

Learning through doing: Suggesting a deliberative approach to children's political participation and citizenship

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No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime. Young people must be included from birth. A society that cuts off from its youth severs its lifeline. Kofi Annan, former UN Secretary General and Nobel Peace Laureate

The paper focuses on the issue of children's political participation and considers the idea of political participation understood as a human right. Contingently it considers the question of children as agents or potential political actors, as well as the assumed limitations of their role. The paper begins by offering an outline of how children's rights have come to be considered in the international context as enshrined in the United Nations Convention on the Rights of the Child (CRC), and the idealized concept of childhood that is implicit in this convention. The paper then proposes some alternative approaches to understanding childhood and children's status, with a view to proposing a more nuanced approach to their political participation that neither treats them as passive recipients of duties towards them, nor as the voiceless possessions of groups or families. This is followed by an account of the emerging debate about deliberative democracy as a more substantive approach to political participation, and by some consideration of how this relates to the rights and capabilities of children as political actors. The paper concludes with some tentative suggestions about how institutions in South Africa could be utilized to realize a more flexible and nuanced approach to children's participation in this key area.

Keywords: political participation, deliberative democracy, children's rights

Introduction

The concept of children's participation can be approached in a number of ways. This paper focuses on the issue of children's political participation, and to that end it considers the idea of political participation understood as a human right, and contingently it considers the question of children as agents or potential political actors, as well as the assumed limitations of their role. The ultimate aim of the paper is to raise some tentative thoughts about the kind of education and institutions that would be appropriate to the demands of participatory and active citizenship that correlates with the human rights of South Africans under the South African Constitution (reference; reference list).

It is beyond the scope of this paper to discuss the particular factors which may affect children's agency in South Africa, but it is important to at least mention as starting point the staggering inequality between children in terms of their socio-economic backgrounds and opportunities, which makes children's agency in South Africa particularly problematic.

The paper begins by offering an outline of how children's rights have come to be considered in the international context as enshrined in the United Nations Convention on the Rights of the Child (CRC)¹, and the idealized concept of childhood that is implicit in it. In so far as the CRC (reference) has not only been signed, but also ratified by South Africa, it has the force of domestic law (a process whereby international law is received upon ratification) over and above the general constitutional principle of taking international law into account. The CRC is then in a very real sense an actual more detailed addition

¹ The CRC was adopted by the UN in 1989, and came into force in 1990. To date it has 191 state parties, with only the USA and Somalia remaining outside of the convention.

to the rights of children as enshrined in South Africa's Constitution (reference), the poor enforcement of these rights in practice notwithstanding.

The paper then proposes an alternative approach to understanding childhood and children's status with a view to proposing a more nuanced approach to their political participation, that neither treats them as passive recipients of duties towards them, nor as the voiceless possessions of groups or families. This is followed by an account of the emerging debate about deliberative democracy as a more substantive approach to political participation, and by some consideration of how this relates to the rights and capabilities of children as political actors. The paper concludes with some tentative suggestions about how institutions in South Africa could be utilized to realize a more flexible and nuanced approach to children's participation in this key area.

Rationale for the focus on youth and children

A point of clarity needs to be inserted here to explain the explicit focus on the political participation of children. South Africa, like many developing countries, and in contrast with trends in the developed world, is a very "young" country. While the most recent census data that is available is from 2001,² and must therefore be treated with some caution, the general pattern of age between this and the previous census (in 1996) is clear, and therefore it can be reasonably assumed that the next census (in 2011) will continue to reflect these patterns. Of South Africa's total population of just under 45 million, more than half³ of the population are under the age of 25, while 41% are under the age of 18, and nearly a third⁴ are under the age of 14.⁵

This is highly significant in light of the role that the youth in South Africa have played in the past as activists for political change (the events of June 1976 being just one example), and is further reflected by the calls in the past to reduce the voting age to 14.⁶ Furthermore, it can reasonably be assumed that those in the under-14 age category at the time of the last census account for a large percentage of new voters in the most recent elections in 2009. Schulz-Herzenberg (2009) cites the Independent Electoral Commission's (IEC) figures of an increase of 3.16 million new voters (out of a total of some 23 million) in 2009. This highlights the importance of thinking about youth and young people as nascent voters and citizens, long before they become eligible voters, as that which affects their lives today will be what influences their vote in the future.

This raises a final reason for the focus on youth political participation, in particular in the South African context. Not only do children comprise a significant proportion of the population of South Africa, but their experience of childhood is for many far from that of the imagined ideal (see below). The toll taken by deaths due to HIV and Aids and the consequent phenomenon of child-headed households and children who are breadwinners, as well as other arduous circumstances that affect South Africa's disadvantaged children, require us to take their views and opinions seriously, and create a duty to respect the role that these children have to play as citizens. Bray, Henderson and Moses in their paper in this volume offer a detailed account of the landscape regarding children's rights in South Africa today, which underlines this point.

2 The census that was scheduled for 2006 was reduced to a Community Survey, owing StatsSA's inability to conduct a full census at that time. The census scheduled for 2011 will therefore be the first in a decade to gather a full set of census data.

3 54.5%

4 32%

5 All the data cited here is from StatsSA 2001, available at: <http://www.statssa.gov.za/census01/HTML/default.asp>

6 Interestingly, recent support for a lower voting age has also been voiced in the United Kingdom, most notably in Wales and Scotland, as well as in Lebanon and in the United States of America (USA).

What are children's rights?⁷

The CRC was signed and ratified by South Africa in 1995, in the immediate period following 1994, when there was an effort to bring South Africa in line with a number of international human rights instruments. These efforts were part of the general move towards entrenching a culture of human rights in South Africa, and must be seen against the backdrop of the constitutional negotiations of the early 1990s, which foregrounded a commitment to human rights, in contrast to the practices of apartheid.

The CRC must be read in light of the context that gave rise to it - the end of the Cold War. As with many other international human rights conventions, the biggest challenge regarding the CRC is its enforcement. While it may be possible to reach broad agreement on general standards of correct treatment for children around the world, in practice this translates into vastly different understandings of what such treatment can be taken to imply. Furthermore there are many examples that challenge the CRC's universal ideal for children, not least of all that children often behave in autonomous and adult ways that challenge the notion of them as passive subjects of duties, rather than autonomous holders of rights.

It is frequently argued that the supposed universal standards established by the CRC are based on Western standards and concepts of childhood, reflecting "Western social policies which emphasise the role of individual causations and professional interventions and de-emphasise the influence of the wider social, economic, political and cultural circumstances" (Pupavac, 2000: 517). The CRC reflects this bias and it is also important to note that many of the rights included in the convention are in fact not specifically children's rights, but rather more general human rights, that are included and restated in the CRC because children are more vulnerable to the abuse of these rights. So while these rights do not entail anything special about their holders at the level of their specification, they have special implications for children at the level of enforcement.

Various socio-economic rights are included in the CRC, and these, including the right to education, are also enshrined in South African Constitution (reference; reference list), subject to the clause of "progressive realisation". As noted, it is certainly the case that the duties that correlate with these rights are more pressing and onerous with regard to children, because children suffer more serious and permanent damage when such duties there are lacking. The celebrated *Grootboom* case⁸ underlines this point, as it was precisely the right to housing as it impacted on children that formed the subject of the Constitutional Court's deliberations in that case.

The specific human right under consideration in this paper is the right of political participation, which needs to be considered in light of its universal purchase, as there is a pre-supposed universal conception of childhood (implicit in the CRC) that sets some kind of standard of right treatment of children across all countries and cultures. Ivernizzi and Milne (2005: 1) note this problem by emphasizing that the CRC presents us with a standard of treatment for children based on an imagined world where poverty does not exist, and children are therefore free from the scourges of disease and inadequate education.

Most of these rights are what are known as derogable rights, as they are constituted by limitations that are placed on children in terms of the exercise of their liberty, as the practice in question is one that is regarded as inappropriate for children to be engaging in by virtue of their youth. Political participation therefore deserves some further consideration in terms of both its relativity (i.e. the content of the right), and contingently, its universal enforceability.

7 This section of the paper draws on Bentley, K 2005. Can there be any Universal Children's Rights? *International Journal of Human Rights*, 9(1): 107-123

8 The case of *Government of South Africa and Others v Grootboom and Others* 2000 (11) BCLR 1169 (CC) is regarded as the landmark test case for the "progressive realisation" of the social and economic rights enshrined in the South African Constitution. The case turned on section 26 of the Constitution, which makes provision for the right of access to adequate housing, and importantly section 28, which specifies children's right to shelter. While the court rejected the argument on the basis of section 26 (finding that the government's existing housing programme was reasonable), it upheld the argument on the basis of section 28, but only in the event that parents, who have the primary responsibility, are unable to provide shelter for their children. For a more detailed account of the case, and its gender implications, see *The Grootboom Case and Women's Housing Rights*, IDASA Budget Brief No. 111, October 2002. Available at: www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=655

An ideal concept of childhood?

The question of what childhood is understood to mean, and the idealized concept of this that the CRC seems to assume, begs the consideration of an alternative to this notion. As already noted, the CRC is thought to enshrine a largely ideal Western conception of childhood, which is “a model of childhood based on the idea that children should be protected from the adult world. The Western conception of childhood as a time of play and training for adulthood has become the universal standard to be enforced under the CRC to the age of eighteen” (Pupavac, 2000: 517). The CRC’s view of the ideal of childhood is one in which children hold rights as passive objects of duties, and does not assign to them any significant levels of autonomy, nor does it require of them responsibility for the types of decisions that are entailed by political participation.

This definition, however is highly problematic both empirically and normatively. Firstly, children do, as we know, have the capacity to act in an adult fashion to varying degrees, often owing to circumstances beyond their control – some South African examples are cited by Bray et al in their paper (in this edition). But it is also arguably not a concept of childhood that it is universal in a normative sense either. There may be other concepts of what childhood *ought* to entail that differ quite significantly from the ideal view of the CRC, and it is one of these in particular, which I would like to raise as potentially challenging for a universal conception of children’s rights and children’s political participation.

I have argued elsewhere (Bentley, 2005) that there are a number of alternative concepts of childhood that may be normatively acceptable in different contexts, but that still conflict with the supposedly universal standard set by the CRC. One of these concepts of childhood, which may capture the benefits of the rights-based protection of children offered by the CRC, but which would not encounter the perceived problem of the passivity of children that it implies, is one that would view children as a vulnerable group. In this way, children may be regarded as having a) a higher degree of competence to order their affairs, and b) autonomy over the exercise of their rights. This would entail duties towards children, but rather than these being towards them as passive recipients, the duties would be towards them as active participants in securing their own well-being. This directly challenges the classic view of children as “citizens in the making” as articulated by Marshall (cited in Lister, 2007: 696), and rather seeks to emphasise the capacities and agency of children, as well as the importance of the quality of their input in matters involving their well-being. Lister refers to UNICEF’s (write in full and then (UNICEF)) report on *The evolving capacity of the child* as following this more agency-based approach, which is sensitive to, and takes account of, children’s capacities as they evolve in different contexts (Lister, 2007: 698).

The paper explores the possibility of how this conception could be developed as the basis for children’s political participation, and how they could be seen to be acting autonomously and in their own best interests. This is then followed by a consideration of the emerging debate on deliberative democracy as a more substantive, participatory form of political participation, which does not require the formality of the traditional aggregative model, which relies on a specific age of majority.

Age-related rights and questions about autonomy: Political participation

In an earlier publication (Bentley, 2005) I noted that political participation was one of the areas in which children manifestly do not conform to the ideal (passive) concept of childhood assumed by the CRC. This paper develops this idea and relates it to the proposed “deliberative” approach discussed below. It is, however, necessary to briefly revisit the background to this question, and restate the basis of the argument from my earlier work in this area, because it establishes the link to the rationale for democratic participation that is being relied upon. In most jurisdictions the franchise is limited to those over the age of 18. Some countries have further age restrictions on election to various offices and to the legislature, but generally, the competence to participate in political life is seen to begin at 18. There are of course perfectly sensible reasons to do with practicality, education and responsibility why this limit should be in place, and it is not generally or necessarily regarded as a challenge to liberal democratic principles.

The rationale however, for democratic political participation is that those who are to be governed have a stake in who governs them and according to what policies they are governed. Presumably, as one

also is liable to contribute to government revenue (usually through various forms of taxation), one should have some say in how that public revenue is spent. There is nothing, however, in either the definition or practice of democracy that requires the electorate to make *good* choices about who should govern them and what their policies should be. It is enough that they do the choosing. Even in well-established democracies electorates can sometimes be seen to behave in collectively irresponsible ways. Why then do we exclude those under the age of 18 from political participation? If there is nothing in democracy that implies that the electorate must meet some standard of competency to vote, then it is unclear why we should exclude the very people who are to be on the receiving end of (and expected to pay for) policies that are being decided now.

This is not to suggest that children should be unquestioningly treated as political actors with a full set of civil and political rights, but rather that the political views of adolescents as future members of the electorate, at least, should be considered. A number of mechanisms could be put in place to facilitate this to make some contribution to generating better policies which make the needs of children and their human rights a priority. One of the most promising is a more deliberative approach to politics that would allow for both formal and informal inputs to be made in the political process.

Two models of democratic political participation: Aggregation versus deliberation

The concept of the democracy that dominated contemporary liberal theory for most of the 20th century is known as the aggregate model also called the distributive paradigm. The aggregate model assumes that questions of justice are about material distribution running along a continuum rooted in libertarian notions of self-ownership on the one hand, to arguments for equality of resources on the other, with Rawlsian type arguments somewhere in the middle.⁹ Recall that this was the era of the Cold War, where the idea of democracy – especially liberal, constitutional democracy – was not universally accepted. A major criticism of the classic, aggregate model of democracy is therefore that it does not reflect on the relationship between theories of justice and theories about democracy, and deliberative democracy is an effort to bring thinking about democracy and thinking about justice closer together.

This is not really a new idea, but rather a resuscitation of more republican ideals about the government and arguments for more direct democracy, such as those articulated by Rousseau (reference; reference list). The context in which this revival is taking place, however, is that of globalization and debate about cultural relativism within democratic systems, and so we need to consider this in context. Since the early 1990s political theorists have begun to think about how democracy could be handled differently in order to treat cultural minorities justly, and not just give effect to the wishes of the majority. With the end of the Cold War in the last decade of the 20th century some began to think, as reflected Fukuyama's famous statement, that we had reached the "end of history".¹⁰ In other words, the debate was no longer about what type of political system to have, but rather how to best give effect to such a system in a diverse world. This proposes a more substantive set of criteria for democracy that will take the voices and rights of minorities more seriously, and which will prevent liberal democracies from taking their own normative assumptions for granted.

The other important point to note about the move towards a more deliberative approach to democracy and democratic participation is the supposedly transformative nature of the process (Farrelly, 2005: 200). Rather than individuals bringing their private preferences to bear in a process of winner-takes-all aggregation in the form of voting, deliberative democracy anticipates a process whereby citizens actively

9 Rawls's 1971 *A Theory of Justice*, is regarded as possibly one of the most influential works of political theory of the 20th century. It reinvigorated debate among theorists about the relationship between liberty and equality, which it is Rawls's aim to bring into balance.

10 Francis Fukuyama, *The end of history and the last man*, published by the Free Press (New York) in 1992 and reprinted in 2006.

engage with one another, debating matters of common interest, and in the process, becoming educated, developed and improved in terms of their civic consciousness.

This seems to be an approach that can be deployed with quite promising results as far as children are concerned. It is scarcely necessary to reiterate for this audience that children's abilities – cognitive and social – are shaped by their input and interaction, and so in the absence of any clear evidence to the contrary, one can only assume that children are *capable* of a degree of deliberative interaction, although just how much and on what topics, remains a matter for discussion. Notice how this conflicts with the idealized Western conception of childhood noted above, as it projects onto children as political participants a degree of responsibility. Furthermore, how appropriate would it be to expect children to engage with “adult” topics that form the core of political decision making? Some tentative answers to these questions are explored in the following section.

A deliberative approach to children's participation

A major dilemma faced by proponents of deliberative democracy is its inherent impracticality. For this reason, deliberative democracy has been treated largely as a purely academic enquiry (McDevitt & Kiosis, 2004: 5). Questions are, however, being raised increasingly about how institutions can be designed to give effect to more deliberative methods of political interaction, and in particular, how this could be built into educational curricula with a view to educating children for active and informed citizenship. So the idea here is not to supplant the traditional forms of political decision making, but to supplement them with a range of methods which citizens can use to participate in and benefit from the transformative effects of deliberation. It is these supplementary measures that seem most appropriate in the case of children, as they are drawn gradually into political decision making in a way that is appropriate to their levels of maturity. It also allows children a space in which they are not only being groomed to be effective citizens in the sense of being informed about the issues that affect them, but that also highlights the institutions and mechanisms that they can activate in articulating their rights and interests.

The main question, again, however, is the practical one of how this might best be effected. McDevitt and Kiosis (2004) describe an interactive civic curriculum in the USA, taught between elections, over a 3-year period. The project commenced just after the 2002 elections, when students were interviewed to provide a baseline from which to assess the impact of the programme. The report in question records their results midway through the project and lists several findings, three of which are noteworthy for this paper: 1) the impact on children themselves in terms of their deliberative abilities, 2) the impact on their parents and 3) the effect across socio-economic class and in light of parental political behaviour.

Firstly, the programme was judged a success in terms of its impact on children, as it proved

a successful catalyst for deliberative democracy, as students continued on toward a discursive path to citizenship after the end of the curriculum. Not only did the frequency of the discussion increase in the long run, students became more skilled at holding political conversations. For instance, the curriculum promoted dispositions such as the willingness to listen to opponents and feeling comfortable about challenging others in discussion. Students learned to partake [sic] in passionate – but civil and respectful – discourse. Also evident is a desire that is at the heart of deliberative democracy: motivation to validate opinions by testing them out in conversations and seeing if they are persuasive (McDevitt and Kiosis, 2004: 2).

Secondly, the programme had the indirect effect of involving parents in their children's civic participation, as part of the curriculum consisted of home discussions initiated by the students, and these results were shown to persist over time. “This phenomenon illustrates that political socialization should not be viewed as a process that begins and ends in childhood. We present a model of second-chance citizenship, in which parents increase their political involvement due to their children's participation” (McDevitt and Kiosis, 2004: 2). The curriculum also made provision for community involvement, which could presumably also have beneficial, if indirect, consequences.

Thirdly, the study reports that the programme “makes a difference above and beyond what we could otherwise predict from social background” (McDevitt & Kiosis, 2004: 23), including socio-economic

background, and parental voting behaviour. In other words, despite other influences that may or may not predispose them to be receptive to a programme of civic education, a curriculum that actively promotes deliberation as a mode of political participation has an identifiable and long term effect on all youth participants.

These findings provide a useful basis for some comparative consideration, albeit one which must be treated with caution. How feasible would something similar in South Africa be? Firstly, it must be noted that while the USA study claims to have included participants from diverse backgrounds, the situation in South Africa can scarcely be replicated at the level of socio-economic disparities, inequalities between educational facilities, as well as differences in language, social and cultural background. While these pose a challenge to a programme such as the one described above, with enough time and resources they are presumably not insurmountable. Other reservations arise in terms of who would benefit from such interventions, with, presumably, better resourced schools in urban areas faring better, while poorly resourced schools, both urban and rural, with already overstretched staff and resources struggling to keep up.

In this regard, note should be taken of the role that the law provides for learners to participate in School Governing Bodies (SGBs) in South Africa. The *South African Schools Act*, 84 of 1996 (SASA) requires that secondary school learners should participate in their SGB if they are members of the Representative Council for Learners for that school. It is vastly beyond the scope of this paper to discuss the various factors that may affect the functioning of SGBs, and indeed their history and evolution in the context of South Africa's post-apartheid education system is a separate topic. It is, however, worth noting that while this participation is provided for in law, and is generally regarded as a progressive step in democratizing South African schools, it does suffer from certain shortcomings. As argued above, learners at less-resourced schools are culturally and educationally less predisposed to participation than their counterparts at well-resourced schools.

Mncube (2008) reflects on this inequality and the outcome that it has for learner participation in a qualitative study of four schools representing the spectrum of schools in the South African system; from a formerly white (model C school) on the privileged end of the scale, to a rural, formerly black school on the least privileged end of the scale, with two township schools (formerly black and coloured respectively) representing the middle of the spectrum. Mncube's findings show that the school at the more privileged end of the spectrum "could be described as operating more democratically than the other three schools"; while the rural school was "on the negative extreme" largely as a result of the authoritarian conduct of the principal in relation to learners and parents alike (Mncube, 2008: 86-87), and in the conclusion Mncube emphasizes the potential of SGBs as crucibles for learner participation.

Mncube's (2008) argument for the potential of schools to play this role is also explored by Pretorius (2007), who argues that learner participation not only encourages democratic behaviour for citizens, but may also help to overcome difficulties that arise in contexts of diversity. While this argument cannot be explored here, it is worth noting, as Pretorius's (2007) argument echoes one of the primary claims made by theories of deliberative democracy. This theme is picked up by Waghid (2009: 89), who makes a similar claim for deliberation in the classroom at university level, and refers to specific problematic instances or conflicts involving identity, such as allegations of racist practices at universities, to illustrate his argument. He concludes that "cultivating citizenship through deliberation offers much hope to counteract blindly patriotic sentiments and to engender cosmopolitan citizenship".

Is there a role here for civil society in advancing a deliberative democratic agenda?¹¹ And how might existing institutions be harnessed to encourage more deliberative spaces for children's political

11 There are some peer education initiatives, such as Generation of Leaders Discovered (GOLD), which collaborates with peer educator trainers such as OIL, which operates in four schools in the Western Cape. The problem with these initiatives, however, is their reach, as they operate mainly in an urban setting, and furthermore their focus tends to be more on leadership as it is understood in a socio-economic, rather than a political sense. For more information, see <http://www.oil.org.za/what-we-do.php>

participation? The conclusion will touch briefly on these two suggestions, as well as acknowledge another possible major limitation of this approach.

Conclusion

The major voices of oppositional politics in South Africa, outside of political parties, remain those that emanate from civil society. A number of civil society initiatives, such as those whose business is to articulate various aspects of human rights, could have the potential to be developed to assist in some kind of active civic engagement and participation for learners in schools. Secondly, it is important not to discount the vast scaffolding of institutions supporting democracy that have been erected since 1994. While some of these are defunct, owing to their being hijacked by various political factions, and overrun with those whose aim is to benefit themselves, the potential at least exists for some of the Chapter 9 institutions, and others like the Youth Commission, to be drawn into such a process. Note that South Africa has an Office on the Rights of the Child, located in the Presidency, but like its counterpart Office on the Status of Women, its work is primarily that of reporting on work done by others, and it has thus far proven itself incapable of managing its own finances and affairs adequately.¹²

The point about extra-governmental fora for youth participation, however, is one which needs to be emphasized. Margaret Arnott argues that one solution to the problem of democracy being “equated almost exclusively with voting” is to recognize the importance of civil society in providing both a space for citizens’ participation, as well as the training and experience for active citizenship (Arnott, 2008: 361). Arnott (2008) is concerned about the sidelining of the role of civil society in market-based liberal democracies, but the point to note is that civil society activities and arenas are able to include children both as participants, and as those who are able to set the agenda for policy and deliberation by identifying issues that are of concern to them.

The major problem, however, remains one of how this deliberation can be translated into a real stake in the political outcomes, and deliberative democracy generally suffers from the deficit that while it may allow participants to engage with one another meaningfully, it does not offer us ways to move an agenda forward or break deadlocks. Would this youth deliberation be just that – a forum for the airing of immature political opinions without any real impact on political outcomes? It is quite likely, but at least it does provide an incubator for more informed, responsible and engaged citizens in the future.

These are imperfect solutions to messy problems, not least of all because of the unequal basis of participation from which children in South Africa will be proceeding. It seems, however, as if some avenues for informed and active youth participation require exploration in the interests of securing the future of South Africa’s youth democracy.

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12 In May 2009, a Ministry of Women, Children and People with Disabilities was created, but the activities of this department have been low key, and it operates from within the Presidency, and so does not, in my view, mark a major shift in either policy or practice. At the same time, the Offices on the Rights of the Child and the Status of Women respectively were relegated to the status of ‘projects’ within the Presidency Portfolio, overseen by a Minister within the Presidency.

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