigate identity and diversity in relation to the two main groups in society nominated as '**children**' and '**adults**'. Why do we allow these two terms to segregate or split the human race? After all, young and old are persons. If the two terms 'children' and 'adults' are blanketed under the single term 'persons', however, similarities can be identified. But differences which it may be important to recognise may then be obscured.

As I proceeded with my investigation I discovered that most of what could be alleged to be applicable to children was also applicable to adults. For instance, children are seen to act both rationally and irrationally and so are adults; children are prone to acting responsibly and irresponsibly and so are adults; although adults may claim maturity, children can, at times, act more maturely than adults.

What I referred to as the 'child/adult split' became ever more fragile until I considered the factor of experience, where adults appeared to hold the trump card. Emotional trauma was found to be a significant factor in limitation of younger children's experiences, and autonomous and paternalistic principles competed within a principle of 'modified protectionism' (see Adler, Ruth and Dearling, Alan, (1986) in *The Rights of Children*, by Franklin, Bob, Oxford: Basil Blackwell Ltd., p208).

Even so, adults are not free from protectionism: the Police Force, the N.H.S., the Courts of Human Rights and infrastructure of societal living in general are examples of paternalistic care for adults as well as for children. I concluded that differences between children and adults could be located in the fact that children need a certain amount of experience in competence processes in order to meet those challenges in life which demand skills and learning. For instance, knowledge and skill are life-saving devices when correlating distance and speed when negotiating the crossing of busy roads or calculating consequences of actions.

Traffic accident figures in respect of children illustrate the necessity for supervision of young children who may prove competent as rational and responsible human beings, but nevertheless must adapt that competence to the adult-structured world. A world in which many things are oversize for them and in which not all adults are endowed with a caring attitude for people less than themselves, both physically and emotionally. The competence factor emphasizes the importance of discriminating between a feeling of being competent and actually living according to social rules.

Experience, therefore, represents an important factor in consideration of a 'child/adult split'. Experience does not, however, indicate that children and adults occupy different worlds with different emotions: reactions to situations will elicit similar ordinary reactive attitudes in both young and old.

Let us ignore the experience factor for the moment and ask if there are any other really significant differences between children and adults. Do children and adults use judgement on a rational basis which is common to both groups? Are children autonomous beings capable of acting autonomously? Do children have moral concepts? Questions like these could not be answered scientifically but warranted a philosophical exposition. I regarded Immanuel Kant's moral theory as a kind of blueprint in distinguishing a contemporary version of autonomy which links with radical freedom from a version which links autonomy with moral freedom. I constructed a philosophical exposition in the form of a 'Personal Territory Thesis' which would permit application of Kantian texts in respect of children as well as adults.

The 'Personal Territory Thesis' illustrates a concept of individuality in persons of any age by means of a metaphor of territory, which allots all human beings a space on earth in both a physical and a metaphysical sense. A territory which replaces the 'placental bubble' at birth, is extended throughout life and is regulated by limitations consonant with individual experience of the world around us. There are feelings of freedom and optimism within boundaries which are self-created.

A priori, concepts may be judged as lying within territory awaiting application in order to construct maxims which will accord with moral reasoning. According to Kant, morality is grounded in ascription of rationality and "*as morality serves as a law for us only insofar as we are rational beings, it must be valid for all rational beings.*" (Kant, Immanuel, (1929) *Critique of Pure Reason*, trans. Norman Kemp Smith, London: The Macmillan Press Ltd., p. 648).

Kant is clear that the being rather than the rationality of 'finite rational beings' is limited. A limit or degree of rationality is a problematic concept fraught with notions of incompleteness and imperfections. In order to be concise in this précis of my thesis I state simply that the effect of reasoning power only is measurable.

Circumstances which present situations of unequal complexities to individuals, cause the maxims of action to vary. Comparisons may be made between the maxims but not between the underlying powers of reason which formed those maxims. I concluded that children have powers of rationality equivalent to those of adults but may use those powers in a way which satisfies the limitations of their territories. When Kant writes that "*we must ... form in children the character of a child and not the character of a citizen*" (Kant, Immanuel, (1992) *Kant on Education*, trans. Annette Churton, Bristol: Thoemmes Press, reprint of 1899 edition, p.85), I suggest he is referring to something similar to children's perfection in their own personal territories. When children are accepted as the particular persons they are rather than in terms of adult conceptions of what they ought to be, the child/adult split becomes unsound as a reference point for defining degrees of rationality or competence.

A claim that children have fundamental rights to freedom and self-determination, and freedom for self-control of learning programmes, requires a supporting claim that children can be trusted to meet the demands of responsibilities which will attach to that freedom. If acting responsibly implies acting according to one's duty to self and others, then there can be no objective evidence as to whether a particular person actually acts responsibly.

For, reasons why a person acts in a particular way are private to that particular individual. It can be established, however, that certain actions are those which responsible people would be blameless in performing, even when they 'harm' themselves. For instance, young children have been known to save the lives of others at the expense of their own lives, and many children are known to be carers of disabled parents. Personal territories are bounded by an individual's personal efforts into areas of life which are constituted by what it is possible to achieve rather than what an individual can be expected to achieve. Children are proving by their own efforts, that responsible attitudes, and actions concordant with those attitudes, have no standardised limits in any territory, young or old.

So far I have given an outline account of my arguments for rationality and responsibility in children. The child/adult split seems fragile in view of evaluative procedures vacillating between evaluation of children as children and evaluation relative to the all-encompassing term 'personhood'. I ask, 'What is a child and what is an adult?'

An adult is generally described as a mature person, but 'maturity' is a holistic term which conflates many aspects of human growth into one conception of completion of adulthood. 'Mature' becomes a predication without meaning other than that of describing a stage beyond 'immature'. Some adults, however, may lack conventional norms of maturity in areas where children are seen to flourish, and conversely, children may lack conventional norms of maturity where adults are seen to flourish.

Eric Berne, a psychologist, suggests that the complete personality of any individual (child or adult) includes both adult and child ego states. He claims that there is no such thing as an immature person, only immature particular behaviours (Berne, Eric, (1964) *Games People Play*, New York: Penguin Books, p.24-25). This fluctuation of ego states possibly explains why discrepancies exist between established norms of how children's minds work and examples which disrupt and distort those views, creating scepticism of age-stratified developmental theories. The concept is manifest in child prodigies and in children's moral awareness which is exhibited in discussions which focus on matters of right and wrong and even philosophical topics.

Matthew Lipman and Gareth Matthews both recognise the potential of philosophical study and discussion recognisable in children as young as seven years. Kant regards autonomy as in the very nature of human beings, therefore, if we do not wish to deny humanity itself to persons of any age we must allow that children can think for themselves and make rational decisions regarding what they ought to do. This opens the gates to the idea of freedom in self-learning.

From the moment of birth children have a natural curiosity and will perform experiments even in their buggies to glean information of material things around them and also to test adult reactions to their behaviour. How often do we see babies throwing objects out of their prams and repeating the exercise over and over? No doubt they acquire answers to questions such as 'Will it break?', 'What kind of noise will it make?', 'How much of this fun will be tolerated?' Babies decide when they are hungry or tired and fight to the bitter end for independence and their right to be autonomous.

We do not need to teach babies to think and talk. They just do think, and provided they are among talkers just do learn to talk. Adults can further these traits or hinder them. For instance, what happens in formal education in schools? Children have taught themselves to move around but now they often sit at a desk or computer for hours; they are supposed to socialise but often they are not allowed to converse in class (it is called disruption); they are generally placed among strangers all of their own age; they are told what to do, when to do it, how to do it but rarely understand why they do it. The same treatment for adults would probably produce mass rebellion. What it is likely to produce in children is boredom, apathy, disenchantment and blind obedience.

"Hold on," call objectors. "Our children love school and firm discipline never did anyone any harm." So, let's be fair. There are a few schools in which children are happy in an atmosphere of freedom which operates within a benign form of authoritarian discipline. But this raises the question of how must children be treated so that they are guided in ways which respect their autonomy and yet are not 'left to the wolves' of *laissez-faire*, nor subject to mere domination? This presents the dilemma which prompts the question, 'Can autonomous education be justified for all children? A general concept of autonomy will establish that autonomy has intrinsic value: that to be the author of one's own life's history is a good thing.

When autonomy, however, services a particular cause such as 'education' the term acquires a new linguistic meaning by means of transformation into an adjectival qualification. 'Autonomous education' describes something beyond the concept of a principle of autonomy. Children who enter a process by which they are educated are neither ready to go ahead completely unaided nor ready to be totally directed. I saw a spectrum of disciplines ranging from authoritarian to autodidactic methods with many variations in between, one of which was 'home-education'.

Roland Meighan writes that an effective education requires appropriate experience of authority, democracy and self-direction (*A Sociology of Educating* (1997) London, Continuum Books, Chapter 18). Flexibility is, therefore, the keyword which brings the means of education into an area of diplomacy incorporating procedures which eschew coercion, violence, derision or degradation. Such unethical procedures cannot be universalised. For instance, if children are actually coerced into self-directed learning then the concept of 'autonomous education' becomes tarnished. Children's wills to act autonomously are sacred within their personal territories where preferences may submit to reason but not coercion.

'Autonomy' and 'coercion' are contradictory terms. Because non-coercive strategies are more amenable to universalisation of maxims they follow a Kantian edict of Respect for Persons.

Reasoning on these lines questions the justice of a Compulsory Education Law which coerces children into acceptance of procedures which their elders evaluate as being in their (the children's) best interests. The injustice involved is that the children are not consulted on this matter of best interests but remain 'silent' victims. Justice demands that institutions are not based on principles of victimisation.

If the compulsory element were to be eliminated from the Education Law would this be seen as neglecting the development of future citizens of society or would it be seen as respecting children's freedom according to Kant's moral theory? The dangers involved in compulsion may be cloaked in well-intentioned motives or within 'rhetoric of paternalism' (O'Neill, Onara, (1989) *Constructions of Reason*, Cambridge: Cambridge University Press, p.202-3).

The practice of education serves as father of all modernity's practices, and modern life functions on knowledgeability so that illiteracy may be regarded as a disability or a handicap. Education, therefore, proves too valuable for the populace to ignore its merits and the practice can stand unsupported by a compulsory law. Compulsion for children to enter a learning programme in which they are not interested, or are too young to appreciate, is tantamount to infringement of their moral rights to freedom.

It also dishonours the Kantian Principle of Respect for Persons. Rights and respect are inseparable concepts and children's self-esteem is preserved by respecting a right to make reasoned choices and to see materialisation of self-chosen projects. Self-respect is in jeopardy when children are to submit to choices imposed upon them by others without reference to diversity of needs and preferences of individual children. Some children are known to experience pain and unhappiness when coerced into particular learning programmes which they feel they cannot tolerate. I suggest that a mass compulsory education plan which forces those particular children into a plan they may not choose for themselves by reason of harm to themselves represents violation of children's rights outlined in The United Nations' Convention on the Rights of the Child. Section 31,(2),(9) of The Children Act 1989, however, states a right for the state to intervene in family life if a child is suffering or is likely to suffer significant harm.

It is most likely that children will be harmed in some way by exclusion from a learning programme of some kind. But modern life provides such a wealth of incidental education that knowledge and skills for mind development are acquired in all areas of life apart from specialised courses of study. For instance, the home, the workplace, playgrounds, museums, libraries, supermarkets, public houses, cinemas and sports venues are examples of means whereby children become knowledgeable. One of the most innovative educational venues is the 'media' which stimulates general conversation and discussion on various topics of interest. In this way society becomes a common educator: we educate each other. This venue of life eschews academic achievement as the sole criterion of respect.

How important is formal education? Humanity existed for centuries without formal education until the sixteenth century welcomed the invention of the printing press which was a means of providing books necessary for ubiquitous readers.

The information-rich society evolved speedily. Education proved to be something without which humanity could survive but not survive satisfactorily in an increasingly progressive technological age. This is a reason for concern regarding children who appear to fall short of a satisfactory level of life.

A further question looms: 'Does a compulsory education law provide the safety-net for such children?' My opinion is that compelling recalcitrant students to study will not alleviate the tendency for truancy and academic failure. Appropriate attitudes towards learning are vital for success and unless the subject matter is of interest or concern to students it will not provide the stimulus to learn. Some students may learn from obedience and loyalty to their parents and teachers; some may be charlatans of learning; some may relish whatever is offered.

A distinction must be made, however, between 'surface learning' which is merely absorbing information, and an ability to apply what is learnt to enrichment of life. The latter is feasible when someone chooses what to study and even more feasible when someone does not have to leave a particular topic of interest because of bells ringing.

Bell-ringing appears to be a viable criticism of what happens in schools but schools need not be institutions of incarceration and bell-ringing. Learning centres could replace the present system and invitation could replace compulsory attendance.

Changes involving voluntary or invitational rather than compulsory adherence to educational processes will necessitate changes to an institution which has become part of society's culture and tradition. Unless there is public consensus that a change is necessary the institution will remain venerated whilst politicians continue invectives of ineffective teaching and learning. In other words, the institution has trapped society in its own ideals. Perhaps schools are too good to jettison but not yet good enough to satisfy the needs, and even the rights, of all children to have the freedom of autonomy.

My suggestion for reform to a invitational system may be construed as a utopian dream; it may also be alleged that my deliberations relate to an ideal society of ideal children. I am aware that there are limitations in any mode of education, but this is no reason to hold ideology in contempt. Were introduction of a voluntary system to bring rational consent of citizens then liberty would display its true value that 'liberty leads to responsibility'. Freedom itself is not autonomy but autonomy demands moral freedom; freedom creates the ethos for autonomy; autonomy supports attitudes of responsibility; responsible attitudes ensure law and order on a long-term basis.

The abolition of a compulsory element would no doubt make education into a welfare right synonymous with that of health care. Entitlement to welfare is dependent on availability of resources. Examples in the National Health Service illustrate the risks. When freedom has a high price will education reform in its favour prove to be worth it?

Bertrand Russell applauds a reform to voluntary education but he also thinks that modernity cannot sustain its inception because the modern industrial world presents too many complexities (Russell, Bertrand, (1932) *Education and the Social Order*, London: George Allen and Unwin, p.23 and

p.29). I suspect that he places too much store on a myth that children would be 'left to the wolves' if compulsion were abolished. Parental responsibility merits a degree of trust that in most cases this would not be the case, and children generally merit a degree of trust that they can aspire towards achievement of excellence as their forefathers aspired prior to the actual legislation of compulsory education.

Shortage of teachers may even compel the government itself to resort to 'piecemeal modification' of the present system. Already there are cases of four-day schooling per week replacing the traditional five-day schooling. In USA *Year-Round Education* (YRE) allows learner and family choices to be made. Could there be a slippery-slope situation which will set wheels in motion for reform to voluntariness and privilege to learn rather than compulsion? Is freedom and self-determination for children leading to self-control of learning programmes visible on the horizon? I have trust that children themselves are already at the helm steering towards that shore.

Annie Clegg

Flotsam and Jetsam

Getting the 'little brown envelope' habit?

Kingswood school in Hull gives £100 to every pupil who gets five GCSEs with C grades or better. But the GCSE bribe is only one of many rewards offered to children; e.g. for attendance and good behaviour. *The Independent* 4th Oct 01

The problem of 'success junkies'

A paper from the *Institute for Public Policy Research* points to the rise in eating disorders, bad behaviour, burn-out and suicide as signs of a growing "mental health deficit" among children. At least one in ten school-age children now suffers from some kind of psychiatric illness. The report argues that successful students may become 'success junkies' only feeling accepted if they get straight A grades. *TES* 24th Aug

Failure? Why not sue the teacher?

Teachers of private schools urged parents yesterday not to resort to litigation if their children gained disappointing exam results, after it emerged that a Sussex school was being sued for £150,000 by the family of a star pupil in A-level Latin. One parent said, "She has suffered considerable personal distress and it has knocked her confidence." *The Guardian*, 2nd October 01

Democratic leadership reaches soccer before education?

The success of Sven as England football manager is attributed to his democratic style of leadership, reminiscent of Lao Tzu: "the best of all rulers is but a shadowy presence to his subjects ... hesitant, he does not utter words lightly. When his task is accomplished and his work done the people all say, 'it happened to us naturally.'" Sven's style is to lead without making his players feel led. "It is a far better method than those ascribed by Lao Tzu to the lesser categories of ruler: the one who is loved, the one who is feared, and the one with whom liberties are taken. We can all find a recent England manager to fit each of those stereotypes." Richard Williams in the *Guardian*, 6th September 01

Hot-housing and burn-out

Being labelled a child prodigy can be a millstone round a child's neck, new research suggests. The 'gifted' tag can lead to odd behaviour and unhappiness in later life. Professor Joan Freeman, from Middlesex University, has studied more than

200 children for over twenty years. Some of the pupils failed to live up to their academic potential as gifted children and were living with a sense of failure. *TES*, 7th September 01

Programme your imagination away?

In the recently published report, *Fool's Gold*, it is shown that there is very little to substantiate the claims of broad benefits of computer use with younger children. The heavy diet of ready-made computer images appears to stunt imaginative thinking. *Positive News* 29, Autumn 01

Downshift from cocaine to Ritalin?

The drug Ritalin has a more potent effect on the brain than cocaine, a study has found. This may worry parents whose children have been prescribed Ritalin for 'Attention Deficit Hyperactive Disorder'. Many believe ADHD is a fraudulent title for a non-existent condition once put down to the exuberance of youth. *The Observer*, 9th September 01

Good times for the escape committee?

Forty per cent of new teachers leave teaching altogether within three years of entering, while half quit within five years. About 300,000 qualified teachers have moved away from teaching. Furthermore, forty per cent of those who start training never become teachers. (From *Classroom Assistance: why teachers must transform teaching*, Matthew Horne, DEMOS, report in the *Guardian*, 5th Sept 01)

Do not confuse schooling with education

"When you start confusing education with schooling a very subtle thought process takes place and the two completely different concepts merge. An education is a process which is life-long and gradually teaches a person to understand themselves and the world they live in. A schooling is for a fixed period with a piece of paper at the end ... according to your ability to memorise information and repeat it back, determining where in the system you will be best used. It is ridiculous and naive to think that one can change this process by participating in it. At best some sympathetic noises will be made to placate you ... Why would a system based on turning out productive, conforming, unquestioning, authority and hierarchy accepting cogs suddenly decide to start turning out individuals who understand themselves and the world?" *Home Educators' Liberation Papers* (HELP), Sept/Oct 01

How the peer-group lets you down

Today, family networks are weak and getting steadily weaker. Deprived as they are of adult guidance, it is little wonder that 'thresholders' - young people aged between 18 and 24 - come to depend so much on their networks of friends. But these can rarely stand in for the families they replace, as friends tend to argue with each other, and let each other down, and move on to new jobs and other cities. In the real world, where friends come and go, where employers do not want to know, and parents have faded into the background, there is no source of steady support when things go wrong. From 'Please help me, I'm falling' in the *Observer*, 26th August 01

The company rules OK?

Nike has launched a campaign against bullying in schools. Coca-Cola is teaching Africans about the dangers of HIV. A McDonald's manager is organising community events ... these companies are partly responsible for causing the problems they claim to be solving. Nike's power ensures that children are bullied at both ends of the production chain: in the factories in which its products are made and in the playgrounds, when their parents can't afford to pay for these

passports to social acceptance ... by privatising our minds, corporate power makes enemies of ourselves. (From George Monbiot, in the *Guardian*, 31st July 01)

The rise of the disengaged culture

The low trust approach leads to excessive bureaucracy, the heavy reliance on rules and high operating costs because of the over-use of line managers ... With detailed job descriptions, workers only do what is asked of them, no more, no less. The result is rigid organisational structures that kill initiative and innovation ... the low-trust, disengaged culture perpetuates itself ... the visible evidence is low morale, early retirement, high job turnover and staff shortages. ('*Why we're so clock wise*' by Richard Scase in the *Observer*, 26th Aug 01

Educational Beachcomber

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One Member's Campaign

The issue of school uniforms as a human rights issue has been taken up by Maurice Frank. He wrote to every Local Education Authority in UK – an onerous undertaking and not one to be undertaken lightly. He claimed that '*all dress codes and uniforms are a human rights violation in international law*'.

In an invited submission to the Scottish Parliament, he cited a particular link between skin sensitivity, metabolism etc., to show that 'comfort identities' are a scientifically serious matter for minority groups and not frivolous. He also took up the issue of peer group pressure as regards clothing.

A response from the East Lothian Council avoided the main issue of all dress codes required by school as infringing human rights and just re-asserted the policy of promoting adherence to dress codes. But, the response went on, because the codes allowed flexibility, the needs of people with medical conditions was adequately catered for.

Peer group pressure to dress codes was dealt with by existing school policies, it was claimed. So if these are effective, the incidence of all the reported bullying remains a mystery.

We have become hardened to the school uniform phenomenon but visitors from other countries are often astounded to find this kind of imposition in place, and declare that it is a symptom of a totalitarian approach to education. Ironically, even visitors from former communist countries have been taken aback, and have been known to say that even their rule-bound and domination-riddled education systems did not go this far.

