Understanding Children:
Cultivating Children’s Rights with
instead of for Children

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It was in June of 2006 at the International Association for Philosophy and Literature (IAPL) in Freiburg that I first had the great pleasure of meeting Prof. Dr. Dr. Prof. h. c. Andrzej Wierciński. I had listened with enthusiasm to his original, thoughtful and poetic introduction to the panel on “Gadamer’s Understanding of Language as Conversation.” After the panel, we engaged in a most memorable and genuine dialogue on hermeneutics and education: I was still a junior scholar at the time, yet he listened with such intensity, openness, and care. Following our meeting, he encouraged me to write a paper for his anthology on “Gadamer’s hermeneutics and the art of conversation” and I became a member of the International Institute of Hermeneutics the same year. Prof. Wierciński aesthetic sensitivity, ethical sincerity, and commitment to true academic thinking and dialogue, have since served as an inner vertical of hope throughout my meanderings through the academic labyrinths.

It is now 2022 – entering the 21st year after Hans-Georg Gadamer’s death – and we are still ‘underway’ to understand. Whether it is to understand the Other, who is right next to us or far away, familiar or strange, old or young. As we attempt to bring our own presumptions into suspense, we reach out and allow for something unexpected to enter. Maybe this is what Prof. Wierciński had in mind when he so generously created this Agora Hermeneutica: a place where those gather whose desire to genuinely understand has remained unabated. Any understanding is preceded by solidarity. Gadamer writes: “What we need is a bit of good will in order to see what
the other, in his Otherness, is trying to express. Because he who treats his neighbour only according to the laws of logic and strives to avoid contradictions at all costs, radiates such a coldness that his neighbour will shiver in his presence. One must be a little warmer if one wants others to feel solidarity, to feel that one is speaking to them, and that one is genuinely interested in them.”

This place of solidarity is also important, because keeping oneself open to what the Other has to say is risky. Or as Gadamer writes: “Understanding succeeds when it becomes an inwardness that penetrates the mind as a new experience. Understanding is always an adventure and, like every adventure, it is dangerous”

Prof. Wierciński has created such a place of genuine dialogue and thereby is keeping the spirit of Gadamer’s endeavour alive, for which we all are deeply grateful. In this most festive occasion, this virtual assembly of Professores honoris causa, we thus gather has friends. Friends who might live in different parts of the world, accustomed to divergent worldviews even, yet conjoint and devoted to the adventure of understanding. I enter this space with much gratitude.

In the following address, I am building on Gadamer’s project by attempting to bring our preconceptions of children into suspense and thereby allowing us to see childhood as an existential state of being human.

Understanding Children

To better understand how children think, feel and act is an ambitious and important goal. However, it also confronts us with a number of conceptual hurdles. On the one hand, the philosopher and educator David Kennedy, describes in his article “The Hermeneutics of Childhood” the first principle of a hermeneutical approach to childhood as the recognition of a mutual dependence of the two concepts "adult" and "child": the child is by definition a “not-adult,” and the adult a “not-child.” On the other hand, those logical contradictions cannot capture the complex intertwining of adult and child. This is why the Indian political psychologist Ashis Nandy says: "Childhood and adulthood [are] not two fixed phases of the human life-cycle (where the latter [has] to inescapably supplant the former), but a continuum which, while

3 And I am referring here also to Wierciński’s address.
diachronically laid out on the plane of life history, [is] always synchronically present in each personality.” Everyone was once a child, yet our own memories have often faded, circumstances have changed, or we left our childhood encapsulated in singular-idiosyncratic memories. The child within us resembles an ‘Other’ but is also part of the self.

More complications arise when it comes to more concrete questions such as how to best ‘raise’ or ‘educate’ children, create a safe and nurturing environment, or even develop a set of ‘children’s rights.’ Children, just as any human being, are so different that it is hard to talk about ‘understanding children’ as a group and deciding what is best for ‘all of them.’ Similarly, as the attempt to derive universal Human Rights raises the question of the Human Condition, creating ‘Children’s Rights’ raises the question of the ‘essence of children.’ However, with regard to Children’s Rights, there is one additional difficulty: Traditionally, those rights are ‘given’ to children from adults, rather than created democratically by children. While from a developmental perspective, there might be reasons for this, from a perspective of political philosophy, this is rather problematic: On the one hand, children ought to be protected through these rights, and on the other hand, the very act of ‘giving’ those rights to children as passive recipients, undermines their autonomy and political agency. By being stripped of their political agency and autonomy, children are yet again put in a vulnerable position of passivity where an adult has to advocate for their rights on their behalf. This artificial creation of a power imbalance places children in a position of disregard or ‘under-privileging’ in a sense of Axel Honneth.

In this article, I regard children as ‘human beings’ of equal value to adults. This idea will be contrasted with some examples of how modern Western societies see and treat children on a daily basis. I will then analyze the way children are regarded affects children’s self-esteem by using Axel Honneth’s theory of recognition. Based on these reflections, I will argue for the necessity to create dialogue spaces where we allow ourselves to engage with children in non-hierarchical conversations. However, even the most authentic endeavor to understand will always only lead to an ‘approximation,’ resembling a continuing hermeneutic experience or ongoing adventure into the diachronic Otherness of being human. The goal is to create opportunities for children

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8 Axel Honneth, Kampf um Anerkennung (Frankfurt am Main: Suhrkamp, 1992).
to become vital political agents who engage with and shape their environment in meaningful ways.  

Examples of Power Imbalance

Negative stigmatization of children can be found in our everyday usage of the word ‘child,’ when ‘being a child’ is associated with something ‘bad.’ Examples include ‘don’t be childish’ or ‘you act like a child’ or ‘grow up!’ All those sayings suggest that children are ‘irrational,’ ‘deficient,’ or ‘not quite human.’ These expressions lead to a negative representation of children in public media. One recent example is a short video, which was part of the official British Columbia anti-bullying workshop that every employee in BC is required to view. In this video, a bullying scene within an adult work environment is being played out by children. At the end of the video, a sentence appears reading, “Appropriate Workplace Behavior: Just grow up!” The video suggests that bullying is a common and typical behavior among children, whereas if adults overcome their ‘childishness,’ they also automatically overcome ‘bad’ or ‘nasty’ behavior like bullying. If the same video would have been played out by women, gay, old or disabled people, and it had said at the end, ‘Don’t be so gay!’, ‘Don’t be such a woman!’, ‘Don’t be such an old geezer!’, we surely would have been shocked. Yet, for some reason, it still seems to be appropriate and acceptable to stigmatize children as ‘not yet human’ or ‘deficient human beings.’ Similar stigmatizations can also be found in advertisements or political campaigns when children are depicted as ‘weak,’ ‘incapable’ or ‘defenseless.’

Further on, this existing power imbalance can be seen in the way children are treated in private and public spaces: e.g., children are often told when to go to bed, when to get up, what to eat, which clothes to wear, when to play, when and what to learn, which medical treatment to receive, and so forth. Here, I would like to focus on the example of medical treatment in order to disclose the ethical problem behind it.

9 All in all, this paper is nothing more than a series of questions and suggestions. It attempts to reconsider where and how dialogues with children ought to be facilitated, especially within the context of an ongoing cultivation of Children’s rights. The goal is to understand the cultivation of Children’s Rights together with children in itself as a Children’s Right: to be an active participant in the ongoing creation of those rights while attempting to understand ourselves as changing and growing human beings.


When a ‘young child’\textsuperscript{12} goes to the doctor or dentist, the decisions that are made are only rarely discussed with the child directly. Often enough, children are even being ‘tricked’ when the caregiver distracts the child with a toy while the doctor prepares, for example, a hypodermic needle for an injection or drops for the eye. When deception does not work, and the child anticipates the unpleasantness of the means, parents and caregivers sometimes resort to the violence of raw physical coercion to achieve a certain end, despite the child’s objections and cries of protest. Like so often in the history of power imbalances, we are quick to justify why we treat children the way we do by stating that the life or well-being of the child is of more value or higher importance than their sovereignty or freedom. Here the necessity of treatment often automatically leads to the application of treatment – without any further justification or explanation to the child. In that case, the child becomes the ‘object of the treatment,’ rather than the person who receives a treatment (i.e., someone who has a clear understanding of what the treatment is for). The question remains: what ‘rights’ do children have when deciding over their own health, environment, learning conditions/content and alike? Do we have to justify the decisions we make to children, or are we even ethically obligated to involve them in the decision-making processes?\textsuperscript{13} What could be a framework for those discussions? In a lecture about pedagogy, Schleiermacher once asked if we may sacrifice a precious moment of lived present as a means to an end. Meaning if we may ever sacrifice the present moment for the future or if we have to remain responsible also within the present moment. Here, ‘responsible’ means to have an obligation to respond to the momentary question or decision at stake.

The question about ‘responsibility,’ i.e., the ethical obligation to respond to the question of the child by means of a non-hierarchical dialogue, lies at the heart of what is to follow. I will first show why a situation of power inequality and exclusion from the decision-making processes, referred to as ‘under-privileging,’ is damaging to humans – regardless of age differences. Secondly, I will demonstrate that any approach that aims for a ‘cultivation of children’s rights,’ i.e. with children being the final cause of those rights rather than a means to an end, must a. see children as equal in value,

\textsuperscript{12} I’m using the term ‘babies and toddlers’ for children under the age of 2, ‘very young children’ for ages 2 to 6, ‘young children’ for ages 6 to 12 and ‘adolescents’ or ‘teenagers’ for ages 12 to 18. However, it is best to not stick to the biological age, but rather see every child as a continuous and unique flow of development and growth.

\textsuperscript{13} More recently, these questions have come to the foreground in the context of Covid-vaccines or life-saving treatments that are not allowed in the context of specific religious beliefs.
while maybe different in kind\textsuperscript{14}, b. enable and empower children to participate actively in a democratic construction of their own rights, and c. try to understand children’s lived experiences as well as their needs and visions within each of their socio-cultural \textit{liveworlds}. In order to meet these criteria, a democratic discourse has to be cultivated where children learn and practice the expression of their needs, visions and perspectives and thus are enabled and encouraged to engage in such dialogues.

\textbf{Axel Honneth on the Experience of Under-Privileging}

In his philosophical analysis of political actions, Honneth discloses three fundamental relationships between humans: (a) love, (b) right, and (c) solidarity.\textsuperscript{15} He states that in each of these spheres, humans are being recognized in a different way. Of course, recognition can also be withheld or even negated in each of these three spheres through (a) physical abuse, (b) under-privileging and (c) humiliation.\textsuperscript{16} Let me shortly characterize the three spheres of recognition and then concentrate on the second, most relevant one, within this context.

(a) A baby or child experiences recognition through the love of their mother, father or caregiver. This love and attention are so existential that babies who do not receive this kind of attention will eventually die. Being held and caressed by the loving touch of the parent, the baby develops an awareness of itself as an embodied being. The love of parents for the child is unique, but not based on any achievements, i.e., parents do not love the baby because of its abilities, but rather their love is unconditional.

(b) The second sphere is called ‘right,’ which is fundamentally different from love. Whereas the former is limited to only one person or a small group of people, the latter, by definition, applies to everybody (of a state or country). It is the way citizens ought to be treated when entering the sphere of the public (e.g., the marketplace, the school or the workplace). Although love and right are quite different, the very notion and understanding of ‘right’ in itself is based on the experience of love since it is the reciprocal recognition of the other as a ‘generalized friend or family member.’ This

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  \item With the expression, ‘different in kind,’ I refer to the notion of ‘alterity’ or ‘Otherness’ as often used in philosophies around childhood. It embraces the idea that children often have different values, ways of perceiving the world or trains of reasoning than older people (see for example: Kennedy, “Hermeneutics of Childhood,” 44f).
  \item See Honneth, \textit{Kampf um Anerkennung}, 166ff.
  \item See Honneth, \textit{Kampf um Anerkennung}, 212ff.
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kind of generalized perspective-taking enables us to grant a person fundamental right. However, we have no emotional bond, i.e., we can imagine how we would feel if they were our friend or family member.

(c) The third sphere of recognition is called ‘solidarity.’ It is based on the achievements within a particular social group that shares a specific goal. The recognition of the value of the contributions of the individual is based on the impact those contributions have on the group’s attainment of its vision. Every contribution is being evaluated independently of any emotional bonding. For instance, we do not necessarily need to be friends or like a person in order to acknowledge their achievements within a field or for a group: e.g., when it comes to talking about god to a group of believers, the ability to hunt in a group of carnivores, or the ability to theorize within a society that is based on academic knowledge and research. Thus, recognition in the sphere of solidarity is very different from the recognition in the sphere of love or right because it is neither bound to the unconditional love that we receive from our friends or family members (biased, particular), nor is it a purely law based universal recognition of our equality (same for everyone).

While all three spheres are equally important to children and adults, the second one seems to be the most relevant one when it comes to children’s rights, and we might be inclined to ask: Why are children not seen as ‘equal in value’ to adults in most societies/cultures today? Why are they excluded from the creation of their own rights? Why are their perspectives, particular needs and experiences not being taken more seriously for the establishment of children’s rights so as to make those rights meaningful within their lived socio-cultural contexts?

The Importance of ‘Having Rights’ versus ‘Good Will’

One common argument is that children are not capable of deciding for themselves what they need or want. Rather adults ought to take care of them until they are ‘old enough’ to care for themselves. This means that we need to protect them, and provide a safe and emotionally warm space for growth as well as a nurturing environment. Yet, children’s (and adults’) abilities to express themselves and participate in a democratic dialogue vary greatly from culture to culture, person to person. Keeping children dependent on the ‘good will’ of adults rather than having the opportunity to speak up,
be heard, and thus develop the ability to express their thoughts is not only ethically dubious, but also emotionally damaging.\textsuperscript{17}

The difference between ‘good will’ and ‘rights’ is being illustrated by Feinberg’s (1970) famous thought experiment of ‘Nowheresville.’ The world of Nowheresville is characterized as a utopian place where no rights are necessary because its citizens are blessed with eternal empathy and ‘good will.’ Thus, anyone in need can hope for help from others and is almost guaranteed to receive it. However, although the outcome of ‘rights’ and ‘good will’ is the same in that case (because in both cases, the person in need receives help), this thought experiment illustrates the dramatic impact it has on the development of self-esteem: In the first case of ‘rights,’ I am not dependent, but rather am still of equal value to all others, while in the second case of ‘good will’ I am dependent on the ‘good will’ of others and thus, valued less than others. Or, in Feinberg’s words: “To have a right is to have a claim against someone whose recognition as valid is called for by some set of governing rules or moral principles. To have a claim in turn, is to have a case meriting consideration, that is, to have reasons or grounds that put one in a position to engage in performative and propositional claiming. The activity of claiming, finally, as much as any other thing, makes for self-respect and respect for others, [and] gives a sense to the notion of personal dignity.”\textsuperscript{18}

Honneth identifies a state as ‘under-privileging’ when an individual is being excluded from having the same rights as other citizens or when their voice is not being considered for the constitutions of new rights. This condition eventually results in a loss of self-esteem, because the person feels that they are seen as not important or not capable of contributing to issues about themself and beyond. Recent studies on bullying have revealed that ignoring a person is the most damaging kind of bullying because it leads to social death and is often followed by a chain reaction of further bullying and suppression of others.\textsuperscript{19}

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Non-hierarchical Intergenerational Dialogues
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[...] just as the differences between male and female perspectives constitute no insuperable barrier to their being experientially shared, so the differences between child and

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\textsuperscript{17} See Honneth, \textit{Kampf um Anerkennung}, 212ff.
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adult perspectives represent an invitation to the shared experience of human diversity rather than an excuse for intergenerational hostility, repression and guilt.20

Of course, the argument is often made that children are still incapable of logical or abstract thinking and that any attempt to talk to children democratically or reasonably is thus wasted effort. However, the philosopher and educator Matthew Lipman argues that just as in past times, pain medications were not given to animals and children in the belief that they did not feel pain; people today assume that children have no capacity for logical thinking or ability to express their thoughts coherently. Often Jean Piaget’s experiments are cited as proof that only children from the ages of 10-12 onward are able to understand logical conclusions or can produce them independently. But Lipman argues, “[…] all that Piaget can suggest to educators is that they tailor the child’s education to conform to the phases of his logical development. Yet, as I shall contend later in more detail, even this meagre advice is either erroneous or subject to erroneous interpretation. It does not allow for acceleration of education in thinking. It suggests that because the child thinks concretely in a certain sense in his early years, then his instruction during this period should likewise be concrete. Methodologically this is highly questionable.”21 Analogously, it would be just as absurd to argue that one should not speak with babies because they are not yet able to speak. Thus Lipman continues: “Children are treated as if they were incapable of philosophical deliberation, therefore they behave as if they were incapable of philosophical deliberation.”22

Further on, one might argue that safety is more important than children’s involvement in the decision-making process or that children cannot understand the consequences of their behavior and therefore have to be ‘taken care of.’ Yet, as pointed out earlier, such a Strawman-argument offers a false choice: At stake is not the choice between ‘leaving children to themselves’ versus ‘caring and deciding for children.’ Rather we ought to understand the significant difference between simply deciding for children on the one hand and engaging with children in a non-hierarchical dialogue on the other. Only in the second case, do we decrease the power imbalance by creating a horizontal dialogue space: A space where we remain open to children’s questioning of our decisions, asking for clarification and demanding a change of what we propose if our arguments are not convincing.

Understanding Children: Dimensions of Otherness

Lastly, I would like to shortly discuss some possible difficulties when we try to converse with children without appropriating or expropriating their Otherness. According to the studies of Waldenfels/Meyer-Drawe, when interacting with children, we encounter the phenomenon of Otherness on three levels: The first is “the Otherness of the Other.” This is the precondition for first recognizing a separation of the own and the other. Empathy and affective participation are possibilities for partially bridging this gap when the two dialogue partners are interconnected, i.e. if the structure and logic of the communication are based on the reciprocity of perspectives and the reversibility of viewpoints. Dialogues like this only occur in a horizontal relationship, where neither one has more power or superior knowledge. Rather, questioning and answering, speaking and acting flow into one another, and there is almost no separation between speaker and listener. Then, a kind of chiasm occurs, where it is no longer obvious who had an idea first and who built upon it afterwards. Conversations like this transcend the one-dimensional logic of cause and effect. Instead, it becomes a ‘productive’ dialogue, where new meanings and viewpoints are being generated, or as the child psychologist and philosopher Merleau-Ponty write: “A shared foundation emerges from the experience of the dialogue between me and the other; my thoughts and his interweave to create one whole cloth; my words and those uttered by my interlocutor are elicited by the prevailing state of the discussion and are evidence of a mutual creation – whose creator neither of us is.” Such grasping into one another and interlocking leads to a reconstruction of what is ours and what is strange. I find myself within the Other, as though the Other occupies my innermost self. Those conversations become possible only without power imbalance, i.e., when I see the interlocutor as ‘other in kind but same in value.’

A second level can be termed as “the otherness of myself.” In that case, I become aware that I am not completely transparent with myself. This concerns both my physical appearance (e.g. I cannot see my back, my eyes, how I move, act, speak, etc.) and identity (my unconscious part, certain aspects of my past, my early childhood, etc.). Childish behavior can be threatening because it latently touches a part of me which eludes our grasp. “The authentic experience of the child within itself and for us is an experience refused; but as such, it is an ongoing challenge, supported by intimacy.


\(^{24}\) Maurice Merleau-Ponty, Phänomenologe der Wahrnehmung (Berlin: de Gruyter, 1966), 406.
and intensified by disquiet. Children are both strange and close to us. Only because they are strangers in our closeness, is their strangeness so particular and disturbing.\textsuperscript{25}

The third form of otherness is the “otherness of a strange order.” In this case, my own structure collides with another structure. One example here occurs in language, where the language of children can seem as strange to adults as the language of adults seems to children. Within the field of the order of language, we can talk about interdiscursivity and, more often transdiscursivity: i.e., if there is a new interpretation and active learning involved, then the subject is not only an underling who merely imitates. Rather learning a language always readily breaks into a web of meaning. In the appropriation of meaning, we no longer find a vertical relationship in favor of the adult, but rather a horizontal interweaving of meaning. Such a crossing over of our own structure and strange structures leads to a reorganization of both systems.

Reducing children’s way of thinking and behavior to a precursor form of reason and defining learning as overcoming this way of being in the world, seems to be driven by a fear of ‘otherness’ and can be interpreted as an attempt to protect ourselves against the unfamiliar, new or analogous thinking of children. It is, therefore, much easier for adults to refrain from engaging in a dialogue with children and not have to justify or explain our decisions and actions. In addition, it might be that the devaluation of childhood makes our own loss of childhood less painful. Thirdly, the exclusion of children from political decisions might be brought on by the fact that children would very likely vote in favor of such values that are less important to the people in power today: e.g., the value of the environment, animals, and children, as opposed to economic values. Thus, the exclusion of children from political decisions could in itself be interpreted as a ‘political decision,’ i.e., serving the ruling class of today.

In an educational setting, authentic dialogue is often substituted by a ‘pseudo-dialogue’ driven by ‘pseudo-questions,’ i.e. pedagogical or rhetoric questions to which we already ‘know’ the answer. This is why Waldenfels/Meyer-Drawe conclude: “The separation between the own and the Other works better the more our dialogue [with children] remains within a reproductive and applicative structure and is constrained to a repetition and handing down of a prefabricated meaning. [While … ] the separation between the own and the Other works less, the more productive the dialogue is and the more it contributes to new conditions of understanding and changing standards, rather than merely applying them.”\textsuperscript{26}

\textsuperscript{25} Meyer-Drawe and Bernhard Waldenfels, “Das Kind als Fremder,” 286.
\textsuperscript{26} Meyer-Drawe and Bernhard Waldenfels, “Das Kind als Fremder,” 275.
Concluding Thoughts

In this paper, I tried to show how power imbalance and exclusion from dialogue are highly damaging to any human being. Therefore, I argue that in the case of ‘children’s rights,’ we ought to substitute our ‘care for’ children with an authentic dialogue ‘with children’ – respective to children’s growing ability to engage in such dialogues. This entails creation of a ‘transitional space’ of a ‘dialogue in process’: A space of equality and openness where children are encouraged and assisted in expressing the way they think and feel, while at the same time learning to do so. Such a dialogue space can be seen as a ‘playground of thoughts’ where perspectives, feelings and ideas can be ‘tried out’ and investigated. Because in the end, and as Dewey points out, no human being is fully aware of their own concepts and attitudes until they engage in an open-ended, critical and democratic dialogue. The goal of such dialogues is to continuously renegotiate our relationship and treatment of children in public spaces so to take their growing capabilities of expressing themselves as a valued opportunity, rather than a threat. Furthermore, this would entail embracing the possibility that children might bring something new into the world, rather than just repeating the past or continuing traditions. If the task of ‘understanding children’ is taken on responsibly and seriously, then it has the potential of becoming an ‘educational experience’ in the deepest sense for both the educators and the children.

By doing so, we will not only have a better insight into how the implementation of children’s rights actually affects children’s lives in various parts of the world, but we will also empower children to stand up for what they want and need. Only then are children no longer a ‘means to an end,’ i.e., in continuing our ideas, identity or vision of the future, but rather become an end in themselves by departing into their very own future, where they decide which traditions and ideas they want to bring along. Or, as the French phenomenologist, Emmanuel Lévinas’ writes: “Transcendence is time and moves towards the Other. But the Other is not the destination; he does not stop the movement of desire. The Other, which desire craves, is still desire; the transcendence transcends towards the person who transcends – this is the adventure of parenthood,

27 Again, more recently those dialogues have resurfaced. An example is Greta Thunberg’s activism that led children across the world to engage in political discourse on environmental concerns. My argument here supports such examples and hopes to empower younger children to become more involved and be heard.
the transubstantiation; it allows us to transcend the mere renewing of the possible within the unavoidable aging process.”