
It was Ellen Key who said that the 20th century was to be the century of the child just as the nineteenth had been that of the woman (Key, 2000, 2009). This aphorism is echoed in Priscilla Alderson’s book: ‘The twenty-first century’, she says, ‘may bring great changes for children, through more respect for their undoubted abilities, so that they are no longer misguidedly “infantilised” – treated as far less able than they actually are’ (p. 215). It is her view that greater respect for children will bring greater justice. She looks to a better future.

Key was unduly optimistic. It is Alderson’s cherished hope and all those concerned to propagate children’s rights that the new century will fulfil the expectation that Key had of the 20th century. And, it has to be said, it is books like this by Priscilla Alderson which gives one the hope that it may happen.

The book is two books in one: an analysis of young children’s rights (‘young’ is broadly defined as children under 8 years of age) and a handbook almost of how these can be operationalised. The analysis of the current state of children’s rights draws largely in the U.K., but will be of wider interest. The second part of the book draws on wider experiences and will be valuable to anyone in the world set on including children within their world-view.

Following the standard classification, Alderson divides children’s rights into provision rights, protection rights and participation rights. This chimes better than the U.K.’s government’s recent emphasis on ‘outcomes’ for children – being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being (H.M. Treasury *et al.*, 2003). The emphasis here is on protection, perhaps not surprising in that it followed in the wake of the Victoria Climbié case. Alderson is right to note (p. 60) that this 2003 document (*Every Child Matters*) centres less, in fact, on child protection than on ‘protecting society from the costs of failing children who may become low earning, dependent or criminal adults’.

Alderson’s analysis of all three categories of rights is excellent, an insightful introduction which can be recommended to anyone exploring children’s rights for the first time. I would recommend its inclusion on any preliminary children’s rights reading list. But it is also an analysis to return to. There is a little history: Korczak is appropriately remembered, but not Ellen Key, and the child liberationists are only briefly mentioned, and then only in my criticism of them (Freeman, 1983). The section on smacking could be clearer: English law permits chastisement where what is involved is ‘only’ an assault, not one occasioning actual bodily harm (in common parlance, leaving a mark). There is appropriate emphasis on non-discrimination, but this extends beyond racism, which is what Alderson emphasises. Thus, discrimination against children with special needs is not mentioned, though it features in the discussion on inclusive schools in the...
section on children’s participation rights. I liked the discussion of privacy, a right often glossed over, and one predicted to become ever more significant with the development of comprehensive databases.

The discussion of provision rights begins with the somewhat neglected paragraph 3 of Article 3 of the UNCRC (see further Freeman, 2007: 71-74). It is strong on health care and even young children’s understanding of this (see also Alderson, Sutcliffe and Curtis, 2006); on education. And it is critical of government failure to observe Article 42 of the Convention, and publicise the principles of the Convention. Here (p. 44) and elsewhere in the book Alderson indicts the narrow remit of the English Children’s Commissioner (see also Freeman, 2007 (b); Clucas, 2005).

The section on participation rights begins by comparing the Convention with the African Charter on the Rights and Welfare of the Child (see also Sloth-Nielsen, 2008). The discussion of the right to life and optimal development is terse, tantalisingly so. This could have been developed. The discussion of identity is excellent, but I do take exception to the way cochlear implants for deaf children is brusquely dismissed. Alderson says deaf adults tend to oppose implants. Of course, some do. And some of these are the very same people who would screen in deafness in order to propagate a deaf community. But many deaf adults are aware of what they miss out on. I must declare an interest. My deaf grandson, now just two years old, had a bilateral cochlear implant at 15 months. From being totally unaware of sound, he now has a vocabulary of over 100 words and understands a lot more. I cannot believe that his life experiences (‘participation rights’) are not improved by his implant. In time similar techniques will be developed to tackle blindness. Will we really encounter opposition to this too? I doubt if many children given the opportunity to hear and speak – and thus to participate, let us remind ourselves – will regret the decisions taken on their behalf. One right that children have – it is not one explicitly cultivated by the Convention or by Alderson – is the right to an open future (Feinberg, 1992). Why deprive them of this when science and medical skill offers this opportunity?

I like the section on participation rights. There is an excellent discussion of decision-making, which, she notes, goes beyond Article 12 of the Convention. But the Gillick decision is discussed all too briefly. Lord Scarman’s judgment is by far the most important. It is on his reference to ‘wise judgment’ that Alderson draws (as she did in an important article written with Mary Goodwin which emphasised the importance of experiential knowledge (Alderson and Goodwin, 1993). But here she focuses on Lord Fraser, and she refers to nine judges. There were nine judges, as Mrs Gillick once reminded me. And yes five of them favoured Mrs Gillick’s arguments as she also reminded me. But there is a hierarchy of courts in the U.K. and it was 3-2 against her in the House of Lords. No one treats seriously the Court of Appeal judges who ruled in Mrs Gillick’s favour or the dissentients in the House of Lords. One judge there (Lord Templeman) thought