



Journal of the British Academy

Volume 8, Supplementary issue 4
2020–2022

**Multidisciplinary Perspectives
on the Child's Voice
in Public Policy**

Edited by
Ruth Lister

ISSN 2052-7217

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Multidisciplinary perspectives on the child's voice in public policy: an introduction

Nicola Berkley and Ruth Lister

Abstract: This supplementary issue explores the nature and role of children's voice in public policy from multidisciplinary perspectives. The insights from this issue form part of the evidence base of the British Academy's *Childhood Policy Programme*, which aims to utilise the research and insights from the social sciences, humanities, and the arts to address issues of fragmentation, inconsistency, and ineffectiveness in childhood policy across the UK.

Keywords: Children, childhood, public policy, voice, rights.

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This supplementary issue of the *Journal of the British Academy* is part of a programme of work at the Academy to explore the role of the state in childhood and new conceptualisations of children in policymaking. Building on research and insights from the social sciences, humanities, and the arts, the *Childhood Policy Programme* has drawn attention to the fragmented, inconsistent, and uneven policies that produce wildly different outcomes for children depending on their location and background. The development of childhood policy in the United Kingdom is plagued with unresolved issues over how we think of the child as a subject of policy, the interdependence of different policy spheres on outcomes for children, and the divergence of policy through devolution of political decision-making to nations and regions. By casting a multi-disciplinary eye onto these issues, the British Academy hopes to reframe debates over childhood in such a way that uncovers steps to improve the coherence of childhood policy in the United Kingdom and deliver policies which support, enhance, and enrich the lives of children.

During its first phase, the *Childhood Policy Programme* investigated the evolution of childhood policy through a number of research activities, including: policymaking landscape reviews for each of the four UK nations; case studies on approaches across the four UK nations towards children leaving care and childhood poverty; a set of provocations on childhood from a range of disciplinary perspectives; and a series of stakeholder workshops with policymakers, practitioners, and academics.

The publication of these materials coincided with the 60th International Children's Day and thirty years since the UN General Assembly adopted the Convention on the Rights of the Child (UNCRC). The fact that the UK has ratified the UNCRC but that it has not been fully incorporated into domestic law, and that it has been regarded differently in each of the four UK nations, is one of many inconsistencies that has led to a lack of coherence in childhood policy across the UK.

The British Academy's four country case studies, and the two policy case studies, clearly highlight the way in which policy is diverging across the four nations in a range of areas. Whether it is the different ages across the UK for starting school, leaving care, and being held criminally responsible, or the varying strategies and priorities for tackling child poverty, there is a lack of overall coherence in the policies relating to children.

In the various conversations between researchers, policymakers, and professionals working with and on behalf of children that took place in the *Childhood Policy Programme* over the course of 2019, one theme that would repeatedly come up was children's voice. What is clear is that children's systematic and sustained participation in the policy process is notable only for its absence. Despite a child's right to freely express views on all matters affecting them and for their views to be given 'due weight', as expressed in the UN Convention on the Rights of the Child (UNCRC), there is no

systematic practice of giving a meaningful voice to children in public policy in the United Kingdom as a whole, the UK Youth Parliament notwithstanding. While there have been sporadic attempts to bring children's views into debates over issues that affect them, such as school councils and local authority groups for children in care, these largely involve engagement with practices through which policies are enacted and have little impact on the policymaking process.

The second phase of the *Childhood Policy Programme* is centred on the theme of children's voice, along with two other related themes. The first of these themes focuses on the distinction between *being a child* and *becoming an adult*. Policymakers have largely chosen to concentrate their efforts on delivering interventions which aim to improve the prospects for children in their later lives as adults and to prepare them as responsible citizen-workers of the future. The underlying 'becoming' assumptions of public policy may overlook, and perhaps in some cases undermine, the intrinsic value of childhood and the experiences of children. If children's voices matter, it follows that policy could and should define outcomes that matter to children, as distinct from the outcomes that adults decide are the most important for children.

The second related theme explores how children's rights can be applied to policymaking and whether there are rights-based approaches to childhood policy that create better policy coherence. Rights-based policy approaches are one potential solution to the fragmentation and inconsistency in childhood policy across the UK. Children's right to be heard and to have their views respected lies at the heart of the rights enshrined in the UNCRC and is integral to an effective rights-based approach to policy. Such an approach to policymaking would involve finding ways to utilise and amplify children's voices, as well as giving children a way to express their own understanding of rights and how they ought to be enabled by policy.

A number of political theorists have posited the right to participation in decision-making or voice as a crucial citizenship right that underpins the effective realisation of other rights and that recognises the agency of rights-bearers. As Professor David Archard observes in his article in this issue, children are not full citizens with a right to vote (Archard 2020). Arguably this strengthens further the case for their voices to be heard by policymakers in other ways. Moreover, despite the weakness of official channels, many children are already expressing political agency and demonstrating their ability to express their views; indeed, on climate change they have been leading the way. Thus, even though they may not yet be full *de jure* citizens, they are acting as citizens and can be regarded as *de facto* citizens whose voices matter. That said, the right to be heard is not tied to citizenship as it represents not just a fundamental right of the child but also a human right to which individuals are entitled by virtue of their humanity, as Magdalena Sepúlveda Carmona, a former UN Special Rapporteur on Extreme Poverty and Human Rights, has underlined (Sepúlveda

Carmona 2013: para. 20). Moreover, listening with respect to children's views could be seen as a responsibility of adult citizenship.

There is much to debate about the role that children's voice can play in policymaking and, indeed, what impact it might have on the shape, direction, and effect of policy. There are questions over the meaning, implications, and practicality of turning children from passive recipients of policy outcomes into active participants in policy design. This is a problem most suited to a multidisciplinary discussion, as it will no doubt draw on the expertise of a range of academic fields. These will include the creative arts, which hold innovative approaches for engaging children and getting them to express their ideas; psychology and sociology, which can explore the biological, social, and cultural factors affecting development of a child's 'voice' and how their voice is perceived by others; social policy, which can illuminate how intersecting social divisions and social context (including that of the school) shape the ability to participate and be heard; political theory with its insights on citizenship rights and practice; and modern languages and linguistics, which can help us understand the way children use language and how they discursively construct and communicate thoughts, opinions, and demands. In this supplementary issue, we hope to explore children's voice from these perspectives and more, and we shall begin with philosophy.

Philosophy is a perfect disciplinary springboard for this debate, because it helps us to ask challenging but fundamental questions about what it means to be a child, what it means to give a child a voice, and, indeed, why a child should be granted the right to a voice. These questions are explored in our opening article by Professor David Archard, which tries to make sense of the complexity of what it means to listen to a child in the context of Article 12 of the UNCRC. In doing so, he reveals both the value of philosophical analysis and evaluation as well as its limits, opening many opportunities for colleagues in other disciplines to pick up and investigate. While his focus is the voice of the individual child in matters concerning her or him, the questions he poses are for the most part relevant also to children's collective participation in the policy process. And the distinction he makes between 'intrinsic' and 'instrumental' reasons for listening to children has echoes in the tension between treating children as 'beings' and 'becomings', mentioned above.

This supplementary issue of the *Journal of the British Academy* aims to create and foster an ongoing, interactive dialogue on the various interpretations of 'children's voice'. The issue will explore what exactly it means to listen to children, and to give weight to children's voices, from a range of disciplinary perspectives, encompassing social sciences, humanities, and the arts.

Professor Archard's think piece provides the opener to this dialogue, inviting others to answer questions that arise from his philosophical exploration of the right

to a 'voice'. Throughout the next six months, until March 2021, this issue of the *Journal* will subsequently publish responses on a rolling basis to this initial think piece. The intention is that the papers within this series are provocative, sparking discussion and debate, and encouraging a broad range of perspectives that will cumulatively provide innovative insights into the multifaceted theme of children's voice.

We therefore now invite academics and researchers from social sciences, humanities, and the arts to submit a think piece in response to Archard's initial paper. There are several arguments and questions posed by Archard's paper that other disciplinary perspectives could directly respond to, but we would also invite opportunities for complementary perspectives on the nature of children's voice from the evidence and insight of other disciplines. We encourage responses from individuals across all career stages. We would also welcome contributions from professionals working in the policy and practice of children's rights and participation. *Journal* articles are intended primarily for an academic readership, but because the *Journal's* disciplinary range is so broad, across the entire spectrum of the humanities and social sciences, articles should be inclusive and accessible to readers who are not specialists in a particular field. Submissions should typically be up to 3,000 words in length.¹

Insights garnered from this series of papers will form part of the evidence base of the *Childhood Policy Programme* and will contribute towards the policy development that is an integral part of the second phase of the programme. The think pieces will also form part of the basis for the policy lab series on children's rights that is planned as part of the programme. The policy lab concept aims to bring together the different actors within a policy ecosystem to engage actively with the relevant available evidence and insight on a specific policy issue, and work together to come up with potential evidence-informed policy solutions.

By the conclusion of this phase of the *Childhood Policy Programme*, the range of activities and outputs that have taken place across the lifespan of the programme will be considered and synthesised in order to develop policy recommendations, centred on the programme's three core themes (children's voice, children's rights, and 'being a child/becoming an adult'). Recommendations will aim to address the challenges identified at the outset of this introduction, namely that childhood policy in the UK is too often fragmented or inconsistent. It is plagued with unresolved issues over how we think of the child as a subject of policy, and complicated by the ways in which the impact of different policy spheres intersect in their impact on children, and by the divergence of policy through devolution of political decision-making to nations and regions.

¹ Further information on the *Journal of the British Academy* for potential authors can be accessed at https://www.thebritishacademy.ac.uk/documents/2586/JBA-notes_to_authors.pdf

Professor Archard's article ends with a justification of the philosophical questions it poses: 'good practice only follows from clarity of purpose'. Our hope is that the publication of his article, together with future think pieces, will, through greater clarity of purpose, contribute to making a reality of Article 12 of the UNCRC in a way that furthers children's rights and enhances their childhood, as part of the British Academy's wider childhood policy programme.

Individuals who are interested in contributing a think piece to this issue of the Journal of the British Academy, should in the first instance submit a short abstract of their planned paper (up to 300 words) including details of the disciplinary perspective of children's voice that would be covered, to the Childhood Policy Programme team at childhood@thebritishacademy.ac.uk. Any enquiries can also be sent to this email address.

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To cite the article: Nicola Berkley and Ruth Lister (2020), 'Multidisciplinary perspectives on the child's voice in public policy: an introduction', *Journal of the British Academy*, 8(s4): 1–6.

DOI <https://doi.org/10.5871/jba/008s4.001>

Journal of the British Academy (ISSN 2052–7217) is published by
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
www.thebritishacademy.ac.uk

Hearing the child's voice: a philosophical account

David Archard

Abstract: Article 12 of the UNCRC gives the child the right to have their views on self-regarding matters taken seriously and weighted according to the child's maturity. But it is not clear what such a right amounts to. This piece considers what it means to have a right to express views on such matters and what it means to have those views weighted, contrasting the child's right with an adult's right simply to make their own choices. It invites others to answer questions that arise from this philosophical exploration of the right to a 'voice'.

Keywords: Article 12, voice, self-regarding, best interest, maturity, weight.

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This provocation paper follows an earlier paper I authored for the British Academy, which offered a philosophical analysis and evaluation of how we think about children and childhood, especially what it is that distinguishes childhood from adulthood, and what rights, if any, children have (Archard 2020).

The present paper focuses on the questions of why we should give a voice to children and of what kind of right might be granted to children if we do.¹ The earlier paper identified the contrast between ‘becoming’ and ‘being’ as an influential way of understanding the difference between childhood and adulthood. The present piece can be read in this context by contrasting a child’s right to express views and an adult’s right to choose how to live.

The appeal of Article 12

Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) formulates probably one of that charter’s most central and influential rights. It gives every child ‘who is capable of forming their 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’. This statement has an obvious intuitive appeal. Children should be listened to and the child’s voice should be taken seriously. A great deal of published work in childhood and related studies not only defends the right of the child to be heard but creatively explores the various practical measures that might give effect to the right.² Such work is immensely valuable. It puts the child and the child’s voice at the heart of contemporary law and policymaking.

Yet the appeal of Article 12 is deceptively simple. The simplicity is deceptive because unpacking the Article discloses a host of difficulties of interpretation. What follows is a philosophical analysis and evaluation of what the Article attempts to capture as a fundamental right of the child.

What does Article 12 claim?

Let me first run through several important initial difficulties of interpretation before saying something about the central problems with this Article. In the first place, ‘the

¹The arguments in this piece owe much to ongoing discussions with my colleague, Suzanne Uniacke, Professor in Philosophy at Charles Sturt University.

²See, for instance, Daly (2018); Lundy *et al.* (2019) is a good guide to how the Article might be understood.

child' is ambiguous between the collective noun and the designation of particular individuals. Should we listen to children as a group or to this child? A children's parliament might be an example of the former; child protection procedures to elicit the views of a specific child are an instance of the latter. Both senses of 'the child' can be intended, but I concentrate on the second interpretation in what follows. This is for the following reasons. It is very hard to understand how the maturity of a group of children can be assessed for the purposes of weighting any collective view. Not least, children as a group comprise many different ages and levels of maturity. Finally, a group of children can exercise the opportunity to have a say on matters affecting them, just as adults can. But it is only in the case of the individual child that the contrast with an individual adult is most obvious as I shall show in due course.

What for those who defend the child's right to be heard is the practical difference between hearing the collective voice of children and the individual voice of a single child?

Second, it is not every child whose voice we should hear, only those who are capable of forming views. Some have argued that even a new-born infant can express a view (Alderson 1993). Non-linguistic behaviours such as crying may serve to indicate feelings. But if such behaviours counted as the expression of views, we should attribute opinions to cats and dogs. Moreover, we need carefully to distinguish the questions of when a child can express a view and when a child can express a view that adults will properly understand both as the child's view and in the very terms that are intended by the child.

Nor should we take feelings as the expression of views.

Philosophers will insist that emotions differ from mere feelings in having what feelings lack, namely propositional content and being 'about' something (Scarantino & de Sousa 2018). Norway has incorporated the UNCRC into its domestic legislation and it takes 8 years as the age at which a child can form a view. This choice of age was evidence based, but it is for others to challenge it or offer an alternative account of when a child's views should be listened to.

Do those who work with or write on children disagree with something like this Norwegian fixing of the age at which the child can form and express a view?

Third, a right to express a view freely entails duties on the part of others. At a minimum the duty is not to stop a child from expressing a view. However, clearly it should mean more. The second clause of Article 12 stipulates that the child should be provided with the opportunity to be heard in relevant 'proceedings'. Yet still more is needed. Children can only express views if they are taught, facilitated, and supported in their expression. It is no good giving anyone a right to speak freely if they do not know how to and if they lack the means to do so. This raises important questions as to how children are taught to express their own views and about where—the protected spaces, the institutional frameworks, and social settings—they get to express their views.

Fourth, the Article immediately following 12 protects the child's right to freedom of expression on any matter. So, what Article 12 specifically protects is two things: a right to express views on 'matters affecting the child' and a right to have those views given 'due weight'. Here is where it gets interesting and let me take each aspect of the right in turn.

Self-regarding choices

'Matters affecting the child' should be taken to mean what philosophers would term 'self-regarding' (Ten 1968), those that affect *only* the child and that make a significant difference to a child's well-being. Of course, everything makes a difference, even minor, to more individuals than the one to whom it makes the main difference. However, what is understood by self-regarding are those matters that are in the first instance about how the life of this particular self goes and that do not significantly affect others. For a child, this includes what is eaten, what is read, what is watched on television, what school is gone to, what work is done, who one's friends are, what medical treatments are proposed, and which parents are lived with after a separation or divorce.

To clarify and to separate issues: there are matters which affect us as adults and over which as citizens we claim a right to have a say—for instance, whether Heathrow has a third runway; how sex is taught in schools. Children might also be given a say on these matters in the sense of expressing a view. As a voter I can express my preferences on various matters, but I do so as one citizen amongst many and my individual vote will not automatically carry the day.

Children are not full citizens who have a right to vote. So they don't at present have, as adults do, a say. Should there be an age of suffrage, and, if there is, how else might we allow children as a group a say in those matters that adults get to decide as citizens?

Then there are some matters on which adults are thought by liberals to have not just a say but the right to make their own choices. Here we can see a real difference between adults and children. Self-regarding matters are those that, as John Stuart Mill argued in *On Liberty*, an individual adult should have unconstrained freedom of choice in respect of. According to his 'doctrine' we should be free to choose whether to eat harmful foods, refuse a medical procedure, run the risk of injury in enjoying dangerous sports, or to pursue a life of solitary asceticism. Mill famously qualified his statement of the doctrine by adding that 'it is hardly necessary to say' that it 'applies only to human beings in the maturity of their faculties'. He was, he made clear, not 'speaking of children' (Mill 1859: Chapter 1).

On this familiar liberal account adults get to choose how to lead their own lives, whereas children only get to say how they would like to lead theirs. This contrast is an odd one and for this reason. When adults choose what they want to do or happen, it is not the case that they express a view and then that view is considered in deciding whether to allow them to do what they want. They simply choose and do so freely. In fact, they might not even express a view. They might say they are going to do what they have chosen to do. But if we do allow adults to make their own choices it is not because they *say* that this is what they want to do. It is simply that they have made the choice and for most of us most of the time we simply choose and then act.

Indeed, on Mill's account we should allow individuals to make their own choices even if the reasons they give for making those choices are palpably bad ones. An adult's view as to why they want to do something might reveal their choice to be imprudent, risky, unwise, self-harmful even. But so long as an adult is sane, knows what they are choosing, and chooses voluntarily, we should allow them to go ahead. Yet the views of children are assessed and weighted according to their maturity.

Why listen to the child?

Is this fair? Listening to the child should be for intrinsic and not instrumental reasons. The latter have to do with what a child's views tells us about what it might be best to do for the child. Remember that we are required to promote the child's best interest. This is a key principle of child welfare and child protection legislation and policy. Article 3 of the UNCRC states it as the 'primary consideration' in 'all actions concerning children'. Thus, we might interpret the imperative to hear the child as a good way to learn what is best for the child. For instance, by listening to the child we can gain a better sense of what is going on in the child's world and improve our overall judgment of what is best for them. Or, we can gauge from listening to the child what might be the costs of compelling the child to do what we think best if this clashes with what they want.

By contrast, to value the child's views for intrinsic reasons is to see the child as someone who has a view about what makes a difference to their life. We ought to respect someone capable of forming a view even if we disagree with the view and even if it does not, ultimately, make a difference to what we do. Just think of what is conveyed by stressing the personal pronoun in the question, 'But what do *you* think about all of this?' We respect an adult's choices even if we think them misguided because it is his or her choice. We should respect the child's views however wrong-headed they might be because they are theirs.

Nevertheless, we need both to respect the child's views and do what is needed to ensure the best environment in which children can develop so that their views reflect what really matters to them.

We can thus ask those who work in child protection and child welfare, why exactly do they listen to the child, and is it for instrumental or intrinsic reasons? How do they balance listening to children with an assessment of their views as naïve, unwise, or unsafe?

Note that listening to the child as someone who has a view on self-regarding matters is not always the same as checking with an adult, 'Is that alright with you?' We might, for instance, do this where what we are not asking the other about something it is for them to decide. As a good neighbour we ask if next-door is OK with us painting our stucco rendering bright pink. It is our house and our choice. But we ought to find out what the neighbour thinks, and if he is not OK with our proposal this makes a difference. We have a reason to reconsider our choice of paint colour, not because he gets a choice over the matter but because his view is relevant. We might just worry about now having neighbours ill-disposed to us. But we might think that his approval matters because he is affected by what we are going to do, even if it is strictly none of his business.

In the case of the child, their views *are* on matters that would—if it were an adult in question—be for the person to choose. It *would* be their business. So, the child's views should be listened to and give us reasons to think again about what we might do if we were otherwise only concerned with doing what is best for the child.

Consider the case of medical decision-making. An adult has the power to consent or not to a proposed procedure—an operation, for instance—because in the famous words of the landmark US law case *Schloendorff*, 'Every human being of adult years and sound mind has a right to determine what shall be done with his own body.'³ But the child has no such right. Yet when the child expresses the view that they would prefer not to have the operation, that matters. It does so not simply because it tells us about the child's fears or likelihood of resisting the doctors. It matters because it is *the child's* view about *their* body.

Is this how and why paediatric medical personnel should involve children in decision-making?

³*Schloendorff v. Society of New York Hospital*, 211 N.Y. 125, 105 N.E. 92, 93 (1914).

Weighting the child's views

Article 12 does not just ask us to listen to the child. It adds that we should give 'due weight' to the child's views 'in accordance with their age and maturity'. What does that mean exactly?

In the first place, this requirement of giving due weight to a child's views reflects something important. It is not enough to let a child express a view, nor even to listen. We could listen attentively, conscientiously, carefully, and diligently. That would be insufficient. For even in the case of adults we know that we can be heard but nevertheless ignored inasmuch as what we say has no effect. So, a child's expression of a view must make some difference. The question is how much difference and why.

Presumably, we must give the child's views more weight the more mature she is. It is the maturity of the child and not of her views that counts. An immature person can give expression to mature views, and vice versa. And it is maturity that is in question; age as such is irrelevant and, anyway, correlates imperfectly with degrees of maturity.

Moreover, the 'maturity of faculties' to which Mill refers is not simply for him a matter of greater cognitive ability. For what is important is not just being able to know more, it is crucially about a greater understanding and appreciation of relevant matters. Thus, for example, Lord Scarman required of a mature minor—one who could be accorded the right to choose—'sufficient understanding and intelligence to understand fully what is proposed'.⁴

Imagine then that a 13-year-old wants something—not to have an operation, not to go to school or not to study some particular subject, to take on a paid job, to live with her mother and not her father after their separation—how do we give due weight to her views?

First, we assess her maturity, taking care not simply to read that off from our evaluation of her views or from her age. Then we give her views the weight that is due or appropriate given that level of maturity.

But what exactly does *that* mean in practical terms? The weightier the views the more chance they have of leading us to do what the child has expressed a preference for; the more consideration we give to the views; the more time we allow the child to explain and defend her views; the further we go to meeting what she wants; or what? If we judge a child mature enough to have her views be decisive, then we treat her, for all practical purposes, as if she was an adult. Yet, if she is not *that* mature, the difference her views might make to the outcome is simply obscure.

This is the crucial difference between a threshold account of maturity and a scalar or gradated one. On the first—most obviously in the celebrated *Gillick* judgment—a

⁴*Gillick v West Norfolk & Wisbeck Area Health Authority* [1986] AC 112 House of Lords, 187.

child might display *enough* maturity to have her views be decisive. On the latter—as in Article 12—a child can display degrees of maturity and have her views be proportionately weighted. The first provides a clear and determinate means of allowing the child to choose as if an adult; the second provides an unclear and imprecise means of giving the child more or less say in what happens.

How, we could ask psychologists, sociologists, and educationalists, should we assess a child's understanding and intelligence—for the purposes of estimating the right weight to give their views or to determine whether the child is mature enough to make their own choices? How would they understand the relevant 'maturity of faculties'? How is any such assessment free from the biases of class, culture, and gender? Can we have a genuinely neutral and independent metric of 'maturity'?

We can also ask those who work in the law or jurisprudence whether we should think of a child's maturity as either enough (or not) to be considered an adult with a right to choose, or as a matter of degrees with corresponding levels of influence over what is done in their name. And what would this latter look like in legal terms?

The importance of making sense of Article 12

The foregoing may strike some as mere philosophical nit-picking and an avoidance of the need to address urgent practical matters. But good practice only follows from clarity of purpose. Of course, it is important that a child's voice is heard, and that this means more than simply allowing the child to express her views. Otherwise, one is only granting children freedom of expression and not—as Article 12 clearly is intended to allow for—the opportunity to have a meaningful say in what happens to them. This much is agreed by all who work on the topic of childhood and who seek to make law and policy that properly involve children in decision-making about their own lives. Yet such work—for all its tremendous value—should also recognise that Article 12 is a hugely complex statement of the idea of listening to the child's voice. Making good sense of what it means to listen to the child and of how Article 12 is or is not a useful formulation of that imperative, is actually a very difficult task. It is one philosophical analysis and evaluation can help with.

Acknowledgements: The arguments in this piece owe much to ongoing discussions with my colleague, Suzanne Uniacke, Professor in Philosophy at Charles Sturt University.

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To cite the article: Dave Archard (2020), 'Hearing the child's voice: a philosophical account', *Journal of the British Academy*, 8(s4): 7–15.

DOI <https://doi.org/10.5871/jba/008s4.007>

Journal of the British Academy (ISSN 2052–7217) is published by
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
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Human beings in a theatre made for them: the child's voice in contemporary theatre for young audiences

Tom Maguire

Abstract: This article explores the challenges of including the child's voice in an artform dedicated to children, Theatre for Young Audiences. In 2020, The International Association of Theatre for Children and Young People, ASSITEJ, launched a manifesto to bring the voices of children and artists to every country in the world. However, the experience of children of this theatre made for them is often that their rights are elided with or subordinated to those of adults. A model for addressing this and some examples of practice suggest possibilities for change. This article examines the capacity and capability required to realise such possibilities within a precarious industry. Committing to hearing children makes demands on those making theatre and those making policy alike.

Keywords: Children, Theatre for Young Audiences, arts policy, capability, capacity.

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Introduction

Theatre for Young Audiences (TYA) is a broad category of performance initiated and developed by adults working as professional artists, creating cultural and aesthetic experiences for children (Junker 2012; Nicholson 2011: 87; Schonmann 2006). Adults decide who attends and what they can watch (Omasta & Adkins 2017: 8). During performances, children are homogenised as ‘a captive audience’ (Klein & Schonman 2009: 67; Maguire 2012). Their behaviour, particularly within a school group, is policed by adults, including what Danyah Miller identifies as the ‘Shushing’ Teacher who ‘expects them to listen in silence, demands their best behaviour, asking for the same conduct that she expects in her classroom’ (2016).

Such characterisations suggest TYA is something done by adults *to* children, in which they have little stake and even less say. This manifests ‘the adult construction dilemma’, where adults identify and serve the rights of children without recourse to them (Tobin 2013: 413-14). It raises a central issue of children’s agency in this art form: whether it is made *for* them, *with* them or *by* them (Zeder 2015).¹ Where, typically, the child’s experience of TYA performance is constructed and policed by adults, these prepositions focus the issue of who is best placed to serve the rights of the child articulated in the United Nations Convention on the Rights of the Child (UNCRC) (UN 1989).

The UNCRC guides the commitment of The International Association of Theatres for Children and Young People, ASSITEJ,² to recognising the child as ‘a human being, not a human becoming’, affirming that children’s rights are dependent on their interests, not their capacity (Ross 2013). It responded to the challenges of engaging with the voice of the child, most recently in a manifesto published in September 2020. In this paper, the expectations that ASSITEJ’s Manifesto raises will be set against a specific model (Lundy 2007) through which the voice of the child might be heard. I will identify how the sector is moving and might move further towards engagement with children as full rights holders. Key examples demonstrate that this relies on the capacity and capability of the adults who work in this sector.

¹ Even these distinctions may be blurred in practice.

² Although this derives from the title Association International du Théâtre pour l’Enfance et la Jeunesse, the organisation is most commonly referred to by the acronym.

Adults and children's best interests

In many sectors, the focus in Article 3 of the UNCRC on protecting children's best interests allows adults to set aside the exercise of children's own autonomy and agency (Peleg 2013: 527). This is despite correctives to such relegation of children's agency within other articles of the UNCRC: Article 13 identifies the child's 'right to freedom of expression'; Article 29 emphasises on the development of the child's 'fullest potential'; and Article 31 protects the child's right 'to participate in cultural life and the arts'. David Archard also identifies the intrinsic value of listening to children (2020: 11-12). Equally important are examples which demonstrate that children know things that adults do not. I will focus on two of these in TYA as an illustration. The first concerns the aesthetic judgements made by adults that inform what is best for children. The second relates to judgements exercised by adult gatekeepers in deciding what children should be allowed to see.

It is increasingly common to invite children and young people to act as critics for venues and festivals. This is framed as an opportunity for the participants to learn how to judge work as adult critics do (Woodward 2016). However, as empirical research has demonstrated, children are already competent from an early age in understanding theatre (Mor & Shem-Tov 2021); and they exercise very different aesthetic judgements from their adult counterparts (Klein & Schonmann 2009). This is not because children do not know the difference between 'good' and 'poor' performances: rather that they apply different criteria in evaluating performances (Klein 2005). Children know what they value, but are subjected routinely to adult preferences.

TYA practitioners often face difficulties from adult gatekeepers when the topic matter of performances is deemed to touch on areas such as sex and sexuality that adults regard as contentious or taboo (van de Water 2012: 59-79). For example, in 2012, a schools' tour of Emily Freeman's *Along Came Tango* for an intended audience of 7-8 year-olds was cancelled by the Austin Superintendent of Schools in Texas (Zeder 2015: 15). The play was based on a report of two male chinstrap penguins who had pair-bonded and then incubated an egg and raised a female chick in New York's Central Park Zoo. The cancellation followed the judgement that, 'The subject matter communicated in the play is a topic that Austin ISD believes should be examined by parents/guardians who will discuss with their elementary school age children at a time deemed appropriate by the parents/guardians' (Faires 2012).

Although the United States is not a party to the UNCRC, this approach aligns with Article 3's requirement that State Parties take into account the rights and duties of parents, guardians and legally responsible adults. Yet such an approach is in tension with the rights of the child under Article 31 to participate freely in cultural life and the arts (Smith 2013), by promoting adults as best placed to decide on the best

interests of the child. This is particularly problematic here since some adult decision-makers appeared to be working from their own heteronormative values. These adults did not recognise that individual children may already have queer identities, denied to them within heteronormative family contexts; that individual children's own home backgrounds may not conform to dominant heteronormativity; or indeed that individual children may be well-able to negotiate the experience of difference on their own terms (Spence *et al.* 2018).

ASSITEJ and children's rights

ASSITEJ has embraced two significant policy responses to such gaps created by the absence of children's voices from the sector. The first was the endorsement within the organisation's 2017 constitution of Article 31 of the UNCRC.³ The constitution thereby emphasised the cultural identity of the child as an individual rights-holder without reference to any adult as care-giver or gate-keeper. However, the emphasis on promoting the 'visibility' of arts for children and the rights of the child to enjoy arts and cultural activity does not refer to the obligations under the UNCRC's Article 12 that due weight be given to the views of the child.

A second corrective came in 2020 when ASSITEJ published its Manifesto to call for children to be heard in the processes of making decisions that affect them. It followed discussions with ASSITEJ members on the impacts of the COVID-19 pandemic, in particular on the ways in which adults were making significant decisions that had direct and often negative consequences on children (Maguire 2021: 1), without any recourse to children. In response, the Manifesto amplifies the imperative of Article 12 to recommend 'involving children and young people through consultation and collaboration and ensuring inclusion of their opinions and perspectives, at every possible level' (ASSITEJ 2020).⁴

How to hear the child's voice: the Lundy Model

Allowing children to give voice to their interests as urged by the Manifesto must be regarded as necessary; on its own, it is not sufficient. Working from Hart's (1992)

³ASSITEJ could not be a signatory to the Convention since the Convention's obligations fall primarily on state parties. Nonetheless, the organisation seeks to align itself with the provisions of the Convention.

⁴A significant irony in the development of the Manifesto was that its drafting was almost exclusively the work of adults: another example of the adult construction dilemma.

'ladder of participation', Laura Lundy described the behaviour of adults who appear to consult with children, but actually ignore their views as 'tokenistic or decorative' (2007: 938). Instead, she proposed a model by which the requirements of Article 12 might be implemented within educational decision-making.⁵ This model provides a structure for incorporating the voice of children within the TYA sector as a standard practice.⁶ The model focuses children's participation in decision-making on four inter-related stages:

- Space: Children must be given the opportunity to express a view
- Voice: Children must be facilitated to express their views
- Audience: The view must be listened to
- Influence: The view must be acted upon, as appropriate

(Lundy 2007: 933)

For Lundy, the concept of 'due weight' implies 'that children have a right to have their views listened to (not just heard) by those involved in the decision-making processes' (2007: 936). That generates a requirement that when children speak, they are heard by or their views communicated to those who have the capacity and responsibility to listen and who are in a position to put them into effect. Adults may need to be trained in active listening and in understanding the many ways in which children might express themselves other than through verbal means. The final stage of the model requires that the views of children have influence. Lundy traces the impact of consideration of children's age and maturity in generating a potential tension between protecting their best interests and giving weight to their views. This does not mean that children's views will have primacy in any decision-making that affects them, though it might. It does mean that adults have to be transparent in how they resolve any tensions between children's best interests and giving due weight to their views.

Meeting Lundy's challenge in TYA practice

The alignment between the ASSITEJ Manifesto and the values expressed in its constitution with the Lundy Model appears to be clear. In the following, I draw out some key examples to illustrate the ways in which TYA practices have shifted to listen to the voices of children and the limitations of some approaches.

⁵It has subsequently been applied in a wide variety of settings and contexts. In 2021, for example, it was the basis of a *National Framework for Children and Young People's Participation in Decision-making* published by the Government of Ireland.

⁶Even as Lundy (2018) revised her negative assessment of tokenism, following from Hart's (2008) own reflection, the pillars of the model remain.

The most straightforward way in which children's voices might be heard is during performances. Klein & Schonmann (2009: 71) cite Moses Goldberg's view (1974: 142) that 'the response of the audience is never wrong – they are responding to what they are experiencing in the way that they must'. Noting that audience inattention indicates problems with the writing or performance, Wood & Grant suggest that children will often express their dissatisfaction by withdrawing from engagement with the dramatic world on the stage and focusing instead on opportunities for amusement within the auditorium (1997: 19). The disruption that this might cause to other spectators leads to the behaviours of the 'shushing' teacher. It means that during the performance, there are difficulties in using the auditorium as an appropriate space in which to listen to the child. Nonetheless, attending to the nuances of children's engagement during performances might allow children's perspectives to be heard as work is developed and refined over the course of a production.

An indication of how this might be done can be seen from a research project commissioned by Starcatchers in Scotland. This project developed a taxonomy for understanding the engagement of very young child spectators that allowed for such nuanced listening. The researchers identified seven 'engagement signals' and descriptors of associated observable behaviour (Dunlop *et al.* 2011: 24). This taxonomy was then used to generate data to show the extent of interaction and co-production in a number of performance pieces. Researchers were able to undertake narrative observation guided by the engagement signals; tracking pairs of children or periods of time; and scanning the whole group at intervals (*ibid.*: 15). This then is a highly sensitive approach to generating empirical data that could match key moments within the event to spectatorial engagement. This taxonomy offers a potential for a methodology for the adults of TYA to assess, alter or target performances by evaluating them systematically against such engagement signals. The values governing the production and programming of TYA might refer to the observable behaviour of children, rather than only the aesthetic tastes of adults.

One practice that has facilitated the exercise of distinctive child-driven judgements is offered by Canadian company Mammalian Diving Reflex. The company is committed to 'the full recognition of children as rights-holders who have the right to participate in all matters affecting them' (2021). Their 'Children's Choice Awards' was a project that was developed and delivered between 2007 and 2017 in partnership with a range of children's arts festivals in different countries (O'Donnell 2013). The company claimed it as 'a subversive act that refers us adults to the power relationships inherent in our conceptions of childhood, education and art' (2021). The project supported child participants to attend all the shows at a festival and then to decide together a range of awards and the format of a ceremony at which they dispense awards (Wartemann 2015). In providing this platform, The Children's Choice Awards clearly offer a clear 'audience' as identified as an essential realm by Lundy.

A final example is one which deliberately engaged with the Lundy Model and which also enabled children to become involved in the governance of an organisation, not just in feeding back on their individual experience: The Children's Council of The Ark in Dublin, Ireland. Opened in 1995, The Ark is a dedicated cultural centre for children offering performances, exhibitions and creative workshops. Aideen Howard took over as the current Director in 2015 and, a year later, initiated a strategic review of the organisation. One outcome of that review was to commit in its *Strategy 2017–2020* to, 'listen to children's view of our work and employ participative decision making by children in The Ark in relation to children's cultural needs and our artistic programme'. Following direct engagement by Howard with Laura Lundy, The Ark then proceeded to establish its Children's Council, initially as a pilot project, in March 2016. The Lundy Model process was used to engage Council members, parents and The Ark in evaluating the pilot (Horgan *et al.* 2019).

The evaluation report noted that there had been three Councils involving 78 children. Each had been a year-long experience that explored active citizenship through engagement with the arts while amplifying the voice of the child within The Ark.⁷ Council members were mentored and guided by an Artist-in-Residence with whom they worked together collaboratively over the course of the year, engaging with and responding to The Ark's programme. As one alumni boy commented, 'The job of the Council is to be a voice for children who didn't have a voice, whose opinions wouldn't be taken into account' (cited Horgan *et al.* 2019: 15). The 2019 evaluation report confirmed, 'The value of the Ark Children's Council in providing children with unique opportunities to engage with and influence arts production and policy within The Ark.' It noted that even here, however, 'participants are less clear on whether decision-makers report back to tell them how they made a difference and on their level of influence' (Horgan *et al.* 2019: 28). The report included a comment from one member of the council that, 'After a play we went to see we had to write on a sheet of paper what we thought and we had to say to the group and give feedback about what we thought about the play. I'm not really sure what happened then with that feedback' (cited Horgan *et al.* 2019:17).

⁷Activities included involvement as members of the Fantastic Flix Children's Jury as part of Dublin International Film Festival, and reviewing and providing feedback on plays and exhibitions (Horgan *et al.* 2019: 12).

Policy implications: the capability and capacity of adults

Archard suggests that ‘Children can only express views if they are taught, facilitated, and supported in their expression. It is no good giving anyone a right to speak freely if they do not know how to and if they lack the means to do so’ (2020: 9). The examples from TYA here indicate that children’s knowledge of and abilities to articulate, claim and exercise their rights are necessary but not sufficient on their own. Children frequently express their views of performances already, but are often ignored, coerced or trained into deferring to the views of adults or adopting or conforming to adult standards of behaviour and judgement. Instead, adults might learn to listen to children more effectively.

This leads to a further set of assumptions to tease apart in relation to ‘capacity’. Here, it is useful to create a distinction between ‘capability’ and ‘capacity’. I use ‘capability’ to refer to the set of skills, knowledge and techniques that enable an adult practitioner to support a child in expressing themselves; to attend to what they express; and to create a process of engagement with other adults to respond appropriately to the views conveyed. These are professional attributes that might be acquired through training and honed through experience. The examples of the researchers in the Starcatchers project and the facilitator of The Ark Children’s Council demonstrate that these are not just personal attributes but professional skills. The evaluation report for The Ark’s Children’s Council notes the need for specific training in participation and facilitating children’s ‘voice’ (Horgan *et al.* 2019: 22).

The deployment of these professional skills in any encounter with a child is conditional too on the capacity of the adult with the responsibility to listen to the child to undertake a meaningful engagement and respond appropriately; something core to the Lundy model. That capacity is provided through appropriate effort and resourcing (Lundy 2018). This would include allocation of time to undertake the listening activities; to process what has been heard; and to relay that to the rest of the company. It relies too on the provision of physical spaces within which that listening takes place. For venues and festival programmers, this may require freeing up ancillary spaces within buildings. Materials may also be needed to support a range of approaches to allow the children to express their views. Work by Matthew Reason (2010) highlights the utility of drawing in understanding the experience of children in the theatre: a valuable means of listening to children’s experiences. Quite simply, children need to have access to the materials to create such drawings. While Hart (2008) and Lundy (2018) have both retreated from their initial dismissal of tokenistic engagement with children,⁸ the examples here from TYA relied on a more sustained

⁸Lundy argues that the gains made by children through tokenistic participation far outweigh the consequences of not being involved at all (2018: 346–7).

engagement between the adult listening and the children whose voices were to be heard. Circling back to the need for capability, one can see that resourcing is needed also to pay professionals with the skills to conduct and analyse this listening – at a level that is commensurate with the status to take action on the basis of what they hear.

The provision of such resourcing is, then, a significant issue of policy for funders and practice for theatre makers. The arts in general, and the live performing arts in particular, have been particularly badly affected by the impact of the global pandemic. If the aspirations of the ASSITEJ Manifesto and the model articulated by Lundy are to be implemented, a significant commitment of resourcing is required. Within the UK, funding devolved to the arts councils of the constituent nations/regions is already stretched and local authorities face significant demands on their budgets (Ogden & Phillips 2020). Third sector charities and philanthropic organisations reliant on donations also face a funding shortfall due to the impact of COVID-19 (Wood 2021). There will be choices then to be made in how the rights of children to be heard are prioritised by funders and theatre makers in using the resources available.

Conclusions

As a sector led by adults, TYA illustrates a number of the challenges that derive from the adult construction dilemma. Embracing the UNCRC, ASSITEJ has been able to lead the sharing of values that support the intrinsic rights of children to be involved in decisions about them. The Lundy Model suggests a process that might be implemented across different contexts and examples from across the globe exemplify how TYA practitioners are already enacting practices that align with it. For policy-makers, a critical challenge is to support these innovative arts interventions. This might be through dissemination and training in effective practice. It may be by tying funding to a requirement to demonstrate children's participation. For theatre-makers, the challenge is to use their resources to learn from, adapt, and implement practices that allow children to speak and support adults to listen.

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To cite the article: Tom Maguire (2021), 'Human beings in a theatre made for them: the child's voice in contemporary theatre for young audiences', *Journal of the British Academy*, 8(s4): 17–27.

DOI <https://doi.org/10.5871/jba/008s4.017>

Lost in translation: the reality of implementing children's right to be heard

Carol Robinson

Abstract: Paragraph 1 of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) gives children the right to express their views freely in all matters affecting them and for their views to be given due weight in accordance with their age and maturity. It has previously been acknowledged, however, that the process of translating this article results in a gap between the stated article and its realisation within policy and practice contexts. This paper takes an in-depth look at the meanings attributed to Article 12 to provide a basis for understanding the principles inherent within the article. It draws on core values associated with respecting and operationalising the rights enshrined within Article 12 to critically explore factors to consider when implementing Article 12 if the dilution and reshaping of principles pertaining to the article are to be minimised during its translation into practice.

Keywords: UNCRC, Article 12, children's rights, children's voice, listening to children.

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Introduction

This paper is concerned with principles relating to children's right to express their views and be heard, and with the complexities associated with implementing this right in practice. Paragraph 1 of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) (UN 1989) sets out the details of children's right to be heard. However, as the article is translated from the UNCRC into practice it undergoes a series of translations. The translation process may include incorporating the article into legislative systems, into policy at national, regional and local levels, and finally into organisational policy and practice. At each of these stages, individual interpretations and biases can dictate which aspects of the article are translated, and this is particularly significant when it comes to enacting the article in practice (Robinson *et al.* 2020). During the translation process, there is the potential for the article to be narrowed and reshaped – the outcome being that the enactment of the article may not reflect the full intentions of the original article and children's rights within Article 12 will not be fully realised in practice.

In a recent provocation paper, Archard (2020b) presented a philosophical analysis of what Article 12 is and the kinds of rights that might be granted to children through Article 12. This contribution complements Archard's paper by unpacking meanings attributed to Article 12 from a practical perspective. It draws on a number of core values that have been identified as underpinning practices associated with listening to children's voices (Robinson & Taylor 2007; Lundy 2007) to critically explore factors to consider in an endeavour to minimise the dilution and reshaping of the various elements of Article 12 when enacting the article in practice.

The UNCRC presents 54 provisions aimed at protecting children's civil, political, social, economic and cultural rights. It applies to all children up to and including the age of 18 years and has been ratified by all countries across the world apart from the United States of America. This paper is specifically concerned with Paragraph 1 of Article 12 (hereafter referred to as Article 12), which states:

the child who is capable of forming his or her own views [has] 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. (UN 1989: 4)

As well as each stage of the translation process presenting opportunities for the partial translation of the article, there are also '*ongoing obstacles*' resulting from a limited awareness of the requirements of Article 12 (Lundy 2007: 930), thus heightening challenges relating to its implementation in practice.

The UN Committee on the Rights of the Child (hereafter referred to as the Committee) acknowledged that there was '*a need for a better understanding of what*

article 12 entails and how to fully implement it for every child' (UN Committee 2009: 6, para 4). To support the 'effective implementation' of the article, this Committee set out their interpretation of individual phrases of the article with the aim of 'strengthening understanding of the meaning of article 12' (UN Committee 2009: 6, para 8). An overview of this interpretation is set out below.

Meanings attributed to Article 12: the perspectives of the United Nations Committee on the Rights of the Child

Within the Committee's General Comment (UN Committee 2009), the meanings attributed to the four key phrases which make up Article 12 were presented as follows.

Phrase 1: 'the child who is capable of forming his or her own views'

The Committee stressed that we: '*cannot begin with the assumption that a child is incapable of expressing his or her own views ... [rather we] ... should presume a child has the capacity to form her or his own views ...; it is not up to the child to first prove her or his capacity*' (UN Committee: 9, para 20). The Committee also underlined that children are '*able to form views from the youngest age, even when [they] may be unable to express them verbally. Consequently, the full implementation of article 12 requires recognition of, and respect for, non-verbal forms of communication*' (para 21). Furthermore, the Committee stated '*it is not necessary that the child has comprehensive knowledge of all aspects of the matter affecting her or him, but ... has sufficient understanding to be capable of appropriately forming her or his own views on the matter*' (para 21).

Within the description of this phrase, the Committee also stressed the need '*to ensure the implementation of this right for children experiencing difficulties in making their views heard*' (ibid.). This statement was qualified with an acknowledgment of the need for children with disabilities to '*be equipped with, and enabled to use, any mode of communication necessary to facilitate the expression of their views*' (ibid.) and the need for efforts to be made to '*recognize the right to expression of views for minority groups and those who "do not speak the majority language"*' (ibid.).

Thus, the Committee highlighted their expectation that all children should be assumed to be able to form their own views and that efforts need to be made to equip children with sufficient information to enable them to do so. The Committee also acknowledged that provision should be made for children to communicate their views in ways other than verbally.

Phrase 2: ‘has the right to express those views freely’

The Committee stated that in the context of Article 12 “‘Freely” means that the child can express her or his views without pressure and can choose whether or not she or he wants to exercise her or his right to be heard ... [and] that the child must not be manipulated or subjected to undue influence or pressure’ (UN Committee 2009: 10, para 22). The Committee also emphasised that when expressing views, the environment should be one in which ‘*the child feels respected and secure when freely expressing her or his opinions*’ (para 23) and that ‘*The realization of the right of the child to express her or his views requires that the child be informed about the matters, options and possible decisions to be taken and their consequences*’ (para 25).

Requirements relating to phrase 2 reiterate the need for children to be equipped with the necessary information to enable them to form their own views, while also requiring that children are informed about the outcomes of decisions affecting them. The Committee also stressed the need to ensure children understand that they have the right to choose whether or not to express their views and, where children choose to exercise this right, they do so at their free will and in a respectful and supportive environment.

Phrase 3: ‘in all matters affecting the child’

The Committee asserted that ‘*the child must be heard if the matter under discussion affects the child*’ (UN Committee 2009: 10, para 26). The Committee also stated that it supported ‘*a broad definition of “matters”*’ and that children’s views should be carefully listened to ‘*whenever their perspective can enhance the quality of solutions*’ (para 27).

Phrase 3 builds on the meanings attributed to phrases 1 and 2, and the related requirements implicated within these, adding the requirement to listen to children’s perspectives about matters which affect them. Of significance here is that such matters are not limited to those identified by adults, but include matters which children themselves consider to be of importance to their lives and experiences.

Phrase 4: ‘the views of the child being given due weight in accordance with the age and maturity of the child’

The Committee highlighted that ‘*simply listening to the child is insufficient; the views of the child have to be seriously considered when the child is capable of forming her or his own views*’ (UN Committee 2009: 11, para 28). It also affirmed that ‘*age alone cannot determine the significance of a child’s views. Children’s levels of understanding*

are not uniformly linked to their biological age ... the views of the child have to be assessed on a case-by-case examination' (para 29). The Committee, however, recognised that '*Maturity is difficult to define; in the context of article 12, it is the capacity of a child to express her or his views on issues in a reasonable and independent manner'* (para 30).

The Committee's explanation of Phrase 4 highlights that it is not acceptable to listen to children in a tokenistic way, rather their views need to be seriously considered. Implicated within the need to assess the views of the child on a case-by-case basis is the requirement to consider how each child is informed about matters, and how the environment in which children express their views is as enabling as possible for each individual child.

Collectively, the Committee's interpretations of, and meanings attributed to, the four phrases within Article 12 strongly assert their expectations for children's views to be heard and taken seriously in all matters that affect them. In the following section, core values which underpin on-the-ground practices associated with listening to children's voices will be outlined. The importance of taking these core values into account to support minimising the dilution and reshaping of the intentions of Article 12 during its translation into practice will then be explored.

Core values associated with respecting and operationalising the rights enshrined within Article 12

As detailed above, when implementing Article 12 it is clear that all children have a right to voice their opinions openly and for their voices to be listened to and taken seriously. It is important to note that although the word 'voice' implies the spoken word, in the context of this paper it is understood far more broadly. 'Voice' is used to refer to a child's perspectives, opinions, thoughts and feelings. In addition to verbal language, 'voice' also includes, but is not limited to, written language, body language, silences, behaviour, actions, pauses in action, glances, movement and artistic expression (Wall *et al.* 2019: 268). The following core values (Robinson & Taylor 2007) associated with supporting children's voice in the context of implementing Article 12 are based on the premise that 'voice' is understood in these broad terms.

Core Value 1: Communication through dialogue

Within this value, dialogue refers to an attempt for all participants to be involved in the communication in a reciprocal way, leading to the development of shared understandings (Robinson & Taylor 2007). The notion of dialogue involves 'active listening'

(Fielding 2004: 202) by a 'listening audience' (Lundy 2007), and giving 'due weight' (UN 1989) to the views of *all* participants, including children. Thus, within this value the traditionally hierarchical relationships, which may curtail the voices of children, are recast to encourage 'the flow of a more horizontal discourse' (Robinson & Taylor 2007: 8).

Core Value 2: Participation and inclusion

The focus of this value is on the need for the equal participation of all parties. Underpinning this value is the requirement to recognise that there are multiple viewpoints and, therefore, multiple voices. All voices should be listened to, heard and valued equally, regardless of any potentially discriminatory factors including gender, ethnicity, disability, behaviour and social class (Robinson & Taylor 2007: 11). There should also be opportunities for the views of a diverse range of children to be represented and for inclusive spaces (Lundy 2007: 934) and safe spaces to be created in which children can express their genuine views '*without fear of rebuke or reprisal*'. Thus, there is an expectation that knowledge and understandings generated through dialogic communication will involve the active participation of all parties (Robinson & Taylor 2007), with children and adults engaging conjointly (Thomas 2007: 215).

Core Value 3: A recognition that power relations are unequal

The power dynamics that exist in relationships can be subtle and can serve to steer, or even silence, the perspectives of some children. We need to acknowledge that '*power inhabits all processes of social communication*' and that forms of communicative power are not equally available to all (Robinson & Taylor 2007: 12). Thus, through recognising that some groups have privileged access to certain forms of communication, consideration needs to be given to how to challenge structures and processes that curtail opportunities for some to have their voices heard (*ibid.*).

Core Value 4: Possibilities for transformations

This value recognises the need for listening to children's voice to extend beyond a tokenistic attempt to provide opportunities for children to voice their opinions (Robinson & Taylor 2007). Rather, there needs to be a commitment to take their voices seriously, with those listening being prepared for children to have 'influence' (Lundy 2007: 938-9) and for changes or transformations to be made as an outcome of the views expressed by children. Thus, children should be involved as potential active

agents of change (Fielding: 2001), with the agency to initiate change which will lead to improving their lives and experiences.

The core values outlined above should not be seen as discreet values, they are interrelated and interdependent, with all the values needing to be considered together in relation to implementing Article 12 in practice. These values will be drawn on in the following section when outlining some of the tensions and challenges that emerge which can lead to the dilution and reshaping of Article 12 when operationalising the article in practice.

Discussion: tensions and challenges associated with implementing Article 12 in practice

One of the key determinants of whether, and if so how seriously, children's views are listened to relates to adults' construction of childhood and, whether or not adults perceive children as capable holders of rights. For example, where children are viewed by adults as competent, mature and active agents involved in the co-construction of their own lives and cultures, they are more likely to be considered capable of holding their own rights (James *et al.* 1988; Corsaro 2005; Mayall 2000). In such cases, children are likely to be perceived as '*capable of forming his or her own views*' and their views taken seriously (Le Borgne & Tisdall 2017; Tisdall 2018). Conversely, where children are viewed as being dependent upon adults, they are more likely to be perceived as incapable of forming their own opinions (Raby 2014; Tisdall 2018) and insufficiently competent or mature to be holders of their own rights. In such circumstances children are viewed as not having 'the independence of mind and ability to act on their own choices' (Archard 2020a) and their views are unlikely to be accorded '*due weight*', with the outcome that their voices become marginalised or silenced. This dispute around whether children are capable holders of their own rights can be seen along a continuum. At one end of the continuum, children are viewed as progressing along the road to 'becoming' adults, and at the opposite end they are viewed in a state of 'being' in their own right, where childhood is considered to be a distinct and 'finished' status (Lee 2005; see also Archard 2020a). The position in which adults place children on the becoming-being continuum will impact on whether, and how, children's views are listened to by adults and on the 'due weight' given to children's perspectives.

Take, for example, giving due weight to a child's perspective within healthcare settings. A child with a broken arm may be asked what colour plaster cast they would like to support their arm. The health care practitioners concerned may consider the child as a rights' holder and capable of expressing a preference in relation to this and act in accordance with the child's preference. However, where there are two medical

procedures to choose from, both with associated advantages and disadvantages, the child may not be viewed as such a competent rights' holder and less weight may be placed on the child's viewpoint if this view does not align with what the adults involved consider to be acting in the best interest of the child (as stipulated in Article 3 of the UNCRC). Regardless of the reasons or strategies for positioning children towards the 'becoming' end of the becoming-being continuum, not prioritising their views, leads to a reshaping and dilution of Article 12 in practice.

Where there are multiple children and multiple voices to be heard, for example, in school settings, this adds a layer of complexity to the requirement to give 'due weight' to children's views. There may be situations where different children are positioned at different places on the continuum, depending on a teacher's perceptions about a child's capability to holding their own rights in specific contexts.

Thus, respecting and operationalising the rights enshrined within Article 12 is not straightforward. However, acknowledging the four core values outlined earlier can help to raise critical questions surrounding the tensions and challenges associated with implementing the article in practice. Promoting communication through dialogue in the sense outlined in Core Value 1, is consonant with assuming that '*a child has the capacity to form her or his own views*' (UN Committee 2009: 9, para 20) and presumes a respectful environment in which children are at ease to '*freely express[ing] her or his opinions*' (UN Committee 2009: 10, para 23). However, in reality, only limited aspects of children's lives are fully open to negotiation. For example, in education and health-care settings pressures placed on adults to comply with professional expectations, as well as time constraints, limit the areas in which children are invited to express their views. Acknowledging Core Value 1, however, helps to raise critical questions such as: What aspects of lives are open/closed to negotiation? In which aspects of their lives are children considered capable/incapable of voicing their opinions?

Core Value 2 acknowledges that there are numerous and diverse viewpoints, all of which should be equally included. This value resonates with the requirements to recognise the right to expression of views for minority groups and those who '*do not speak the majority language*' (UN Committee 2009: 10, para 27) and to support children with disabilities to use '*any mode of communication necessary to facilitate the expression of their views*' (UN Committee 2009: 9, para 21). However, where different children express different viewpoints, decisions need to be made about which viewpoints are prioritised over others (as would be the case with adults too). Acknowledging Core Value 2 helps to highlight biases in terms of whether preference is given to some voices over others through raising questions around: Which children are/are not given the opportunity to express their views? Are children's views considered democratically with all perceptions being equally weighted? Are some viewpoints more heavily weighted than others and, if so, why?

Within Core Value 3, which recognises that power relations are unequal, there is an assumption that children will '*not be manipulated or subjected to undue influence or pressure*' (UN Committee 2009: 10, para 22) and that children's views will '*be seriously considered*' (UN Committee: 2009: 11, para 28). Through acknowledging this value, critical questions are raised around the following areas: In which areas do adults make decisions on behalf of children and/or filter children's voices through applying their own biases and assumptions? Are children encouraged to voice their opinion about issues of importance to them, or only about matters of importance to the adults?

As outlined in Core Value 4, when listening and giving weight to children's perspectives adults need to be prepared for transformations to take place. Recognising the requirements within this value raises questions, including: Is the involvement of children in discussions and decisions an empowering experience for children in which they are encouraged to act as agents of change? Or, do the adults concerned encourage a more tokenistic involvement of children?

What is apparent from this discussion is that there is the potential for different adults to position children at different places on the 'becoming-being' continuum, according to how capable they view children as being able to form and voice a viewpoint, and this will vary according to the context. To add to the intricacies surrounding the implementation of Article 12, even within the one setting, for example a classroom, different adults may position the same child at different places on the continuum. Thus, we cannot escape from the fact that a critical factor which impacts on the extent to which the four core values are acknowledged and how seriously children's views are taken, is the position at which adults perceive children to be on the becoming-being continuum.

While there might be some disagreement between adults about whether, or to what extent, children are 'capable' or sufficiently 'mature' to form and express their views in different contexts, what is evident is that not taking children's views into account is clearly contravening the requirements of Article 12. This paper has highlighted some of the challenges around implementing Article 12. It is particularly timely given that over the past year children's lives and experiences have been significantly impacted by the COVID-19 pandemic and ways need to be sought to support children to deal with some of these changes. Specifically, children have been at the receiving end of several changes to their lives including missed opportunities for in-school learning, fewer opportunities for social contact with their peers and, in some cases, increased or new experiences of exposure to domestic abuses. In the United Kingdom many children are experiencing increased levels of anxiety and more children witness, or are victims of, domestic abuse, with some children experiencing new or more persistent abuse at home (UNICEF UK 2020: 1).

Given these profound changes to their lives, it is vitally important that children's views are listened to as policies and practices are developed to support children. Acknowledging the requirements of the four core values outlined above will help to raise critical questions and bring to the fore some of the tensions and challenges associated with implementing Article 12, thus helping to minimise the gap between the intention of Article 12 and the enacted practice.

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To cite the article: Carol Robinson (2021), 'Lost in translation: the reality of implementing children's right to be heard', *Journal of the British Academy*, 8(s4): 29–39.

DOI <https://doi.org/10.5871/jba/008s4.029>

Journal of the British Academy (ISSN 2052–7217) is published by
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
www.thebritishacademy.ac.uk

Student voice in education

Sara Bragg

Abstract: A diverse and contested range of practices referred to as ‘student voice’ have long flourished in many educational contexts, and are regularly re-discovered by new generations of teachers. Currently the fortunes of student voice in England may appear to be waning, particularly compared to their waxing elsewhere and under the 1997-2010 New Labour government. This article argues that even evidencing the value of student voice (whether in instrumental, pragmatic, intrinsic, moral, or democratic terms) is unlikely to convince those who discredit it. Instead, we should change the conversation about voice to go beyond the liberal and individualistic rights-based model underpinning many accounts: we need to develop more nuanced understandings of social contexts, power, the school as an institution, and of voice as a practice rather than the property of an individuated subject. Paying greater attention to the ‘vital relationality’ between subjects, infrastructures, the material and the affective, can help us understand the differences that matter in student voice. We may thereby build socialities that ‘stay with the trouble’ of voice, listen in ways that open us to the other, and create more liveable schools.

Keywords: Student/pupil voice, school, children’s rights, enactment, social practice, relationality.

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Introduction

The voice of the child in education has long been a point of controversy. In 2010, for example, a blog post was published¹ that described student voice as ‘frightening and repulsive’, ‘knuckle-headed’, ‘moronic’, ‘a revolting inversion of natural roles and hierarchy’ that would ‘suck the blood of professionalism from our sector like vampires ... infect and rot school management decisions’. It was figured as a form of violent subjection, of doing-to, about judgement (critiquing teacher’s performance), gaining power in a zero-sum game (‘to tell us how to teach, what to teach, whom to hire, what to have on the curriculum, what a school should be built like’). Teachers ‘know more’, including for the author’s part ‘most of what [students are] going to say’, while students lack ‘experience, impartiality and wisdom’ or ‘a rational, unbiased opinion that could possibly be of credible interrogative ability’, since they are ‘instinctive egoists’, ‘intrinsically poor judges’ seeking ‘immediate gratification’. Perhaps students can report abusive behaviour, the blogger muses, but even that should properly be via their parents. Although the vocabulary was perhaps self-consciously iconoclastic, the accompanying image, a mocked-up gum packet bearing the capitalised words ‘how about a nice big pack of shut the hell up’, underscored its attacking tone.

Fast forward to the present and its author, Tom Bennett, has been described as one of the most influential figures in education, the government’s adviser on its ‘behaviour hubs’ and the founder of the ‘astro-turfed’ reform movement ResearchED (Watson 2020). He joins a procession of education ministers and others telling teachers how and what to teach (by ‘authoritatively impart[ing] knowledge’ to children sitting in rows and ability groups; not anti-capitalism or critical race theory).² It therefore appears that student voice is falling out of favour, at least within governing circles in this neoconservative moment and in comparison to the 1997-2010 New Labour era of the *Children Act* (2004), *Working Together: giving children and young people a say* (2004), *Every Child Matters* (2003) and the *Creative Partnerships* schools initiative.³

However, our heterogeneous education systems simultaneously allow diversity. The Welsh government is currently developing a new curriculum in which ‘meaningful and purposeful pupil participation’ is intended to be a strong feature; child-centredness figures crucially in its plans for Relationships and Sexuality Education (Renold & McGeeney 2017); and its schools inspectorate Estyn published *Pupil Participation a best practice guide* in 2016. National and international NGOs, social enterprises,

¹ Bennett (2010).

² Ofsted (2014), Busby (2020) and Trilling (2020).

³ For an account of Creative Partnerships, see Parker (2013).

membership organisations and charities continue to devote significant resources to voice (a.k.a. participation, partnership, consultation, leadership, democracy, capacity-building, co-design and so on) in schools, and to provide accreditations, kitemarks and training aimed at service providers and youth.⁴ *Connect*, an Australian-based global journal of student participation, has now reached its 42nd year of publication.⁵ And students on ‘climate strike’, organising against exclusions, or protesting recently at Pimlico Academy in London, have been vocal, well organised and effective, a point to which we will return.⁶

The story of student voice then is never linear or singular. But where to next? In terms of the British Academy’s Childhood Policy programme,⁷ the anti-voice position represented by Bennett relies for its case on the child as ‘becoming’ and adult-child binaries: children are incompetent, partially-formed, lacking the reason, knowledge and broader perspective that are assumed to be the features of ‘full’ adulthood (or of ‘grown ups’, the curiously childish term he also uses). They therefore need to be *done to*, in precisely the way he fears student voice would ‘do’ to teachers. His disdainful descriptions be-littling children as ‘propped up on pillows’, ‘popping up in arenas that [were] the preserve of the over-five-foot club’, ‘oleaginous’, ‘beardless’ carry discriminatory and ableist undertones made explicit when he compares student voice to asking ‘Ray Charles if my socks match’.

It is tempting to respond to a deficit model with a lack-refuting plenitude, as so many have done. To point to well-documented instances of children’s agency (including in social and political protest), their productive roles, skills, commitment, contributions and insights. To show the instrumental, pragmatic worth and benefits of student voice, the more meaningful learning, egalitarian classroom relationships, and enhanced performance gained by engaging students as equal partners, along with reassurances of students’ respect and generosity to their teachers. We can make a moral case for the intrinsic value of student voice, we can note its democratic import as a mark of equality and respect, not least by referencing, of course, the child’s UNCRC-accorded right to express views. We can emphasise the joy many educators derive from voice processes. We could even observe that the purview of student voice is not total: while students may contribute on all the issues the blog lists – from extra-curricular activities, to curriculum matters (e.g. relationships and sexuality

⁴See e.g. School Councils UK (<https://studentvoice.co.uk>), Phoenix Trust (<https://www.phoenixeducation.co.uk/index.php>), Freedom to Learn (<https://freedomtolearn.uk/>), Bernard Van Leer / Participation Works.

⁵Connect is archived at <https://research.acer.edu.au/connect/>

⁶For Pimlico Academy students’ statement, see <https://ipfs.io/ipfs/QmQtstSXu815MdeDB4p3eKQKMy6BaXgz8pUPo64KrmrUQK>, and the campaign group No More Exclusions <https://nomoreexclusions.com/>

⁷<https://www.thebritishacademy.ac.uk/programmes/childhood/>

education), timing and pace of lessons, methods of learning, staff recruitment, playground or toilets design and rules, food menus, uniform, teacher feedback – they always do so in dialogue with adults and each other.

Such positive examples help to explain why voice practices in education are so often (re)discovered by new generations of educators as a way to revive and rejuvenate their educational practice in ways that they – and young people – find inspiring. And such luminaries of education research as Donald MacIntyre and Jean Rudduck (e.g. Rudduck & MacIntyre 2007) and Michael Fielding (e.g. 2001) have over many years rigorously researched the potential pitfalls, advantages and multiple meanings and manifestations of student voice while still arguing for its value. However, advocates of ‘voice’ may make little headway against those predisposed to discredit them, not least because they speak to different world views. If we simply claim for the child the qualities of autonomy, agency, reason and knowledge that others see as properly only adult, we leave the categories and binaries themselves untouched.

Instead, perhaps we should change the conversation about student voice. To do so we might provide more historical contextualisation of both the evolution of children’s rights, and the school as an institution. We might resist assuming the inherent superiority of ‘student voice’ as its advocates sometimes do, acknowledge that the term can be deployed without critical analysis of its content or of the processes and practices it involves, and attempt to offer just that instead. We might rethink the ontologies that underpin the being-becoming stalemate, in ways that help us develop new ways of listening.

Recontextualising voice

First let us remind ourselves of some broader shifts in understandings of childhood, youth and citizenship. The commercial world has often been accused of ‘commodifying’ childhood. However, many scholars have shown that it has done so by taking children’s desires, interests and perspectives seriously and legitimating the authority of their ‘voice’. Thus consumerism through the 20th century has helped shape our image of the agentic child and even contributed to the global proliferation of child rights discourses (Cook 2000; Buckingham 2011). Moreover the ubiquity of surveys, opinion polls, focus groups and interviews – techniques of the social sciences, market research, media, political life – means that modern citizenship is now at least partly constituted through the expectation and capacity to be ‘consulted’, to have and express opinions. We can of course debate whether the school should or could be untouched by such socio-cultural changes. What is harder to understand is why any young person would respond positively to being addressed by the school as an incompetent ‘becoming’, when more affirming options are available elsewhere.

Ian Hunter's history of the mass education system (1994) positions schooling as hybrid, improvised and assembled from available moral and governmental technologies for turning populations into national citizens. The school adapted and amalgamated on the one hand bureaucratic governance, with its concern for population and the worldly welfare of citizens, and on the other, the subject-forming techniques of Christian conscience-forming through the confessional, with its arts of self-examination and care of individual souls. An interest in monitoring the child's soul was apparent back in the 19th century, when the earliest educational pioneers were already inviting teachers to attend to the 'playground' and the child's inner life, not just the schoolroom and learned content.

Hunter's account of the school is helpful in providing a longer time frame for what are sometimes seen as the concerns only of (1960s) progressive education or critical pedagogy. It also enables a re-reading of different school practices. Take a school that follows a 'tough love', 'no excuses' or 'zero tolerance' approach, in which corridors must be silent, bodies in classrooms sit up straight, eyes 'track the speaker', questions and answers be delivered in 'full sentences' 'standard English', 'like a scholar', detentions are issued for incorrect equipment and uniform (Cushing 2021; Duobly 2017). Compare this to another, which practises 'radical collegiality' with students who are seen as 'experts in their own lives', training them in how to research through surveys and interviews what their peers think makes a good lesson, teacher and student and how to present findings to staff meetings (Fielding 1999).

Both sets of practices 'problematise' students: that is, they make their behaviour, bodies and dispositions into objects of reflection, ethical concern and attention. Both make claims to moral purpose, social mobility and liberation through education. If we notice shades of Old versus New Testament in these differently redemptive approaches (the wayward subject that needs to be led away from temptation towards the light, versus the holy child that is itself the source of wisdom and grace), that may usefully indicate both the role of Christian pastoral traditions in the school's evolution and their deep historical roots. Both are disciplinary in the sense of developing positive competencies and capacities, albeit within constraints. Of course, they also have very different understandings of the students' family and social backgrounds, degree of maturity, and occupational destinies; they offer various, more or less attractive, identities for students and teachers, and tell different kinds of stories about the nature of the school. And it is these differences that matter and that need to be the focus of debate.

Hunter's work also depicts the school as a plural rather than unitary ethical domain containing diverse actors (support staff, administrators, heads, researchers as well as teachers at different stages of their careers, not to mention students themselves, across classrooms, corridors and playgrounds); shaped too by institutions

beyond such as trade unions, parent associations, external providers of services, curriculum experts and committees, publishers, Exam Boards, regulatory mechanisms, inspection and so on. This helps explain why the landscape of pedagogy looks so diverse, and why student voice can flourish – or indeed, be resisted – in localised areas of practice.

Enacting education through voice

A view of schooling as contingent rather than conspiratorial, and power as always-present, capillary, dispersed and ambivalent in its effects, enables us to ask more nuanced questions. Acknowledging that schools are noisy places, but that only some of what students say becomes codified as ‘voice’, and that young people need training or guidance – as David Archard says, to be ‘taught, facilitated, and supported in their expression’ of views (2020: 9) – moves us away from the idea that voice is simply immanent, expressed or not, heard or ignored. Instead we can think about how it is constructed and what it does rather than what it ‘is’. Student voice practices *enact*, in this perspective: they bring into being, in particular ways, not only students, but also schools, teachers, education.

Let’s pursue the example of the more ‘radical’ form of voice mentioned above, where student researchers are tasked to focus on matters of pedagogy. They are often imagined to be – and indeed are - oriented towards more dialogic, active and experiential learning than didactic and passive teaching approaches. The research techniques they learn and apply are academically rigorous. Their ‘voice’, in sharing their perspectives and commitments along with peer-derived findings, serves to recruit teachers into different practices – to move towards and inhabit an egalitarian vision of education, usually in step with a school leadership team’s pre-existing strategies. So here ‘voice’ enacts particular ideas about learning amongst students and reconfigures teacher professionalism in terms of collaboration and cooperation rather than authoritarianism. And it does this by moral example rather than top-down fiat.

To sharpen how we might analyse or even evaluate what such enactments achieve, we also need to attend to the specific contexts of schools. For instance, consider one common approach to students-as-researchers, in which a cadre of students are selected, elected or volunteer to represent their peers, are given training and support, working alongside adults (teachers, other staff, researchers, etc), to generate findings or project outcomes, which may then be presented to audiences within and beyond the school (peers, parents, teachers, senior leaders, academics, local education authority or Academy Trust representatives, etc.). A culture of marketisation and inter-school competition, in which school leaders may need to promote their school or counter

negative local reputations, helps make such a strategy comprehensible. Meanwhile, in-school factors such as general availability of resources, existing relationships between students (or stratified student subcultures) and between staff and students, the presence or absence of divisive educational practices such as streaming and grouping by ability, as well as the inclusivity of project processes, might all make a difference to whether such initiatives are perceived by other students as merited representation or unfair privilege.

Looking at what voice does, what realities it enacts, also enables us to ask questions about what is occluded or obscured. Liberal interventions present student voice as a different perspective that should be valued, made visible, respectable and empowered, hailed by institutions to represent the progress attained by rights-bearing subjects. ‘Youth voice’ can become a form of capital to be exploited, representing newly emergent forms of knowledge production and nodes of expertise. (Greta Thunberg might be one example of a skilled capacity to exploit ‘youthness’ in pursuit of political and environmental objectives.) But what does this model fail to embrace? Might capacitation and inclusion for some sustain or even produce silence and exclusion for others? Many voice initiatives incite students to value autonomy, self-regulation and responsibility for their own conduct and learning: qualities which may also align with general moral ideals of self-sufficiency and more specifically the self-fashioning, risk-taking, enterprising, self-actualising individuated subjects of neoliberalism (Bragg 2007). It is not easy to designate such processes as either instrumentalist and exploitative or empowering, and the position for which I am arguing does not require us to do so. However, questions remain about whether and how student rights and responsibility for learning might obstruct analysis of structural issues, shade into blaming non-participating individuals for their own failures in ways that make participation an oppressive imposition or a practice that lacks meaning. What is involved – affectively, culturally, socially, economically – in attaining the position of ‘student’ and the privileged institutional recognition that this involves: and might this subject position not be available to all?

None of this suggests that student voice practices are not worthwhile, but that we need to ‘stay with the trouble’ (Haraway 2016) they create, their dilemmas as well as achievements (Mayes 2018). As others have argued, and as we can see in Archard’s (2020) paper, the subject of child rights is often discussed as a universalised and individual subject abstracted from social differences such as race, class, gender, sexuality (Burman 1996). Attending to such differences might produce more textured readings of voice. We can ask about the kinds of orientations different voice practices encourage, how far they are collective or elite, solidaristic or judgmental, how far they disrupt doxa of social disadvantage or teacher failings, what voices are dominant, their affective import (Finneran *et al.* 2021). We can analyse the material, affective and symbolic

resources that underpin young people's capacity for voice, situating the conditions of its possibility, rather than mythologising it as self-generated.

Vital relationalities: new ontologies of (listening to) student voice

The concept of enactment involves a different ontology of the student, away from agency and autonomy. Centring the student in voice would miss what Spyros Spyrou, Rachel Rosen and Dan Cook call the 'vital relationality' of childhood (2018). This wonderfully resonant phrase allows us to think in terms of a relational and interdependent ontology: an understanding that students, teachers, schools etc do not pre-exist and interact, rather that they *intra-act* (Barad 2007) or *become-with*, are entangled and emerge across not only human relations but also in relation to materialities, objects, affects, spaces, infrastructures. This perspective moves us away from Archard's argument about when individual children might become able to 'express' views and be understood in the 'very terms [the child] intended' (2020: 9) because it is not interested in questions of interiority or prior intentionality, and it goes beyond a (methodological and ethical) individualism. Recognising relationality, our social interdependence and reliance on others of all kinds to come into being, can develop a different kind of ethical sociality, in which what Jacques Rancière (2010) terms 'radical equality' is axiomatic.

The neoconservative position that student voice can be dismissed because it is already known in advance, and that only the same – the discourse of trained professionals – is worth listening to, constitutes a suffocating refusal to encounter difference. To listen is an intersubjective act, an engagement in dialogue, opening ourselves to the other. Attuning to childhood and youth – for example to their 'idioms', 'riffing' or humour – opens us to mutually powerful encounters (Nolas *et al.* 2019; Nelson 2017; Webb 2019). Even if those encounters are at times troubling, decentring, disorienting, they engage us in a practice of becoming-with, of creating worlds as Nolas *et al.* (2019) argue, or at least, of creating more liveable and sociable schools that offer room to breathe.

Conclusion: 'post' voice?

In conclusion, and to respond to the themes of the Childhood policy programme, I have argued that to build the voice of the student into policy, we need complex ways of seeing how what comes to be recognised as 'student voice' is enacted, engaging critically with the histories, detail and complexity of specific sites and practices, and

the positions, capacities and narratives it offers. We need to circumvent the being-becoming binary rather than try to place the child more firmly on one side or the other, and I have suggested that thinking in terms of enactment, ‘vital relationalities’ and ‘becoming-with’ might help us acknowledge our ethical, mutually-constituting interconnections. All this might involve a challenge to an individualist and liberal rights-based model. However, we gain solidarity, affinity, and perhaps also new ways of reading the unexpected.

To substantiate this argument, consider the example briefly mentioned above, of Pimlico Academy in London. Students protested in 2021 partly in reaction to a new headteacher who brought in the kind of ‘tough love’ disciplinary approaches described above, alongside other neoconservative measures such as flag flying, new curricula and uniform policies. All of these, as we noted, problematise young people as malleable, incapable and needing authority and direction. The students’ published response⁸ brings into its ambit a wide range of what matters in schools and beyond at the current moment: the hijab, hair, flags, Islamophobia, racism, nationalism, decolonising the curriculum, and the place of creativity in learning. Students spoke back, not from the place (of ‘becoming’) to which they were summoned, but from elsewhere, a place forged by long histories of (youth) activism, anti-racism, and progressive, creative or radical education in the inner city, which had not been completely extinguished even by the privatisation to which their school had been subjected. They show us that there are stories yet to tell about the place of young people’s voices in education, as well as new ways to hear them.

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With thanks to John Iona at UCL Institute of Education library for relocating TB’s blog for me.

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To cite the article: Sara Bragg (2021), 'Student voice in education', *Journal of the British Academy*, 8(s4): 41–51.

DOI <https://doi.org/10.5871/jba/008s4.041>

Journal of the British Academy (ISSN 2052–7217) is published by
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
www.thebritishacademy.ac.uk

‘Life As We Know It’:
the value of the arts as a tool for reflection,
story telling and affecting policy

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*with Liam Docherty, Roxsanne McGowan,
Jordan Lee and Chloe Williams*

Abstract: The Independent Care Review’s ‘The Promise’, published in February 2020, sets out an ambition for Scotland ‘to be the best place in the world to grow up’ so that children are ‘loved, safe, and respected and realise their full potential’. A key foundation of this work is the inclusion of the voices of young people so they are involved in decision making. This article reports on the project ‘Life As We Know It’, which has involved a small group of young adults from across Scotland with experience of care being involved in participatory evaluations, and in turn reflecting on issues of voice in relation to when they were younger.

The project, which was conducted throughout the pandemic, used participatory video methods, creative writing, music, and the creation of Zines, which are self-published booklets of original or appropriated texts and images, as effective evaluative tools for personal reflection and research. The learning has highlighted the benefits of using the arts to help young people shape and mould the stories they want to tell. This project has shown the importance of support, the value of having an ethics of care and reflective stance, and the need to emphasise the progress made but also in turn help young people find their voice about where improvements in policy and practice are needed. This article argues that there is a need to carefully consider the ways in which young people’s voices are heard, and that the arts offers a unique opportunity for this process to be enjoyable as well as meaningful.

Keywords: Young people, care experienced, arts, rights, participation.

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Introduction and overview

This article reports on reflections from young adults trained as Peer Researchers looking back on their time in care as children, captured as part of the ‘Life As We Know It’ project. This research was commissioned by the Life Changes Trust, and carried out between February 2020 and August 2021. Article 12 of the UN Convention on the Rights of the Child (UNCRC) as noted by Archard (2020) has really two parts, the first being that every child capable of forming their own views has the right to express those views, and secondly that these views be given due weight in accordance with their age and maturity. Archard (2020) focuses on the latter part of these rights, which of course is important and as observed complex, and these will be reflected on in due course. However, it is contended here that the first part, that is the very expression of views in itself, needs to be more carefully considered, because if this proves problematic for individuals then the question of how these are then weighted does not even arise.

The latest figures show that, at 31 July 2020, 16,530 children in Scotland were looked after or were on the child protection register (Scottish Government 2021). The Peer Researchers felt that when in care they were rarely asked their views, let alone had these weighted or listened to. They recognised also the challenges they had with regards to expressing what they thought, particularly because of anxiety, and the arts emerged as a useful tool for them to make sense of and relate what they thought, to capture their lived experience and to subsequently be heard. The use of the arts can also shift power dynamics between the child and adult and how views are weighted. At ‘worst’ the art produced will have helped the child express themselves and make them more visible to those around them. At best, it can become a dialogical tool to deepen understanding of how they really feel, and so it could be said that there are no real good reasons not to do this.

Adults are required to promote children’s best interests under Article 3 of the UNCRC and therefore it is incumbent on adults to seriously consider the way in which children’s views are elicited. This paper encourages professionals working at all levels to be creative and move away from traditional pressurised forums such as youth courts or children’s hearings systems where children are expected to speak and be heard, and which in effect can be exclusionary.

This article will set out an overview of the Project, the policy context in Scotland, some of the key findings from the research based on the Peer Researchers’ reflections, before turning to the discussion and conclusion. Ultimately, it will be argued that the arts, although not a panacea, could provide a mechanism for children who are unable to articulate their views verbally to communicate these through different mediums, and thus have their views recorded and considered, going some way to addressing

Article 12. This practice would however also require professionals to have an open mind to accept these different forms of communication. This article had originally been written with pseudonyms but since this time the Peer Researchers feel proud of what they have achieved and want to be known. Their real names are therefore used. Their work can be viewed in an online gallery.¹

The 'Life As We Know It' project

The 'Life As We Know It' project was delivered by the organisation Media Education and independent researcher Briegre Nugent. Media Education use participatory film, podcasts and the arts to enable people to tell their story, ideally with the view to have an impact on services and/or policy. Four 'Peer' Researchers aged between 18 and 26 years old were recruited through trusted networks, and they had a range of care experiences: one from foster, one secure, one kinship care, and one had been overlooked by the care system entirely. The project had two elements: firstly the Peer Researchers' reflections on their *own* journey throughout the project (primarily through 'in house' arts-based opportunities), and secondly participatory evaluation of support for young people currently in care, commissioned by the Trust. This article will focus only on the first element.

This research was underpinned by an ethics of care (Gilligan 1982), which means in practice that the team considered the barriers and enablers for engagement at each stage and promoted inclusivity, exercising empathy and sensitivity. Clear lines of communication were established with the Peer Researcher's key worker, and any issues that arose were dealt with quickly. The Peer Researchers received a living wage, and can use their video content to be awarded certification which can be an access point for students experiencing barriers to further education.

Because of the pandemic, at the beginning of the project all communication moved to being digital. Media Education responded quickly, mediating the effects in terms of the outputs for this project, by sourcing Chrome Books, internet access and supporting the Peer Researchers to set up their laptops and use digital platforms. The Peer Researchers were given an advance in payment, as it became quickly apparent that the impact of poverty had worsened as a result of COVID-19. Training was delivered online individually to stress the importance of boundaries and looking after oneself and the 'building blocks' of ethical research. Kvale (1996) describes research using a 'traveller metaphor', a journey whereby knowledge is constructed and negotiated between parties and co-produced so all contributions were treated as being of equal value.

¹ <https://artspace.kunstmatrix.com/en/node/7634697>

The project was developed in the light of Getting It Right For Every Child (GIRFEC), Scotland's approach to improving outcomes and to supporting the well-being of children and young people. It promotes eight factors often referred to as 'SHANARRI', so that every child should be Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included, at home, in school and in the wider community.

Policy context

The Childhood Policy Programme of the British Academy draws attention to the 'fragmented, inconsistent, and uneven policies that produce wildly different outcomes' across the UK (Berkley & Lister 2020: 2). Scotland is recognised as having a distinctive welfare-based approach in relation to youth justice, with the Kilbrandon Report in 1961 heralding the setting up of the Children's Hearings System (Donnelly 2020). As a devolved nation it has control of child protection policy and, for example, unlike the Westminster Government has retained targets to reduce child poverty and has taken action to mitigate the bedroom tax imposed by the UK Government (Scottish Government 2017).

In 2017 the First Minister in Scotland commissioned the Independent Care Review (ICR). This involved hearing from 5,500 individuals, with over half being children, young people and adults who had lived in care, and the rest the paid and unpaid care workforce. The Review brought to the fore that children and families do not feel listened to. In some cases they felt they had wanted to stay with their family and the loss of family love hurt them, but for others the opposite was true and they wished they had been removed. Young people, echoing the Peer Researchers' accounts, also revealed separation and limited contact with brothers and sisters.

Following this comprehensive review, the ICR published 'The Promise' in February 2020. This policy sets out an ambition for Scotland 'to be the best place in the world to grow up' so that children are 'loved, safe, and respected and realise their full potential' (ICR 2020: 4).² A key foundation of this work is the inclusion of the voices of young people and a compassionate, caring, decision-making culture focused on children and those they trust (ICR 2020: 9). The ten-year plan promotes the co-design of services and an oversight body that is 50 per cent made up of those with lived experience of care.

²To read more about the ICR please refer to <https://www.carereview.scot>

Barriers to young people being heard

Among the barriers to young people in care being heard are the following.

Poverty

The main challenge to young people being truly heard, which is acknowledged by the ICR, is poverty. Poverty has a pervading negative impact on all aspects of children's lives, their physical health, social, emotional and cognitive development, behaviour, educational outcomes, nutrition, and mental health (NHS Scotland 2018). Infant mortality rates in the most deprived areas in Scotland are over 50 per cent higher than those in the least deprived areas (ibid). An independent report by the Joseph Rowntree Foundation (2021) shows that those in low paid and precarious work, Black and Minority and Ethnic (BME) households, lone parents, private renters and those in areas of high unemployment and poverty, which were already struggling, have borne the brunt of the economic and health impacts of COVID-19. Furthermore, the indications are that when government support related to COVID, such as the drop in £20 received by those on Universal Credit is removed, coupled with the uncertainty that comes with Brexit, unemployment rates are set to rise (ibid). People living in poverty can feel treated as invisible by services (Lister 2015; Negus 2021), othered and shamed by the media and/or wider society, and frankly exhausted by the realities of getting by (Lister 2015; Walker 2014), so that making one's voice heard appears to be not a right or even a priority, but rather an unattainable luxury.

The lack of commitment to children being heard under Article 12

The ICR described the UNCRC as the 'bedrock' for all future legislation to ensure that the voices of children with care experience are respected and upheld. At the time of writing, Scotland has not yet fully incorporated the UNCRC into law, having faced opposition from the Westminster Government to do so, and it was held outwith the Scottish Parliament's powers by the Supreme Court. Therefore, across the UK the child's voice in policymaking remains absent (Berkley & Lister 2020).

Power imbalances

Securing views of young people with care experience is challenging because of the inherent power imbalances between the researcher / professional and young person. For example, most young people (57 per cent) who were surveyed about their experience in a study by Dixon *et al.* (2019) said they would prefer to be interviewed

by someone with care experience. Although not a focus of this report, giving young people themselves a more leading role in capturing other young people's voices through, for example, peer research could be one way of overcoming this (Lushey & Munro 2015).

Not saying or being able to say what they really think

Young people from marginalised communities, facing poverty and multiple barriers and who have experienced many interventions in their lives, are well versed in the language used to define and describe their situation (Media Education *et al.* 2020). It might even be true to say that they are 'rehearsed' in their answers. It takes a creative approach, time and trust to reach beyond prepared answers and to find out what they *really* think. At present, legally only due weight is given to children who are mature (and it could be added, confident) enough to give their opinion (Archard 2020). However, our study found that those who found it difficult to articulate their thoughts verbally, by using different mediums, such as creative writing, Zines, or music, were able to take time to reflect on their thought and communicate what they wanted to say. The arts therefore could be especially useful to those who are younger or verbally challenged. Archard (2020) notes that in Norway it is accepted that it is at the age of 8 that children can form a view and this is evidence based, but the evidence is not outlined or easy to find. It may well be that as yet, in Norway as in the UK, there has been the same underutilisation of 'all the tools in the box' to support children to be heard, and therefore a restriction of evidence. As already suggested, at the very least, children using the arts to attempt to express their views could help them to become more visible to professionals, and seems at any rate the right and ethical thing to do.

Findings: reflection on 'voice' when they were younger

Sense of justice (and injustice), and wanting to be heard

The main motivation for all of the Peer Researchers to get involved in this project was that in the past they had not been asked their views or had their views heard, echoing findings from other young people in care (ICR 2020). This experience was an opportunity to right that wrong, and for them in turn to help others to be heard too. This highlighted their sense of justice, past feelings of injustice, and passion to make a difference. Jordan had become involved in the criminal justice system and felt this was because he had acted out his frustrations as a result of not being heard, and this was now affecting his life chances.

They (social workers) told me I was going on a roadtrip, but I was actually being taken into secure (care)... I want people to feel listened to and not go down the bad route I went down. There are other ways of dealing with things.

All the Peer Researchers recognised themselves as having 'insider knowledge', or having 'been there', and welcomed the opportunity to meet others 'like them'. They understood the power of their narratives and wanted to bring a message ultimately of hope.

I want young people to feel heard, because I know I haven't felt that in the past. (Roxsanne)

I can say I have been through that, I understand that, I know how you are feeling and the fear you have, and you can get through it. (Chloe)

Feeling empowered

Roxsanne and Liam completed their self-portrait films early in the process, and having a tangible 'product' seemed to affirm the value of the experience. Liam described this as being 'empowering' and it made him realise:

I can do anything when I put my mind to it.

Liam was proud of his film and keen to show it to his foster parents. One of his main motivations for participation was to bring to the fore that being in care was a positive experience, and for him, life changing. He wants to distribute his Zine, which is a self-published booklet of original material, to potential foster carers, and encourage them to take up this role.

Reflecting on progress made but also how they had 'missed out'

All the Peer Researchers viewed their participation in this project as evidence of progress being made within the care system. Liam and Roxsanne had completed observations of interviews with professionals and even asked them their own questions. Both were impressed by the professionals' enthusiasm for working with young people, and they reflected that they had not always in the past had positive engagement in their lives with paid staff.

I feel like if I had got help sooner I would be further than I am now. It is only now that I am realising at 26 that I am as good as anyone else. (Roxsanne)

Power and recognition

For Liam, taking part in this project was transformative. He had begun to open up in the reflective and creative sessions about his childhood and reasons for coming into care, and this encouraged him to seek specialised support to deal with past trauma. Through the experience he felt he had gained a greater understanding of himself and also self-acceptance, and was taking ownership of his identity.

When I took up this work I saw it as a great opportunity to be busy and to understand more about people in care and delve into things ... people may have seen things, been through things. People think if you have been in care you are a troublemaker or a troubled child and that is not nice... I feel these experiences are making me aware that life is up to me and I am only going to do the things that I want.

All the Peer Researchers felt there needed to be opportunities for people growing up in care to be really listened to, and crucially no matter what their age, at least given the opportunity to express how they feel. They felt the arts could be a way of doing this. In the latter stages of the project, online events were held with professionals from across Scotland, and the care sector invited to hear and view the work. At the time of writing, follow-up meetings with key representatives from the care sector are being organised. All of these processes have been welcomed by the Peer Researchers, who feel they have gained recognition and are being truly seen and heard. On a more basic level, they felt that throughout their time in care they could have been asked their views about decisions made, and the arts used as a tool for them to articulate what they wanted to say. By using different mediums such as music or creative writing, they explained that they have time and space to make sense of their own thoughts, and also that communicating how they feel through these mediums feels less painful than simply stating it verbally. Moreover, using these mediums can even make the process fun as well as being a chance to learn new skills and/or develop talents.

Sometimes kids don't have the words to say what they want... Using photographs and metaphors I find it easier to say what I want to say and it isn't as hard. (Liam)

I am writing down some lyrics and I put 'em to a beat, finally I am better I am back up on my feet. (Jordan Lee, 'What It Do')

Overcoming anxiety

All four dealt with anxiety and felt this was a particular issue for young people in care, potentially stemming from past trauma. Using the arts, they took the time they needed, worked at their own pace and used the medium they wanted, to shape the messages they wanted to make. Over time and with positive affirmation, their

confidence continued to grow. To be simply able to stand up and articulate your views, often to a group of adults, which is what is expected of children in care who are invited to professional meetings, is a tall order for anyone. If we are to take seriously our role as adults who promote best interests, recognising the anxiety that children have and supporting them to find other ways of being heard should be encouraged, if not demanded.

I like creative writing so getting it down on paper helps me. (Chloe)

It's fun

All felt that making the films, Zines, creative writing and music was fun, and it meant the process was as important and meaningful to them as the output. In the participative evaluations, all of the Peer Researchers reflected that interviews or focus groups should be as fun as possible. The key message was that although these are serious issues, professionals can't forget that this is young people they are engaging with, and 'having a laugh' is really important and will help young people to feel comfortable and to 'open up'.

Discussion and conclusion

This article brings to the fore how children in care are especially vulnerable to the impact of policy and being absent from engagement in the creation of those policies that affect them. Based on the reflections of the Peer Researchers of when they were younger, when considering children in care, Article 12 does not seem to have been fulfilled, with young people rarely even asked their views. The Peer Researchers described feeling a strong sense of injustice at not being asked what they thought at different stages of the care process, for example in relation to being separated from their brothers and sisters, and they stressed the need for this thoughtlessness to end. One Peer Researcher even felt that their involvement in crime was the result of them acting out their frustrations at not being considered, and this was now affecting their life chances.

'Life As We Know It' was not just a 'nice' arts project; it also supported Peer Researchers to discuss and confront serious issues. Therefore, ensuring that considered and reflective support was provided throughout was imperative. It was also important that 'the team' recognised their limitations and engaged with wider support networks. This project involved working with young adults who on the face of it are articulate and able to say what they want and mature enough so that their views are weighted

(Archard 2020). However, they reported that this was difficult, and that using films, Zines, writing and music enabled them more easily and less painfully to tell the story they wanted to tell, capturing the complexity, including reflecting on where change needs to happen. They often really enjoyed the process, and it was a chance for them to learn new skills and develop their talents. For the Peer Researchers it was also a mechanism for them to reflect on their own lives, gaining a deeper understanding of who they are, achieving more self-acceptance, and affirming a positive identity as an activist using their experiences to promote positive change.

It is not a new finding that the arts can help people to express themselves, that they have intrinsic as well as extrinsic benefits, and importantly can be adapted to different age groups and interests, and are fun too. Archard (2020) discusses the challenges around how views are weighted, but as it stands, for those who cannot say what they want to say, the very expression of these views is not able to happen at all. In terms of supporting children and young people to have a voice in policymaking or decision making that affects them, fulfilling Articles 3 and 12, the arts provide a useful mechanism for the voices of those with lived experience to be captured. It also opens up a different yet meaningful form of engagement with young people that is fun, and they can move from being passive recipients of policy or practice to active participants in design. In doing so this shifts the power imbalance between the professional and child to create more equality. This process would require professionals to be open-minded, participation to be facilitated by skilled practitioners who understand the barriers young people face, and working alongside agencies to ensure adequate support is in place throughout. These children and young people are not ‘hard to reach’, and systems are not impenetrable. ‘The Promise’ appears to be based on a genuine desire to make policy inclusive, and although not a panacea for overcoming all of the many issues children face, to have their voice heard as outlined, the arts undoubtedly offer some creative ways to make this possible.

Acknowledgements

The project ‘Life As We Know It’ is funded by the Life Changes Trust, and we would like to thank Celeste Berteau and the reviewers for their comments.

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To cite the article: Briege Nugent, Shaun Glowa and Iain Shaw (2022), “‘Life As We Know It’”: the value of the arts as a tool for reflection, story telling and affecting policy’, *Journal of the British Academy*, 8(s4): 53–63.
DOI <https://doi.org/10.5871/jba/008s4.053>

Listening, acting and changing
UK policy with children:
learning from European examples and theories
of children's agency

Cath Larkins

Abstract: Recent developments suggest increasing European receptiveness to children's involvement in policymaking, which has some resonance with practice in the UK. Individually and collectively, children are sometimes involved, usually at earlier stages of the policy cycle, but inclusiveness of marginalised children and resulting impact are often lacking. Exploring examples provides ways of questioning which children are being listened to, when, how and with what results in terms of action and change. Using relational accounts of agency can give insight into the relationships between people and environments that may be facilitative of children's collective and individual influence.

Keywords: Children, childhood, participation, agency, public policy.

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Despite children's right to influence decisions that affect them, their participation in policymaking is notable by its absence (Berkley & Lister 2020). The United Nations Committee on the Rights of the Child, citing Article 12 of the UN Convention on the Rights of the Child (UNCRC), has consistently underlined the importance of children's involvement in decision making,¹ including in responding to the COVID-19 pandemic.² Yet, as highlighted in the UK Children's Commissioners report to the UN Committee (2020: 10):

Children's right to be heard and involved in decision-making processes across all jurisdictions is being denied without comprehensive implementation in law and practice.

The lack of inclusion of children's perspectives was visible, for example, in the House of Commons (2020) debate on safe practice for reopening schools during the pandemic. The involvement of teachers and trade unions was rightly promoted, but there was no discussion of the need to include children themselves. Rather than valuing children's knowledge of school cultures and environments, during the debate children were portrayed through the dominant tropes of incompetence, being at risk or risky (to teacher health). Discourse such as this, together with myths of childhood innocence, have long worked to undermine the political agency of children (Jenkins 1998). Here, David Archard's (2020: 10) commentary is strikingly relevant. He asks, if there is to be an age of suffrage which excludes children, 'how else might we allow children as a group a say in those matters that adults get to decide as citizens?'

This article responds to this question by reflecting on examples of children's individual and collective involvement in different stages of the policy cycle at a European level. Of course, the UK does not need to look to other parts of Europe, for there are longstanding examples of children's involvement in policymaking within the UK. These include, in 2009, the Welsh Assembly Children and Young People's Committee survey of 2,700 children about their priority concerns, which was followed by visits to schools and community groups to conduct consultations to develop a play policy in response to children's recommendations.³ Similarly, in 2017, in Scotland, representatives of the Children's Parliament and Scottish Youth Parliament spoke to the full Scottish Cabinet, regarding the need for equal protection from violence, and ending physical punishment of children and young people. This was then debated and legislation was enacted.⁴ Exploring children's

¹ See for example UN CRC General Comment 12 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f12&Lang=en

² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en

³ <https://senedd.wales/Laid%20Documents/CR-LD8301%20-%20Children%20and%20Young%20People%20Committee%20Provision%20of%20Safe%20Places%20to%20Play%20and%20Hang%20Out-23112010-203585/cr-ld8301-e-English.pdf>

⁴ <https://www.gov.scot/publications/actions-agreed-cabinet-meeting-children-young-people-28-february-2017/pages/0/>

participation within European policy processes is useful, however, as there are institutional commitments that might be learned from. Looking at European policymaking may also help debunk other myths perpetuated to justify children's exclusion from policy processes: that policy is too complicated, distant or irrelevant.

The rest of this article outlines the European context and two contrasting European examples of children's participation in different stages of the policy cycle related to children's rights. These examples are explored to question when and how children were listened to and whether this resulted in action and change. Lessons from these examples are then strengthened by reflection on theories of children's agency.

Children's participation in Europe

The EU has expressed commitment to children's participation in two Communications (2006, 2011) and the 2009 Treaty of Union. Children were not included in developing these, but subsequently, children have been more directly included in EU policymaking, particularly on issues of children's rights and youth policy. Across Europe, research indicates that at local and national levels, children have also participated in public decision-making on issues as diverse as asylum, child protection, community improvement, disaster management, employment, environment, media and transport (Crowley & Larkins 2018).

The increasing focus on children's participation is evident in a number of European recommendations, declarations, resolutions, advocacy, activism and practice tools. The foundational Council of Europe (2012) *Recommendation on children's participation* (which remains applicable in the UK)⁵ is repeatedly used in advocacy and activism by international non-governmental organisations and children. For example, in 2019, Unicef, Eurochild and others, supported the Romanian presidency of the EU to work with children to create the *Bucharest Declaration*⁶ on children's participation. This was referenced in a motion to the European Parliament, and subsequent resolution⁷ to this effect:

47. *Calls on the Commission and the Member States to develop and implement the Bucharest Declaration on child participation*⁽¹⁷⁾; ...

48. *Calls on the Member States to strengthen the participation of children in their legislation and encourages the Member States and the Commission to create meaningful mechanisms for child participation* (European Parliament 2018)

⁵ Post Brexit, the UK remains a member of the Council of Europe which is comprised of 47 member states

⁶ <https://www.unicef.org/romania/bucharest-eu-childrens-declaration>

⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.html

The Council of Europe published *Listen-Act-Change*, a handbook on Children's Participation (Crowley *et al.* 2021). In January 2022, the Parliamentary Assembly of the Council of Europe passed a new recommendation⁸ and resolution.⁹ These encourage all member states (including the UK) to consider lowering the voting age to 16 and to adopt participatory approaches. The resolution also makes the following commitment:

8. The Assembly undertakes to put child participation in practice in its own work as follows:

8.1 consult children, who have diverse backgrounds and thus are representative of our societies, in the preparation of the Assembly reports that concern them, in an appropriate way ... give children a voice in the debate of Assembly reports that concern them... and provide children with feedback on how their contributions were used and what impact they may have had

Children themselves have also applied pressure for their inclusion in decision making through campaigns and other collaborations such as the Fridays for Futures climate strikes, and the #CovidUnder19 research. There are, then, growing expectations that steps must be made towards creating facilitative conditions and enabling environments for meaningful children's participation.

Institutional commitments are not, however, sufficient to ensure impactful and inclusive children's participation in policymaking. The recent RAND mapping study of mechanisms of children's political participation in the UK and EU (Janta *et al.* 2021) show that: children's participation at local, national and European levels tends to be at the start of policymaking cycles; children are rarely involved in policy implementation, monitoring and evaluation stages; and very few mechanisms show evidence of the impact of children on policymaking (Janta *et al.* 2021: v). Whilst efforts are being made to promote inclusive practice, existing mechanisms (which tended to be permanent or semi-permanent structures such as children's councils) also show a tendency to exclude some of the most marginalised children, and young people including young Roma, migrant children and those who identify as LGBTQI (Janta *et al.* 2021). Of any collective children's participation process, at all stages of the policy cycle, it therefore remains important to learn from the title of the Council of Europe Handbook *Listen-Act-Change*. Namely, to ask: who was listened to, what action was taken, and what did this change?

⁸ <https://pace.coe.int/pdf/108818d9460d4e5898ffd741f2fcd95ad772ccd8cf9fe591c9c6cec94f8fed32/recommendation%202218.pdf>

⁹ <https://pace.coe.int/pdf/2c18064469cf2ee4d28e9f7fec256fb179b4c3fbbf50e9fa18a1269c52251b1f/resolution%202414.pdf>

Listening, Acting and Changing

Reflecting on two contrasting examples of children's participation in the field of children's rights (see Examples 1 and 2) illustrates some of the challenges in answering these questions. In doing so, we take the policy cycle as a variable process, which is nominally comprised of elements such as '1. agenda setting or problem identification; 2. analysis of the policy issue(s); 3. formulation of policy responses; 4. the decision to adopt a specific policy response; 5. implementation of the chosen policy; and 6. evaluation of the policy' (Howard 2005: 6). The first example is the more common practice of children's inclusion in problem identification, in this case informing the EU Strategy on the Rights of the Child, with some elements of recommending policy responses. The second represents a rarer example of children's participation in a later stage of the policy cycle, namely evaluating implementation of the Council of Europe Children's Rights Strategy.

Example 1

In September and October 2020, a consortium of international child rights NGOs came together to support children to respond to the EU consultation on the development of **the European Commission's proposal for an EU Strategy on the Rights of the Child**.¹⁰ This policy initiative aims 'to better protect all children, to help them fulfil their rights and to place them right at the centre of EU policy-making' and is underpinned by funding streams.¹¹ The consortium, working with an advisory group of children already participating in their organisations, led consultations with around 10,000 children (c.82% in the EU, c.15% in other European countries and c.3% in the rest of the world). This involved an online survey in more than 20 languages, and face to face or online focus groups with children (some of which targeted the inclusion of children in marginalised and vulnerable situations). Their views were collated in a report called *Our Europe, Our Rights, Our Future*.¹² The traces of children's perspectives can be seen in the subsequent Communication from the European Commission: children are directly quoted and the findings of the report of children's views are referenced.

¹⁰ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en

¹¹ European Social Fund Plus (ESF+) (<https://ec.europa.eu/esf/home.jsp?langId=en>), and Next Generation EU (https://europa.eu/next-generation-eu/index_en)

¹² [https://www.unicef.org/eu/media/1276/file/Report "Our Europe, Our Rights, Our Future".pdf](https://www.unicef.org/eu/media/1276/file/Report%20Our%20Europe,%20Our%20Rights,%20Our%20Future.pdf)

Example 2

In 2019, on the eve of its 70th anniversary, **The Council of Europe conducted a mid-term review of its Children's Rights Strategy.**¹³ This mid-term review required the 47 Council of Europe member states to monitor and report on their own progress towards achieving the goals of the strategy. The Council of Europe commissioned a consultation, with 54 children in four countries, to gather their perspectives on recent progress and further steps required, and an additional report focused on violence against children. The review was accompanied by a European conference,¹⁴ attended by participants from parliaments, ministries, agencies, children's ombudspersons, NGOs and academia from 39 countries. This included 13 children who, as panellists in workshops on key themes, presented their own views and the perspectives gathered from their research and participation activities with other under 18-year olds in their home countries. These individual children applied to attend, and were selected according to individual characteristics (e.g. nationality) but also according to their commitment to representing the views of other children, and to feeding back to their 'constituents' from grassroots organisations across Europe. In the subsequent report on the implementation of the strategy in the period 2020–21, the findings of consultations with children are named and traces of children's perspectives can be seen in some of the proposed actions.

The proportion of children listened to through these activities was small compared to the population of children in Europe, even in Example 1. A few experienced children had advisory roles in both projects, making decisions about methods and outputs. Numbers are important because, in the absence of voting rights, participation in activities like these are one of the few mechanisms whereby children have any direct engagement in policymaking (Berkley & Lister 2020). But, these examples remain useful as, in contrast to existing trends (Janta *et al.* 2021), they included disabled children, migrant/refugee children, Roma minors, care experienced children, LGBTQ+ children, and children living in poverty.

The question of how these children were listened to is therefore important. Example 1 used an online survey, which the report acknowledges favoured older children and those who have digital access. Examples 1 and 2 also used in-depth focus groups with children in community locations. In Example 2, children represented the findings from their own research at a conference, sitting alongside and questioning adult policy actors (ministers, administrators, and service providers). These examples therefore involve an element of direct dialogue between individual children and decision makers as well as representation through children and adults speaking and writing on behalf of children they have consulted with.

In both examples action was taken, to the extent that there were policy commitments in line with children's reported concerns in relation to some aspects of discrimination,

¹³ <https://rm.coe.int/mid-term-evaluation-report-en/168098b162>

¹⁴ <https://www.coe.int/en/web/children/strengthening-the-rights-of-the-child-as-the-key-to-a-future-proof-europe>

respect, and participation. For example, in EU Strategy¹⁵ the *Our Europe* report is quoted as saying ‘too many children do not feel considered enough in decision-making’. The strategy then states: ‘This is why, the EU needs to promote and improve the inclusive and systemic participation of children at the local, national and EU levels.’ However, in both examples, not all of the children’s recommendations are written into policy. In Example 2, children raised concerns about the impact of racism, but there is not clear reference to this in the subsequent actions regarding equality.¹⁶ In Example 1, in the strategy section on Education, the *Our Europe* report is not mentioned, even though the report indicated that ‘children would like to see very significant changes in every aspect of their school lives’.

A further lesson from these examples is that children were building the capacity of adults. Participation is promoted in part to increase children’s civic competences. But, the EU Commission’s foreword in the *Our Europe* report makes it explicit that they too are learning from experience when experimenting in different forms of participatory process. Children’s presence and feedback in spaces of policymaking can help adults gain relevant attitudes and skills. These are needed so that they can more competently create future conditions that enable participatory policymaking with children.

Whether children’s involvement resulted in change in the Communication and the mid-term report is debateable. Children do not express their views to policymakers in closed systems. Various adult policy actors were also active on all of the issues raised in the examples mentioned. In Example 1, the commitment to creating an online platform to support children’s participation could be read as a response to the *Our Europe* recommendation, to the *Bucharest Declaration*, or to suggestions in policy papers written by adults. The commitment may also be an expression of wider EU Commission interest in online approaches to policymaking, which is longstanding (Janssen & Helbig 2018). Embedded evaluation is therefore necessary, to trace whether changes in policy are the result of taking children’s view into account, or simply the result of taking children’s views into account when these coincide with the views of adult stakeholders.

Traceability would also enable greater accountability. In Example 1, the EU Commission created an accessible version of the strategy, to be distributed to those children involved. In Example 2, the children involved in the conference cocreated a summary of the event and distributed it to other children they represented. But, in these feedback documents, the links between children’s contributions and subsequent changes in the Communication and Recommendations are not clearly drawn. Here the Scottish dialogue between members of the children and young people’s parliament and the cabinet may serve as an example: a list

¹⁵https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en

¹⁶This has subsequently (February 2022) been rectified in the draft new *Council of Europe Strategy for the Rights of the Child (2022–2027)* published after further consultation with children, see page 23. <https://rm.coe.int/council-of-europe-strategy-for-the-rights-of-the-child-2022-2027-child/1680a5ef27>

of actions is published after each meeting, detailing what the Scottish government promises to deliver in response to each of the concerns raised.¹⁷ Systematically providing this detailed information could enable children to more effectively hold policymakers to account.

Participatory implementation requires inclusion in budgeting and monitoring. The EU Strategy provides for children to be included in decision-making at the implementation stage and there are other examples of children's engagement in participatory budgeting which may serve as an example for how to take this forward.¹⁸ For example, in Spain, children aged 8–16 years helped evaluate and allocate €50 000 towards improvements in schools. Importantly, in some of these examples, the link between children's priorities and changes implemented at community level, can be clearly drawn. Involving children in assessing the likely impact of any policy change, before implementation, would also be beneficial.

Synthesising lessons with theories of children's agency

These European examples do not have all the answers, but they are instructive. They indicate some of the ways children's participation across all stages of the policy cycle might be taken forward where there is institutional commitment. They show that it is possible for policymaking to be inclusive of marginalised children and that their contributions can result in actions by policymakers. Where there is traceability or budget is put into the hands of children, it may be possible to account for the changes that result from children's inclusion. The need remains to examine how and when any individual participatory process is inclusive and results in actions that change policy design or implementation.

To examine how and when children's participation can influence change a theoretically grounded understanding of children's agency is useful. Agency is something children express, rather than something they have (Oswell 2016). It is 'better thought of as a quality of acts that happen within heterogeneous assemblages' (Gallagher 2019). In policymaking, it is useful to identify the resources, relationships, conditions and opportunities that children act with and through when they seek influence. These might include the facilitative factors contained in a summary of the RAND mapping report (Janta *et al.* 2021: 4), which was cocreated with children. They highlighted:

- Web platforms reporting children's ideas to governments
- Children taking the lead
- Setting up movements like Fridays for Future
- Groups of children connecting and working together...

¹⁷ <https://www.gov.scot/publications/annual-cabinet-meeting-with-children-and-young-people-fifth-meeting-16-march-2021/>

¹⁸ <https://youthpb.eu/>

- Encourage [disadvantaged children] and reserve space for them in all structures
- Publish accessible documents on all topics children care about...
- Create national laws and plans that make sure children's ideas are included ...
- Encourage local, national and international decision-makers to use their political power to take children's ideas into account...
- Encourage children's participation over the long term – and pay for it.¹⁹

There is repeated emphasis on laws, plans, political power and resources in this list. Without these there is a risk that responsibility for participatory policymaking will, in a neoliberal style, be placed on the shoulders of children rather than on adult policy actors. To resist this over-responsibilisation, the Council of Europe *Recommendations* (2012 and 2022) and UNCRC Article 12 could be used to lever institutional commitments. This is not to undermine the power of children's participation but rather to acknowledge that children have expertise, but less access to money, status and the other resources which might enable implementation of some of their goals (Gallagher 2019).

Focusing on political agency, Häkli & Kallio (2018: 18) identify that beyond the institutional arrangements of any given polis, the intersections of relational spaces are also important: 'personal experiences, public debates, social norms, institutional regulations, legal orders, and beyond'. So, children's experience of inclusion and influence in policy-making is not dictated simply by the mechanisms to encourage, enable or oblige children's views to be taken into account. Inclusion and impact are also related to the personal experiences, attitudes and connections of the adults and children in those spaces; the salience of the children's issues in the context of wider political pressures; and the extent to which freedom of expression is enabled and protected. In the examples given, inclusion was built through personal experiences, attitudes and connections in grassroots engagement with children. Often this involved organisations who provide support as well as opportunities for involvement in policymaking, and children reaching out to their peers. Inclusion was built on trust and cooperation between experienced children who already had involvement in participation activities, pro-participation policy actors, international non-governmental organisations (INGOs), academics and other allies. These collaborations are necessary because, although the salience of children's participation has increased through some positive media responses to children's activism, in some situations, social norms and risks of reprisals mean that some children hesitate to name contentious issues in public.

¹⁹ 'Children's participation in government decisions across the European Union' (https://ec.europa.eu/info/sites/default/files/accessible_version_of_child_participation_report_final_10.02.2021_v0.3.pdf), extracts from pages 2–5.

A generational account of children's agency (Leonard 2016) is beneficial because it draws attention to these moments of collaboration and resistance in which children exercise power with and over adults and vice versa (inter-generacy). It also draws attention to the complex and intersecting dynamics of power within everyday relationships between children (intra-generacy). For example, where standing groups of children are seen as representatives of other children. This may afford some children greater experience and legitimacy in the space of policymaking which can strengthen their relationships and inter-generacy with adults (Kiili & Larkins 2016). However, consciously or not, children in these positions can also use their intra-generacy power to ignore or misrepresent other children (*ibid*).

And so, it is useful to focus on Archard's (2020) question of whether children are involved as individuals or as a collective. A generation sensitive critical realist approach drawing on the work of Margaret Archer and critique from childhood studies (Larkins 2019) suggests that in policymaking processes children are present as both individuals and as part of collectives. As individuals, children participating in policymaking engage in internal dialogue, reflecting on their personal goals and wishes. Some children choose personal social roles. For example, in Examples 1 and 2, children took on roles as conference presenters, researchers, survey respondents or advisory board members. This enabled them to be involved in analysis of policy issues, recommending policy responses and evaluating implementation.

In any moment, children are also members of multiple collectivities, framed by the conditions that they experience. For example, dominant notions of childhood provide a generational frame. Children may also belong to collectivities framed by racism, poverty or sexism. In these collectivities, they engage in primary agency, that is simply getting by or getting through conditions in which they have no organised collective influence (Larkins 2019). Occasionally, however, activism and participatory policymaking may provide opportunity for children to move towards corporate collective agency. This form of intergenerational agency involves children sitting alongside adults to set agendas and direct the use of resources in pursuit of these agendas in ways that affect the contexts in which they and others live. The experience of corporate agency remains rare for children, as it does for many adults. However thinking about children's political agency in this way can provide a way to ground theoretically calls for children's greater influence across the policy cycle. For example, in contrast to the unquestioned focus on sustainable development goals in many aspects of policymaking which affect children (Nolan 2021), promoting corporate agency would involve reflecting with children on their own goals for just and sustainable futures. This would be followed by collaborating with them to identify routes to achieving these goals (including the diverse strands of human rights or policy levers they might mobilise); working with them to access and direct the resources needed to pursue their chosen improvements in global conditions; and putting monitoring of implementation directly into their hands.

Conclusion

Returning to Archard's question of 'how else might we allow children as a group a say in those matters that adults get to decide as citizens?', the examples presented suggest that both collaborative relationships and receptive environments are key. Collaborative relationships between children, their adult allies and organisational supporters can enable a diversity of children to engage individually and collectively in all stages of the policy cycle. These processes are more effective where policymakers develop receptive attitudes and make institutional commitments – strategies, recommendations, laws and available finance. Relationship building between policymakers and communities or child-led groups, and delivering on promises, increases marginalised children's confidence that their views might actually be taken into account to improve policy. The perceived relevance of policy-making also increases when the starting point is children's everyday concerns and these are connected into diverse policy opportunities, not just on children and youth policy. Once some collectivities of children have prioritised issues of concern, investing in multiple child-led processes to investigate the views of further children on these issues and enabling their involvement in participatory budgeting can enhance the diversity of perspectives represented.

To ensure that these diverse child-led processes result in impact on policymaking, monitoring and collective action are needed, as some adults and institutions respond only to the issues that coincide with their existing priorities. Monitoring can start by exploring what concerns are not heard, what actions are not taken, whose corporate agency is driving the agenda and holding resources. This requires a shift in attitudes and practice towards traceable accountability, to identify who, adult or child, individually or collectively, is present or represented, in what roles and in which stages of the policy cycle. This requires forensic examination of which adults are withholding or redirecting what resources, and for what reason. This rigorous accountability might then reveal the intersecting inter- and intra- generational power relationships that privilege the political and economic interests of some people (children and adults) over others. Children and their adult allies could then critically reflect on this information, to decide on and take further collective action on outstanding concerns. Rather than children having a say and adults deciding, listening, acting and changing UK policy with children therefore requires shared, sustained and repeated cycles of collective reflection and action. These long-term processes would enable a diversity of collectivities of children and adults to move closer to moments of corporate agency as *together* they gain access to resources, organise, decide, learn, revise policy design and improve implementation.

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To cite the article: Cath Larkins (2022), 'Listening, acting and changing UK policy with children: learning from European examples and theories of children's agency', *Journal of the British Academy*, 8(s4): 65–76.

DOI <https://doi.org/10.5871/jba/008s4.065>

Hearing and acting with the voices of children in early childhood

Penny Lawrence

Abstract: This article responds to David Archard's (2020a) provocation paper 'Hearing the child's voice' from the perspective of early childhood. The delineation of the age at which a child can form a view is the first thinking point. It questions how to value the views of children younger than eight, and presents multimodal dialogue as an important frontier for the enactment of the right to a view. Responsiveness is suggested rather than pre-determined delineation.

The second thinking point explores alternative perspectives to binary thinking: feelings can be conceptualised as not separate from thoughts. Voice can include emotional expression; and, when individual children form and express a view, they remain linked within relationships with others, and the world. The 'in-between' space where dialogical voicing occurs can be world-wide. The think piece contributes original ideas of young children's voices as multimodal dialogues including more-than-human perspectives (such as the environment) beyond delineations.

Keywords: Voice, early childhood, dialogue, multimodal, more-than-human.

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Introduction

This article responds to Archard's (2020a) provocation paper from perspectives in Early Childhood Studies. This multidisciplinary field values diverse thinking about children and childhoods (Dahlberg *et al.* 2007) typically with a focus on children up to eight years of age (Farrell *et al.* 2015). In Childhood Studies the social construction of childhood provides alternative discourses to biological determination (Prout & James 1990). Children are social actors also constructing their own lives. *Early Childhood Studies* (ECS) examine and largely support agency where it is most contested, with the youngest children (Mashford-Scott & Church 2011; Kalliala 2014; Sairanen Kumpulainen & Kajamaa 2020).

The concept of children's voice can separate the child's voice from that of all other humans in a hierarchy according to age and maturity. It can obscure, as Archard (2020a) points out, the distinction between the individual child and children collectively. Therefore, for the purposes of this think piece, an effective definition recognises children as heterogeneous and adopts a conception of children's voices, in the plural, as 'views of children that are actively received and acknowledged as valuable contributions to decision-making affecting the children's lives' (Murray 2019: 1).

This article is organised into two points. The first thinking point questions the delineation of the age at which a child can form a view by introducing multimodal communication as key to accessing and valuing the views of children younger than eight. A mode is understood as a 'channel' of representation, not always primarily spoken language (Kress & van Leeuwen 2001). More than signs that accompany vocalisations, modes such as gestures, gaze, touch, posture, position and manipulation of objects, are communicative in and of themselves (Goodwin 2016). The second thinking point addresses binary views of feeling and thinking. It also discusses the binary view of a child as separate from others through an exploration of how children are linked within dialogical relationships where the notion of voice extends beyond divisions between humans and environments. In the author's previous work (Lawrence 2019) drawing on Buber, more than any unspecific exchange, verbal or non-verbal, dialogue is a state of encounter, of being with the other in direct, embodied and unmediated 'I-You' relation with the whole, rather than acting on the other in a more instrumental 'I-It' attitude. Seen in this way dialogue depends on the nature of relation beyond the communication focus. Revill (2021) draws on Latour to conceive voice as 'voicing', a collective relational assemblage of human and nonhumans including environments. This think piece turns to more-than-human perspectives that include the environment in early childhood to contribute original views of young children's voices as dialogues beyond delineations.

Delineation

The first thinking point responds to Archard's (2020a) invitation to address the fixed point of eight years of age that a child must attain before she or he can be held to form and express a view. Archard illustrates this through domestic legislation in Norway, and calls for alternative accounts of when to listen to a child's views. This response is in three parts considering: a singular delineation; a range of positions; and no pre-determined position in a process of dialogical responsiveness. It includes further consideration of the case of Norway.

A singular delineation can be seen as 'a threshold of capabilities for equal participation in society' (Terzi 2019: 1). I shall return to Terzi's particular goal. A fixed threshold at eight years assumes capabilities are commensurate with age. This assumption is difficult to separate from the stance that the choice of a mature child would be the same as that of an adult (Archard 2020b). As Jenks (2005) contends, childhood would end when the child behaves like an adult. I propose that the plurality of children's voices, where these may not be the same as adults, is of more interest without the expectation that people of any age are uniform in their choices.

A threshold can function as an ontological division of those who are equal participants in decision-making from those below who are not equal participants. Such delineation can be viewed as a barrier protecting childhood. In previous work, Archard (2020b) notes the existence of binary judgements that children should enjoy being children outside the world of adulthood. Furthermore, the exercise of rights may even prevent children from developing into adults with the capacities needed to possess rights. Such views, identified but not adopted by Archard, would preserve a threshold. Moreover, the threshold could serve an economical function. In a restrictive climate those in the lower level, judged to have insufficient capacity, would not merit the dedication of resources such as time and energy to arrange forums for hearing voice, nor the facilitation of actions based on it. In this way a singular delineation risks the reduction of resources to the youngest and does not reflect the range of individuals and the variability within individual experience.

Alternatively, any allocation of resources could take account of the 'goods' of childhood (Matthews & Mullin 2018; Archard 2020b). Terzi's (2019) thinking, drawing on Sen (2009), focuses on capability in terms of opportunities for good living. Equal participation qualifies as a condition for the well-being of the child. This is important for the child as child and also for the future older person. From this point of view expenditure is valuable below the threshold. In Terzi's work about persons with disabilities, the guarantee of opportunities to all children to participate is 'a matter of justice' (2019: 7), entailing provision for those persons. The case to value all children's voices based on the equal moral worth of each person would include the youngest also. Capabilities identified as essential for the dignity of human life 'should be pursued for each and every person, treating each

as an end and none as a mere tool of the ends of others' (Nussbaum 2009, cited in Terzi 2019: 5). There is a difference between having capacity and pursuing it, but the moral argument here is that it should be pursued. This, combined with the benefits of voice in relation to good living and wellbeing, makes a persuasive case for participation.

The next part of this first thinking point considers a range of delineations. Archard (2020a) distinguishes between the child's right to a view and the greater control of the adult who has the right to make choices. He is convinced of the determinative value of children's views as part of decision-making in addition to the informing 'consultative' value of hearing them (Archard 2020b). An interesting framework in this respect is Hart's influential 'Ladder of Participation' (1992: 8). He devised it soon after the United Nations Convention on the Rights of the Child (UNCRC) (UNICEF 1989) for the process of decision-making. Hart's model entails several rungs of decision-making, either initiated by adults, or, in the upper echelons, by children themselves.

Hart (2008) has since reviewed applications of the ladder. It is not intended as a linear developmental model of children progressing upwards towards adult functioning. If anything, it is a measure of adults' capacities for enabling children. The highest position is the active participation of children in decision-making, *and their facilitation of others' participation*. For Hart, this demonstrates understanding the rights of others to have a voice and for it to be acted on in decision-making. An individual and collective ethical responsiveness to, and responsibility for, the Other is precisely what Bauman (1993) calls for in adults, and Hart is acknowledging that role for children too. Hart's experience of working with UNICEF in Africa and Asia is that non-governmental organisations realise the collective as well as individual sense of voice and enact this locally, but that generally academia is slower on the uptake. Hart (2008) is surprised how few have critiqued western cultural assumptions of the supremacy of individual self-determination to the detriment of a more collective notion of voice.

The final section of the first thinking point builds on the importance of awareness of the other to emphasise responsiveness instead of delineation. Murray (2019) defines voice in terms of the 'active' hearer as well as the speaker. Archard's (2020a: 9) specification of voice 'that adults will properly understand both as the child's view and in the very terms that are intended by the child' is acutely important in early childhood. However, an understanding of multimodal communication is key for the hearer to access the youngest children's views conveyed in combinations of gestures, facial expressions, and postures. Communication is complex – for example, it is increasingly digital, with concomitant rights to digital literacy and a digital voice (Alston 2020: 15). For the youngest children in particular, verbal communication is not always the dominant mode (Kress & van Leeuwen 2001). Rather than limiting 'non-linguistic behaviours' to the expression of feeling, as Archard does (2020a), adults' understanding of non-verbal modes may extend their own communicative and affective domains as well as the children's, thus encompassing the

complex multimodality of communication itself (Nyland 2009; Dalli *et al.* 2011). People of all ages can make sense of each other directly through their bodies fusing action and meaning (McNeil 1992; Merleau-Ponty 2012). Gestures even may express knowledge that is not expressed in speech (Goldin-Meadow 2003). In philosophy or in education, an emphasis on verbal views and lack of attention to non-verbal modes may be the most significant deficit, rather than the child's deficit of spoken language (Flewitt 2005a). Hackett *et al.* (2020: 14–15) favour 'paying *less* attention to language itself, or at least to words, grammar and meaning, in favour of fostering participation in dynamic, multisensory events'. In short, multimodality is an important frontier for the enactment of the right to a view as expressed in UNCRC Article 12.

Archard (2020a) raises two rationales for listening to children, as of intrinsic value or instrumental value i.e. as a means to other ends. Through children's participation in research, the intrinsic value may act upwards upon the macro political values that impose upon their lives. In this way, the intrinsic value of children's voices, including multimodal communication, could influence the mechanisms that may tend to see voice merely as of instrumental value. Murray (2019: 3) paints a systemic picture, 'findings from such research can produce evidence for policymaking that is based on children's authentic views'. Research ethics processes can engage with children's voices beyond mere tokenism. Lawrence's (2019) and Flewitt's (2005b) research finds two- and three-year-old children respectively are capable of withdrawing assent to recording, and discussion of video clips. Multimodal assent can be manifest in children's turning towards or away from researched activities, confirming or withdrawing participation. The researcher's consideration needs to be continuous, helped by a concept of provisional assent (Flewitt 2005b) that is given by the child on a minute-by-minute basis and not assumed to be present throughout a research session. With multimodal awareness, the adult researcher can respond appropriately to these highly relevant expressions of voice. Instead of age as the starting point, Christensen & Prout (2002) propose 'ethical symmetry'. In this approach the researcher relationship and ethical principles are the same with adults or with children, and any differences arise according to the particular circumstances not 'presupposed ideas or stereotypes about children or childhood' (2002: 484).

What actions can be taken in legal situations? As noted above, Archard (2020a) refers to the fixed point at eight years of age in Norway, after which a child can be held to form and express a view. The case of Norway reveals a complex picture and a possible direction forwards. There, although not invested with decision-making powers, the opinions of children under seven 'who are capable of forming their own opinions [...] must be given weight commensurate with the child's age and maturity' (Norwegian Ministry of Children and Equality 2016: 18). However, when it comes to understanding this right 'there is room for improvement' (11). The work on understanding is enshrined for children aged zero to five in Norway's Kindergarten Act, which stresses pupils 'must learn to think critically and

that they should have a shared responsibility and right to participate' (19). There is evidence that capacity is reached before the age of eight. A Convention on the Rights of the Child Committee reviewing Norwegian court procedure involving a five-year-old found parties to legal proceedings 'should presume that a child has the capacity to form her or his own views and recognize that she or he has the right to express them; it is not up to the child to first prove her or his capacity' (Søvig 2019: 290). There is no use of a threshold to protect childhood in the committee's findings: 'there is not conflict between the best interests of the child (Article 3) and the child's right to be heard (Article 12)' and 'the two provisions are complementary to each other'. The committee also 'stressed that the right to be heard is without age limitations' (Søvig 2019: 290). Therefore, in Norway the right of young children to be heard can be held to be in their best interests.

In addition to childhood research and the law, what would non-instrumental educational practice without fixed delineation look like? In Italy, the world-influencing Reggio Emilia municipal early childhood education and healthcare approach involves children of all ages. Within this Rinaldi (2020: 11) interprets Article 2 of the UNCRC as applying to all children: 'Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind'. Children learn to enact participation individually and within the group from the first year of life in school *Assemblea*, assemblies, that are far more akin to a parliament than a show-and-tell activity, and in community events like photography exhibitions. These are opportunities, frameworks and social spaces for knowing how to have a voice with others such as recommended by Archard (2020a).

There is a role for adults to enable the development of capacities. Terzi (2019) favours additional resources to ensure a threshold level of functionings required for equal participation. This would be a just educational provision for children of all ages, and abilities. In the Reggio Approach participation does not specify a threshold but it is directed to the living of rights. The term 'special needs' is replaced by the term 'special rights' and this shift extends to Reggio-influenced practice in other countries. In New Zealand McAnelly & Gaffney (2019: 1084) report on differently-abled children in kindergarten,

It doesn't matter what special rights or whatever that child might have, they have just as much right to contribute to and make decisions about the things that happen here and the things we do as any other children... we see all our children as capable, competent and expert with the power to change the direction of things.

This closes the gap differentiating children from adults' enactment of rights as questioned by Archard (2020a). Leonardo, in discussion with his five- and six-year-old classmates, explains it thus,

[Participation] also means exchanging ideas because that way other things get formed [...] we're the citizens, right (Reggio Children 2014).

The children are thinking beyond differences from adults, towards what they have in common in making use of their voices. Responsiveness with others is one way in which binary thinking delineating children's participation can be revised.

Non-binary thinking: voice as dialogue

The second thinking point addresses binary views of feeling and thinking, extends to the environment, and attends to the ambiguity that Archard (2020a) identifies in UNCRC Article 12 about individual or shared collective voices of children.

Archard (2020a) privileges propositional thought as content 'about' something, and thereby seeks to eliminate feeling as a view. This raises the question of whether thoughts and views are separate from feelings. Here the work of neurologist Damasio (2004) integrates emotions and feelings as he makes a philosophical and scientific demonstration of the inextricable processes involving them in thinking. In Early Childhood Studies there is a considerable body of work about the emotional and relational nature of children's voice (Reddy 2008; White 2015; Alcock 2016; Gabriel 2017). Notably, emotions often play a key role in adult responsiveness and the observations can perceive infants' 'voice' in terms of emotional responses (Elfer 2006; 2017). Adults need to understand their own emotional responses to hear the broad range of emotional expressions of voice particularly in the youngest children. Hart (2008) advocates for children's engagement on any of the rungs of his ladder according to competence and confidence at particular times. Competency is a powerful discourse in Early Childhood (Vandenbroeck & Bie 2006; Dahlberg *et al.* 2007). Young children's rights would be served poorly by assumptions that they are always or should always be performing at the highest level (Hart 2008). Instead of all or nothing judgements, Kalliala's (2014) research suggests a continuum encompassing both competence and vulnerability of toddlers that may vary dynamically. This allows for differences at different times for a child. At times any person, whether two years or two decades of age, can be competent and strong, but also with needs in varying respects.

Even when not operating in a group, individual children are linked within relationships. These can be with their peers, and with adults. Winnicott (1960: 587) declares 'There's no such thing as a baby', meaning children are always related, not alone. Each child then negotiates what they can consider to be their own views within 'The Great We' of all their relationships (Parker-Rees 2014: 373). Children are part of a whole, even if their views may not always coincide with those of parents and other adults, who may or may not enable their voices to be heard. For Zanatta & Long (2021) children's rights education ought to be mandatory for adults who work with children. Many early childhood professionals place great emphasis on the integrative nature of a pedagogy of listening. Rinaldi (2005: 19) defines '*Listening* as sensitivity to the patterns that connect, to that

which connects us to others; abandoning ourselves to the conviction that our understanding and our own being are but small parts of a broader, integrated knowledge'. For Robson *et al.* (2019) relational listening is an issue of wellbeing resonating with Terzi (2019) and with Archard's (2020a) point that there is an intrinsic value in listening at any age.

Such collective conceptualisations often centre on human experience but can extend beyond. Since the foundations of kindergartens in Froebelian thinking children are connected to adults, community, and to Nature (Froebel 2009). It is a longstanding holistic view of unity and interconnectedness not unrelated to recent waves of new materialist non-binary thinking in which matter is not separated from meaning and culture is not separated from nature (Howe forthcoming). Early Childhood Studies is, like the disciplines of law, geography, medicine and environmental sciences, enlivened by: non-anthropocentric posthumanism (Braidotti 2013); Common Worlds ethics (Taylor 2013); and the study of more-than-human relations (Whatmore 2006; Rautio & Jokinen 2016). The term 'more-than-human' encompasses humans but is neither centred on them nor limited to them. It includes humans assembled with all manner of social objects and forces (Whatmore 2006; Revill 2021) such as children's relations with materials, landscape, weather, rivers, plants, and animals, and reaches the scale of the relationship with the whole planet. It is attentiveness to otherness and multiplicity while voicing environmental matters of concern.

Increasingly children's relations with the more-than-human world are being understood beyond developmental frameworks limited to an autonomous individual child. Participation is not evaluated against linear steps towards adulthood. Children are not conceptualised as separate from adults, materials, or events, but in a collective sense within assemblages. Assemblages are not fixed and are connected and relational constellations of bodies (Deleuze & Guattari 1987). An example would be local polluting human actions and global climatic damage. Can children understand such theorisation? Greta Thunberg's sensibility was in place before the age of eight, when she began to verbalise her shock that adults did not take climate change seriously: 'The main solution however is so simple that even a small child can understand it' (Watts 2019). Her focus has transformed public and politicians' expectations of children's capacities (Thunberg 2019). Events have proved how wrong she herself was at the beginning: 'I thought I couldn't make a difference because I was too small' (Watts 2019). Thunberg highlights decisive action not only opinions, and feelings integrated with thoughts.

Arguably, views are not formed inside the individual but outside, out in the world in the space in-between individuals. Massumi's (2002) view, 'Expression is "abroad in the world"' (cited in Hackett *et al.* 2020: 4) shows how responsiveness, multimodality and non-binary conceptualisations fuse. Hackett *et al.* (2020) explain further that communication is not an isolated act, but a response to events. Rather than pre-formed views emerging, often views only form with the other in the process of emerging (Shotter 1992). The

interplay that is integral in voice should not be ignored. Individual voice is a monological conceptualisation privileging instrumental intentions and thoughts of an autonomous person. My view of voice as dialogue goes beyond thresholds and binaries. I propose that, theorised dialogically, the meanings involved in any individual child's voice are interdependent on other participants' past, present or future within shared events (Lawrence 2019). They are extensively social in origin, derived from experiences, and social in orientation as reactions to and anticipations of others (Linell 2009). For Bakhtin (1986: 43) each utterance is a response to others in 'the boundless world of others'. Therefore, the boundary between children and adults' voices is questionable. Children's voices include the voices of adults, their peers, and the material world. These processes are evident in video observations of two-year-old children's multimodal dialogues with each other and with the more-than-human environment; they are also possible within participatory research relationships with responsive families and educators (Lawrence 2019). Education, research and scholarship should attend further to the co-constituting dialogical processes of multimodal voicing generated in-between more-than-human protagonists in assemblages. The 'in-between' space where dialogical voicing takes place can be worldwide. These dynamic arguments oppose universalism and align with children and childhoods as sociocultural constructs (James & Prout 1997) and with the posthuman philosophy of Braidotti (2019) that we are all in this global scale situation together, but we are not all the same.

Conclusion

These two thinking points highlight how the voices of the youngest children are variable, multiple, multimodal, dialogical, emotional, as well as cognitive, co-constituted and entangled in more-than-human worlds. Early childhood educators and researchers have been represented in particular, although other professionals in law, medicine and health, for example, can review their assumptions and practices. My three recommendations are to take these complexities into account in decision-making processes in responsive ongoing provisional ways and not necessarily with one age-based delineation.

Firstly, multimodality is a key frontier for Article 12 to access the youngest children's views. I contribute original conceptualisations of young children's voices as multimodal dialogues in-between responsive protagonists, going beyond delineation. To properly understand the youngest children's views in the child's terms, adults need fluency in multiple modes. This involves children relating non-verbally as well as verbally, and entails responsive adults in dialogues rather than instrumental communication with children. Adults need to improve their facilitation practices, and children need opportunities to participate multimodally.

Secondly, academic thought needs to engage with the co-constituting processes when voice is generated dialogically. Children have the capacity to think beyond differences from adults, towards what they have in common in making use of their voices, and facilitating the voices of others. Beyond this, ‘voicing’ in multimodal dialogues can be in more-than-human worlds with an assemblage of protagonists, including the environment. The revision of binary thinking requires questioning whether any one child or all children are facilitated, and also how adults and children are integral to each other’s voices. Other is part of voice. Listening is part of voice (Shotter 1992; Rinaldi 2020). Acknowledgement of co-constitution would strengthen dialogical processes in educational practices (White 2015) and in research (Lawrence 2019).

Thirdly, there should not be a fixed delineation that would limit adults’ relationships with children and exclude young children’s voices from decisions being made with and for them. The example of the five-year-old in Norway illustrates this possible future direction. Early childhood is not only a preparatory or marginal stage. The voices of the youngest are important in their own right. Participation is worthwhile for wellbeing and for ‘good’ childhoods before the age of eight. Capacity-building opportunities should be supported. Alongside, there should be responsiveness to children’s varying capacities at different times. Children’s voices and sensibilities can contribute to current challenges if adults understand children in moments of competence and in their moments of vulnerability. This will include working with emotions in professional ways. Consideration of the other’s experience, like consent, needs to be continuous.

This think piece contributes clarity in understanding children’s right to be heard in Article 12 of the UNCRC through more dynamic conceptualisations and engagement with the youngest children and their voices. In so doing adults can enhance the value and extent of relationships as well as improve decisions that affect the lives of the youngest children.

Acknowledgements

This think piece has benefited from the collegial and expert comments made in the course of Critical Writing Group discussions in the University of Roehampton Early Childhood Research Centre. I am also grateful to Professor Lorella Terzi for engaging so readily in dialogue.

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To cite the article: Penny Lawrence (2022), 'Hearing and acting with the voices of children in early childhood', *Journal of the British Academy*, 8(s4): 77–90.

DOI <https://doi.org/10.5871/jba/008s4.077>

Journal of the British Academy (ISSN 2052–7217) is published by
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
www.thebritishacademy.ac.uk