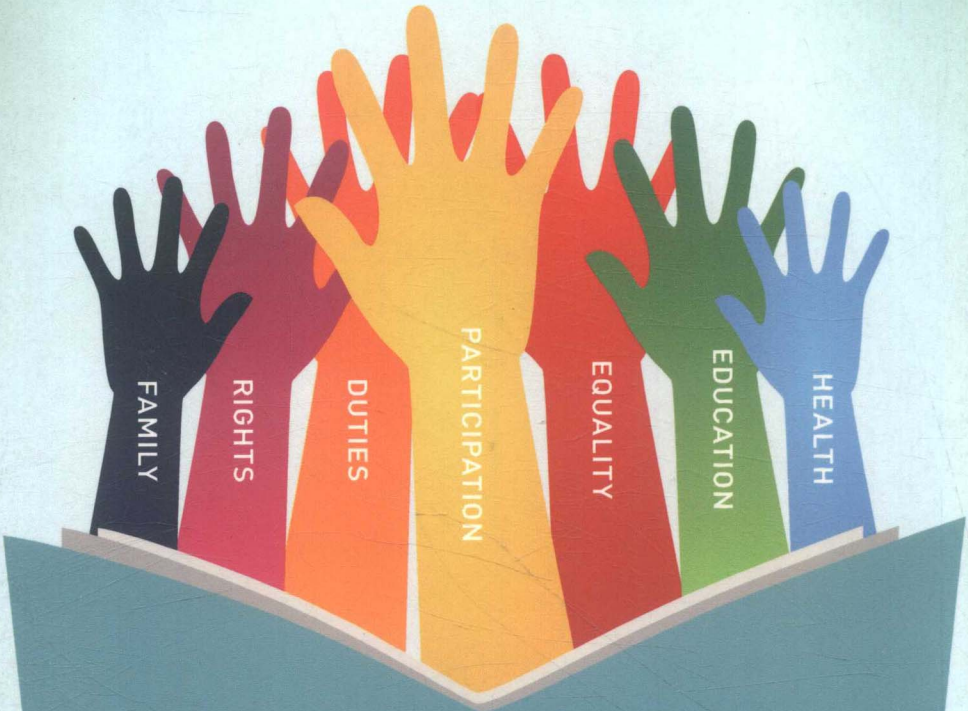
JONATHAN TODRES • SARAH HIGINBOTHAM



HUMAN RIGHTS IN CHILDREN'S LITERATURE

Imagination and the Narrative of Law

OXFORD

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Foreword by
CAROL BELLAMY
Former Executive Director of UNICEF

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We dedicate this book

to

Young readers, whose imagination and excitement make it impossible not to be similarly excited by children's literature,

&

to

The children around the world who confront human rights violations. Their courage, resilience, and dignity too often go unrecognized. It is for them we hope that the ideal of a human rights culture is soon realized.

Foreword

IT IS MORE than a quarter of a century since the U.N. Convention on the Rights of the Child came into force, and we now live in a world where an entire generation has grown up under its protective umbrella. While many of today's twenty-five-year-olds may not have been aware of its impact on their daily lives—or even its existence—they have benefited nonetheless.

The past twenty-five years have confirmed—if confirmation were needed—that child rights *matter*. In every part of our world, from Sweden to Swaziland, Canada to Cameroon, Jamaica to Japan, the Convention has inspired changes in laws and practice that have improved the lives of millions of children, showing just what can be achieved by having common goals and a shared determination.

The Convention offers us a vision of a world where our children and young people have a healthy start in life and are educated and protected, a world in which their views are respected and where they can develop their full physical and mental potential.

It has given legal force to what has, in essence, been happening within families for decades, maybe centuries (and perhaps even millennia). Most parents have always done their very best to protect the rights of their children, without necessarily being aware that this is what they were doing. Instinctively, they have strived to ensure that their children survive, that they are healthy, that they are safe, and that they learn the skills they need for adulthood.

Fables, stories, and legends, whether shared around a communal fire or read from the latest iPad, have always instilled the values that shape everyday life for children on such basics as fair play, justice, and the belief—or hope—that good will, ultimately, triumph over evil.

Many of those who have grown up under the protection of the Convention on the Rights of the Child are now parents themselves. Their view of the world around them will have been shaped, in part, by the stories they heard or read when they were young. The stories they share with their own children and the

books they give them to read will have a similar impact on the worldview of the next generation.

The very best children's literature contains some of the earliest and most valuable lessons that they will ever learn. By sharing the adventures, bravery, and triumphs of fictional children, children learn that they too have value, but also responsibilities. They learn that other people are important and are worthy of respect.

They learn the value and power of words, often long before they go to school. And when they reach the classroom, the books they read will help to reinforce a three-way bond between child, school, and parent.

So, as Jonathan Todres and Sarah Higinbotham reveal in this remarkable and long overdue book, the content of children's literature is crucial. It matters for the children concerned and, by extension, for the very nature of the societies in which they grow up.

The authors find that some of the classics, even those loved by generation after generation, reinforce age-old stereotypes that regard certain children in particular—girls, those from minorities, or those with disabilities—as weak or flawed. Some even portray children, in general, as "lesser" beings who are totally powerless and dependent on the whims of the adults around them. But many books—and not necessarily only the most recent—encourage children to value themselves and others, regardless of gender, religion, ethnicity, or disability, an approach that happens to uphold one of the central tenets of the Convention on the Rights of the Child: nondiscrimination.

Questions remain on whether today's literature for children reflects the reality of their lives—particularly the lives of those who do not lead a comfortable, stable existence in one of the world's richer countries. Do they show the lives of children who are less fortunate while conveying the sheer energy, dynamism, and common sense of children themselves? Do they tap into their often heroic efforts to claim their rights, from children who dare to reach out to each other across the fault lines of religion or ethnicity, to young girls who risk their very lives in their determination to go to school? In other words, are there enough "Malala Yousafzais" in children's books to inspire the next generation to speak out on the issues that concern them?

I'm sure that everyone reading this book will look for—and find—a mention of a particular childhood favorite, from *To Kill a Mockingbird* to *Winnie-the-Pooh*. For myself, it was *Alice in Wonderland*. Was I aware in my early years that Alice was seen, by some, as a feminist icon—a Malala of her time? Of course not. But it is certain that, in my childish enjoyment of her adventures and her bizarre encounters, I was absorbing valuable lessons for life.

I saw Alice growing in confidence and courage as she grew in physical stature. I saw Alice speaking truth to power in a very adult courtroom and scoffing when the Queen of Hearts tries to impose a sentence before the verdict has even been decided with her crushing phrase: "Stuff and nonsense."

And it is her opinion of the court—"who cares for *you* . . . you're nothing but a pack of cards"—that signals both its swirling evaporation and the end of her dream.

Alice does what she wants: chases rabbits, gate-crashes tea parties, travels far from home, refuses to countenance the insane opinions that surround her, and challenges those in authority. The lesson was clear: if Alice can do whatever she likes, so can I.

The fiction that we experience in childhood has an impact that goes far deeper than any other medium. Whether listening to a story—and correcting a storyteller when they try to skip some favorite moment—or immersing ourselves deeply in a book, we are not passive. We are part of the story itself.

It is vital, therefore, that the story uplifts, inspires, encourages—that it helps children to understand that they have rights, and that these rights are important. Children's literature has a pivotal role to play in forging that early sense of self-worth, and Jonathan and Sarah are to be congratulated for shining a new light on a role that has, until now, been underappreciated.

Carol Bellamy
Former Executive Director of UNICEF

Preface

ONE AFTERNOON SOME years ago, I was immersed in my research on children's rights law. After reviewing countless judicial opinions attempting to delineate technical points of law related to children's rights, I decided I needed a break. I walked around the library and came across a copy of Dr. Seuss's *Horton Hears a Who!*, which was being made into a movie around that time. I opened the book and saw the iconic line from that adventure:

"A person's a person, no matter how small."

It struck me immediately that this straightforward Dr. Seuss passage was a clearer and more succinct articulation of the foundational principles of human rights—human dignity, equality, nondiscrimination—than I had heard or read from any legal scholar or legal philosopher.

Spurred by that discovery, I began examining children's literature for human rights themes. For reasons I will come back to shortly, the project evolved slowly. But as I explored children's literature, I found a wealth of stories that considered human rights themes, and in some cases, the narratives confronted these themes head-on. Many of these stories reinforced the concept of human rights for children, while others seemed to reject the idea that children have rights at all.

Those discoveries inspired me to write an article on children's rights in children's literature. I welcomed the idea as a break from my usual research, much of which focuses on child trafficking and related forms of exploitation. Three additional ideas ultimately convinced me that this project could have important implications for how individuals learn about their rights and their duties to respect the rights of others, and more broadly how human rights norms are disseminated.

The first idea came from children's rights law, my primary area of research. The U.N. Convention on the Rights of the Child—the most widely accepted human rights treaty in history and the most comprehensive treaty on children's

rights—includes a provision requiring governments "to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike" (Article 42).[1] No other human rights treaty has a provision like it. Yet this requirement had received much less attention to date than many other rights in the Convention. In my own research, I too had spent countless hours on other provisions of the treaty and very little on this mandate. Yet fulfilling Article 42's mandate seems critical to any human rights endeavor. After all, if individuals are unaware of their rights, how can they be expected to realize them?

So I began to explore a broader question: How are the human rights norms adopted at the global level disseminated to the local level so that they actually make a difference in the lives of individuals, and in particular children? And I wondered whether the themes of many children's books might already be doing this work—educating children about their own rights and the rights of others.

This question of norm dissemination led me to the literature on human rights education. Discussed in more detail in subsequent chapters, human rights education research shows that teaching children about human rights produces very positive outcomes—increased self-esteem, heightened respect for others' rights, a reduction in bullying, and other benefits.[2]

The final piece step was to incorporate literary theory. Among other things, it shows us that fiction is absorbed by children (and adults) in much more profound ways than nonfiction. In other words, a *story* incorporating human rights themes is much more likely to have an impact on a child reader than a legal decision or statute would.

These are the disparate pieces we bring together in this book—children's rights law, children's literature, human rights theory, human rights education research, and literary theory. Our research has convinced us that as a society we ought to pay more attention to the process by which children learn about human rights—both their own rights and the responsibilities they have to respect and ensure the rights of others. In the long run, we hope that work in this area will contribute to the creation of a more rights-respecting culture, which could actually prevent human rights violations from occurring in the first place.

Having said that, a disclaimer is necessary: although we believe this project has the potential to spark and contribute to an important conversation on building a human rights culture, we see this book as a preliminary step and its goals, set forth in Chapter 1, are modest. We hope this book spurs others' efforts to contribute to this broader project.

So why write this book now? When I first rediscovered *Horton Hears a Who!*, I shared my idea with a few senior scholars at various schools. In response, the general consensus was: "You should wait until after tenure." Conventional

wisdom in the legal academy suggested that presenting an article on children's rights in children's literature as one of my major research projects for purposes of tenure would be too risky; it might not be considered "serious scholarship." Though many of us read these books to our children—our most precious resource—studying their impact on children was not considered sufficiently "scholarly." What is more, I was already relying on children's rights as the core of my research at a time when some in the U.S. legal academy remained skeptical about international law, generally, and about children's rights, specifically. The "wait-until-after-tenure" view was a reminder that children's rights and children's literature are often marginalized in mainstream discourses—at times even within the fields of human rights and literature, respectively. After receiving this feedback, my initial reaction was to challenge this marginalization immediately, but I decided to take the advice of my senior colleagues, who genuinely had my interests in mind. I waited until after tenure to pursue this project fully. And the project benefited as a result.

Post tenure, I became more open about this project. I was determined to write an article about it. At a 2012 lunchtime presentation at my law school, I met Sarah Higinbotham. I told her about the project; she was excited and immediately engaged the idea thoughtfully. At a later meeting, she offered to help. Sarah said she would think about the project, explore children's literature sources, and share what she found. And at this point something remarkable happened, something that happens infrequently in academia or any workplace: Sarah said she did not seek recognition for her contributions. She just liked the project. We met a few more times, and it became apparent that her literature background and own experience offered important perspectives. So we agreed to work together and produced an article, "A Person's a Person: Children's Rights in Children's Literature," which was published as the lead article in the Fall 2013 issue (Vol. 45, Issue 1) of the *Columbia Human Rights Law Review*. We both felt there was still much more to say about this topic, and feedback on the article was extremely encouraging, so we decided to pursue this book project. In our view, our partnership in this project reinforces the importance of interdisciplinary work. We brought very different perspectives and experience to the project—both professionally (law versus literature) and personally (public school versus homeschooling). And while we did not always agree, our collaboration yielded a better product than either of us could have produced individually.

So a fortuitous encounter with a classic line from Dr. Seuss has prompted us to see this book as a starting point. We believe, and our research for the book—which included reading to children and hearing their views on children's stories—confirms, that there is a rich human rights discourse unfolding in children's literature. Equally important, children's literature gives expression

to human rights in a way that is more accessible and relatable to children. In this regard, children's literature has the potential to make a significant contribution to the development of a human rights culture—a rights-fulfilling and rights-respecting culture—that is the ultimate goal of international human rights law.

As Eleanor Roosevelt, who chaired the committee that drafted the Universal Declaration of Human Rights, once explained:

> Where after all, do human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.[3]

The books children read and have read to them are woven into the fabric of those small places, close to home, where human rights emerge.

by
Jonathan Todres

Notes

1. U.N. Convention on the Rights of the Child, art. 42.
2. See Chapter 1 for a discussion of the benefits of human rights education for children.
3. Eleanor Roosevelt, Speech to the United Nations, Mar. 27, 1958.

Acknowledgments

MANY PEOPLE ENGAGED this project in both formal and informal discussions. We are grateful to everyone who took such an interest in our book as we worked to develop it. In particular, we want to thank the following individuals who reviewed and provided comments on draft chapters at various stages: Abigail Adams, Stephen Addcox, Connie de la Vega, Meredith Johnson Harbach, Clare Huntington, Risa Kaufman, Joe Kelly, Christine Kirila, Kevin Noble Maillard, Angela Martin, Caren Morrison, Tim Saviello, Nirej Sekhon, and Chris Willis. We also thank Oxford University Press's anonymous reviewers for their suggestions during the book proposal stage. When we talked to others about the book, it frequently sparked their memories of books read to them when they were young as well as books they read to their children. They were excited to share their favorite stories. We are grateful for all the suggestions we received. In particular, our thanks to Rachel Chmiel, Clark Cunningham, Kathryn Lobley, Kyle Lobley, Mary McLaughlin, Patti Simon, Malinda Snow, and Bill Taft for wonderful children's book suggestions. This book emerged out of an article—"A Person's a Person: Children's Rights in Children's Literature"—that we published in the *Columbia Human Rights Law Review* in Fall 2013, and portions of that article are woven into this book. A number of individuals who reviewed that article offered suggestions that helped shape this book; in particular, we are grateful to Mark Drumbl, Michael Galchinsky, Suzanne Keen, and Carol Sanger.

We owe a great debt of gratitude to everyone who facilitated and participated in our qualitative study on children's interpretations of children's literature. We so appreciate the Atlanta area schools and programs that opened their doors to us and the teachers and administrators who allowed us to meet their students and read to them as part of our study. We are most indebted to the students who participated in the study. They were extraordinary. They reaffirmed our already strong belief in the value of partnering with children and adolescents to enhance our shared understanding of the world and ultimately to make this world a better place for all. We thank each of them for participating and for sharing their

ideas. We decided early on that to protect the privacy of the students, not only would we not identify the students but we would not disclose the names of the schools. They took a chance with us, and so the very least we can do is to ensure their privacy is respected. Having said that, there is a part of us that wishes we could include their names to give them the credit they deserve for their remarkable insights which are found throughout this book. Their participation made this project so much better.

A number of other individuals also played an important role in the development of this book. We wish to thank Elizabeth Beck, Justin Ellis, Les Garber, Deborah Garfin, and Ken Townsend for their help with the empirical study. We thank Blake Ratcliff, Law Editor at Oxford University Press, who immediately recognized the value in our project, despite its "atypical" nature for an international law book; Pamela Brannon, law librarian at Georgia State University College of Law, whose ability to track down any source saved us countless hours and improved the final product; Jerrold Mobley, librarian at Georgia Tech, who helped with the children's book illustrations; and Bobby Sikri, whose technical support bailed us out of a number of crises (or at least they felt like that to us). A number of graduate research assistants at Georgia State University College of Law also provided valuable research support during this process. We thank in particular Brea Croteau, Russell McCord, Jordan Montet, Tiffany Nichols, Brianna Tucker, and Jennifer Whitton.

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big project that I took on in the course of our twenty-two-year marriage; thank you for cheering me on even when I'm in over my head. Mom and Dad, thank you for instilling in me the love of books and for supporting me when I changed my college major from pre-med to English. No one reads Gandalf's voice like you, Dad—and like Gandalf, you and Mom "always appear when you are most needed and least expected." Thanks also to Jonathan Cardi. Our childhood backyards merged into a sort of Narnia-world where we shared books, ambitions, and adventures, and forty years later, you still inspire me to read, write, and put good into the world. Thank you, Ellen Stockstill, for our idyllic mountain cabin writing retreat in the midst of this project, where we wrote by day and watched Wes Anderson films at night. And of course, thank you, Jonathan Todres, for being both a coauthor and a friend. If only all academic meetings involved debating Farmer McGregor's degree of culpability. Finally, thank you to the directors and children of Foreverfamily, a national nonprofit for children of the incarcerated. Sandra Barnhill and Beth Wettlin, you have demonstrated the enduring value of advocating for children's human rights.

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