

The rights of children and young people present an interesting ethical and legal case. Given the existence of universal human rights, why formulate extra rights for a special group? Are children and young people not human beings? What are the main differences between the Universal Declaration of Human Rights (adopted in 1948) and the Convention on the Rights of the Child (adopted in 1989)? Is there a need to adapt human rights in order to make them age-dependent, thus moving away from the idea of 'one right for all'? In order to understand the complexity surrounding the issue of children's and young people's rights, two arguments are key:

First, there is an alleged conflict between the rights of parents and those of the child. For thousands of years, children were regarded as the property of their parents. In Roman law, the father even had the right to abandon newborn children. In the Old Testament, children are mentioned in the same breath as slaves – both were at the complete disposal of the head of the family. Thomas Hobbes writes on children that parents may “alienate them... pawn them for hostages, kill them for rebellion, or sacrifice them for peace”.¹ Although this view has been weakened in the Western world in recent centuries, the idea of children as the subject of rights does not have many friends among authoritarian parents. Second, and more important nowadays, there is a potential conflict between children's rights and the protection of children. This can be exemplified by the 'right to work'. While no one questions the necessity of adults to work in order to make a living, a child's right to work needs to strike a balance between exercising personal freedoms and protecting them from work which restricts their opportunities to play and go to school. For adults, employment is highly valued because of its financial and identity granting dimensions. If children are (or feel) obliged to help their own poverty-stricken families, or simply just want to imitate the behaviour of their parents, they could have a subjective interest in gaining employment at a very young age (like 6 or 7). But this could conflict with the 'best interests of the child' - i.e. their objective need to be educated.

The right to vote is not mentioned in the Convention on the Rights of the Child at all. Article 12, however, states: “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.” The struggle for a compromise resounds in this formulation.

There are 2.2 billion youngsters under 18 years of age living worldwide. But voting rights are only granted to a very small minority of them, namely from 16 years on if they live in Austria, Brazil, Cuba, Indonesia or Nicaragua. Children and adolescents are thus excluded from key political decision-making processes which have an impact on their lives. Without access to these processes which are integral to the exercise of democratic rights, children are comparatively invisible as citizens or subjects. 'Young people own the future' is a prominent saying. But they are already here, now.

It is correct that youth participation must be understood in broader terms than just voting. It is participation in civil society which can take several forms, for instance youth parliaments, youth entitlements to speak or submit requests to political bodies or parliaments in all matters affecting young people. Nevertheless, in this issue of *Intergenerational Justice Review*, we focus on the voting rights of children and adolescents because they are the most important step for increasing youth influence in politics and to make children's interests more visible. There are three possibilities: engagement for young people, engagement with young people and also participation from young people. I believe that the last option should be given more importance in general. The first article of IGJR 4/2009 deals with the nature of rights in general. Dieter Birnbacher (University of Düsseldorf, Germany) offers an introduction into the language of rights and the role rights play in ethics and law. His contribution explores whether the concept of rights can be replaced without loss by the concept of obligations, that is whether rights should be seen as social constructs derived from obligations.

The following article by Steven Lecce (University of Manitoba, Canada) addresses the question of whether or not children's continued electoral exclusion is morally defensible. According to Lecce there is a fundamental tension between the egalitarian presuppositions of democracy and our refusal to grant voting rights to children and young people.

The third peer-reviewed article by Robert H. Pantell (University of California, San Francisco, USA) and Maureen T. Shannon, University of Hawai'i at Mānoa, USA) explores current thinking about enfranchisement of children, from the fields of ethics, law and social welfare. It proposes a proxy voting right for parents.

This issue also contains a lot of interesting background readings including a historical overview of examples of plural voting systems, a summary of the Convention of the Rights of the Child as well as an outline of voting age and voting restrictions for felons in prison and mentally disabled people in more than a dozen countries. Moreover, this issue features book reviews of Priscilla Alderson's *Young Children's Rights. Exploring Beliefs, Principles and Practice* and the anthology *The Moral and Political Status of Children*, edited by David Archard and Colin M. Macleod.

I hope you will enjoy reading our current issue.

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Notes:

1. Hobbes, Thomas (1994): *The Elements of Law, Natural and Politic*, edited with an introduction by J.C.A. Gaskin. Oxford: Oxford University Press (first published in 1650), 23.8