

12-8-2014

A Comprehensive Examination of the Concept of Children's Citizenship, Both Global and National

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A Comprehensive Examination of the Concept of Children's Citizenship, Both Global and National

Abstract

This thesis explores aspects of citizenship and their relationship to children's rights. The goal is to derive the greater importance of including children as citizens to promote children's rights in the context of human rights. Additionally, there has been the emergence of a new phenomenon that could potentially further protect children's rights: "global citizenship." The first four chapters establish an outline of Citizenship, Children's Citizenship, Children's Rights are Human Rights, and Global Citizenship by discussing various publications that focus on these issues. Through following previous publications, the final chapter focuses on the abstract policies that would include children as citizens of their own nations as well as global citizens; establishing the theory that children should be considered dual citizens. Global citizenship is the following step in the evolution of citizenship, children's rights, and children's citizenship to further secure the implementation of human rights to children internationally.

Document Type

Thesis

Degree Name

Bachelor of Arts (BA)

Department or Program

International Relations

First Advisor

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Third Advisor

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Keywords

global citizenship, citizenship, children's citizenship, human rights

Subject Categories

International Relations

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Thesis Title: A Comprehensive Examination of the Concept of Children's Citizenship, Both Global and National

LAKE FOREST COLLEGE

Senior Thesis

A Comprehensive Examination of the Concept of Children's Citizenship both
Global and National

by

Katelyn McAuliffe

December 8th, 2014

The report of the investigation undertaken as a
Senior Thesis, to carry 2 courses of credit in
the Department of International Relations

Michael T. Orr
Krebs Provost and Dean of the Faculty

James Marquardt, Chairperson

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Abstract

This thesis explores aspects of citizenship and their relationship to children's rights. The goal is to derive the greater importance of including children as citizens to promote children's rights in the context of human rights. Additionally, there has been the emergence of a new phenomenon that could potentially further protect children's rights: "global citizenship." The first four chapters establish an outline of Citizenship, Children's Citizenship, Children's Rights are Human Rights, and Global Citizenship by discussing various publications that focus on these issues. Through following previous publications, the final chapter focuses on the abstract policies that would include children as citizens of their own nations as well as global citizens; establishing the theory that children should be considered dual citizens. Global citizenship is the following step in the evolution of citizenship, children's rights, and children's citizenship to further secure the implementation of human rights to children internationally.

(KEYWORDS: Global Citizenship, Citizenship, Children's Citizenship, Human Rights)

ACKNOWLEDGMENTS

I gratefully recognize those that encouraged me to continue when I was discouraged and were willing to take the time to discuss my thesis during mid-semester duress. It would not have been possible without you. A particular thank you to Professor Lombardi, Carli Pentz, and Grant Alexander.

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Introduction

Children are the most vulnerable members of our society and yet children are arguably the least defined aspect of domestic and international law. Children's minds are impressionable from a young age and absorb their surroundings to shape their perspective of reality. The reality of the child and the environment within which they grow up will help to determine the overall outcome of his/her future. This is relevant to the future of all societies as children later become adult citizens that compose national communities and an expanding global community.

Throughout history, what constitutes a child and what rights children have has constantly shifted. The Childs Rights Movement which began approximately in 1919 gave birth to the progressive mentality that children are vulnerable and therefore their rights must be defined in order to better protect their wellbeing within society ("Children's Rights History" 1). The rights of a child, though not equal to those of an adult citizen, are acknowledged to exist in some form internationally. The problem lies not in claiming that children have rights but deriving what those rights are before domestic and international law.

Firstly, for the purposes of this thesis, we must define what a citizen is and the importance of the relationship between the government, society, and the individual; furthermore, the rights that are bestowed upon a citizen and the responsibilities of the individual to society. In defining citizenship, the importance of the connection between citizenship, rights, and children can be further derived.

Secondly, in developing the concept of citizenship we can delve further into children's rights as a human's rights issue. "The Declaration of the Rights of the

Child” is a prominent milestone in the evolution of the Children’s Rights Movement. The differences between countries and their reservations of the ratification of the international treaty, “The Declaration of the Rights of the Child,” are consequential to the international precedence of the place of a child within society (or global community). Particularly, within the school system and the forms of representation that have developed for children in order to prepare them to be better citizens.

In order to define a child’s rights, however, the question arises whether defining children as citizens of a particular country is enough to sufficiently protect a child. The concept of international citizenship or global citizenship becomes increasingly relevant. International citizenship isn’t proposed to discredit the normative and classical form of national citizenship but to highlight the growing recognition of an international community bound by international law.

The final definition of a child within the international community and the protections afforded them within their individual countries is monumentally important for the protection of children. Two communities, local and international, merit a closer analysis for the potential of dual citizenship for children in international relations policy. The consequences of international citizenship for children as a concept and in application could permeate multiple layers of society where children are severely abused and neglected: human trafficking, child soldiers, as refugees, domestic violence, etc. The list is not limited to the areas noted above.

In working with a grey area in the present the future is also grey; the only way to delve further into shaping a desirable future we must begin to define the grey and allow concepts to take shape. This is the goal of this International Relations thesis to further the concept of dual citizenship for children between their local and international communities. Further, it investigates the potential benefits of the application of children's dual citizenship, both global citizenship and national, concerning policies of domestic and international law.

Chapter One: Citizenship

The Origins of Citizenship within Greek Polis; the Nuclear Family, Promotion of Rights and Equality

Citizenship is the conceptualization of equality of all before the state and the integration of individuals into a broader community (traditionally a national community). Humanity is dependent on one another to derive a sense of belonging and importance. Historically, individuals have searched for means to define themselves by, whether through symbolic language, symbols themselves, or by establishing similar codes or values within an honor driven system. Citizenship as a concept can be linked to the idea of a clan or tribe. The members within a 'tribe' are entitled to certain rights and protections that those that are not affiliated to the 'tribe' are excluded from. Through loyalty, power struggles, and by developing a sense of security among members, order and hierarchy are created within this membership. The type of membership rights that individuals are given set the tone for how the rights of the whole community will develop or regress. Citizenship today is the symbolic word for the nationalization and political version of belonging to a community and a common goal to strive for equality among members.

'Citizenship' is a term best described as fluid since its conception in Greek Polis (Bacon and Frankel 2). The definition has varied from country to country and from epoch to epoch. The political end of humanity is in defining what it means to be a citizen; the structure of individual freedom relies on the nature of the rights given to citizens compared to non-citizens. Aristotle and Hegel, though comparatively different in their view of the nature of politics, agree that the origins

of citizenship lie in the idea of a nuclear family. The relationships between individuals within a family are the roots that gave life to Greek Polis (or the 'state' for Hegel) to grow into the formation of modern day concepts of citizenship (Jarvis). The reasons that both philosophers give to explain why the family is the origin for the concept of citizenship boil down to the difference between 'will' and what is 'natural' (Jarvis). The importance, however, is in the realization that how society defines friendship, brotherhood, and familial roles is the key to what it means to be a citizen of a society and the rights given within that society to each individual.

The nature of the society is imperative to the reasons for the existence of a state and the protections afforded within the rights of citizenship. The reasons and goals of the state will come into question when we examine the nature and the potential of children's citizenship:

It is clear then that a state is not a mere society, having a common place, established for the prevention of mutual crime and for the sake of exchange. These are conditions without which a state cannot exist; . . . Hence there arise in cities, family connections, brotherhoods, common sacrifices, amusements which draw men together. But these are created by friendship, for to choose to live together is friendship. The end of the state is the good life, and these are the means towards it Our conclusion, then is that political society exists for the sake of noble actions, and not of living together (qtd. in Jarvis 444)

Aristotle relates the nature of the state and its existence to justice in the quote above taken from Douglas Jarvis's article on the relationship between the structure of the family and the nature of western politics. The reasons for citizenship according to Aristotle and the bases of society are in part the pursuit of nobler aspirations for the betterment of humanity. Citizenship means an individual is a member of a larger community and society formed by a government. The development of the society in accordance with Aristotle and the progression of individual rights of a citizen are tied to the method of achieving 'justice' in a political system. This is imperative to the idea of citizens' rights are to be given to all citizens as equals.

The Many Meanings of Citizenship: Inequality in Capitalism, Social Class, and Economic Background

Citizenship has many meanings; on the most basic level citizenship is a status of official membership of a state (Wood 113). Furthermore, citizenship is the recognition by the government of a bias of rights towards certain individuals versus the rights of non-citizens. Citizenship is considered a status of equality and respect for all those who obtain it. The concept that citizenship is not discriminatory among members is increasingly relevant to understanding where children fall within this membership, including the issues of social class in protecting children's rights.

Whereas citizenship is considered a means of making a more just and equal system, social class is an inherently unequal system (Marshall). In the article "Citizenship in the 'In-Between City,'" Patricia Wood brings emphases to an

important point: “Nevertheless, the meaning of ‘citizenship’ goes beyond status. In many cases, the possession of official status is not even so central or relevant to engaging in the kind of political acts we recognize as citizenship. Here, citizenship is understood as practice” (113-114). There is a great distinction between citizenship and social class. Social class and citizenship can both be based on a set of ideals, values, and a belief system. However, economic background is of greater importance in determining one’s social class compared to one’s status of citizenship which is not dependent (theoretically) on economic status. This brings forth the contention between citizenship, equality, and social class. If theoretically all citizens are equal, how is it that certain citizens are not as equal as others?

T. H. Marshall in his work “Citizenship and Social Class” grapples with the idea of capitalism being linked to the growth of citizenship and social class;

It is clear that its... [It refers to citizenship]...growth coincides with the rise of capitalism, which is a system, not of equality, but inequality. Here is something that needs explaining. How is it that these two opposing principles could grow and flourish side by side in the same soil? ... The question is a pertinent one, for it is clear that, in the twentieth century, citizenship and capitalist class system have been at war (150)

The rights of citizenship, the emphases consistently falling on the theme of equality, but within citizenship itself there is inequality. The status of citizenship is to ensure ‘base’ rights in which to protect basic freedoms within an unequal system (Marshall). The concept of citizenship existing for children but remaining

unequal to the citizenship rights of adults supports this notion: within citizenship there is inequality. Marshall states: “[t]he explanation lies in the fact that the core of citizenship at this stage was composed of civil liberties” (150). The stage to which he refers is the developmental beginning of civil liberties within the state or central government. Marshall claims that the competitive market required civil rights in order to flourish.

The economic ties present the importance of citizenship and civil liberties to the overarching nature of the government within which citizens exist. This bears the question whether citizenship is solely based on the expected ability of the individual to contribute to society and not on individual right to a better life. The weight this perspective has is vital to determining the place of children’s rights under citizenship if their contributions on an economic level are diminished. For Marshall, it is clear that social class, capitalism, and citizenship are connected; though members may be claimed equal as citizens, they are not given equal power (Marshall).

T.H. Marshall’s Focus on the Relationship between Citizenship and Social Class

Marshall’s piece “Citizenship and Social Class” was first published in 1950 in an attempt to better understand Britain’s welfare system. He eloquently depicts through his analysis of citizenship that though there is economic importance to citizenship that is not the backbone of the purpose of a citizen. Citizenship is therefore a status of membership within the state where all members are considered equal before the law as citizens but where the powers each citizen may possess will be unequal. The civil liberties bestowed on citizens by the state

ensure only those civil liberties necessary to foster a capitalistic market and government in the pursuit of successful growth (societally and economically). Citizenship is the promotion of equality within an unequal society nationally and internationally.

However, there are limitations to Marshall's view and interpretation of citizenship. Kate Bacon and Frankel aptly remark in the article "Rethinking Children's Citizenship" that Marshall fails to encompass that not all citizens were treated equally even among adults. For example, Bacon points out that women were not able to control their own bodies at the time by making decisions on contraception. Furthermore, women were not allowed to own property (Bacon, Frankel). Referring back to Aristotle and Hegel, the inequality of citizenship can also be accounted for by the claim that citizenship has a familial base (Jarvis). The societal views of familial roles play an important role in the civil liberties bestowed upon its citizens. Bacon's highlight on the inequality of women's rights as citizens attributes to their perceived place within the family as inferior to men. Women's place in society and in the family determines her liberties as a citizen.

Even with the knowledge of women's rights throughout history, it is not unthinkable to derive that citizenship is in many senses, though applied at times unequally, is an attempt by the state to create a legal capacity for all to 'equally' strive for a quality of life desired by the individual. This is positive initiative by the state to adopt a role of guardianship over those that are members of the same community. Despite the encouragement for equality, there is no insurance that the individual may obtain the desired standard of living economically (Phelan et al.).

There is often a strong stigma that those who do not contribute to the nation's economic prosperity are not 'true' citizens. The homeless are an evident example that the stigma that citizenship can be measured by an individual's capacity to contribute economically is false. The socio-economic status of an individual who is a citizen compared to the drastically different socio-economic status of another citizen, though one may be lesser fiscally, they are still equally defined as citizens (Phelan et al.).

However, this was not always the case as described in "The Stigma of Homelessness: The Impact of the Label "Homeless" on Attitudes Toward Poor Persons" published in 1997:

The English Poor Laws and similar policies in the United States enforced a variety of harsh and stigmatizing measures. Destitute persons were separated from society and were relegated to workhouses (which were sometimes combined with jails), in which rights of citizenship were withdrawn, families were separated, and work was difficult and demeaning (Phelan et al. 323)

Citizenship has since evolved in an effort to promote human rights. For example, those that are homeless now are still considered citizens though they do not actively 'contribute' in the presumed economic capacity of most citizens. Their socio-economic status is poor compared to that of a lawyer or even that of the lower-class: citizens but not equal.

Therefore, the equality of an individuals' economic contribution to society is not reason enough to deny citizenship to an individual born within a nation based

on their projected capacity to contribute to society economically. Yet, though the social stigma remains, revoking citizenship solely on the judgment that an individual is economically deficient has been rejected within governmental policy. There is a great disparity between the concepts of 'equality' before the law historically and presently this still persists. Within society for citizens, most individuals also associate citizenship with the right to owning property (Tirres). For example, in the U.S. the famous quote "Life, liberty, and property" are rights ascribed to citizens within the 5th Amendment ("Fifth Amendment").

In the article "Ownership without Citizenship: The Creation of Noncitizen Property Rights," Allison Terre characterizes the idea that owning property is a right of citizenship; "At the nation's... [The U.S.]... founding, the common law of property defined ownership as an incident of citizenship. Noncitizens were unable lawfully to hold, devise, or inherit property" (1). Yet, women were considered citizens but denied for a length of time in many societies the right to own property and to vote (Bacon, Frankel). Citizenship is a right to practice civil liberties as it is in promoting a status of equality (Marshall). There are great inconsistencies that arise historically that present the differences between citizenship in practice and the concept of citizenship itself. The importance of these variances of justice and equality in the application of citizenship demonstrates the role of society in actively shaping what we define as a citizen. However, the struggle to establish equality and protection of rights for the vulnerable members of society is the key aspect of the concept of citizenship.

Global and Individual Citizenship

Citizenship can be unequal in the rights bestowed on the citizen depending on society and is a fluid concept subjected to social movements:

During the golden years, from the 1950s to the 1970s, welfare state and social policy (or more precisely, notions thereof) rested on three premises: the nation, the state and the pacification of class conflict. The remit of the welfare state was the nation-state, conceived as 'societal community' ... Social inclusion was largely confined to nationals (Davy, U. Davy, Leisering S2)

The quote above is taken from Benjamin Davy's article "The Global, the Social and Rights. New Perspectives on Social Citizenship." His contributions to the discussion of global citizenship are helpful to understanding the development of citizenship within society. Davy begins his article by mentioning Marshall's work in the 1950's contemplating citizenship and society. The present day evolution of citizenship is rooted in the progression of citizenship historically and the ties to the human rights movement.

The "societal community" which he refers to carries weight as increasingly citizens of individual nations recognize more and more that they are a part of a global community as well. The emphasis on national citizenship has shifted to understanding that national citizenship is a subset of global citizenship. However, the concept of global citizenship, though a significant movement towards recognizing international law, remains poorly defined (Pallas). Discussions

involving human rights are centralized around the idea that global citizenship to some extent exists and the responsibilities that follow an international community to one another (Davy, U. Davy, Leisering). The reshaping of international policies and societal norms has led to an increased focus on international norms.

“The Universal Declaration of Human Rights” is often thought to have followed the emergence of social-welfare rights when in fact the two evolved together almost simultaneously (Davy, U. Davy, Leisering). The development of international institutions has only strengthened the discussion of human rights on a global scale and the applications of global citizenship (Davy, U. Davy, Leisering). The policies in the past that claimed equality through citizenship, but practiced inequality, have increasingly grown unacceptable to society as nations begin to emphasize leading by example the standards of human rights. Citizenship is the means for an individual to understand what is expected to earn a place within society. Participation and integration give birth to personal ownership of one’s actions and an idea of self-determination of roles and bearing responsibilities. To be fully considered a citizen requires individuals to have the freedom to participate in society and perceive that their participation and thoughts are valued. The process of achieving citizenship is one of becoming grounded in one’s social and political environment (Pallas).

The existence of an international political environment demands the recognition of individual citizenship belonging to said political community. The creation of an international community, international norms, political angling, and the recognition of international human rights demands that all individuals are members of an international community. In order to be a full member of a

community, one's status is labeled as 'citizen.' Citizenship is a status of equality within a community and the admittance that a community exists within which individuals contribute to shared values whether nationally or internationally. If human rights apply to all internationally and nations make up an international community of combined citizens, the international community gives rise to a shared community of citizens where each individual is recognized as equal. This equality is based on the simplest requirement: to be human and that each human being deserves respect by being human.

The defining and consistent features of citizenship normatively speaking are as follows:

- An individual is a citizen if they belong to the national community (which is determined differently from nation to nation).
- Citizenship is the promotion of equality and belonging within society
- Citizenship is an effort to protect individual liberties (i.e. the right to representation, owning property, participation in the community, etc.)

The stigmas around what makes a good citizen or practice of citizenship fall away when the core principles of the concept of citizenship are examined.

Citizenship is defined vaguely out of necessity in order to continually shed social discrimination and inequality in the pursuit of a more equal system for all citizens, regardless of race, gender, age, and perhaps eventually nationality to promote human rights.

Chapter Two: Children's Citizenship

Rationalizing the Rights of Children with Maturity Levels

The development of children's rights encompasses an important issue: who will ensure those rights? There is a fine line between parental rights and state intervention in the interest of the child's rights. When it comes to protecting a child it is important to have an understanding of the differences between adults and children. Goldstein's article "Medical Care for the Child at Risk: On State Supervention of Paternal Autonomy" published in 1977 presents the following;

- To be a *child* is to be at risk, dependent, and without capacity or authority to decide what is 'best' for oneself.
- To be an *adult* is to be a risk-taker, independent, and with capacity and authority to decide and do what is 'best' for oneself.
- To be an *adult who is a parent* is to be presumed in law to have the capacity, authority, and responsibility to determine and do what is good for one's child (Goldstein 645)

There is hesitancy to define who should be the judge of when a child needs to be removed from a household and separated from their primary caretakers by the state. Goldstein refers to this difficulty as determining when the state becomes the parent: "what must such an investigation find in order to justify the abridgement of parental autonomy by substituting the state's judgment for that of the parents? ...the ultimate dilemma of when should the state itself become the 'parent'?" (648). Historically, where children have been involved the state

primarily has had a 'hands off approach.' However, I would disagree with this interchanging of the terminology between state and parent.

The State's Role of Guardian in the Lives of Children

In cases where the state intervenes the state can never take the 'place' of the parent though it assumes the duties to protect the child and ensure the proper care of the child. The state's role is that of a guardian: ensuring the safety and future of the child is prosperous by means within the system (or systems) both internationally and nationally. This is not to infer that a single state is responsible for all children internationally only in this case the children within that government's political sphere of influence.

The guardian never intervenes unless it becomes imperative for the safety and wellbeing of the child (both physically and/or mentally). The state only assumes the role of decision maker in the child's life when the parent is proven unable to be the rational decision maker for what is 'best' for the child. Furthermore, the relationship between state and citizen is one of guardianship and by extension, assuming that children are considered citizens; the state shares a similar relationship with a child of guardianship though augmented by the vulnerability of the child. The degree of responsibility changes by the fact that one citizen is an adult and the other is a child but we will discuss this in more depth later on.

Children as Vulnerable Members of Society and the Autonomy of Rights from Conditions of Vulnerability

Children, while understanding aspects of the world, are almost completely dependent on their caregivers. A child cannot 'see' and comprehend the world through an adult lens, her perception is based completely on the wealth of emotions and experiences she has the ability to process. We often refer to this ability to process and practice rational decision making as maturity (Goldstein). The goal is not to remove children from their parents by arguing that children have rights but raise the standard of ensuring a child's wellbeing within society both globally and nationally. The development of recognizing that children have rights independent of the rights of the parents is essential to discerning between gross injustices and ordinary injustices within society towards children. Goldstein introduces the sensitivity of the issue of discerning children's rights and children's rights:

It...['it' refers to the law]... requires only that parents meet *minimal* standards of child care *negatively* set in neglect, abuse, and abandonment statutes and *affirmatively* set in provisions such as those obligating parents to send their children to school, to keep them out of the labor market, and to have them vaccinated against smallpox. In accord with fundamental notions of liberty, the law thus presumes that parents, as adults, are qualified to decide how to meet the needs of their children until these children themselves become adults presumed competent to decide what is in their own and their children's interests (649)

In highlighting the issue of state involvement and parental autonomy, we will now move forward in discussing children's rights as citizens, keeping in mind the difficulty of establishing state power over parental power in the lives of children. The primary goal of this thesis is to present the idea that the state, though reserved in its' action of interfering with parents and children, should have a more involved role with children as citizens.

Society can be equally oppressive on children as it can be on adults (Roche). Citizenship, as defined previously, is a system attempting to establishing equality before the law among citizens but there can be inequalities within citizenship itself. Where certain rights of citizenship may apply to children there are others that may not (Cordero Arce). In Matías Cordero Arce's article "Towards the Emancipatory Discourse for Children's Rights" he beneficially establishes again that children's rights are a human rights issue rooted in citizenship, rights, and society;

In other words in the discourse of human rights – constructed with an adult human in mind- the facts, the fact of its addressees having citizenship, seem unquestioned, and the only discussion would concern the (content of) rights themselves. On the contrary, in the case of the children's rights discourse, there is a huge ambiguity concerning not only the rights, but also the facts behind them. The (moral) capacity of children to be citizens in a strong sense (full rights holders and duty bearers)...
(365-366)

While I agree that the amount of responsibility placed on an adult citizen is different than that of a child I must object to the idea that this is a defining factor whether children have the capacity to 'be' citizens. Children are citizens in special circumstances, to be a child is to be in a certain frame of mind, a condition to which you outgrow perceivably to become an adult. Children are necessary members of society and should be recognized as important members through citizenship. De Winter mentioned in "Rethinking Children's Citizenship" highlights again the importance of childhood, experiences, and the inclusion of children for a better future society: "By widening the field of development, for instance, by involving children from a very early age in the organization of the world in which they live, their repertoire of behavioral capabilities grow" (qtd. in Bacon, Frankel 28). As an adult, you enter into different stages of maturity with age.

The variances in maturity from adult to adult can be striking. Citizenship is simply, on the most basic of levels, the acknowledgement of an individual's belonging to a society and equality of rights within that society among all those who are a part of a collective community. Citizenship does not require that all adults be mature although this is certainly an assumption within society that by adulthood decisions are made rationally. Citizenship is an effort to ensure human rights within a particular society through legally defining an individual as a member of the community with shared values not based on the level of maturity of the individual.

Citizenship rights are given accordingly within society based on policy. Citizenship can be given to children in agreement to their place in life and society

and tailored to overlap only certain rights with those of adults. Patricia Wood, as referenced in Chapter one, clearly establishes that though citizenship is a system created with the goal of equality in practice it can be unequal;

Exclusionary aspects of citizenship in terms of status or practice, and the creation of “second-class” citizens, are not an accident or oversight on the part of the governors ... As an institution, citizenship does not have a strong history of creating equality. Rights have been applied unevenly. Property owners received the right to vote before others; men before women; Whites before racialized persons (115)

In this case, the discrimination between child and adult is not a negative practice but in fact more inclusive than the present state of child participation in citizenship. It is not discriminatory to discern that children may not be entitled to the same rights as adults that are participatory such as voting. However, I would argue that children are entitled to protective rights under citizenship if not more so and qualify based on their level of dependency and lack of maturity. A child's lack of maturity and rationality are the very things that should ensure them citizenship and protection by the state in recognition that their existence within society during childhood is a unique and vulnerable period of time.

This brings us back to the argument of how children should be treated: as wards of their parents with no relevance to their membership to society until adulthood; or to be treated as the participating citizens in society they will eventually become as adults (Bacon, Frankel). Marshall in his 1950 publication argues that just by the states enforcement of mandatory education there is some

recognition of the importance of fostering a child with respect and treating them equally (relatively) so they emerge as better prepared citizens:

The education of children has a direct bearing on citizenship, and when the state guarantees that all children shall be educated, it has the requirements and the nature of citizenship definitely in mind. It is trying to stimulate the growth of citizens in the making...the aim of education during childhood is to shape the future adult. Fundamentally, it should be regarded, not as the right of the child citizen to go to school, but as the right of the adult citizen to have been educated (qtd. in Bacon, Frankel 23).

Miller writes on global citizenship and children's citizenship because the two are intertwined with the development of the child within an increasingly globalized world (Miller). College students in the U.S. took a survey which produced results that 86% of students that participated agreed, or strongly agreed, that they would consider themselves as 'world citizens' (Miller 70). Presumably, Marshall is talking about students from pre-school to high school where Miller is focusing on College students. However, there is a correlation between education and citizenship (Miller).

Increasingly, through education for children during their younger years has been used to increase feelings of nationalism, education has been expanding to encompass feelings of globalism. This growth can also be attributed to the progressively connected form individuals interact with each other internationally. Therefore, since education is vital in how children and young adults self-identify,

again the question of children's citizenship becomes increasingly important nationally and potentially internationally (Bacon, Frankel).

Bacon and Frankel approach the concept of children's citizenship slightly differently than Marshall and Miller as Bacon and Frankel define children as 'meaning-makers' and that their roles participating in society and determining children's rights (their own rights) is significant. This is consistent with the one of the key components of the concept of citizenship attributing the importance of being heard and respected as necessary to being considered a citizen. Jeremy Roche in his article "Children: Rights, participation and citizenship" also dictates that children have been wrongly silenced within society;

I explore the potential value and potential purchase of the language of citizenship in considering the position of children in society today. This language can be used to critically analyze the ways in which children are treated and positioned in contemporary society; and by the same token it can be used to imagine a different condition of childhood (476)

Roche argues that children are not considered citizens constitutionally because they are not granted many of the rights we attribute with citizenship (Roche). He does pin point however the importance of potentially defining children as citizens within society. Roche addresses the silencing of children within society as inherently negative and detrimental, "children are often rendered silent and invisible by the attitudes and practices of adult society" (476). With the growth of the children's rights movement there is an increasing demand to inclusively

consider the status of children within politics. However, children are discriminated against as adults are and are equally, if not more so, influenced by society.

For instance the publication of the “United Nations Convention on the Rights of the Child” (UNCRC), and the numerous authors publishing articles, exclusively report on children in “The International Journal of Children’s Rights.” An international dialogue has begun to develop between nations regarding children's rights as a human rights issue. We will discuss children’s rights as a human rights issue further in the following chapter.

Roche brings the conversation back to society’s determination to see children as irrational and justify their lack of representation because children lack maturity;

Children are not seen as fully rational beings and as lacking wisdom (because they have not had sufficient experience of life). In a critical sense they cannot know their own best interests (as if for adults this is unproblematic)...they need protecting... [However]... the ‘not-yet-fully-formedness’ of the child is not the only obstacle in the way of respectful recognition of children as social actors (476-477)

There is a movement to problematize discourses surrounding children (Cordero Arce). The rights of children are not luxuries that should be applied on a whim but practical and necessary approaches to helping to raise responsible citizens. Cordero Arce brings us full circle to the issue at the start of this chapter by noting that the rights of a child are wrongfully linked to maturity and moreover that a child’s rights should not be contingent on a lack of maturity.

The development of a child is imperative to the ability of that child to later participate in society and successfully contribute to the larger community. From the moment a child is born, they are a part of the human race; they are a part of a larger community. This self-evident fact of belonging to a greater whole only emphasizes a child's importance. A child should not be excluded from having citizenship rights based solely on his/her maturity level. Children are rights bearers and important voices within society that should be considered citizens, though their rights do not necessarily reach the full capacity of those of adults. Children bear rights despite not becoming fully fledged legal agents within society until adulthood due to their vulnerable state of development during childhood.

An Argument for Children's Citizenship

It is appropriate to consider that children are often treated as alien residents within their own homelands (Earls). Citizenship the term itself is multigenerational and is moving forward towards a progressively inclusive society. The rights of a few are contingent on the rights of all. Should citizenship become regressive and exclusive it is not long before grievous human rights violations can become prevalent (Earls). In "The Child as Citizen" published in 2011, we can derive the connection between the promotion of a progressive, inclusive, and a just society necessitate the confirmation of the future enforcement of human rights through the implementation of children's citizenship; "when the movement has been retrogressive—with the refusal of the United States to implement the Fourteenth Amendment to all Americans or confiscation of citizenship from the Jews in Germany and from South African citizens during apartheid...citizenship and

human rights have a symbiotic, although not exclusive, relationship (30-31).” The recognition of children’s citizenship and children’s rights further realizes the multigenerational aspect of society and participation in the collective as citizens of all generations. Furthermore, citizenship has developed a fourth facet from the previous definitions of citizenship rights mentioned in chapter one.

The fourth facet takes root from the previous three main rights: the allocation of individual rights, participation within a larger community, and confirmation of belonging with the creation of fiscal development and political representation (Earls). The growth of a globalized world has developed the unique phenomenon to launch into a future where individuals may “act on one’s own behalf and on the behalf of others internationally and, in particular, before international bodies” (Earls 31). Children, as well as adults, are exposed to a dramatically different world with each passing day as technology, international policies, and international warfare capabilities are developed. The policies concerning citizenship, human rights, and children must reflect these changes.

The recognition of the multigenerational aspect of citizenship not only encourages and demands children to be included within the realm of citizenship but also reinforces the fact that citizenship is fluid. Society, nationally and internationally, has begun to advance and reconfigure definitions of rights and citizenship as highlighted in the following passage from “The Child as Citizen:”

De Facto child citizenship responsibility already occurs in, for example, the increasing number of child headed households. But without a *de jure* recognition of their citizenship responsibilities, children become more

vulnerable...Childhood responsibilities are key to multigenerational citizenship (Earls 31)

The complexity of childhood and the various realities that face children are not fully encompassed in a broad documentation of children's rights focusing solely on a western conception of an 'ideal' childhood. Citizenship and citizenship rights must be applied broadly but address each individual's or child's unique circumstance, "[s]ome may argue that legislatures are democratically accountable to children through their parents, who vote; however, this excludes several groups of children, including orphans and child-headed households" (Earls 37). Children carry the responsibilities of society but lack the appropriate representation of rights and protections.

The development of the discourse surrounding the idea that children are subjects of rights is an important marker in the progressiveness of advocating for human rights. Children are vulnerable because of their state of development regardless of their economic status, skin color, gender, which may augment vulnerability each child has a base vulnerability. The vulnerability of children is a constant and their rights should be a constant as citizens of a nation. It is politically incorrect to infer that statuses of vulnerability are contingent on rare or particular situations that are irregular. The level of vulnerability of a child is only negated by the increased level of protection of a child's rights as necessary by granting citizenship and through advocating for human rights including the rights of children (Earls).

Chapter Three: Children's rights as human rights

Introduction to the Relationship between Human Rights and Citizenship Rights

The contentions surrounding children's rights are not beholden to their own individual category but are instead a part of a greater issue: human rights. Policy and society has predominately struggled with the initiation of children's rights and how to include them in the scheme of an adult world. Yet, when the realization that human rights encompasses children's rights it becomes more evident how important it is to define the rights of children. The rights of children are not as 'optional' as they once appeared. When children's rights are considered through a greater perspective they become an integral part of a larger human rights movement. Children's rights are imperative to growth of a healthy community of citizens (Marshall).

The U.S. Supreme court has recognized that children's rights are separate from those of adults despite the lack of recognition of a child's rights within the constitution. The United States (U.S.) constitution fails to explicitly mention children; "There is no mention in the American Constitution of 'children,' 'minors' or 'infants'"(Clark 1). However, the U.S. Supreme Court has consistently ruled in favor of protecting children and affirming that there is a significant difference between children and adults. This is an important to note as during antiquity children were often thought of as small adults and expected to contribute to society through the work force. Yet, though children were forced to work within

factories and life threatening conditions, they were not given the right to vote or other significant rights we attribute to adulthood and contributing members of society.

Children are not considered “small adults” predominantly in modern western society but the definition of a child and whether or not they are citizens remains a contention for many countries. Citizenship provides certain rights within a society for the individual and represents the expectation of the individual to contribute to the whole of society. The U.S. circumvents the problem the lack of a definition of children’s rights within the constitution by establishing that children are human beings and therefore have rights under the constitution as human beings though not adults. The issue of children’s rights is an issue of human rights.

Children’s Rights are Human Rights

Children belong to their own category of groups within society that all find roots of their rights within human rights. The application of individual rights for policy purposes it is important to focus on the differences of the rights of certain groups within humanity, however, the overarching bases for individual rights is attributed to human rights. Michelo Hansungle focuses on international human rights law in chapter one and the importance of protecting “universal features of the human being from the exercise of sovereign power” (Hansungle, “The Historical Development of International Human Rights”). The rights of the individuals themselves within the larger context are significant to monitoring distributive justice and shaping the structure of an international legal system.

Children's rights fall prey to international agendas, as do the rights of other vulnerable groups, when there fails to be a global awareness of humanity as a whole.

Human rights and minority rights emerge when society (global and national communities) form the realization that there is collective indignation at grievous violations of human rights. International human rights law emerged separate, but still founded, in international law after World War Two (WWII) (Chowdhury et al.). The responsibility for international crimes, including grievous human rights violations, hadn't been seriously considered before WWII through international law. However, in an increasingly connected world of trade, conflict, and communication new necessities began to emerge, as they continually emerge. The responsibility predominantly falls on the International Criminal Court (ICC) (Hoover). The ICC is one form of recognizing the international legal aspects of a global community and the application of the ICC towards all nationalities despite whether they are citizens of one particular nation. The ICC is used to punish international criminals for international crimes.

The Impact of Childhood on Future Societal Success

It is equally crucial as intervening and punishing crimes to encompass a mode of prevention for international atrocities. This is particularly relevant to children who may be subjected to atrocities that significantly impact their development:

The nature and quality of early experiences in the family context are generally assumed to be of key importance for later social–emotional

adjustment. Accordingly, over the last half century a considerable amount of research focused on associations between parent– child relationships and the subsequent quality of romantic relationships ... and on linkages between parent–child relationships and later emotional adjustment ... (Overbeek 429)

The experiences of childhood bleed into the adult life of the child including their mental health and capacity to participate within society as a citizen. There is a hindering link between children who have faced abuse in the past to perpetuating the same violent and debilitating behavior on others in the future as adults (MacMillan). Children are taught by the impressions the environment around them presses upon them, including, grievous human rights violations or perpetual violence. The reality of an individual is formed based on both forward interpretations of the future and looking backward and facing memories.

The Convention of the Rights of the Child and the Relationship to Childhood/ Education

The rights of children are linked to childhood. The relationship a child has or forms through experiencing the relationships of others around them (both violent and non-violent) have a significant impact on self-understanding. Self-understanding refers to the way an individual relates to others and their environment based on their experiences of rights within those relationships.

The rights of a child include a child's access to education which in itself can serve as a form of guidance and stability through society. A child is educated on a personal level through family and society as well as through the 'system' of

education such as the public school system. “The Convention of the Rights of the Child” (CRC) recognizes the relationship between children’s rights through education is ensured through human rights.

Audrey Osler and Hugh Starkey state the following concerning the CRC; “The Convention of the Rights of the Child (CRC) sets agreed upon minimum standards to secure children’s rights in education, as in other areas of social policy” (313). ‘Securing’ a child’s education is one step toward ensuring children’s rights and working towards strict protection of those rights through society and policy; “One of the key features of the CRC is that it recognizes that children not only have rights of protection and provision (of services relating to health, education, leisure and so on) but that, like adults, they have participation and citizenship rights” (313). This leads us back to chapter two that delves into children’s rights which encompass the rights of citizenship which is linked to education.

Youth were given an opportunity to share their views with the national education authorities in France in 1997-98 and the results were telling as “...the questionnaires revealed that the way they ... [they referring to children]... are taught and enabled to learn is more important to them than the content. They consider that reform of teaching methods should be given priority over reform content...” (Osler, Starkey 315). The way that a child is treated at an impressionable age is important to his/her later development. Additionally, the manner children are treated societally, as through educational measures, matters a great deal to children (Osler, Starkey).

This is consistent with the presumed goal of education for children: to better prepare them as citizens whose opinions can be impactful (Marshall). The CRC spends time in Article 29 determining the aims of children's rights. Mindfully, the CRC is an international convention linked with human rights as a premise for legitimizing the rights of children; "Education is about developing the full range of abilities and talents of young people, and carries responsibility to encourage respect for the child's family, cultural identity, language and values. It is also specifically aimed at developing 'respect for human rights and fundamental freedoms'" (Osler, Starkey 315). The integral argument behind human rights and children's rights is that the child has importance and a right to a level of autonomy within society.

The list below was composed by children ages 8 and 9 within a classroom working in the tradition of the Freinet movement when asked to express on paper some of their rights and the rights of others:

I respect what others are saying

I take care of things in class, whether they are the school's, my classmates' or my own

I behave sensibly: people can trust me and give me responsibility

If I don't understand, I tell someone

I never make fun of others for whatever reason

I have the right to disagree with the teachers and tell them so politely...

(Osler, Starkey 317)

These are only a few of the agreements children listed which can easily be related back to larger goals of human rights that promote self-respect and the respect of others.

Protection of Children through Human Rights and the CRC

The nations with sovereign autonomy within the world are responsible for upholding the rights of children. The correlation between abuse and childhood trauma is significant to later development of the child. This includes children who are subjected to daily human rights violations within countries that are not at war. These are children that are trapped within their own homes to witness daily violations of rights and abuse. There must be an active involvement of the state as the role of guardian, “security is both physical and physiological” (Osler, Starkey 315). However, for the purposes of this thesis we will focus on international and national issues of grievous human rights violations.

James Himes quotes Coleridge a famous poet who wrote “those ‘who die so slowly that none will call it murder” (81). stressing that failing to help protect a child is irresponsible to the future security of any nation and contradictory to the understanding that murder is amoral and illegal (Himes). It is necessary to act in appropriate ways with an appropriate level of the threat both present and future (Himes). It is perhaps the level of the threat of the psychological trauma to children that has been underestimated.

Joshua Castellino in the book *Introduction to International Human Rights Law* writes in chapter two that “when the Universal Declaration of Human Rights was proclaimed in 1948, it articulated the notion that human rights were to accrue to every individual human being in a bid to protect their inherent dignity” (“Civil and Political Rights”). This statement in itself alludes to the idea that each human

being has dignity and certain rights solely because they are human: whether adult or child.

Including children within the scope of deriving fundamental human rights reveals aspects of necessary protections that may have been overlooked in an adult's rights driven world (Chowdhury, et al.). A continuing quote below from Castellino highlights the importance of fundamental rights across international borders;

Many argue that this category of rights as a whole may in time be considered norms of *jus cogens* in public international law. That is, that these rights have come to be recognized throughout history as rights that constitute minimum recognizable legal standards with no exceptions permissible (Castellino, "Civil and Political Rights")

Fundamental rights include but are not limited to those listed: physical integrity of the human person, prohibition of slavery, servitude or forced labor (Art. 8), the humane treatment of detainees, etc. (Chowdhury, et al.) Human rights apply to all states (bodies of government) despite whether consent is given as there are universal rights towards all of humanity regardless of what citizenship one holds, "[i]t needs to be also made clear that norms of *jus cogens* are binding upon States irrespective of their consent: i.e. unlike other human rights contained in documents such as the Covenant which are only binding upon those States that have signed and ratified the Covenant or Treaty in question, norms of *jus cogens* are binding on every State..."(Hansungle, "The Historical Development of International Human Rights"). Emphases on inherent rights as human rights are

justifiably an inclusion of children's rights as it would be superfluous to argue that children aren't human. The discourse around children's rights and children's citizenship brings to light an ample cause for re-examining the potential of global citizenship and its application to children. Global citizenship offered to children as a unique status of dual citizenship offers additional protection against the vulnerability of a child's fundamental human rights. However, we will discuss this further in chapters four and five, global citizenship is important to consider when discussing human rights which have an international reach.

A Child's Legal Autonomy as a Right

The legal capacity of the child is not limited to that of the adult, "English law recognized since the 13th century that 'infancy or non-age' was 'a condition which has many legal consequences' and that 'legal capacity of the infant is hardly if at all affected by the life or death of his father'" (Shihata 383-384). In the 19th Century childhood became a legal status of a human being. The reason noting childhood and the status of being a 'child' as legally important is the implicit recognition that it is a status recognizing that those within it merit greater protection. Ibrahim Shihata examines the slow evolution of society in recognizing the importance of infancy and childhood, "Early legal doctrines in Europe, such as the Roman "*patria potestas*" doctrine, treated the child as parental, usually paternal, property. 'In early ... [Roman] ...law there was evidently little difference between son and slave, both being regarded as property of the *pater-familias*...'" (383). However, presently there are many legal doctrines that do not explicitly mention children's rights though children's rights are implicitly implied

(i.e. the US Constitution of 1788 & the U.S. Bill of Rights 1791, and the French Constitution...etc.) (Shihata).

Further supporting that children's rights belong to a larger network of human rights issues, the role of the World Bank as an international organization has held an integral role in mandating and protecting children's rights as Ibrahim Shihata states here: "The child's right to development is particularly important with respect to the World Bank's mission of development assistance. It is among the rights which the Bank may promote as part of its general mandate of supporting economic development" (386). The establishment of children's rights within developing countries and transitional countries is the promotion of human rights associated with children's rights.

Political Human Rights Promotion

There is a distinct difference between the promotion of human rights in the pursuit of a more secure world compared to concepts of a more just world. The argument to solidify human rights to establish a just world can be considered a moral argument while for a more 'secure' and peaceful one is not as weighted with moral implications. I don't wish to address the moral behind creating a 'just' world but rather to briefly look at the political weight behind and political angling for human rights /children's rights.

The World Bank promotes human rights and children's rights through mandating standards of development for the child and the reduction of poverty as quoted below. However, the World Bank must conform to strict codes of consideration: "the Bank and its officers shall not interfere in the political affairs

of any member; nor shall they be influenced by the political character of the member or members concerned” (Shihata 387). The lending exemption of the World Bank is not contingent on political situations or, for instance, the type of government that may exist within a country. However, the ground of an international organization is founded in functioning political policy through a stable government; a peaceable world is in the interest of an international organization and a national community looking to profit from global trade.

Human rights as well as children’s rights are not a political movement or promotion of any one nation’s political gains though they may further support positive international policies mainly spurred by politics. Children’s rights are separate from national political agendas and international borders as well as an integral part of politics in consideration of global security, international law, and international human rights. The law in general is not how the world itself ‘is’ but how the community/those in power desire the law to influence and shape the world and society. To some extent, the law must be romanticized and become a romantic project that lends itself to a binding narrative between order, justice, and rights of its citizens to gain legitimacy (Dworkin).

Chapter Four: Global Citizenship

Nations Losing the Monopoly on Citizenship and Citizenship Rights

In the article “The National Contexts of Post-nation Citizenship,” rights, status, and duties are recognized to no longer attribute solely to being a member of a state, “This has necessitated a revision of the classic concept of national citizenship along the lines of ‘post-national’ citizenship, which we understand as a synthesis based on (a) new phenomena emerging from globalizing processes...” (Hafner-Fink 867). There are many terms that have evolved along with the changes to classic citizenship to try and formalize the new international aspects of citizenship. The following are some of those terms: supranational, post-citizenship, global citizen, international citizenship, transnational, post-modern, post-national, multilevel, etc (Hafner-Fink). Regardless of its exact label all the listed terms refer to the same phenomena: citizenship is becoming larger than national citizenship and encompassing more than national rights.

Classical citizenship confines rights to the borders of a nation state and duties solely to that state. The heart of the framework of citizenship to a nation state is partly founded in political participation. However, global citizenship encompasses a more rights driven framework focused on protection rather than a predominantly political participation driven core (Hafner-Fink). Additionally, traditional national citizenship denies rights to non-members versus those that are members. Global citizenship is an inclusive and temporal concept that promotes the distribution of human rights/citizenship rights to all human beings equally;

... a transitional phase towards post-national citizenship, or (2) the initial form (or at least a dimension) of this new post-national citizenship. According to this concept, a citizen is not a political actor but a legal person...who abides by the laws and can expect legal protection from the state...At the core of this legal reconceptualization... [sic]...of citizenship is the individual's universal legal status and individual rights. The universality of citizens' rights is not bound to a specific collective identity, membership, demos or territory; it is 'compatible' with the different statuses and identities of an individual. This means greater individualization...(Hafner-Fink 870)

Citizenship through global citizenship has become not only more inclusive but more individualized. Individuals with more than one alliance, nationality, or have multiple identities have a weak 'group' mentality (Hafner-Fink). Global citizenship promotes unity and individualism in the promotion of equal rights among a community of varied international identities. This promotes again the emphases on human rights comparatively to national political rights and the lessening of freer societies from the traditional pull of nationalism.

The Decline of Nationalism and the Growth of Individuality

The large scale by which transportation allows for immigration and the increasing recognition of human rights both contribute to irreversible change to the face of citizenship and societies. Additionally, as Marshall noted with the change in social rights and citizenship in the 1950's connected to capitalism and

the economy, global citizenship is the evolution of in part of a global culture of capitalism (Hafner-Fink).

The advance in technologies, communication internationally, and climate change on a global scale have all contributed to reforming the concept of citizenship. The nation state is no longer the 'source' for "individual (citizen) rights: the nation state frame-work as a space for practicing citizenship from the 'top' (national government) and from the 'bottom' (individual citizens) has become too constraining" (Hafner-Fink 871). The shift towards global citizenship is a result of previous establishments of freer ideals surrounding individual rights within a nation.

Joe Painter develops an important concept to explain the change in citizenship and the globalization of rights through human rights. There are many levels of political communities, as he calls them and furthermore multi-level ideas of citizenship that coexist already within the world and national governments (particularly in democracies). Global citizenship could be derived as the product of combining individualism and communitarianism (Hafner-Fink). Global citizenship evolves from a knowledge based society and primarily from active citizens aware of the global context of issues (such as climate change).

Global Discourse, Human Rights, and Citizenship

Global discourse on policy and citizenship surround discussions on human rights such as Davy points out in his section on "Citizenship going global" that "[i]n search of global social citizenship, the economic and social rights laid down in 1948 by the UN in the Universal Declaration of Human Rights are the most

tangible source of a generalized kind of social citizenship” (S3). The essence of social rights which are attributed to citizenship are the core of any concept of citizenship (Marshall).

The world is in an era of globalization and persons alone are viewed in a delicate balance between individual, nation, and international participant; “European city and...[sic]...evolved to apply to the modern nation-state...the idea that all persons, regardless of residence, have, deserve and demand certain rights, is part of a growing academic and public policy discourse” (S1). Benjamin Davy as quoted in the previous sentence mentions the ideology that all individuals are deserving of certain rights including the right to express their demands for such rights.

However, rights are not attributed to an individual because they ‘deserve’ them but because human rights are inherent. The rights of an individual aren’t contingent on their ability or failure to perform their societal duties but an individual is allocated certain inherent human rights. Davy does emphasize an important connection between rights and global norms, despite, if those norms are poorly articulated or defined. Global citizenship is significant to binding human rights internationally to national citizenship; “The rise of global social citizenship...cannot be taken for granted. So the question is if there is such a thing as global social citizenship and what it could mean...” (Davy S1). Citizenship is integrated into human rights and encompasses the rights of children.

The UN Convention and the Rights of the Child and the Relationship to Recognizing International Rights; Children's Rights within Global Citizenship

Published in "The International Journal of Children's Rights" Christine Kisser writes on the implementation and practice of the UN Convention on the Rights of the Child in January of 1990. Her article was published in 1996 and studies the Austrian school system and students in relation to the Convention. The application of the Convention shows on a small scale the importance of allowing children to have efficacy within their own environments.

Kisser begins by discussing Article 29 of the UN Convention recognizing that the goal is to ensure the state attributes the necessary resources to aiding the development of a child's personality and their talent sets; "preparing the child for active life as an adult, fostering respect for basic human rights and developing respect for the child's own cultural and national values and those of others" (408). Kisser then proceeds to discuss Article 2 of the UN Convention which establishes that all children are to be treated with equal care and with equal distribution of rights. There is no discrimination based on age, maturity, race, sex, etc.

Austrian schools also ensure that education is available to all children regardless of their race, sex, religion, etc. However, as with the issues of social discrimination compared to political policy (aka citizenship vs. social class) there can be gradients of discrimination in practice if not overtly in policy. Austria takes special measures to try and negate social discrimination with supportive and inclusive programming (Kisser). In particular, there is attention paid to those

children who have parents that are economically hindered or those children who have other obstacles related to cultural differences (including language barriers). Kisser also highlights Article 30 of the UN Convention which brings forth the many nuances of ethnic minorities within societies;

Article 30 of the Convention declares the right of the children of minority communities and indigenous populations to enjoy their own culture and to practice ... [sic] ... their own religion and language. At present the following six ethnic minorities live in Austria (in alphabetical order): Croats, Czechs, Hungarians, Jews, Sinti/Roma and Slovenes (409)

Children are just as vulnerable, if not more so to discrimination, as adults are. The social repercussions for being outside the norms or majority of a particular society can cause a child to be excluded and persecuted. The more inclusive the policies of an administration are to include the rights of all children the better equipped the participating children emerge for a globalizing society. The education system is only one aspect of beginning to recognize the importance of children's voices.

Article 12 and 15 of the Convention delves into ideas of fundamental freedoms and their relation to children. The right to be heard and express oneself is a fundamental freedom. This also encompasses the right to assemble respectively. Fundamental rights are not limited to those mentioned previously, however, for the purposes of this section we will primarily focus on those. Kisser discusses the long standing issue of successfully implementing child participation in schools within Vienna. With the end of World War I, "the educational reform

movement had already identified the general democratization of the school system and pupil input into what was taught in schools as an essential matter of concern” (410). There is a history of oppression when it comes to children and fostering their own understanding of respect and self-respect. The policies within Austria that promote child participation and the appropriate respect for a child’s right to be heard is positive step in the right direction. However, in practice there is still grievous discrimination and misinterpretation of a beneficial ‘place’ of a child within many schools;

Often—even there, where teachers and pupils has worked together to draw up a constitution for the school community—school constitutions were at last restricted to disciplinary measurements. And since there was not only a extremely wide divergence in opinions as to the contents and the extent to which pupils should be granted participation, but also many teachers refused any cooperation with pupil representatives, the pupils became soon aware of their de facto marginal influence on school-life and lost their interest in participation (Kisser 410)

The battlefield for recognizing a child’s legal autonomy and right to expression within society tie back to social stigmas surrounding childhood and maturity. An adult exclusionary world towards the rights of children is hurtful to both adults and children alike as a community.

The CRC attributes many rights that relate to all aspects of children’s lives. However, there is breathing space enough for governments and political powers to side-step the CRC (Bacon, Frankel). Yet, human rights are ascribed to all

human beings regardless of their status nationally or if governments consent to human rights. Children's rights are founded within human rights and therefore are undeniable before international law. Global citizenship is the means by which this is recognized and the legal autonomy of the status of childhood and of integral importance to a peaceful future community is legitimized on an international scale.

Chapter Five: Application of Dual Citizenship (Global Citizenship and National)

National and International Policy Relating to Global Citizenship

Global citizenship is an abstract notion of citizenship. However, as established previously, citizenship itself is a system that has been honed and altered throughout history (Bacon, Frankel). The requirements for citizenship are not stringently attached to rhetoric but the evolution of policy and society. The system cannot reach its full potential if the potential is ignored: in this case, global citizenship if applied to children could offer considerable advantages to enforcing and creating better policies that protect children. The umbrella of citizenship nationally should encompass children, whether it does attribute children full citizenship rights or partial: the importance of including children in the discussion is imperative to the vitality of a just and secure society.

The Abstract Application of Global Citizenship in Policy and Rights per Group

When recognized by authoritative powers global citizenship offers valuable legitimacy for normatively allocated rights associated with national citizenship but encompasses a much larger community (i.e. all members of the international community inferring all of humanity). Children's rights and the necessity of augmenting a child's rights within national policy has received significant movement but equally worthy, if not imperative, is to dedicate consideration to international policies. Children's rights are founded in a broader understanding of human rights as discussed in chapter 3.

The foundation of children's rights is within human rights however, children's rights are inherently separate when applying arguments of policy. There are specific situations that are unique to a certain sect of individuals whether concerning women's rights, immigrant's rights, gay rights, etc. The application of arguments for certain rights per particular will be different in each policy that addresses that group's individual needs.

In the effort to solidify policies that recognize vulnerable groups, global citizenship brings forward the international aspects of human rights and the inevitable connection between national and international policies concerning those rights (Davy). One of the most evident examples of the connection between certain national policies to international policies is the theoretical implementation of children's rights through global citizenship. The interaction between nations through international law could be positively impacted with the adoption of global citizenship in the interest of protecting children and promoting a more stable future.

Particularly, in times of conflict in a child's nation his/her rights may be infringed upon or violated. The criterion in which this thesis focuses on is as follows for situations that render children more vulnerable: fleeing from persecution, refugee status, manmade disasters or an Act of God, times of war. The formal legitimacy of a national crisis that may present that a nation lacks the capacity or fails to provide a secure and nurturing environment for a child. In any of the above mentioned instances, a child if granted global citizenship, could not be turned away from a stable nation if seeking refuge. Global citizenship would ideally ensure that a child is a member of all nations during times of need and

should be provided shelter and a stable environment. When demanded of a secure nation to accept the role of guardian it is mandated by international and national law. The umbrella of citizenship in essence becomes global when the security of the child becomes severely compromised and a child holds dual citizenship within their home nation.

Global citizenship, in theory, would not replace international organizations or mandate that nations go to war with other nations in the name of 'securing' children's rights. Global citizenship on a simplified level if applied through international policy and written in to domestic policy is the insurance of international cooperation to protect children who are placed in severely compromising situations to their development. International organizations would be abstractly the mediators between nations in removing the child or children and relocating these refugees to secure nations and/or secure locations; through global citizenship children are already members of that nation and their home nation.

Legitimizing Global Citizenship through the Legitimization of the Legal System

It is imperative for individuals to bond with the legal system in place, be it international law or national. Nations as well as individuals that recognize the legal norms internationally surrounding human rights and the global narrative; legitimacy within international law for global citizenship contributes to a national consensus for a united front. Theoretically, successful law is both forward and backwards looking as it builds on a coherent and consistent narrative, this is essential for successful international policies as well: a global narrative of human

rights and the global community that includes children a vital part of the developing the past and future. Global citizenship is a term that represents a condition that is already developing though not officially recognized as of now.

Children are not impervious to the world until they become adults. The importance of a human being doesn't begin only when they become an adult (Shihata). Human rights is rooted in the notion that all individuals matter regardless of their ability to express themselves, maturity level, size, or age, etc.: to be human is enough. Children's citizenship is the first step to recognizing that childhood is an important part of an individual's life and is the foundation from which a child builds their reality. Global citizenship is the following step in the evolution of children's rights and children's citizenship to secure the implementation of human rights. I cannot fathom the point of this thesis but to bring emphasis's to the vital security interest of including children in international policy and the international community that they are already a part of. Global citizenship is a means by which to legally bind a condition that already exists and implement better protection for children who are vulnerable.

Applying an Abstract to a Particular

With the interest of state autonomy, there is an argument that global citizenship undermines statehood. However, in this section we will apply the theory of dual citizenship, global and national, to children in conflict areas and how it might function or not function. It would be true that global citizenship would inhibit nation state autonomy if global citizenship was enforced by a third entity, a third sphere of influence as an international sovereign which is in itself a lofty

goal. However, the theory of global citizenship applying to children doesn't necessarily have to be enforced by an international enforcer.

The states themselves would be the enforcers of global citizenship by recognizing within national policies that global citizenship is a legitimate legal status similar to national policies that exist presently that encompass classical citizenship. Global citizenship is a status (putting aside the difficulty of obtaining cooperation between nations) made legal by a collective network of national legitimate governmental systems all enforcing the same policy from a micro (national) to the macro level (collective agreement). The importance of legitimizing the international system is equally important to reinforcing the national system and national autonomy. Global citizenship, if it were not legally implemented on the national scale through the government of (for example) the Democratic of Congo (DRC), would not be a concern as no child's security would be made better by gaining membership to the DRC. The DRC is a conflict ridden country at present and widely viewed as an illegitimate government that fails to protect and secure its present citizens. An individual's global citizenship is null and void in a country that is run by an illegitimate governmental system.

Citizenship has reached a point where the concept itself is larger than the national classical citizenship. Citizenship is evolving into a more equal playing field, internationally establishing equality, which is true to its original conception of encouraging a more equal and just community of shared rights. The globalization of citizenship is a national evolution of individual rights becoming international and collective.

The nation states by enforcing the legal legitimacy of global citizenship on the national front can in effect become neutral parties within the policy. The official membership of the individual globally would not foreseeably require initiative action on behalf of the state. The state is the receiver of those in need not the retriever.

Global citizenship applies to children in the interest of making the future community a more stable environment internationally and eventually in each country nationally. Global citizenship theoretically would remove some of the bureaucracy that inhibits children from receiving necessary and emergency asylum from their conflict ridden home nations in 'peaceful' nations. However, enough emphasis cannot be placed on the importance of a stable childhood to producing a stable and responsible adult societally. It is in the interest of international security to better protect children from war and conflict ridden childhoods that are psychologically damaging.

The role of a potential international organization (IO) or multiple IOs becomes important to applying global citizenship to children and legalizing it nationally through legitimate governments. The role of an IO would be that of mediator and assessor. The IO becomes the most prominent source of interaction between a child and another nation. Where consent is given by a functioning government for an IO to remove a child from harm's way and allow the emergency status of the child to initiate.

The emergency status of a child is established and determined by the IO based on a preset base of guidelines that ascertain what constitutes significant

and repetitive danger to the child's psychological health. Furthermore, the IO cannot remove a child from a nation that is run by a legitimate government and/or has known relatives that can provide a safe environment for the child outside of the conflict area. However, should the criteria be met that the child is in significant danger with no alternative the IO may act on behalf of the child and initiate an emergency status. The child's automatic legal status of global citizenship allows for the child to be accepted in any legitimate nation as the child is already legally a member of all nations. The child can cross borders unhindered by their original present conditions of national citizenship based on emergency need and through their state legitimized global citizenship.

For example, if the child was originally a citizen of the DRC and a relative is located consent would need to be gained from the relative and proof that the relative could provide a safe area outside of conflict for the child. The IO would necessarily have to judge the rationality of the family and the severity of the threat of the environment to the child's health. In the instance of the DRC, we can put it in an extreme scenario. If the child is a child soldier, he or she should be removed from the endangering factors and taken in by the IO. Then, from the point the IO becomes the acting guardian of the child the IO must determine the level of trauma the child suffers from and the impending risk of the child to others and his or herself.

The IO responds proportionally to the threat and need of the child. The child soldier in this example has suffered severe psychological trauma and cannot remain without certain re-recruitment by rebels. It is the responsibility of the IO to notify a non-conflict nation and activate the child's global citizenship obligating

the legitimate national government to receive the guardianship role of the child. In essence, the nation cannot refuse the child that has a proven and imperative need a secure and rehabilitative environment requested by the IO.

Additionally, based on the level of psychological trauma the child may have suffered the proper care should be taken to mitigate the risk of continuing harm to others or self-harm. It should be mentioned that ideally there would be the establishment of 'shelters' for children seeking asylum from particular conflict nations that are provided care. In the case of the child soldier, there would be significant behavioral issues as community, respect, peaceful communication, and language could all pose barriers as they would be foreign concepts.

All legitimate nations become responsible for the security and care of the child when the IO establishes the child has reached a state of emergency care. However, it is the responsibility of the IO to determine and prove the child's state of emergency and which nation can best provide for the individual cultural barriers of the child. In different conflict nations, it is imperative to set different boundaries and base lines according to the norms of different nations. This is reaffirmed that the cultural norms of individuals should be respected and the child is to remain with their present guardians unless there is clear violations of human rights and endangerment of the child (physically and/or mentally).

Conclusion

The rights of those that cannot speak for themselves or fully represent their interests are perhaps more precious and fragile than the rights of those who can. Throughout this thesis, I have developed a narrative, from the start of citizenship

to defining it as a fluid and evolving system, the rights of children, to the overarching foundation of children's rights within human rights. Citizenship is a system that can include children and offer more protection if applied with the interest of children in mind both internationally and nationally. The security of the future is in the security of the past as progress, the law, and society are all forward and backwards looking; necessarily the human capacity to properly reason, develop respect for others, value life, and to have empathy ,are secured or undermined in the quality of experiences within childhood. The adoption of global citizenship could be extremely beneficial to the further development and protection of children's rights. The natural course of citizenship towards a more secure and equal society nationally and internationally.

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