The rise of the discourse on children's right of self-determination. The case study of Early Childhood Education and its construction of children as agents in education

Federico Farini[1] & Angela Scollan[2]

Abstract

This article discusses a study that explored the intellectual and ethical foundations of the discourses on children's right of self-determination, starting with a critical examination of the United Nations Conventions on the Rights of the Child (UNCRC, 1989). Whilst the ambiguous position of children and children's rights in society that underpins the UNCRC is acknowledged, the article argues that a shift towards the positioning of children's as agents has been developing since the 1990s. For instance, this is demonstrated by the development of Early Childhood Education as a pedagogical discourse based centred on children's right to play an agentic role in shaping their educational experience. As discussed in the second part of the article Early Childhood Education lends itself as an informative case-study for the development of a discourse on children self-determination towards a mainstream status. Early Childhood Education positions young children as agents who can make choice and can construct valid knowledge. Paraphrasing Freire's description of critical pedagogy, in the discourse of Early Childhood Education the emphasis on children's agency constructs a view of education from children, for children, for adults.

Keywords

[1] Prof. Federico Farini, Ph.D. Centre for Education and Research; Centre for Psychology and Social Sciences, University of Northampton, UK, email: federico.farini@northampton.ac.uk
[2] Dr. Angela Scollan, Ph.D. Department of Education, Middlesex University, UK, email: a.scollan@mdx.ac.uk

Introduction

This article discusses a study that explored the intellectual and ethical foundations of the discourses on children's right of self-determination, starting with a critical examination of the United Nations Conventions on the Rights of the Child (UNCRC, 1989). Whilst the ambiguous position of children and children's rights in society that underpins the UNCRC is acknowledged, the article argues that a shift towards the positioning of children's as agents has been developing since the 1990s. For instance, this is demonstrated by the development of Early Childhood Education as a pedagogical discourse based centred on children's right to play an agentic role in shaping their educational experience. As discussed in the second part of the article Early Childhood Education lends itself as an informative case-study for the development of a discourse on children self-determination towards a mainstream status. Early Childhood Education positions young children as agents who can make choice and can construct valid knowledge. Paraphrasing Freire's description of critical pedagogy, in the discourse of Early Childhood Education the emphasis on children's agency constructs a view of *education from children, for children, for adults*.

1. Methodology

The first stage of the study discussed in the article consisted in the systematic review of literature around the theme of children's right of self-determination. Key search terms were articulated to allow more stringent selection across several disciplines. The challenge consisted of maintaining the review of literature focused while crossing several disciplines. Coherence was sought by redefining keywords, funnelling down to precise strings of research terms constructed to identify works interested in the interaction between discourses on children's rights and right of self-determination and the social contexts where principles and ethos translate into practices.

More stringent selection criteria allowed a process of saturation that identified key themes, theoretical approaches and methodologies (Thomas, 2013). After the first stage, the literature review had constructed a coherent multi-disciplinary discourse on the interaction between children's self-determination and the social contexts of children's lives. The second stage of the study utilised the theoretical and methodological themes emerging from the previous stage to articulate a critical review of the current discourses on children's self-determination underpinning educational policies, projects and pedagogical innovation. This critical review was aimed to explore how discourses on children's self-determination position children and adults in the context of intergenerational relationships. The second stage of the study allowed the construction of a theoretical framework to interpret the results of the research through the lenses of current conceptualisations of childhood, intergenerational relationships and children's participation in society. On completion of its second stage, the study had successfully illuminated a picture of the discourse on children's self-determination in the contexts of children's lives. The first section of the article discusses the foundations of the discourse on children's self-determination.

2. The discourse on children's self-determination

Self-determination appears in the English language towards the end of the 17th century, when it refers to *determination of one's mind or will by itself toward an object,* generally declined

politically *as the action of a people in deciding its own form of government* (Wehmeyer, 2004). Self-determination is used within an individualistic dimension between the 18th and the 19th century, where it refers to free will and life choices without external pressure (Wehmeyer, 2004). The 20th century saw the use of self-determination as a principle to explain the function of biological and, more pertinently, psychological systems (Wehmeyer, 2004). The implication is that whilst the 19th century self-determination was a choice, a political or an ethical position, in the 20th century self-determination become a natural, universal, attribute of life.

However, as self-determination was finding a prominent place in the conceptual toolbox of several disciplines, its definition became contested (Wehmeyer, 1994, 2004; Wehmeyer et al., 2017; Farini and Scollan, 2019). Two meanings of self-determination coexist in the current debate. The first meaning considers self-determination as an ontological attribute of human beings that can be acted upon or ignored but nevertheless predates individual or collective choices. The second meaning considers self-determination as *the choice to make autonomous choices* (Freedberg, 1989), that is, an ethical and political position that interacts with the social contexts. McDermott (1975) proposes a concept of self-determination as a component of one's self-identity. Self-determination is part of an identity advocated as the identity of choice-maker, which can be encouraged or discouraged by specific contextual conditions.

In 1983, Freeman pointed to the difficulties of the legal debate in approaching children's rights beyond the principles of protection and welfare rights, towards the recognition of the right of self-determination. Two decades later, Fortin (2003) still observed the enduring difficulties of jurisprudence in acting upon children's rights of self-determination in delicate legal cases. Lundy (2012) suggests that the subordination of children's self-determination to adults' assessment can disempower the voices of children when such voices are not expressed in the ways that adults expect. Wehmeyer and colleagues (2017) efficiently summarise the difficult translation of the right of self-determination into practice as they point to possible contrasts between decisions made by children and decisions of adults who claim that they are acting in the child's best interest. Alderson (2008) and Monk (2004) observe how medicine (Alderson) and psychology (Monk) are prudent in positioning children as equal participants. Handely (2005) observes that, in legal and educational practices, children's self-determination is conditional on adults' evaluation of children's competence which is often framed by a protecting approach. Regarding education, Freeman (2011) suggests that children's self-determination is perceived as a risk by professionals who are positioned in oppressive discourses of responsibility and accountability.

3. Children's interests and children's needs

The discourses on children's self-determination are articulated within broader discourses that position children and adults within different forms of intergenerational relationships. Different forms of intergenerational relationships: the *discourse of children's needs* and the *discourse of children's interests* (Wyness, 2013). 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* positions 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

(Wyness, 2013; Farini & Scollan, 2019; Moss & Urban, 2020). Consequentiality refers to children's autonomous choices that: 1) are significant for other participants; 2) make a difference in the context where they are made, changing the context of other participants' experience. A consequential choice is a choice that other participants in a social situation cannot not consider as they make their decisions.

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 (Mc Dermot, 1975; Fass, 2007). 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. Te One (2006; 2019), Thomas (2007), and Duhn (2015, 2019) 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 as the providers for children's needs. 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.

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'. 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 (Malaguzzi, 1996; Davies, 2014; Clark, 2020).

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) moves 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. 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. Self-determination is a process of participatory *responsibilising* of the children (Rogoff, 1990). What makes a difference for the discourse on self-determination is whether or not there is a recognition of the voices of children as a force that can shape the contexts of experiences not only for children but also for adults (Farini & Scollan, 2019).

As an epistemological tool, the discourses of children's needs and children's interests can be utilised to add theoretical depth to Penn's (2006) model that articulates children's rights in two macro-categories that co-exist in a conflicting manner: 1) welfare rights, 2) self-determination rights.

Welfare rights are advocated for children by adults on behalf of children, to and for children. A consensus is often observable in the public discourse around welfare rights, for instance when welfare rights concern 'safe-guarding' (Moss, 2006; Alderson, 2008; Penn, 2011). Welfare rights are framed by the discourse of children's needs. *Self-determination rights* are 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). Self-determination rights are framed by the discourse of children's interests.

	Welfare rights	Self-determination rights
Children needs	Protection(from harm and dangers)	Participation(children having a voice in decision that affect their life)
	Provision (of basic material and non-material needs to secure well-being)	
	Prevention (intervention to secure the best environment for the child's development)	

Children interests

Table 1. Welfare and self-determination rights model

A concept of self-determination rights where power is completely taken away from adults was proposed in the 1970s by Holt (1974). However, since the 1980s, more moderate approaches have replaced the emphasis on children's liberation from adults' power with the idea of children working alongside adults (Freeman, 1992; 2002). A definition of self-determination that is at the same time strong but also compatible with the idea children-adults partnership is provided by Alderson. Alderson's articulation of self-determination (1995) is useful because it recognises the conditions for self-determination on a physical, psychological and social level.

For 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;
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 explored complexity generated by the intersection of different discourses on children's self-determination transpires from the United Nations Convention on the Rights of the Child, which will be criticised in the following section.

4. The complexity of self-determination: the case-study of the United Nations Convention on the Rights of the Child

Divergent discourses and positioning of children and adults coexist, and are vividly represented, in the United Nations Convention on the Rights of the Child (UNCRC, 1989). 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; Thomas, 2007; Stoecklin, 2013; Smith, 2016; Leonard, 2016). 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 interest, 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. The critical discussion of the UNCRC vis-à-vis children's right of self-determination can begin from article 3 of the convention. 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'.*
>
> Article 3 (UNCRC, 1989)

Notwithstanding the use of the word 'interest' article 3 promotes a welfare rights model within a children's needs discourse (Landsdown, 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.

However, whilst 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 to 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 generally 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 (Tisdal & Punch, 2012; Riddell & Tisdal, 2021). 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 accepted 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.

Again in 2015, UNICEF interpretation and summary of article 12 stated 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.

As a critical remark, it is possible to suggest 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 in the meaning of self-determination that emerges from a critical analysis of the UNCRC are considered by Burr (2004) 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.

The UNCRC may be conceptually contradictory and often paternalistic; 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, before than political, perspective, the main contribution

of the UNCRC is the idea that self-determination is an ontological right of all children, entailed in the very existential condition of all children. If the UNCRC is accepted, the idea of children's self-determination as a concession from adults must be rejected. As previously discussed, it is true that the effectiveness of the ontological approach to right of self-determination at the level of social practices depends on adults' judgement. Nevertheless, children's unconditional ownership of the right of self-determination does not depend on adults' choice and must be considered by adult as they make decisions that may affect children's lives (Freeman, 2007).

The UNCRC stands as a cultural landmark that pioneered, notwithstanding its many ambiguities, a new conceptualisation of the right of self-determination as an ontological right of the child. Throughout the 30 years that separate the current day from the declaration of the UNCRC, the new ontology of self-determination has contributed to gradual, often inconsistent but nevertheless consequential, transformation of the discourses on childhood and children's rights across different social spheres. For instance, the ontological concept of children's self-determination can be traced back in the transformation of the pedagogical discourse around education for young children, towards the development of a cultural framework that position children as agents in their own education.

5. The cultural transformation of education for young children

This section explores the cultural shift in the construction of childhood that has been fuelling, since the early 1990s, the development of early childhood education as a pedagogy, that is, an educational discourse on children's development, centred around the recognition of children's right of self-determination.

> *Young children actively make sense of the physical, social and cultural dimensions of the world they inhabit, learning progressively from their activities and their interactions with others, children as well as adults*
>
> (UNCRC, 2005)

This quote from the United Nations Committee on the Rights of the Child (2005) is exemplary of the shift in the positioning of children and adults in the public discourse. Claiming that young children *learn progressively from their activities and their interactions with others* entails the recognition of young children's role as authors of their own learning and development. Learning from interactions means that development is not the outcome of children's internalisation of knowledge transmitted by adults; rather, development is a process whereby children *actively make sense of the physical, social and cultural dimensions of the world that they inhabit*.

The autonomy of children's construction of the meanings of experiences; their active role in learning; an interactive and relational ontology of development: these are the pillars supporting the development, since the early 1990s, of the discourse of Early Childhood Studies (ECS). ECS is a discourse on childhood where several disciplines interact, sometimes within the same scholarly work or research. The coherence and disciplinary identity of ECS thus resides in the positioning of children as authors of their own development and active participants in the contexts of their social experiences. Notwithstanding different disciplinary backgrounds and professional interests, researchers, scholars and practitioners who contribute to the discourse of Early Childhood Studies share a fundamental perspective: the question is not *if* children should be listened to; the question is *how* to listen to them (Murray, 2019;

McDowall-Clark, 2020; Clark, 2020). The discourse of ECS is supported by the contribution of several disciplines and enriches the discourses of several disciplines, of course including educational research and scholarship. The interdisciplinary ECS discourse on education for young children has generated a pedagogical discourse: Early Childhood Education (ECE).

The discourse on education for young children that underpins ECE is centred around a view of children as unique individuals whose experiences cannot be reduced within adult-constructed expectations of staged development. ECE challenges the idea that the positioning of children should depend on adults' assessment that uses criteria external to the experiences of children. Coherently with the ECS plea for an active role of children in their own development, ECE recognises that children have unique ways to enter, live and leave the early phase of their life. ECS view young children as capable, competent and creative social actors (Farrell, 2005). This can be considered a pillar of ECE. How does the ontology of childhood developed by ECS inform pedagogical debate via ECE?

The idea of children as active participants to their own learning is a tenet of ECE (Bruce, 2021; Tovey & Waller, 2014; Palmer & Read, 2020) which develops from the legacy of pedagogists such as Vygotsky, Froebel, Montessori, Rousseau and Pestalozzi (Reed & Walker, 2015).

As recently as 2021, the association of Early Education professionals and scholars *Birth to Five Matters Early Years Coalition Group* challenged the top-down model of transmission of knowledge underpinning school education already criticised by the works of Tisdall (2015), Moss and Cameron (2020), Scollan and Farini (2021) among many others. Birth to Five Matters Early Years Coalition Group advocates for the application of ECE principles that the uniqueness of each child should be supported by bringing their individual life experiences and knowledge into the classroom environment. This means that children's knowledge and life experiences should be approaches as a resource for education rather than being marginalised by standardised curricula.

The idea of children as active participants to their own learning is based on an underpinning epistemological theory, where children, as all other individuals, are positioned as active constructors of knowledge.

Listening to the voices of children is essential for ECE in order to develop pedagogies that value the uniqueness of the child (Bath, 2013; Clark, 2020; McDowall-Clark, 2020). The pedagogical discourse of ECE is propelled by a vision of children as competent and trustworthy agents, who are positioned as equals to adults within non-hierarchical intergenerational relationships. The implications of non-hierarchical intergenerational relationships for education is that ECE not only positions children as co-authors of their learning; they are also positioned as potential leaders of adults' learning (Cagliari et al., 2016; Baraldi et al., 2018; Farini, 2019; Murray et al., 2019). Children and adults can move between roles, and children can be leaders of learning (Malaguzzi, 1996).

The positioning of children and adults as agents with equal opportunities to construct knowledge in educational interactions entails that children's choices can make a difference, changing the context and agenda of learning. White (2016) argues that *teachers and children need to be prepared to be altered in dialogic pedagogy which is an attitude and poised resourcefulness* (White, 2016: 167). *Poised resourcefulness* refers to creativity, resilience and focus on relationships. Teachers thus need attunement to the unique child but, most importantly, they need to be prepared to learn from children in a dialogical co-construction of learning (Allen et al., 2019). This is implied in the idea of children's access to the status of legitimate authors of knowledge (Bush, 2008; Cameron & Moss, 2020).

ECE is organic to a cultural shift in the discourse on childhood that has been challenging the mainstream construction of childhood for more than 30 years, across different disciplines. ECE critique of pedagogy and professional identities has become a transformative act (Bruce, 2021), as educationalists challenge the top-down model of transmission of knowledge underpinning school education, advocating for the application of ECE principles, starting from the principle of the *unique child*, where each child should be supported by valuing his or her individual life experiences and knowledges (Georgeson et al., 2015). If children are considered as authors of knowledge and co-constructors of education, professionals are invested with the challenge of waiving control on children, trusting their active participation and autonomous choices as a resource for education (Georgeson et al., 2015). The promotion of children's autonomous choices as a resource for education relates to the recognition of children's right of self-determination.

Children's self-determination is at the centre of important theoretical developments in the discourse of ECE, with implication for educational practices. ECE positions children as competent and responsible co-constructors of their social worlds, social actors from the beginning of life (Osgood, 2009), holders of rights independently from adults' concession (Murray, 2019). Children's access to the status of constructor of valid knowledge has been recently positioned within the emerging discourse on sustainability: the recognition of children's self-determination and agentic contribution to the construction of knowledge promotes their active engagement in educational interaction, making the planning and practice of education more sustainable (Farini & Scollan, 2021).

The pedagogical discourse of ECE epitomises, within the social sphere of education, the movement towards the recognition of young children's right of self-determination that positions them as autonomous decision-makers. This movement, accelerated by the UNCRC, has successfully paved the way for the inclusion of young children in the discourse around children's self-determination, starting from a social context such as education, which is universally considered as pivotal in children's lives. This is evidenced by a review of the recommendations of the UNICEF-sponsored *Committee on the Rights of the Child* that, already in 2005, recognised young children as *holders of all rights enshrined in the Convention* [because] *early childhood is a critical period for the realization of these rights* (1).

6. Conclusion

An exploration of the intersection between discourses on childhood and the debate on the meaning of children's rights, with a focus on the rights of self-determination, was undertaken in this article. The ambiguous status of children's right of self-determination, caught between the diverging discourses of children's interests and children's need was captured through a critical review of the UNCRC.

The coexistence between the principles of *protection* and *provision*, that require adults to act *for* and *on behalf of* children on the one hand and the principle of *self-determination* that refers to the capability of children decision-making to influence the contexts of children's social experiences on the other hand, remains problematic. Freeman suggests that protection of children can turn into oppressive control without the *recognition of their autonomy, both actual and potential* (Freeman, 1996: 1). The status of the right of self-determination within the UNCRC, the ambiguities in the same language used to declare it, lends itself as an example. The *conditionality* of self-determination puts children's competence and capability

to make decisions as dependent on age and age-related level of development, theorised and measured by adults.

Nevertheless, it can also be argued that the ontological concept of self-determination as intrinsic to the existential condition of children, as recognised in the UNCRC, represented a fruitful shift in the positioning of children across different social spheres. The transformation of the pedagogical discourse on education for young children was used as a case study that demonstrates how changes in the discourse on childhood and children's right of self-determination have promoted practical and consequential changes in children's lived experiences for instance, as for the case-study of ECE, changes in how teaching and learning are conceptualised and designed.

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