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How do childhood and children's rights mean what they mean? Innovating the debate around the social semantics of childhood and children's rights through an interdisciplinary approach

Federico Farini[1] 🄳 | Angela Scollan[2]

[1]Centre for Psychological and Sociological Sciences, University of Northampton, University Drive, Northampton, UK

[2]Centre for Education Research and Scholarship, Middlesex University, London, UK

Correspondence

Federico Farini, Centre for Psychological and Sociological Sciences, University of Northampton, University Drive, Northampton, UK.
Email:federico.farini@northampton.ac.uk

Abstract

This article discusses children's rights as social semantics, approaching them as a form of self-description of a paradoxical relationship that has emerged from the late twentieth century within several social systems, a relationship between generational order and children's position as holders of human rights. Charles Taylor's theory on the evolution of the semantics of human value is combined with a wide interdisciplinary array of contributions from Childhood Studies, Social Work, Pedagogy, Studies on Constitutionalism to propose an innovative social ontology of children's rights. Although the UNCRC has been the object of critical scrutiny since the early 1990s, the authors are not aware of any previous attempt to approach children's rights as social semantics in an attempt to illuminate the dynamic and paradoxical coupling within discourses on childhood between a fundamental social process, the reproduction of generational order and a fundamental social institution, human rights as codified in western modernity. The authors argue that while describing a paradoxical coexistence between intergenerational order and human rights, the semantics of children's rights maintains its unity as a cultural form because another

semantic distinction, between human rights and personal rights continue to generate social meaning. It is hoped that the scholarly debate will benefit from the contribution of this article to enrich the debate around the social ontology of childhood and children's rights.

THE AMBITION OF THIS ARTICLE

This article discusses children's right as a social semantics. Discussing children's rights as social semantics, the authors choose to investigate how children's rights meet a fundamental need of western modernity, that is, to produce a self-description that can discursively resolve the paradoxical coexistence of the reproduction of generational order and children's position as holders of human rights. The reference to western modernity is methodologically pivotal: The paradox that the semantics of children's rights resolves is a challenge emerged within western modernity, which represent the context of the discussion proposed in this article. However, while the prevailing understanding of children and childhood is influenced by cultural forms produced during the evolution of western society (Mangez & Vanden Broeck, 2021), it would be a methodological and ethical weakness of this article if the relevance of diverse cultural perspectives on children and childhood was not acknowledged. Although the discussion of non-western semantics of childhood, children's rights and generational order falls outside the scope of this article, a recent collection of essays edited by Percy-Smith et al. (2023) is an example of sociological research with children in regions where western cultural perspectives do not hegemonies communication about, with and from children. This article discusses an analysis of children's rights as self-description of the coexistence of generational order and human rights. It is essential emphasising that the empirical objects of such analysis, reproduction of generational order and human rights as both underpinned by an understanding of children and childhood developed within western modernity.

The robust scholarly debate on children's rights generating from the field of Childhood Studies is read in this article throughout the lenses of the theory on the evolution of the semantics of human value proposed by Charles Taylor. The aim of this intellectual exercise was to propose an innovative approach to children's rights as social semantics, that is, as a form of self-description of western modernity. The idea is that the ambiguous position of children and children's rights in modern society, as shown by the United Nations Conventions on the Rights of the Child (UNCRC, 1989), is consequential to the ambiguous social semantics of childhood which, in turn, is the outcome of a fundamental sociocultural process: the conceptualisation of human value.

Although the UNCRC has been the object of critical scrutiny since the early 1990s, the authors are not aware of any previous attempt to approach children's rights as social semantics in an attempt to illuminate the dynamic and paradoxical coupling within discourses on childhood between a fundamental social process, the reproduction of generational order and a fundamental social institution, human rights as codified in western modernity.

The authors argue that while describing a paradoxical coexistence between intergenerational order and human rights, the semantics of children's rights maintains its unity as a cultural form because another semantic distinction, between human rights and personal rights continue to generate social meaning. It is hoped that the scholarly debate will benefit from the contribution of this article to enrich the debate around the social ontology of childhood and children's rights.

THE COMPLEX ONTOLOGY OF CHILDREN'S RIGHTS: THE CASE OF THE RIGHT OF SELF-DETERMINATION

The first section of the article discusses the foundations of contrasting discourses on children's rights. In particular, the rich tradition of research in the field of Childhood Studies offers refined conceptualisation of the position of children in society vis-á-vis forms of generational order.

Childhood Studies is the interdisciplinary field where the discourses on children's rights are critically discussed as articulations of broader discourses that position children and adults within different forms of intergenerational relationships: the *discourse of children's needs* and the *discourse of children's interests* (Wyness, 2013). For example, the discourse of children's needs and the discourse of children's interests construct divergent meanings of children's self-determination. *Children's needs* positions adults as advocates who act on behalf of children, to provide children with what the judgement of adults deem as essential for their development (Holt, 1974; McDermott, 1975; Wehmeyer et al., 2017). *Children's interests* position children as members of a social group, who share common interests and who are able to voice them, bringing about *consequential* changes in the contexts of their experiences (Farini & Scollan, 2019; Moss & Urban, 2020; Wyness, 2013). Consequentiality refers to children's autonomous choices that: (1) are significant for other participants and (2) make a difference in the context where they are made, changing the context of other participants' experience.

The positioning of children whether within a discourse of needs or a discourse of interests entails political, social and cultural implications. For instance, when children are perceived through the lenses of their needs, the possibility to make autonomous choices is confined by adults' decision-making *for* and *on behalf of* children (Fass, 2007; McDermot, 1975). Konstantoni (2013) and Duhn (2019) argue that children's self-determination is less meaningful in situation of limited trust, where adults do not trust children's decision-making. Duhn (2015, 2019), Te One and Sauni-Welsh (2019) and Thomas (2007) relate limited trust in children's decision-making to the influence of an image of children as incompetent and immature which cannot be challenged because, in a sort of vicious circle, limited trust prevents true listening to children's voices, knowledges and skills. Thomas (2012) recognises that when children are observed through the lenses of their needs, adults are positioned on a superior status, related to their responsibility as the providers for children's needs. *Welfare rights* are advocated for children by adults on behalf of children. The ontological position of welfare rights is within the discourse of children's needs. A consensus is often observable in the public discourse around welfare rights, for instance, when welfare rights concern 'safeguarding' (Alderson, 2008; Moss, 2006; Penn, 2011). The implication of looking at children through the lenses of their needs is that their self-determination may be promoted, but within the limits imposed by adults' decision-making and agendas (Michail et al., 2023).

Differently from the discourse of children's needs, the discourse of children's interests positions children as competent social actors who can pursue their own agendas and interests, can voice their opinions and hold others accountable (Holt, 1974). Through the lenses of children's interests, acting for and on behalf of children is criticised because, notwithstanding all the good

intentions, still silences their voices as they emerge, in the 'here and now' (Farini et al., 2023). When children are positioned in a discourse of children's interest, adults are responsible, if children's right of self-determination is to be taken seriously, to construct ways of listening to children's voices that can be expressed in many ways (Carr & Lee, 2012; Cockburn, 2013; Farini & Scollan, 2019).

This latter observation resonates with the idea that adults working with children should not evaluate the quality of children's voices before choosing whether listening to them or not. Children's voices are not to be evaluated or measured but to be valued and listened, inviting adults to reflect on the motivations and interests underpinning children's choices rather than judging them (Clark, 2020; Davies, 2014; Malaguzzi, 1996). The ontology of *self-determination rights* is defined by the discourse of children's interests. The consensus around self-determination rights is more controversial, because they position children as decision-makers who take responsibilities and negotiate power away from adults (Holt, 1974; Wehmeyer, 2004; Wehmeyer et al., 2017).

Political decision-making and legal provision offer examples of the implications of how the two contrasting discourses of children's needs and children's interests influence the way in which children's choices and voices are responded to (Gabriel, 2017; Moss & Urban, 2020). For instance, in England, *the* Children and Family Act (2014) is situated within the discourse of children's needs. The voices of children are not included in the political decision that imposes guidelines regarding parents' work–care balance, and the rights of children are considered as a residual consequence of adults' position. The effects of the Children and Family Act on the children's experiences are not considered from the perspective of children themselves, who are positioned as dependents rather than agents, in a substantial eclipse of their right of self-determination.

The meaning of self-determination shifts significantly in the movement from children's needs and children's interests (Farini & Scollan, 2019). In the discourse of children's needs, self-determination is conditional, and decision-making is reserved to adults, silencing children's voices. In the discourse of children's interests, children are positioned as agents whose choices can make a difference, and their self-determination is expected and promoted. A concept of self-determination rights where power is completely taken away from adults was proposed in the 1970s by Holt (1974). However, since 1980s, more moderate approaches have replaced the emphasis on children's liberation from adults' power with the idea of children working alongside adults (Freeman, 2002). For Rogoff (1990), the recognition of children as agents who construct their agenda and interest is characterised by a shift in the balance of responsibility, from the adult to the children. Thus, self-determination is conceptualised as a process of participatory *responsibilising* of the children (Rogoff, 1990). A definition of self-determination that is at the same time not only strong but also compatible with the idea children–adults partnership is provided by Alderson (1995), centred around the concept of integrity. According to Alderson, children's self-determination presupposes adults' respect of children's integrity on three levels: (1) Physical integrity: a child's right to determine what is to be done to its body; (2) mental integrity: a right not to be mentally pressured or coerced; and (3) personal integrity: a right of children to be considered as fully formed and integrated personalities who have a clear enough conception of themselves.

The complexity generated at the intersection of different discourses on children's rights, as exemplified by the ambiguity around the ontological status of self-determination, can be related to the position of children's rights as social semantics that describe a paradoxical coexistence between the reproduction of generational order and children's status as holders of humans rights. This is discussed in the following section of the article.

WHAT MAKES CHILDREN'S RIGHTS COMPLEX? THE SEMANTICS OF HUMAN VALUE

It is possible to start with a statement: The genealogy of the current social semantics of childhood and children's rights is rooted in a sociocultural process: the conceptualisation of human value. This statement is founded on Taylor's work on the evolution of the semantics of human value (1989). The history of the semantics of human value proposed by Taylor sustains as innovative approach to the semantics of childhood and children's rights.

The semantics of human value consists in the axiological criteria that measure the value of each individual as members of society. The semantic of human value is a sociocultural process; it evolves diachronically and synchronically, and it changes over time and across societies. Taylor's historical analysis suggests that the transformations of the semantics of human value have a causal effect on the transformation of the organising principle of societies.

Taylor argues that in societies organised by a hierarchical principle (Taylor utilises as example the early medieval western European feudal society), human value is a function of an individual's proximity to the ultimate owner of the land. In the historical contexts used by Taylor as an example, this would be one of a monarch, the Sacred Roman Emperor or Pope. Obviously, private ownership of the land was not unknown in feudal Europe; still, from a legal point of view, ownership of the land was a concession from the highest political or spiritual authority. The proximity to the ultimate owner of the land is the criterion to construct the hierarchy that presides to all social relationships, mutual obligations and allows to rely solid expectations concerning each individual action, as well as concerning each individual understanding of action. In a circular fashion, the network of mutual obligations represents the material reference of the self-description of hierarchical societies, both diachronically and synchronically (Luhmann, 1995).

Each layer between an individual and the owner of the land was a diminution in the human value of the individual. In hierarchical society, the measure of human value is *honour*. A characteristic of hierarchical society is that the position of the individual with respect to the apex of society is defined by birth, with extremely rare exception. Another characteristic is that economic success, or any other form of personal success is not impossible for individuals of low value. In fact, personal success can dramatically change individual trajectories; nevertheless, it does not affect the position in the social hierarchy with regard to human value. The famous novel Don Quixote offers a clear example of the concept of human value in hierarchical societies. Quixote is poor, surely poorer than most merchants in any provincial town. Still is a Don, a knight and a nobleman, and he positions himself as a 'man of virtue', a man of high value, higher than the value of the richest but non-aristocratic merchant. Examining the Southern European transition from feudal societies to societies based on trade which took place from the eleventh century, Taylor observes a change in the structural principle of society coupled with a change in the semantics of human value. Taylor indicates the development of international trade as the long-term cause of societal transformation. In the margin of rural feudal society, a new semantics of human condition develops with international trade, where human value is a function of successful choices in situations of risk. Decision-making implies a social condition, the availability of alternative choices at any point and a cultural condition, the idea of individual responsibility (Luhmann, 2017). Both the social and the cultural conditions are absent in hierarchical societies, where availability of alternatives and responsibility are defined by the non-individual attribute of honour. In a hierarchical society, alternative are confined to the limits allowed by social rank, and responsibility concern the reproduction of behaviours that are expected based on individual honour. The distribution of human

value according to honour acquired at birth is not conducive to rational assessment of risks and benefits and limits the scope for individualised judgement. A new conceptualisation of human value emerged in a circular relationship with the transformation of society: the idea of human value as a function of *dignity*. While honour is unequally distributed according to the accident of birth, dignity is taken to be both the possession of, and what it is owed to, every person regardless of the conditions of their birth. If human value is ontologically equal, then any system of preference that is not visibly based on merit appear illegitimate. While honour is distributed according to group membership (the accident of birth), dignity is an individual attribute, indifferent to group membership. Dignity is a universal and individual principle that allows reconceptualising the position of everyone in society as the outcome of decision-making. Taylor writes of dignity as an ontological *enabler of possibilities*.

Notwithstanding the universalistic semantics of dignity human value as a variable that contributes to differentiated positioning of individuals does not disappear in modernity. The social need remains of differentiating grades of human value cannot be fulfilled by the universal and inclusive principle of dignity. For Taylor, this problem is solved with another social transformation: the coupling of the universal and inclusive principle of dignity with the selective and exclusive principle of *levels of development*.

Levels of development are measured according to separateness from others, self-governance and independence from the claims, wishes and command of others. Separateness from others, individuals or groups, is essential to exercise rational decision-making, and to identify individual responsibility. Development is higher when the extent of separateness from others is higher. The cultural politics of Shaftesbury, centred around the social forms of *manners* (*Characteristics of Men, Manners, Opinions, Times*, first published in 1711) is an early example of the double semantics of dignity and levels of development. Re-elaborating the stoic philosophy, which he considers the hegemonic ethics of early Roman Republicanism, Shaftesbury considers human value as a function of public demeanour. The manners that signal human value, sociability and politeness, are individual attributes that can be cultivated in a process of individual development.

The double semantics figure of dignity and levels of development is essential to explore the ontological underpinnings of the condition of minority of the child in the discourses of modernity, which is exemplified by modern European scientific theories. Freud's theory of taboos (*Totem und Tabu*, first published in 1913), in this sense not dissimilarly from Shaftesbury's stoicism, puts at the foundation of human society self-regulation and self-control, exercised by separated individuals. Freud metaphorically and epistemologically link primitives societies to a condition of childhood, which allow a translation from cultural to generational relationships. Childhood, of humanity as of the individual, is on the contrary marked by lack of self-control and separation from the world. From influential Freud's theories, the idea of childhood as a society of *sauvages* within modernity, places children in a liminal space in society where they are excluded from the exercise of citizenship for their incomplete separation from the adults. Another example is offered by Piaget's developmental psychology (*The Construction of Reality in the Child*, first published in 1954). Within a developmental framework that culminates with the full autonomy of the individual (the empirical manifestation of development is separation from others), young children are seen as 'egocentric' in the sense that they are not aware of a difference between themselves and the rest of the world. Individual development refers to the ability to create a distinction between self and the world. Separation between self and the world is the goal of child's development as a condition to access to reason. Both Freud and Piaget's theories depict change as a movement from a less to a more desirable state, coinciding with normatively stipulated anticipations of improvements as the child who accomplishes the transitions to the adult life phase.

THE TRIPARTITE SEMANTICS OF CHILDHOOD THROUGH THE LENSES OF CHILDREN'S RIGHTS

Taylor comments that the ultimate function of the coupling of dignity and levels of development is to detect a shared quality among aristocracy and bourgeoisie, which would otherwise be separated by degrees of honour. However, such coupling has been the catalyst for semantics of categorical distinction when applied to history of societies (savages against civilised), gender (female against male), ethnicity (Black people against white people) and personal development (child against adult).

In fact, the coupling between dignity and levels of development is currently accepted in the public discourse only with regard to intergenerational order (Jost et al., 2022), and in particular within education (although being the object of criticism, particularly from the area of childhood studies (Leonard, 2016; Wyness, 2013).

An important question concerns the implications of the coupling of dignity and levels of development for the semantics of childhood. It will be argued in this section that the coupling of dignity and levels of development is a major force in the semantics of childhood.

First, it is possible to begin with a question, emerging from the previous discussion on the consequence of the application of the principle of development to the construction of children as a social category. If children are the 'egocentric sauvages' who are excluded from the exercise of citizenship due to their (still) incomplete separateness, does this entails that children are excluded by the exercise of human rights?

A last concept introduced by Taylor can help developing the discussion at this crucial point: the idea of *separability*. Separability refers the possibility of future separateness and it is an attribute of universal dignity. Separability is the future adult that resides in each current child. Bringing separateness back in the semantics of childhood as future-oriented potential, as separability allows an ambivalence in legislation and policies between 'human rights', concerning the preservation of the individual, and 'personal rights', concerning inclusion in all social domains. Separability, that is, the potential for future separateness embedded in human dignity, is the foundation of universal human rights, with the full inclusion of children. Separateness in the present is component of the individual condition of sufficient development, and it is the foundation of personal rights that preside to conditional inclusion in the different social domains. Examples of personal rights are the right to vote, the right to property and the freedom of movement: These are all rights that are conditional on the level of development as evidence by separateness from others.

Developing the theorisation of human rights as social institution by Verschraegen (2002), subsequently revisited by Teubner (2012) as well as by Madsen and Verschraegen (2013), it is possible to approach children's rights as the sociocultural process of the construction of the individuality of the child through a dogmatic of dignity. In fact, Taylor's historical semantics of human value allows for the recognition of the empirical definition of children's rights in the UNCRC—a live example of a tripartite construction of a semantics of childhood in the material dimension, in the temporal dimension and in the social dimension.

Magnifying the semantics of childhood through the lenses of children's rights: The material dimension

Divergent discourses and positioning of children and adults coexist, and are vividly represented, in the UNCRC. The discourse on children's interests and the discourse on children's needs

construct very different meanings of children's right, with material implications for their social lives. For instance, the discourse on children's interests and the discourse on children's needs contribute to a complex and sometimes contradictory definition of the right of self-determination in the UNCRC.

The UNCRC is a pivotal document that serves as a global frame of reference for children's rights in legal, professional and political terms (Freeman, 2002; Leonard, 2016; Smith, 2016; Stoecklin, 2013; Thomas, 2007). The UNCRC challenges the position of children as passive objects of care and charity (UNICEF, 2015) and could therefore appear to be underpinned by the discourse of children's interests, moving away from the children's needs approach of its predecessor, the 1959 Declaration of Children's Rights. Nevertheless, the UNCRC lends itself as an example of the ambiguous status of children's rights, where welfare rights are juxtaposed with self-determination rights in an unstable balance that influences the meaning of self-determination.

It is possible to explore the material dimension of the semantics of childhood revealed by the UNCRC. From a material angle, children's rights are human rights in a narrow sense, concerning the preservation of potential separateness, separation, that is, the separability of the child. However, separability is partial and temporary, and does not concern separation. The semantics of children's rights is based on the dogmatic of dignity. Nevertheless, separability can legitimate the possessive love of those who extend a claim on children, just as it rules against possessive exploitation. Dignity does not define human value. On the contrary, while separateness is constructed in the social spheres by help of the principle of dignity, it also demands the attribute of development. Children occupy a metaphorical space as 'migrants' in society, protected by human rights but with conditional access to personal rights.

Dignity generates inclusive and universal human rights. Differently from universal human rights, personal rights, which are often categorised using the meta-concept of *citizenship* (Mattheis, 2012) generate exclusive and conditional access to important social domains (Farini, 2019; Juliussen et al., 2023). For example, in the education system, children do not experience the negation of their human rights. Education is provided to use the language of the Convention on the Rights of the Child (UNCRC, 1989) 'for the best interest of the child' (article 3). What children experience in education is the exclusion from 'personal rights', therefore the exclusion from citizenship in the education system (Lawy & Biesta, 2006; Farini, 2019). While the semantics of rights is based on the dogmatic of human dignity (Luhmann, 1981; Teubner, 1988, 2010), human dignity does not presuppose human value. Separateness from others, self-governance and independence allow to define different grades of individual value, despite the universal attribution of dignity. While the semantics of childhood is constructed in different social spheres, a common thread is children's limited access to personal rights. Children have dignity, but are not separated from others, consequently to their incomplete development: This contributes to legitimise the creation, typical of European modernity, of the condition of moral and legal minority.

Theories on the semantics of human value developed in modern constitutional thought (Dunoff et al., 2015; Joerges et al., 2004; Teubner, 2022) can help in understanding the ambiguous relationship between children and citizenship, where citizenship refers to the possibility to actively participate in all social domains. Contemporary constitutional theories emphasise that citizenship is not only linked to universalistic dignity, but also to conditional inclusion in all social domains (Golia & Teubner, 2021). Dignity is the foundation of children's rights, which in turn have been underpinning education and care policies on a global scale. Children's rights as a generation-based expression of human rights, can be understood, with Teubner (2010), as the semantic foundation that *constitutionalisation* of the child, that is, the

preservation of the conditions of children's dignity. An influential example of constitution-alisation of the child is offered by the Convention on the Rights of the Child (UNCRC). The UNCRC globally strives to change the way children are treated and protected from neglect, abuse and exploitation and although the UNCRC is a set of rights for children, it regards human rights, providing children with a distinct set of rights instead of as passive objects of care and charity (UNICEF, 2015).

Lee (2005) distinguishes human rights, concerning the preservation of human dignity, from 'personal rights', concerning inclusion in all social domains and therefore defining the meaning of citizenship. While Lee's aim is to classify different forms of rights, the separation between citizenship and human rights has been elsewhere recognised as pivotal in the crisis of modern constitutionalism (Dimitrijevic, 2019). This is particularly important in relation to children because it opens a space for the ambivalence between the recognition of children's rights as human rights, and a conditional concept of children's citizenship.

Magnifying the semantics of childhood through the lenses of children's rights: The temporal dimension

The construction of a semantics of childhood at the intersection of dignity and levels of development extends to the temporal dimension. The cultural form of minority in western modernity entails sceptical observations of children's citizenship in the present: Without a careful evaluation of each child's levels of separateness, self-governance and independence, his or her citizenship in the present can become a risk for the development of the future adult. Minority is a component of the semantics of children's rights which transpires, for instance, from the article 3 of the UNCRC. Article 3 introduces the concept of child's best interests, are to be defined by adults for and on behalf of children.

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration

Notwithstanding the use of the word 'interest', article 3 promotes a welfare rights model within a children's needs discourse (Lansdown, 2005; Lundy et al., 2012). The concept of best interest was already present in the 1959 Declaration, where it can be traced as one of the Declaration's ethical pillars. By stating in its preamble that *the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth*, the 1959 Declaration firmly establishes itself within the discourse of children's needs.

Article 3 introduces the concept of the child's 'best interests', where children's interests are defined by the adult, for children. Here, with a degree of linguistic ambiguity, 'interest' is used to frame the rights of the child within a 'children needs' discourse. Best interests are not defined and advocated from the child for the child (and the adult) but are defined by the adult for the child.

Magnifying the semantics of childhood through the lenses of children's rights: The social dimension

The protection of the separability potential introduces the construction of a semantics of childhood the social dimension of children's rights. In the social dimension, the semantics of children's

rights as human rights underpins the position of children's citizenship in the present as subordinate to the responsible adult. This is what Baraldi and Ceccoli ([2023]) present as the paradox of agency: The relevance of children's agency depends on the relevance of adults' actions in promoting children's actions; this paradox originates from the positioning of children, who have no access to the most important decision-making process in social systems.

However, while it is influenced by the discourse of children's needs, as particularly evident in article 3, the UNCRC is more complex, and more fluid, than the 1959 Declaration. An example of such complexity is offered by well-researched sequences of UNCRC articles 12–15. These articles define the meaning of children's self-determination, diverging from the semantics of childhood enshrined in article 3. Article 12 is surely the most discussed, as well as the most criticised:

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

Article 12 is also known as *the self-determination article*, because it advances an image of children as active subjects who are not given but *have* rights, whose views are to be given due weight and recognition (Riddell et al., [2021]; Tisdall & Punch, [2012]). Nevertheless, it is true that emphasis is placed on the *opportunity (for the child) to be heard in any judicial and administrative proceedings affecting the child*; however, an apparent drive towards children's autonomy is diluted in a model of tutorship by the specification that the child's voice (interestingly, the *child* is conceptualised as an abstract category, rather than recognising the plurality of *children's voices*) can be raised via *a representative or an appropriate body*. The very practical consequence of such linguistic turn is that, in order to be heard, children's voices must be acknowledged by adults. Adults are responsible for assessing capacities and competences of children, because only capable children (according to adults' criteria and standards) have the right to be heard.

UNICEF interpretation and digest of article 12 (2015) states that children should be seen as objects of protection rather than subjects with interests. The commentary is adamant that the right of self-determination should not undermine the right, and duty, of the adult towards protection of the child. Children's voices should be heard, as long as they converge with adults' vision of children's needs. Whether or not children's voices can make a difference depends on an adult decision. The agency of the child, that is, its position as a citizen in the present, is a function of an external assessment of its development, against an abundance of standards generated and the intersection of the discourses of science, education, politics and law. As a critical remark, it is suggested that the UNCRC ([1989]) brings forward the idea that children's social competence should be checked by adults before the right of self-determination can be *conceded*. From this critical perspective, Wyness ([2012]) can argue the UNCRC is framed by a paternalist version of children's rights, where children's voices are ultimately spoken and narrated by adults.

The ambiguities of the semantics of children's rights in the UNCRC are considered by Burr ([2004]), with an argument close to our discussion, as the consequence of a weak ontology of children's rights that are built on the coexistence of the ultimately incompatible concepts of *protection* and *participation*. Alderson ([2008]) offers a more nuanced analysis stating that both protection and participation are essential for children's active citizenship. Baraldi and Cockburn ([2018]) suggest that although welfare rights and self-determination rights are not easy to combine, they are interdependent in practice: provision, participation and protection must include an element of children's participation to connect with the real needs of children. Conversely, participation

cannot exist if provision and protection are not secured, because participation needs that basic well-being requirement are met.

CONCLUDING THOUGHTS

How is the semantics of children's rights shaped by the paradoxical coexistence between the reproduction of generational order and children's status as holders of human rights which is generated to resolve discursively? At the current state of social evolution, the semantics of children's rights can maintain its unity as a cultural form as the distinction between human rights and personal rights continue to generate social semantic. The ambiguity of the semantics of children's rights can resolve discursively paradoxes emerging in the operations of social systems (Luhmann, 2003). The ambiguity of the semantics of children's rights secures their viability as self-description of the coexistence of generational order and human rights accommodating children's agentic participation, for instance, when the generational order is challenged, as it is the case when children demand that adults take responsibility for climate change (Trott, 2024).

It is hoped that the scholarly debate will benefit from the contribution of this article to innovate the debate around the social semantics of childhood and children's rights. Children's rights are ambiguous because they describe a paradox of western modernity, where a fundamental social process, the reproduction of generational order, coexists with a fundamental social institution, human rights. An example of the contribution that the article may offer is the authors' exploration of the ambiguous status of children's rights can be captured through a critical review of the UNCRC presented in the previous pages.

The UNCRC may solve its inherent ambiguity opting for an often paternalistic tone; nevertheless, the most critical approach should recognise that the UNCRC has been a driving force that managed to firmly insert children's self-determination in the public discourse (Moss & Durban, 2020). From a philosophical perspective, the main contribution of the UNCRC is the constitutionalisation of human rights of children. The UNCRC stands as a cultural landmark that advanced the transformation of children's rights in a social institution, reproducing in the legal system the ambiguity that can be traced back to the paradoxical coupling of the principles of dignity and development. The combination between (1) the principles of *protection* and *provision*, both rooted in the semantics of human rights that require adults to act *for* and *on behalf of* children and (2) the semantics of the right of *self-determination* that makes it accessible based on children's supposed capacity of responsible decision-making, still transforms the principle 'levels of development' into a universal principle that continues to generate social semantic. Freeman suggests that protection of children can turn into oppressive control without the *recognition of their autonomy, both actual and potential* (Freeman, 1996: 1). However, it is the recognition of potential autonomy (separability) that contrast the recognition of autonomy in the present. The cultural battle between potential and actual is often won by the former, and this influences the semantics of childhood produced across several social systems and this influences the semantics of childhood produced in social systems such as, among others, education, the family, health, law and politics. The ambiguous status of the right of self-determination within the UNCRC, as well as the ambiguities in the same language utilised to declare it, lends itself as an example.

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The authors have no conflict of interest to declare.

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ORCID

Federico Farini https://orcid.org/0000-0001-8498-0453

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AUTHOR BIOGRAPHIES

Federico Farini is a Professor in Sociology at the University of Northampton where he leads the Centre for Psychological and Sociological Sciences. His research activity and publications concern facilitation of children's agency, intercultural communication, interpreting in healthcare and education, dialogic integration of migrant children and asylum seekers in schools. Federico's current interests mainly revolve around issues of inequality in the access to education and social services, as well as around participatory research methods and public sociology.

Angela Scollan is an Associate Professor of Early Childhood Studies and Education Studies at Middlesex University. Since the early 1990s, Angela has worked directly with and for children positioning her practice within a transdisciplinary approach and as a rights-based advocate. As an activist against educational disadvantage, Angela has worked with many local authorities in projects to support inclusion and equality in education across England towards enhanced social mobility.