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A Person's a Person: Children's Rights in Children's Literature

Jonathan Todres

Georgia State University College of Law, jtodres@gsu.edu

Sarah Higinbotham

Georgia State University

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A PERSON'S A PERSON: CHILDREN'S RIGHTS IN CHILDREN'S LITERATURE

Jonathan Todres & Sarah Higinbotham*

Although the Convention on the Rights of the Child is the most widely ratified human rights treaty in history, children's rights are still marginalized in mainstream academic legal circles. The reality, however, is that the realization of children's rights is vital not only for childhood but for individuals' entire lives. Similarly, although the books children read and have read to them are a central part of their childhood experience, so too has children's literature been ignored as a rights-bearing discourse and a means of civic socialization. We argue that children's literature, like all narratives that contribute to our moral sense of the world, help children construct social expectations and frame an understanding of their own specific rights and responsibilities. Arguing that literature is a source of law for children, we explore children's literature with a view to examining what children learn about their own rights, the rights of others, and the role of rights more broadly in a democratic society. Using Dr. Seuss as a case study, this Article explores the role of children's literature in children's rights discourses. This Article also examines recent empirical work on the benefits of human rights education, connecting that research with law and literature perspectives. Ultimately, this Article aims to connect and build upon the fields of children's rights law, law and literature, children's literature criticism, and human

* Jonathan Todres is Associate Professor of Law at Georgia State University College of Law. Sarah Higinbotham holds a Ph.D. in English Literature specializing in human rights and literature; she chairs the research committee of Foreverfamily (formerly, Aid to Incarcerated Parents), a national nonprofit organization benefitting children of incarcerated parents, and co-directs the Georgia College in Prison Program. The authors would like to thank Jonathan Cardi, Clark Cunningham, Alyssa Dunn, Michael Galchinsky, Pratheepan Gulasekaram, Lauren Sudeall Lucas, Caren Morrison, Carol Sanger, Nirej Sekhon, Barbara Bennett Woodhouse, and workshop colleagues at the 2013 Emerging Family Law Scholars and Teachers Conference for their helpful comments on earlier versions of this Article. Our thanks also to Tiffany Nichols and Jennifer Whitton for outstanding research assistance and to Pamela Brannon and the entire Law Library staff for their wonderful research support.

rights theory, to forge a new multidisciplinary sub-field of study: children’s rights and children’s literature.

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I. INTRODUCTION

Children’s literature is not a source of information *about* social structures of subjectivity in our society. It is the very site of their emergence. Children’s literature is not a series of texts *about* the law. It is a source of law.

– Desmond Manderson

I’ll just have to save him. Because, after all,
A person’s a person, no matter how small.

– Dr. Seuss

In 2010, teachers in a Canadian early childhood program initiated a “Rights Project” with their four-year-old students.¹ From the outset, the teachers found that the children understood the concept of “free,” defining it experientially as being “free to dig in the

1. Pamela Wallberg & Maria Kahn, *The Rights Project: How Rights Education Transformed a Classroom*, 36 Canadian Children 31 (2011).

sand" but "not free to fight."² However, the children also used freedom as "blanket permission to exercise personal wants and whims"—snatching toys from each other, for example, claiming they were "free" to do so, and subsequently compelling the teachers to intervene on behalf of the wronged child.³ But when the teachers taught the children specifically about the concept of rights—that every child has the right to be listened to and the right to play—the classroom and playground transformed to places where children realized and defended their rights by themselves.⁴ Even these very young students began to engage in a rights discourse that collectively benefited them. For instance, the children, not yet developed in conversational speech, would often compulsively talk over each other during group discussions. The children (like many adults) found it difficult to listen. But after learning that all children have the right to be heard, one young boy who was frustrated by his classmates' interruptions yelled, "[y]ou're hurting my right to be listened to!"⁵ "Instantly," the teachers reported, "the group quieted and, without any further adult intervention, the conversation morphed from chaotic chattering into an exchange of ideas."⁶ When the children understood their rights, it reduced the need for the teachers' reprimands and punishments, and empowered the children not only to speak up for themselves, but to collectively protect each other's rights in many such examples.

That Canadian classroom is the exception; far more commonly, the idea of children's rights is met with skepticism, or dismissed entirely by adults.⁷ Historically, many foundational

2. *Id.* at 32, 33 tbl.1.

3. *Id.*

4. *Id.* at 33–35.

5. *Id.* at 34.

6. *Id.*

7. See Joseph Goldstein et al., *The Best Interests of the Child* 90, 140, 148 (1996) (identifying only three rights that should be available to children: the rights to autonomous parents, to be represented by their parents, and to have parents who care); James Griffin, *Do Children Have Rights?*, in *The Moral and Political Status of Children* 19, 27–28 (David Archard & Colin E. McLeod eds., 2002) (arguing that children should be viewed as acquiring rights in stages tied to their agency, and that infants, like people in comas or with severe mental defects, lack agency); Martin Guggenheim, *What's Wrong with Children's Rights?* xi (2005) (acknowledging that children need rights "as protection against the exercise of state power" but expressing skepticism about the value of or need for children's rights in family settings); Onora O'Neill, *Children's Rights and Children's Lives*, 98 *Ethics* 445, 447, 463 (1988) (positing that there is no "theoretical or political advantage" in discussing children's rights and thus the

scholars and writings on democracy and liberty did not recognize children as rights-bearing citizens.⁸ Even today, although the most widely accepted international human rights treaty is a treaty on children's rights,⁹ children's rights are still marginalized in mainstream academic legal circles.¹⁰ Yet what children learn about, and how they experience, human rights and the rule of law is essential to their lives as children and later as adults.¹¹ Individuals who do not learn about rights, at whatever stage of life, are less likely to be in a position to recognize and realize their own rights. Conversely, individuals who learn about and can realize their rights as children will be better positioned to secure their rights as adults and participate meaningfully in their society.

focus should be identifying adults' obligations to children); Heritage Found., *How Congress Can Protect the Rights of Parents to Raise Their Children*, Issue Bulletin No. 227, at 19 (July 23, 1996), available at <http://www.heritage.org/research/reports/1996/07/how-congress-can-protect-the-rights-of-parents-to-raise-their-children> (arguing that the rights of a minor to free association and privacy only exist in the context of parental sanction and advocating for the codification of parental rights); see generally Michael Freeman, *Why It Remains Important to Take Children's Rights Seriously*, 15 Int'l J. Child. Rts. 5 (2007) (reviewing and responding to critiques of children's rights).

8. See, e.g., John Stuart Mill, *On Liberty* 13–14 (1859) ("It is, perhaps, hardly necessary to say that this doctrine [of individual liberty] is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age which the law may fix as that of manhood or womanhood."); John Locke, *The Second Treatise of Government*, in *Two Treatises of Government* 399, §170 (Peter Laslett ed., 1960) ("First, then, paternal or parental power is nothing but that which parents have over their children to govern them, for the children's good, till they come to the use of reason, or a state of knowledge."); see also Anne C. Dailey, *Children's Constitutional Rights*, 95 Minn. L. Rev. 2099, 2099–2101 (2011) ("For almost two centuries, children were largely absent from the class of constitutional rights-holders. . . . From the perspective of choice theory, children do not enjoy most constitutional rights because they lack the capacity for autonomous choice."); Hugh Matthews et al., *Young People's Participation and Representation in Society*, 30 GeoForum 135, 137 (1999) ("Childhood became codified as a period of training and discipline in preparation for adult life, where a lack of autonomy was seen as natural and children became constructed as human beings in the making.").

9. The Convention on the Rights of the Child, G.A. Res. 44/25, 44th Sess., U.N. Doc. A/RES/44/25 (Nov. 20, 1989) [hereinafter CRC], has been ratified by all but three countries: Somalia, South Sudan, and the United States.

10. See *supra* note 7. We recognize that children are distinct from adults in important ways and do not suggest children are equals, but do argue that one can recognize and respect children as rights-bearing individuals even while recognizing differences between children and adults.

11. See *infra* Part III.B.

The books children read and have read to them are a central part of their childhood experience;¹² and yet, just as children have been dismissed as rights-bearing persons, so too has children's literature been ignored as a rights-bearing discourse and a means of civic socialization. Until recently, scholars have almost completely ignored children's literature, disregarding the rich theoretical and cultural potential that the genre offers.¹³ The common, often trivializing positions that many adults take about children's literature overlook the fact that childhood is a time of profound development that shapes a society's youngest members, who then have the potential to reshape society. Stories play a central role in that development and function as key formative experiences in the lives of many children. "[C]hildren's books, because of their mythic power, because of their capacity to instill resources that echo throughout our life, are a crucial point of origin for [the] life-long practices [of adult life and law]."¹⁴ Dr. Seuss conveys the same

12. See, e.g., Paulo Freire, *The Importance of the Act of Reading*, 165 J. Educ. 1, 8 (Loretta Slover trans., 1983) (reflecting on the "importance of the act of reading" in shaping one's development); Denise von Stockar, *The Importance of Literacy and Books in Children's Development: Intellectual, Affective and Social Dimensions*, Int'l Board on Books for Young People (María Candelaria Posada trans., 2006), <http://www.ibby.org/index.php?id=718> (last visited Sept. 22, 2013) (discussing the central role reading plays in children's lives and development). It is important to acknowledge that many children who are most vulnerable to exploitation do not live in reading-enriched environments. See Stacey A. Storch & Grover J. Whitehurst, *The Role of Family and Home in the Literacy Development of Children from Low-Income Backgrounds*, New Directions for Child and Adolescent Development, Summer 2001, at 53, 54 ("[T]here are large social class differences in children's exposure to experiences that might support the development of literacy skills. Numerous studies have documented differences in the pattern of book ownership, as well as in the quality and frequency of shared reading, between lower- and higher-socioeconomic-status families."). Nevertheless, for a significant portion of U.S. children, books are an important part of childhood.

13. See, e.g., Deborah Thacker, *Disdain or Ignorance? Literary Theory and the Absence of Children's Literature*, 24 *Lion and the Unicorn* 1-17 (2000) (arguing that literary theorists have discounted the relevance of children's literature in critical scholarship); Zohar Shavit, *Poetics of Children's Literature* 11 (1986) (tracing the marginalization of children's stories to the seventeenth century); Beverly Lyon Clark, *Kiddie Lit: The Cultural Construction of Children's Literature in America* xii, 75-76 (2003) (correlating the lack of academic prestige in studying children's literature to American moralizing and condescending attitudes toward childhood).

14. Desmond Manderson, *From Hunger to Love: Myths of the Source, Interpretation, and Constitution in Children's Literature*, 15 *Law & Literature* 87, 95 (2003).

concept, but addresses children directly when he says, "[t]he more that you read, the more things you will know. The more that you'll learn, the more places you'll go."¹⁵

Yet children's literature is more than an understanding of law in the sense of what is right and what is wrong. It is also an essential point of origin for children's understanding of their rights; the stories they hear at bedtime, the rhymes they memorize, and even the process of becoming literate shapes children's sense of themselves as rights-bearing citizens. In this Article, we illustrate that children's books, far from being simplified versions of grown-up stories, are cultural transmitters of children's rights. As Robert Cover argues, the "formal institutions of law" are "but a small part of the normative universe that ought to claim our attention."¹⁶ For this reason, children's understanding of their rights rests not only on formal apparatuses like the U.N. Convention on the Rights of the Child and other human rights treaties, but also on those early stories that first shape and construct children's sense of themselves and of their rights and responsibilities in society.

The law and literature movement has focused largely on canonized authors whose classic texts deal explicitly with trials, judges, and justice, such as William Shakespeare, Franz Kafka, and Herman Melville. We turn not to Dostoyevsky, but to Dr. Seuss,¹⁷ the best-selling children's author of all time, who revolutionized reading in the 1950s. We illustrate how Dr. Seuss's child-centered, imaginative, and self-determining books correlate with international children's rights law, forming a mutually reinforcing framework for children to understand and realize their rights. Dr. Seuss was a pioneer in children's literature and children's rights, disseminating norms and articulating the principles of children's rights decades before the international community adopted a legally binding treaty on children's rights.¹⁸ Even as children's rights law has caught up

15. Dr. Seuss, *I Can Read With My Eyes Shut!* (1978) [not paginated].

16. Robert M. Cover, *Nomos and Narrative*, 97 Harv. L. Rev. 4, 4 (1983).

17. Theodor Seuss Geisel used three pseudonyms during his career as a political and advertising cartoonist, as well as a children's author and illustrator: Dr. Seuss, Theo LeSieg, and Rosetta Stone. We will refer to him by his most widely known pen name, "Dr. Seuss."

18. The Declaration of the Rights of the Child of 1924, known as the Declaration of Geneva, is recognized as the first international document on children's rights. See *Declaration on the Rights of the Child*, League of Nations O.J. Spec. Supp. 21, at 43 (1924). Not only was it non-binding, it spoke only of duties "men and women of all nations" owed to the child, and not about children as rights holders. *Id.* Although duties and rights can be two sides of the same

with him, Dr. Seuss remains a vital cultural force in both children's literature and children's rights.¹⁹ Moreover, though Dr. Seuss's work initially represented an exception in children's literature, his far-reaching influence on the field has since dramatically reshaped how children's literature communicates with children.²⁰

Although law and literature has taken root as a body of scholarship over the last forty years, the interdisciplinary subfield of human rights and literature is much newer.²¹ This Article focuses this exploration of literature and rights further by looking at the correlation between children's literature and children's rights, using Dr. Seuss's work as a case study.²² We explore the ways that imaginative literature offers young children new perspectives,

coin, it is also true that a state can take on an obligation (duty) without recognizing that the beneficiary has a corresponding right. For example, even though the U.S. government has accepted a duty to provide health care to certain individuals (e.g., through Medicare and Medicaid), federal law does not recognize a *right* to health care.

19. As we show in Part II.B, Seuss helps disseminate children's rights, the very act of which fulfills one of the mandates of the CRC. *See* CRC, *supra* note 9, art. 42 (obligating states parties to "undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike").

20. For Dr. Seuss as a forerunner in the field of children's literature, contributing to a shift away from a genre predominated by didactic, moralizing stories to one celebrating children's creativity and their ability to think autonomously, *see* Philip Nel, *The Avant-Garde and American Postmodernity: Small Incisive Shocks* 41–96 (2002) (proposing that eight cultural figures, including Dr. Seuss, contributed to significant ideological shifts); Julia L. Mickenberg, *Learning from the Left: Children's Literature, the Cold War, and Radical Politics in the United States* 11 (2005) (arguing that Dr. Seuss was an influential author who opened the field of children's literature to more progressive attitudes).

21. The first concerted human rights and literature scholarship emerged during a 2005 round table discussion at the Modern Language Association Conference organized by Domna Stanton and Judith Butler, which led to a 2006 edition of *Publications of the Modern Language Association* (PMLA) devoted to the scholarship, "The Humanities in Human Rights: Critique, Language, Politics." It included one article on children's rights, Jacqueline Bhabha, *The Child – What Sort of Human?*, 121 PMLA 1526 (2006), in which Bhabha focuses on the construction of the child in human rights discourse and illustrates the value of connecting the fields of humanities and children's rights. Bhabha did not discuss children's literature. *Id.*

22. As discussed in Part II.A, *infra*, Dr. Seuss changed children's literature radically. In that respect, he is unique. Yet his value as a case study is twofold: First, he changed children's literature, and other authors have followed. *See supra* note 20 and accompanying text. Second, as his stories have been widely read, they represent an important case study in human rights norm diffusion.

hypothetical realities, and different vantage points through which rights can be considered. A deeply ingrained sense of themselves as agents and autonomous persons, as well as of their rights and responsibilities in community with others, emerges not only from explicit education about human rights, but also through the cultural channels of children's stories. "Unless someone like you cares a whole awful lot," Seuss's *Lorax* instructs the child, "nothing is going to get better. It's not."²³

Dr. Seuss was not historically recognized as a valuable source of moral philosophy, or even as a principled author. In fact, his first book, *And to Think That I Saw It On Mulberry Street* (1937), was rejected by twenty-seven publishers because it was "too different," had "no moral or message," and contained nothing aimed at "transforming children into good citizens"²⁴—a suggestion that we argue could not be farther from the reality of so many of his stories. But like many vanguards, Seuss had yet to be appreciated for what we will show are his contributions to disseminating a children's rights discourse.

Arguing that literature is a source of law for children, we explore children's literature with a view to examining what children learn from literature about their own rights, the rights of others, and the role of rights more broadly in a democratic society. We turn the lens of human rights and literature on children's books and ask, *what do children learn when they read? How do they experience rights through their favorite books?*

We believe that this research project makes several important contributions to the existing literature. First, our project aims to put children's literature and children's rights on the law and literature map. As we discuss below, children's literature is a wonderfully rich resource through which children come to develop constructive, or harmful, conceptions about rights. Indeed, Dr. Seuss and other popular children's authors have far greater potential to influence children's understanding of their own rights, the rights of others, and the interplay between the two, than international law or even local law. We believe our Article offers a starting point for a new multidisciplinary subfield on children's rights and children's literature, forging a network that can link the fields of children's

23. Dr. Seuss, *The Lorax* (1971) [not paginated].

24. Judith & Neil Morgan, Dr. Seuss & Mr. Geisel: A Biography 81 (1995).

rights law and literary theory.²⁵ For human rights scholars, children's rights scholars, and law and literature scholars, our research reveals the importance of children's literature to the understanding and dissemination of human rights principles as part of the rule of law.

Second, and relatedly, we explore recent empirical work on human rights education and explicitly link that research to children's experience of rights through literature that they read and have read to them. We assess the potential contribution that human rights education through children's literature might make to democratic societies.

Third, we seek to add to the small body of literature that attempts to understand how children experience literature as a source of law.²⁶ Further research is needed to develop a more sophisticated, nuanced understanding of how children experience law in children's stories and how that shapes their behavior in childhood and beyond.

Finally, our study focuses on young children on the verge of independent reading, the primary audience of Dr. Seuss's books, and explores the way children emerging both into literacy and into the public legal realm will come to understand their rights and the rights

25. Our exploration starts with Dr. Seuss and U.S. children's literature. How and the extent to which rights are expressed in children's literature in other countries and cultures merits further research but is beyond the scope of this Article.

26. See, e.g., Manderson, *supra* note 14 (contending that children's literature is a foundational source of law that scholars have ignored); Jeffrey E. Thomas & Franklin G. Snyder, *The Law and Harry Potter* (2010) (exploring through a collection of essays the legal institutions, traditions, crimes, punishments, ethics, and economics of law in J. K. Rowling's *Harry Potter* novels); Katherine J. Roberts, *Once Upon the Bench: Rule Under the Fairy Tale*, 13 Yale J. L. & Human. 497 (2001) (arguing that both law and fairy tales share the traits of societal indoctrination and social reform); Susan Ayres, *The Hand That Rocks the Cradle: How Children's Literature Reflects Motherhood, Identity, and International Adoption*, 10 Tex. Wesleyan L. Rev. 315 (2004) (locating and analyzing adoption narratives of kinship, patriarchy, and the "bad mother" in children's literature such as P.D. Eastman's *Are You My Mother?*); Barbara Bennett Woodhouse, "Are You My Mother?": *Conceptualizing Children's Identity Rights in Transracial Adoptions*, 2 Duke J. Gender L. & Pol'y 107 (1995) (offering a distinctly child-centered perspective to identity rights through both children's narrative and legal theory); and Barbara B. Woodhouse, *Hatching the Egg: A Child-Centered Perspective on Parents' Rights*, 14 Cardozo L. Rev. 1747, 1814-20 (1993) (exploring adoption law perspectives through diverse literary genres such as Dr. Seuss's *Horton Hatches the Egg*, the Bible, and William Faulkner's *Light in August*).

of others. This is a critical stage in children's development, and yet this population is under-studied as human rights actors. We highlight the importance of studying children's rights in this early stage of life. Our focus on young children dovetails with the recent research on the importance of early childhood development,²⁷ and we believe the study of children's rights in young children's literature presents important considerations for those scholars and advocates interested in early childhood development.

We begin Part II by exploring the rights found in children's literature. We focus in particular on two classic Dr. Seuss stories—*Horton Hears a Who!* and *Yertle the Turtle*. We have selected these two books because of their broad impact in the United States, where tens of millions of children have been raised on Dr. Seuss's stories. Although not representative of all children's literature, these stories provide an important starting point for understanding how children's rights manifest themselves in literature because they explore foundational children's rights themes. As Dr. Seuss's books are among the most widely read children's books of all time, starting with Dr. Seuss helps debunk the notion that teaching children about their rights is something new and unfamiliar. Indeed, we argue that children's literature conveys important messages about children's rights, and because this transmission is already occurring, it merits much more attention than it has received to date.

After exploring how children's rights are depicted in these classics of children's literature, in Part III we set out to show the importance of recognizing children's rights and children's literature as an area of study. We first situate our work in the law and literature tradition, revealing a significant gap in the literature. We then focus on the value of teaching children about human rights. In conservative circles, the concept of children's rights is often accused of being a threat to parents' rights and counterproductive.²⁸ As we

27. See World Health Org. [WHO], *Early Child Development*, at 1, WHO Fact Sheet No. 332 (Aug. 2009), <http://www.who.int/mediacentre/factsheets/fs332/en/index.html> ("Early childhood is the most important phase for overall development throughout the lifespan."); J.F. Mustard, *Experience-based Brain Development: Scientific Underpinnings of the Importance of Early Child Development in a Global World*, 11 *Paediatrics & Child Health* 571 (2006) (discussing research findings on the positive impact of literacy and language development in early childhood on brain development and overall well-being).

28. See Patrick F. Fagan, Heritage Found., How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion, and Sovereignty 7–13 (2001), http://thf_media.s3.amazonaws.com/2001/pdf/bg1407.pdf. Fagan claims that "[i]f the U.N. committees have their way, the freedom of parents to

demonstrate in Part III, research reveals the opposite to be true: teaching children about their rights not only positions them to exercise their rights as adults and contribute to their communities, but it also leads children to be more respectful of the rights of others and to appreciate that responsibilities and rights go hand in hand. Part III also explores the short- and long-term benefits of teaching children about rights.

Finally, in Part IV, we briefly outline the implications of recognizing children's rights in children's literature and taking seriously children's literature's capacity to shape children's understanding of rights. We also highlight key areas where further research is needed to understand better how children experience and absorb human rights principles.

II. RIGHTS IN CHILDREN'S LITERATURE

In this Part, we explore rights found in children's literature. We begin by explaining why we have selected two books by Dr. Seuss as a starting point for a dialogue on rights expressed in children's literature. We then discuss in depth how rights are experienced in the classic stories of *Horton Hears a Who!* and *Yertle the Turtle*. In these books, we see not only a breadth of rights incorporated into the narrative, but also explicit connections being made between rights and responsibilities.

A. Dr. Seuss, I Presume

1. Dr. Seuss as a Case Study

From the well-known opening lines of "The sun did not shine. It was too wet to play. So we sat in the house [a]ll that cold, cold, wet day,"²⁹ Dr. Seuss has become the defining figure of modern children's literature. His children's books have sold more than 200 million copies,³⁰ and he competes not only in the children's literature

raise their own children, to shape their behaviors, and to safeguard their moral upbringing will be a relic of past centuries" and that certain recommendations of the committees would "establish legal and structural wedges between parents and their children" and "foster . . . rebellion." *Id.* at 10.

29. Dr. Seuss, *The Cat in the Hat* 1 (1957).

30. Donald E. Pease, Theodor SEUSS Geisel ix (2010). Publisher's sales figures establish Seuss as the most widely read children's author; of the best-selling hardcover children's books of all time, Dr. Seuss has had 16 books in

categories, but also ranks seventeenth among the all-time best-selling authors on the *New York Times* best-seller list.³¹ Seuss is taken seriously as a cultural icon, with scholarly Seuss criticism spanning presidential oaths, business ethics, democracy, politics, gender, economics, art, and environmental crises; his work is explored in the fields of law, cultural studies, ecology, sociology, and popular culture.³² His fantastic characters, nonsense words, and rhyme have become renowned cultural symbols, from the Grinch, to the Cat in the Hat, to Horton the faithful elephant, and Sam-I-Am's green eggs and ham.

In addition to his continuing popularity, Dr. Seuss's work marks a watershed moment historically in both children's literature and children's literacy. Before *The Cat in the Hat* (1957), children in the United States learned to read from textbook primers such as the influential *Little White House Primer* (1948) and the *Dick and Jane* readers, books that combined moralizing sentiment with perfectly behaved children in tame domestic situations. Take, for instance, the following scenario in the *Little White House Primer* in which Jerry admires his father's new slippers:

"Look, Mother!" He said.
 "Look in this white box.
 See the new blue shoes!
 I wanted some new house shoes.
 This is the color I like.
 What good house shoes!
 What a good chair!

the top 100 (Beatrix Potter and J.K. Rowling come in a distant second and third place, respectively, with regard to total books sold). Philip Nel, Dr. Seuss: American Icon 3–4 (2004).

31. *New York Times All Time Best Sellers: Most Weeks on List—Authors*, New York Times Best Seller List, <http://www.nytimesbestsellerlist.com/authors/most-weeks> (last visited Nov. 19, 2012). Dr. Seuss's books garnered 290 total weeks on the list, and his last book, *Oh the Places You'll Go*, stayed on the list for 178 weeks. *Id.*

32. See generally Gary Lawson, *Everything I Need to Know About Presidents I Learned From Dr. Seuss*, 24 Harv. J.L. & Pub. Pol'y 381 (2001) (presidential oaths); Michelle R. Greenwood, *The Study of Business Ethics: A Case for Dr. Seuss*, 9 Bus. Ethics: A Eur. Rev. 155 (2000) (business ethics); Shira Wolosky, *Democracy in America: By Dr. Seuss*, 85 Sw. Rev. 167 (2000) (democracy); Philip Nel, *Children's Literature Goes to War: Dr. Seuss, P.D. Eastman, Munro Leaf, and the Private SNAFU Films*, 40 J. Popular Culture 468 (2007) (politics and gender); Philip Nel, *The Disneyfication of Dr. Seuss: Faithful to Profit, One Hundred Percent?*, 17 Cultural Studies 579 (2003) (economics and art); Dylan Wolfe, *The Ecological Jeremiad, the American Myth, and the Vivid Force of Color in Dr. Seuss's The Lorax*, 2 Env'tl. Comm. 3 (2008) (environmental crises).

What a good home!"³³

Rudolf Flesch criticized such primers in his 1955 book *Why Johnny Can't Read* as "horrible, stupid," and utterly uninspiring.³⁴ Pulitzer Prize-winning novelist and journalist John Hersey also addressed the ineffective children's reader, and proposed Seussian aesthetics as the model for a new reading book: "Why should [children's reading primers] not have pictures that widen rather than narrow the associative richness the children give to the words they illustrate—drawings like those of the wonderfully imaginative geniuses among children's illustrators, Tenniel, Howard Pyle, 'Dr. Seuss,' Walt Disney?"³⁵

This call for a paradigm shift in literacy education coincided with Dr. Seuss's rising popularity in the world of children's literature. When Houghton-Mifflin's education publisher famously challenged Seuss to "write me a story that first-graders can't put down,"³⁶ Seuss produced a revolutionary reader, with comic-style drawings, physical humor, a controlled vocabulary, and a trickster-hero who messes up the house while the mother is away. Seuss's reader was anything but bland, idealized, or literal. Instead, it celebrated the inherent value of nonsense, language play, and imagination. It was also an instant success: *The Cat in the Hat* sold 12,000 copies a month in its initial year of sales and is now the ninth best-selling hardcover children's book of all time.³⁷ The book also received critical praise, with one reviewer calling it a "harum-scarum masterpiece . . . [a] gift to the art of reading" and another dubbing Dr. Seuss "the moppets' Milton."³⁸

33. Odille Ousley & David H. Russell, *The Little White House* 26 (1953).

34. Rudolf Flesch, *Why Johnny Can't Read and What You Can Do About It* 6 (1986).

35. John Hersey, *Why Do Students Bog Down on First R?: A Local Committee Sheds Light on a National Problem: Reading, Life*, May 24, 1954, at 148; see also Morgan, *supra* note 24, at 153–54.

36. Morgan, *supra* note 24, at 154.

37. Pease, *supra* note 30, at 102.

38. Morgan, *supra* note 24, at 156. Seuss went on to found and direct what would be one of the most lucrative subdivisions of Random House, "Beginner Books," with the maxim of children's participation printed boldly on the back of each book: "I can read it all by myself." *Id.* at 156–68. Dr. Seuss's long and accomplished career resulted in numerous awards, honorary doctorates, international fame, and a 1984 Pulitzer citation for "his special contribution over nearly half a century to the education and enjoyment of America's children and their parents." *Special Awards and Citations*, The Pulitzer Prizes, <http://www.pulitzer.org/bycat/Special-Awards-and-Citations> (last visited Nov. 16, 2012).

One of the hallmarks of Seuss's books is the engaged participation that they promote in preliterate children. Through the use of innovative illustrations, controlled vocabulary, and strong end rhymes, all of which foster children's active participation in the story, Seuss offers children a space to experience participation rights—one of the foundational rights of children's rights law—on children's own terms and “by appropriate . . . means.”³⁹ Seuss emphatically used iconotextual collaboration, in which the child foresees every narrative event through the illustrations.⁴⁰ In *Yertle the Turtle*, for example, even before the adult reader narrates Yertle's fate (“For Yertle, the King of all Sala-ma-Sond, / Fell off his high throne and fell *Plunk!* In the pond!”), the child already knows that Yertle has been dethroned and disgraced: the large, vivid picture of his turtle rear end splashing into the pond, the spiral movement lines trailing from his former high perch, and the delighted faces of his formerly exploited turtles relate the same information as the rhymed verse they hear.⁴¹

Dr. Seuss broke from traditional children's books' realistic, watercolor illustrations, opting instead for a large, flat-ink, comic book style. In fact, he often proudly quoted one reviewer who noted that all his creatures have “slightly batty, oval eyes and a smile you might find on a Mona Lisa after her first martini.”⁴² His guidelines for illustrations demanded that the text should contain nothing that was not clearly expressed nonverbally by the illustrations; children must be able to work out the story, on their own, from the illustrations.⁴³ Dr. Seuss was a formative children's writer-illustrator in this regard, initiating and transforming the concept that when words and pictures fully collaborate in children's books, beginning readers participate more fully.⁴⁴ This form of picture book initiates children into an autonomous experience with the story, almost independent of the parent-reader.

39. See CRC, *supra* note 9, arts. 12 & 42. For a discussion on participation rights as a central tenet of children's rights, see *infra* notes 99–111, 121–22 and accompanying text.

40. On the power of simplistic and iconic cartoon style, see Scott McCloud, *Understanding Comics: The Invisible Art* 24–53 (1993).

41. Dr. Seuss, *Yertle the Turtle and Other Stories* 27 (1958) [page numbers added by authors, beginning with title page].

42. Morgan, *supra* note 24, at 245.

43. *Id.* at 160.

44. See U.C. Knoepfmacher, *Children's Texts and the Grown-up Reader*, in *The Cambridge Companion To Children's Literature* 159, 170–71 (M.O. Grenby & Andrea Immel eds., 2009) (describing Maurice Sendak's juxtaposition of image and text to engage young readers in *Where the Wild Things Are*).

Perhaps most famously, Dr. Seuss fostered participation through the anticipatory nature of rhymed verse. Rhyme functions as more than an aesthetic pleasure for children learning to read. "Rhyming," Dr. Seuss replied in an interview about the importance of rhyme in his books, "forces recognition of words."⁴⁵ Children not only recognize and repeat books because of rhyme, but rhyme leads them to foresee verbal elements in the story: children learn to expect Horton's refrain, repeated three times in the book, so when the elephant calls to the Whos' Mayor, "Don't give up! I believe in you all!" the child can likely predict the subsequent "[a] Person's a person, no matter how small."⁴⁶ Readers of Dr. Seuss books, who are children at the verge of moving from passive subjects of books into independent readers (ages 4-8), feel what Desmond Manderson refers to as the "experiential force" of literature with added weight because of the musical, rhymed language of Dr. Seuss; it is the rhyme and rhythm that prompts children to read the books repeatedly and subsequently memorize large portions of the books.⁴⁷ Thus, Dr. Seuss's books structurally empower children to participate in the reading process, while the narratives reinforce a child's autonomy and power. Through his avant-garde approach, Dr. Seuss was disseminating the same norms that would be enshrined in the U.N. Convention on the Rights of the Child, taking children seriously, and empowering them to play an active role in matters that affect them.

Although Dr. Seuss's books feature comic illustrations, nonsense words, and outrageous plot elements, his stories also engage with frightening aspects that children encounter: discrimination, exploitation, loneliness, fear, and abandonment. In *Yertle the Turtle* and *Horton Hears a Who!*, Dr. Seuss offers children an imaginative role interacting with some of the scariest parts of the world, such as Yertle, an abusive, dictatorial king who misuses his subjects, and the Whos, a community facing imminent destruction

45. *Somebody's Got to Win in Kids' Books*, U.S. News & World Rep., April 14, 1986, at 69.

46. Dr. Seuss, *Horton Hears a Who!* 51 (1954) [page numbers added by authors, beginning with title page].

47. Manderson, *supra* note 14, at 91; see also Robin Heald, *Musicality in the Language of Picture Books*, 39 *Child. Literature in Educ.* 227, 230 (2008). Heald notes that conspicuously melodic language in books (such as Dr. Seuss writes) is "enormous not only for the sensory pleasure they offer the children but also for the multiplicity of intelligences they stimulate. The picture book whose language sings requires the brain not only to decode words and syntactical structures, but also to hear rhythmic patterns, durations of sounds and expressive contours." *Id.* at 234.

because they are small and seemingly invisible. Dr. Seuss, however, does it not through bureaucratic language, which tends to sound as incomprehensible to children as Charlie Brown's teacher, but through distinctly childlike acts: a "howling mad hullabaloo," and a public burp.⁴⁸ In Dr. Seuss's stories, children find a space where they can participate on their own terms, even from very young ages.

2. Readers of Dr. Seuss

Dr. Seuss's standing in the field of children's literature and his ground-breaking approach to literacy are reason enough to select him as the starting point for a project on children's rights and children's literature. However, there is a second set of reasons for selecting Dr. Seuss's texts: the intended audience and how he approached his audience. Dr. Seuss's books target children who are at the beginning of independent reading.⁴⁹ This period also overlaps with the beginning of the child's emergence from the private sphere of the family to the public sphere, including schools and other public spaces. Law, historically, has acknowledged and reinforced this public/private distinction, freely regulating the public sphere but proceeding very cautiously into the home and other private spheres.⁵⁰ Thus, when children experience literature as a source of law at this stage, they are absorbing the law just as they emerge into the public sphere of society and as the laws of society (as distinct from parental rules) simultaneously exert more influence in their lives. As children transition into life in the public sphere, they are forced to recognize the existence of social rules, which are of course part of the larger rule of law. For this reason, it is important to understand how and the extent to which we (through literature or other vehicles) teach children about rights at this very stage in their development when they begin to emerge as individuals outside of the family/home.

48. Horton Hears a Who!, *supra* note 46, at 54; Yertle the Turtle, *supra* note 41, at 25.

49. Nel, *supra* note 32, at 3.

50. See, e.g., Challenging the Public/Private Divide: Feminism, Law, and Public Policy 9–19 (Susan B. Boyd ed., 1997) (describing the "disparate impact that the public/private divide has had on women" and feminism's challenge to this divide); Chelsea Purvis, *Gender—Addressing the Public/Private Divide*, Think Africa Press (Nov. 9, 2012), <http://thinkafricapress.com/international-law-africa/public-private-divide> ("The Western legal tradition sees the world as composed of two spheres: the public, where law may regulate actors, and the private, where the law does not apply.").

Dr. Seuss's work is thus particularly pertinent because, in stark contrast to other children's literature, the Dr. Seuss canon does not reinforce children's mechanical submission to adult authority. Instead, his books reverse the typical paradigms of children's literature. Very few children's books in the 1940s and 1950s, and in particular young readers' texts, featured independent child protagonists or celebrated the child's imagination. Instead, children's books tended to reinforce the adult's perspective as inherently superior to the child's: adults set rules for children's own good, and when those rules are broken, bad things happened.⁵¹ The central plot of most children's stories centered around the child-characters learning that they must obey adults and conform to a grown-up sense of propriety, gender expectations, patriotism, and determined boundaries. Oliver Goldsmith's *Goody Two-Shoes* (1765), Beatrix Potter's *Peter Rabbit* stories (1902-1930), and H. A. Rey's *Curious George* (1941) represent the ways in which the children's book tradition that Dr. Seuss inherited typically indoctrinated conformity and obedience. Curiosity, independence, and creativity corresponded to "naughtiness." Children's books articulated how adults set rules for the children's own protection and warned of the consequences for breaking those rules.⁵²

Dr. Seuss's universe is radically different. Dr. Seuss did not portray the supremacy of adult perspectives, with children standing by admiring their father's house shoes. Instead, in many of his books, the "adult poses either an explicit or implicit challenge to the child narrator, who responds with a series of increasingly fantastic scenarios."⁵³ Dr. Seuss venerated the realm of make-believe. His

51. See, e.g., Peter Hunt, *An Introduction to Children's Literature* 94 (1994) (tracing the history of British children's literature from multiple angles, including the history of didactic and moralizing children's stories); Lenora Ledwon, *Ten Kinds of Law and Literature Texts You Haven't Read*, in *Teaching Law and Literature* 430 (Austin Sarat et al. eds., 2011) ("Children's literature is laden with law-related themes. Traditionally, much of it has had a didactic purpose. Rules (and the consequences of breaking them) abound in children's literature. Picture books in particular often present a story about right and wrong behavior."); Roberts, *supra* note 26, at 499 (arguing that both the fairy tale and law reinforce expected social norms).

52. Exceptions to this paradigm can be found in the nineteenth century British nonsense poetry and literature of Edward Lear and Lewis Carroll, and later in the books of Roald Dahl and Seuss's contemporary and friend, Maurice Sendak—authors who celebrate rather than censor a child's imaginative creativity.

53. Pease, *supra* note 30, at 86. See, e.g., Dr. Seuss, *And to Think That I Saw It on Mulberry Street* (1989) (narrating a young boy's elaborate fantasy of what he

books did not indoctrinate children to shed their imaginative creativity in exchange for sensible, adult behavior. He instead "sought to protect children's imagination . . . from adult belittlement."⁵⁴

This celebration of a child's imagination took the form of Dr. Seuss's outrageous characters and nonsense verse. He created creatures like the Key-Slapping Slippard,⁵⁵ who compulsively slaps keys out of people's hands so they cannot open their gates; the Fizza-ma-Wizza-ma-Dill,⁵⁶ the world's largest bird that "only eats pine trees and spits out the bark;" and the Wump of Gump, the seven-humped creature owned by Mr. Gump.⁵⁷ His fantastic geographies feature Zinzibar-Zanzibar Trees (the eggs laid there "taste like the air in the holes in Swiss cheese")⁵⁸ and Herk-Heimer Falls, which are "just grand for tooth-brushing beneath."⁵⁹ Seussian inventions, such as the Bright Dwight Bird-Flight Night-Sight Light, which "might be right" as a Christmas gift, if your father's named Dwight,⁶⁰ and the Elephant-Toted Eight-Nozzled Boom-Blitz, a weapon created to retaliate against the Yook's Kick-a-Poo Kid,⁶¹ are all the more fantastic with the accompanying comic-book illustrations, in which "meaning is fluid and variable,"⁶² and with hypnotic rhyme.⁶³

When children read Dr. Seuss, they are immersed in his childish, eccentric world that celebrates possibilities, humor, and flexibility rather than adult-centered, literal-minded limitations and

saw on Mulberry Street on his way home from school); Dr. Seuss, *Green Eggs And Ham* (1960) (developing an unnamed character's persistent and increasingly elaborate methods to convince Sam-I-Am to eat green eggs and ham); Dr. Seuss, *If I Ran the Circus* (1956) (chronicling little Morris McGurk's imaginative renovation of an abandoned lot into the fantastic Circus McGurkus); Dr. Seuss, *If I Ran the Zoo* (1950) (cataloging the imaginative and bizarre creatures that exist only in young Gerald McGrew's head, rather than the somewhat pedestrian animals he actually sees at the zoo).

54. Henry Jenkins, *'No Matter How Small': The Democratic Imagination of Dr. Seuss*, in *Hop on Pop: The Politics and Pleasures of Popular Culture* 196, 187–208 (Harry Jenkins, Tara McPherson & Jane Shattuc eds., 2002).

55. Dr. Seuss, *I Had Trouble in Getting to Solla Sollew* (1965).

56. Dr. Seuss, *If I Ran the Zoo*, *supra* note 53.

57. Dr. Seuss, *One Fish Two Fish Red Fish Blue Fish* (1960).

58. Dr. Seuss, *Scrambled Eggs Super!* (1953).

59. Dr. Seuss, *Dr. Seuss's Sleep Book* (1964).

60. Dr. Seuss, *Oh Say Can You Say?* (1979).

61. Dr. Seuss, *The Butter Battle Book* (1984).

62. McCloud, *supra* note 40, at 28.

63. Dr. Seuss, *The Butter Battle Book* (1984); Dr. Seuss, *Oh Say Can You Say?* (1979).

concrete concepts. Research illustrates that because children “live and move in an adult world they do not understand[,] children gain control of their world by subverting it to nonsense.”⁶⁴ Dr. Seuss’s “nonsense sub-universe” invites children to experience the world actively, and his plots challenge the child to take risks, to play with language and ideas, and most of all, to imagine.⁶⁵ Horton the Elephant instantiates the value of imagination, and its relationship to universal rights, when he is not only willing to imagine that very small people could be living on a speck of dust, but also that they both need his protection and should be urged to participate—via their own distinct expressions—in claiming their rights.⁶⁶

At this critical stage of development during which most children are starting school, emerging in limited ways as autonomous individuals, and exploring the concept of independence, Dr. Seuss’s books offer children power and agency on their own terms. In both of Dr. Seuss’s “If I Ran” books (*If I Ran the Circus*; *If I Ran the Zoo*), little Morris McGurk and Gerald McGrew are allowed to engage in a hypothetical framework, revising reality according to their own imaginations.⁶⁷ In *Green Eggs and Ham*, it is the *child*-protagonist, Sam-I-Am, who persuades the *adult* to eat repulsive green food.⁶⁸ These examples are characteristic of Dr. Seuss’s stories, which feature idiosyncratic, imaginative young protagonists whose alternative visions of reality contrast sharply with the prosaic adult world. In this respect, Dr. Seuss provides a vehicle for children to experience empowerment on their own terms at this critical transitional stage in their development.⁶⁹ *Horton Hears a Who!* and *Yertle the Turtle* offer children engaging stories that not only

64. Celia C. Anderson & Marilyn Fain Apseloff, *Nonsense Literature for Children: Aesop to Seuss 6–7* (1989).

65. *Id.* at 200.

66. Carl Miller, *Horton Hears Badiou!: Ethics and an Understanding of Dr. Seuss’s Horton Hears a Who!*, in *Philosophy in Children’s Literature* 83 (Peter R. Costello ed., 2012).

67. See Dr. Seuss, *If I Ran the Zoo*, *supra* note 53; Dr. Seuss, *If I Ran the Circus*, *supra* note 53.

68. Dr. Seuss, *Green Eggs and Ham*, *supra* note 53.

69. See, e.g., Alicia Ely-Yamin, *Empowering Visions: Toward a Dialectical Pedagogy of Human Rights*, 15 Hum. Rts. Q. 640, 644 (1993) (“[H]uman rights is aimed at empowering individuals to make choices for themselves in the fulfillment of their human dignity.”); Peter K. Yu, *Ten Common Questions About Intellectual Property and Human Rights*, 23 Ga. St. U. L. Rev. 709, 713 (2007) (“[H]uman rights are not only universal entitlements, but also empowerment rights—rights that enable individuals to benefit from other equally important rights.”).

encapsulate a range of rights—from overarching foundational rights, such as the right to participate, to more specific rights, such as the right to housing—but also explore how rights are ensured and who is responsible for children's rights.

B. Children's Rights Articulated in Seuss

Although much of children's literature is aimed at teaching children to comply with adult dictates and to internalize the rules of society,⁷⁰ Dr. Seuss does much more. In Dr. Seuss stories, the *child* is the protagonist, just as under children's rights law, the child is recognized as an individual with rights, rather than a mere appendage or ward of another.

This section examines rights evidenced in Dr. Seuss's work focusing on two post-World War II Dr. Seuss classics, *Horton Hears a Who!* and *Yertle the Turtle*. These two widely-read books are particularly rich examples of children's rights in children's literature, and thus provide an important launching point for what we hope will be a more thoughtful dialogue among scholars and child advocates—and children too—about the role of children's literature in shaping and advancing children's rights and well-being. This section begins by providing a brief summary of each story. It then examines rights articulated in the two stories. The section follows with an exploration of duties and responsibilities articulated in these Dr. Seuss classics. Examining both sides is essential because rights and duties accrue to each individual in a society as part of the social contract.⁷¹

Our first book, *Horton Hears a Who!*, opens with Horton enjoying life in the Jungle of Nool when he hears a faint cry for help, emanating from a speck of dust. Although the text tells us that the source of the cry is too small for Horton to see, the two-page spread clearly illustrates a small, frightened "Who," reinforcing Horton's imagination: "some poor little person who's shaking with fear / That he'll blow in the pool! He has no way to steer! / I'll just have to save

70. See *supra* notes 51–52 and accompanying text.

71. See, e.g., Gregory Tardi, *Citizens' Democratic Duty to Know*, 5 J. Parliamentary & Pol. L. 1, 2 (2011) ("It stands to reason that being a member of society cannot consist only of rights, but it also entails duties. . . . The social contract . . . must imply some degree of participation in the conduct of public affairs on the part of citizens."); see generally John Rawls, *A Theory of Justice* (1971) (reconciling the contradictory positions of distributive justice by adapting the social contract through the principle of "justice as fairness").

him. Because, after all, / A person's a person, no matter how small."⁷² Horton subsequently launches an effort to protect these "very small persons" from the sorts of dangers inherent in their powerlessness, such as blowing into the pool, being splashed, or drowning. Horton accepts this protective role as an ethical obligation from the strong to the weak: "I've *got* to protect them. I'm bigger than they.' / So he plucked up the clover and hustled away."⁷³ But the rest of the Nool community not only finds his protection unnecessary, but they are overtly hostile. The sour Kangaroo and the Wickersham gang (an extended family of monkeys) first ridicule Horton's efforts to protect a community of persons too small to be seen, and then they take measures to destroy the people they neither hear, see, nor believe in. They snatch the Who community and deliver it to Vlad-Vlad-i-kof, the black-bottomed eagle, for destruction.

Horton pleads on behalf of the Whos: "Please don't harm all my little folks who / Have as much right to live as us bigger folks do!"⁷⁴ At great physical risk, Horton rescues the community of very small persons and pledges to guard their safety. But his determination provokes a new level of aggression from the Jungle majority, who perceive Horton's protection as a violation of the jungle's status quo: "Such carryings-on in our peaceable jungle! / We've had quite enough of your bellowing bungle!"⁷⁵ Thus Horton is beaten, mauled, and caged, and the entire Who population, whom they believe to be a fantasy, are to be boiled in Beezle-nut oil.⁷⁶

Up to this point, the Whos have been subjects of Horton's advocacy, completely dependent on his resources for representation and protection. But their impending destruction functions as a narrative climax that demands the Whos' own participation in defense of their rights. Horton tells them that they must make *themselves* heard if they are to avoid ending up "in a Beezle-Nut stew": "Don't give up! I believe in you all! / A person's a person, no matter how small! / And you very small persons will *not* have to die / If you make yourselves heard! *So come on, now, and TRY!*"⁷⁷ The Whos' participation takes the form of distinctly child-like expression as they smack tom-toms, rattle tin kettles, and beat on brass pans, garbage pail tops, and old cranberry cans. They are blowing bazookas,

72. Horton Hears a Who!, *supra* note 46, at 10.

73. *Id.* at 18.

74. *Id.* at 31.

75. *Id.* at 40.

76. *Id.* at 42.

77. *Id.* at 51.

“yapping,” “yippling,” “beeping,” “bipping,” and generally make a “howling mad hullabaloo.”⁷⁸ But ultimately their voices are heard only when the “small, *very* small . . . young twerp” named Jo-Jo adds his “yopp” to the Whos’ attempts to communicate their existence; at that point, the narrator emphasizes that when the “smallest of all” participated, “their whole world was saved.”⁷⁹ Horton’s initial advocacy, combined with the Whos’ own distinctly child-like participation, convince the jungle inhabitants that these “very small persons” do exist and need both collaborative protection and participation rights.

Our second Dr. Seuss book, *Yertle the Turtle*, takes place on the Island of Sala-ma-Sond, which is ruled by a turtle named Yertle. Not content with his power, Yertle exploits the pond’s turtles by stacking them one on top of another in order to expand his kingdom:

“This throne that I sit on is too, too low down

It ought to be *higher*!” he said with a frown.

“If I could sit high, how much greater I’d be!

What a king! I’d be ruler of all I could see!”⁸⁰

Mack, the very small turtle at the bottom of the stack, twice objects to the deplorable conditions. His first attempt at free expression only intensifies Yertle’s ill-use of his subjects: “‘SILENCE!’ the King of the turtles barked back. / ‘I’m king, and you’re only a turtle named Mack.’”⁸¹ Then he increases his throne from nine stacked turtles to 200.

Mack’s second attempt to reason with Yertle is an eloquent expression of rights in anapestic tetrameter:

Then again, from below, in the great heavy stack,
Came a groan from that plain little turtle named
Mack.

“Your Majesty, please . . . I don’t like to complain,
But down here below, we are feeling great pain.
I know, up on top you are seeing great sights,
But down at the bottom we, too, should have rights.
We turtles can’t stand it. Our shells will all crack!
Besides, we need food. We are starving!” groaned
Mack.⁸²

78. *Id.* at 53–56.

79. *Id.* at 62.

80. *Yertle the Turtle*, *supra* note 41, at 4.

81. *Id.* at 12.

82. *Id.* at 19.

But once again Mack's objection is met only with increased abuse from Yertle, who demands that the turtle stack now be increased from 200 to 5,607.⁸³ Mack finally determines enough is enough; he burps. Ultimately, it was this act of defiance, Mack's burp, not his articulate complaints, that "shook the throne of the king" and ended Yertle's megalomania.⁸⁴ Like Jo-Jo's "yopp," Mack's burp is a conspicuously child-like act of participation, articulating both existence and rights. In both stories by Dr. Seuss, it is only by such an expression that rights can be claimed. The next section takes a deeper look at the rights extolled in these two Dr. Seuss stories and what both stories convey to children about how rights are realized.

1. Rights

International human rights law recognizes that every child has rights. Adopted by the U.N. General Assembly in 1989, the Convention on the Rights of the Child ("CRC")⁸⁵ offers the most comprehensive articulation of children's rights, enshrining the civil, political, economic, social and cultural rights of the child. Because the CRC is the most comprehensive treaty on children's rights and the most widely ratified human rights treaty in history,⁸⁶ it is the natural starting point for any discussion of children's rights.⁸⁷

The CRC is built on four foundational principles, found in Articles 2, 3, 6, and 12. First, the rights ensured to children shall be assured to all children without discrimination of any kind (the principle of non-discrimination).⁸⁸ Second, in all actions concerning

83. *Id.* at 23.

84. *Id.* at 25.

85. CRC, *supra* note 9.

86. The United States, Somalia, and South Sudan are the only three countries which are not party to the CRC.

87. Other treaties are relevant to children's rights, because after all, children are people too. *See generally* International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, S. Exec. Doc. E, 95-2 (1978), 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 19, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976) [hereinafter ICESCR]; Convention on the Elimination of All Forms of Discrimination against Women, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981) [hereinafter CEDAW]; Convention on the Rights of Persons with Disabilities, *opened for signature* Mar. 30, 2007, 2515 U.N.T.S. 3 (entered into force May 3, 2008); *see also* Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., U.N. Doc. A/810 (Dec. 12, 1948).

88. CRC, *supra* note 9, art. 2.

children, the best interests of the child shall be a primary consideration.⁸⁹ Third, each child has the inherent right to life, survival and development.⁹⁰ Fourth, children should have an opportunity to participate in decisions that affect their lives, consistent with each child's age and maturity.⁹¹

These core principles articulate a view that every child matters, that the best interests of the child must be at the forefront of policymakers' minds at all times, and that children should have the opportunity to play a role in decisions that shape their lives.

In examining the four foundational principles of the CRC—(1) the child's right to life, survival, and development; (2) non-discrimination; (3) the child's right to participate; and (4) the best interests of the child as a primary consideration in all actions concerning children—we see the structure of children's rights. The first three provisions are fundamental rights recognized as held by all children, while the fourth provides a mandate as to the guiding principle for a society in actions that concern children. Each of the three rights that are part of the foundation of the CRC and international children's rights law are evidenced in Dr. Seuss's books.

a. Non-discrimination and the Right to Life, Survival, and Development

"The underlying theme of all international human rights treaties is that the rights that they seek to protect apply to everyone without distinction"⁹² This core principle of non-discrimination,

89. CRC, *supra* note 9, art. 3(1).

90. CRC, *supra* note 9, art. 6.

91. CRC, *supra* note 9, art. 12.

92. Claire Breen, *Age Discrimination and Children's Rights: Ensuring Equality and Acknowledging Difference* 12 (International Studies in Human Rights, Ser. No. 86, 2006). Dr. Seuss's story of the Sneetches is arguably his most famous book addressing the issue of discrimination. Dr. Seuss, *The Sneetches and Other Stories* (1953). As Betty Mensch and Alan Freeman explain:

The Sneetches, written in 1953, a year before *Brown v. Board of Education*, is an indictment of racism. . . . By itself, this description [of the Sneetches excluding each other on the basis of whether they had a star or not] ridicules the insidious social practices based on racism. Dr. Seuss's analysis goes one step further, however. Seuss is not only sensitive to the unjustified self-importance of the excluders, but sensitive as well to its effects on its victims. He understands that the experience of exclusion can push victims to the point of wanting to take on the norms and values of their oppressors, so that they try to

together with the recognition of the child's right to life, survival, and development, establish the child as a distinct individual and holder of rights on her own account. These two rights are central to the notion of human dignity, which is one of the foundational principles of human rights.⁹³ That is, that all individuals have the right to life and to develop and thrive, and that each individual is of equal value and must be treated as such.

These two core rights of the child are prominent themes in Dr. Seuss's books. In *Horton Hears a Who!*, on three occasions, Horton asserts, "[a] person's a person, no matter how small."⁹⁴ This notion articulated by Horton—that every individual has value and should not be treated as a lesser being—captures the essence of human rights. Far more succinctly than any philosopher, Horton captures the concepts of human dignity, equality, and non-discrimination in this straightforward statement that both children and adults can comprehend.

Other scenes in *Horton Hears a Who!* similarly reflect these core rights to survival and non-discrimination. For example, after Horton has assumed responsibility to protect the Whos, he finds himself chasing after the eagle who has the speck on which the Whos live, and he begs, "Please don't harm all my little folks, who / Have as much right to live as us bigger folks do!"⁹⁵

deny their own identities in order to pass as dominators. It is that psychic reality of racism, and cultural domination in general, which provides Seuss with a point of departure for a critique that is far more radical than the conventional liberal denunciation of racism as simply not rational or nice.

Betty Mensch & Alan Freeman, *Getting to Solla Sollew: The Existential Politics of Dr. Seuss*, 2 Tikkun, no. 2, 1987, at 34. Mensch and Freeman acknowledge, however, that Seuss was not perfect on the issue of racism. "In *If I Ran the Zoo* (1950), he failed to rise above his generation, depicting both Asians and Africans with racially stereotypic caricature." *Id.*

93. See, e.g., Klaus Dicke, *The Founding Function of Human Dignity in the Universal Declaration of Human Rights*, in *The Concept of Human Dignity in Human Rights Discourse* 111, 112–114 (David Kretzmer & Eckart Klein eds., 2002) (discussing the foundational role of the concept of human dignity in the Universal Declaration of Human Rights and tracing its historical roots).

94. *Horton Hears a Who!*, *supra* note 46, at 10, 20, 51. At the end, Horton states a variation on the same (a fourth time): "They've proved they ARE persons, no matter how small." *Id.* at 62.

95. *Id.* at 31. Dr. Seuss, writing in the aftermath of the Holocaust, appears also to be conceptualizing the Whos' destruction as a genocide, which the strong Horton seeks to prevent. See Convention on the Prevention and Punishment of

In *Yertle the Turtle*, Mack similarly asserts children's rights to be free from discrimination and to survive and develop: "I know, up on top you are seeing great sights, / But down at the bottom we, too, should have rights."⁹⁶

Both of these narratives teach core human rights principles and reinforce the idea that one should respect the rights of others. In doing so, they teach a particular conception of rights. As Bandman articulates: "Rights need not be understood primarily as expressions of unrestrained liberties Rights may instead be interpreted as expressions of human respect, dignity, and maturity. Rights are a baseline of decent behavior for people in regard to dealings with one another."⁹⁷ The principle of non-discrimination and right to life, survival, and development are the essence of rights rooted in human respect and dignity—human rights principles that Dr. Seuss anticipates and reinforces.⁹⁸

b. Child Participation and the Right to be Heard

Article 12 of the CRC establishes that "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."⁹⁹ While subsection 2 of Article 12 provides that a child "shall in particular be provided the opportunity

the Crime of Genocide, *opened for signature* Dec. 9, 1948, 102 Stat. 3045, 78 U.N.T.S. 277 (entered into force Jan. 12, 1951).

96. *Yertle the Turtle*, *supra* note 41, at 19. This line in *Yertle the Turtle* might also symbolize class arguments. We do not suggest that children's stories have only one interpretation, but we find that Dr. Seuss's work speaks clearly to children's rights themes.

97. Bertram Bandman, *Children's Right to Freedom, Care, and Enlightenment* 5 (1999).

98. Dr. Seuss was writing at a time before the advent of the CRC, but was likely influenced by the same foundational documents that informed the CRC, including the Universal Declaration of Human Rights [hereinafter UDHR], the ICCPR, and the ICESCR. *See generally* Peter Drier, *Dr. Seuss's Progressive Politics*, *Tikkun* 28 (Fall 2011) (tracing Dr. Seuss's career from left-wing political cartoonist who attacked Hitler to author whose children's books addressed themes of injustice and vulnerability). A liberal political cartoonist such as Dr. Seuss likely would have been following the debates over the UDHR and the development of the Covenants, and his own books bear witness to the internationalist and universalist flavor of the post-war period of 1945–60. His later books, such as *The Butter Battle Book*, illustrate that this thread continued into his later years.

99. CRC, *supra* note 9, art. 12(1).

to be heard in any judicial and administrative proceedings affecting the child," the first requirement of CRC Article 12 is not limited to judicial proceedings but applies in *all matters* affecting the child. Ensuring children a voice in matters that affect their lives is arguably the most transformative aspect of children's rights.¹⁰⁰ The CRC enshrines this right to participate in a way that accounts for children's development. Though children lack the full autonomy of adults (and thus also the full autonomy rights of adults, including voting rights), the CRC affirms their right to participate in a balanced manner by providing that the weight of the child's views should be consistent with the "age and maturity" of the child.¹⁰¹ Article 12 grants children the right to have their voices heard; it does not require that children be allowed to decide the issue. In fact, children frequently express that they do not want to be the ultimate decision-maker but do want to have an opportunity to participate in the process.¹⁰²

The child's participation rights are a major theme in Dr. Seuss's books. In *Horton Hears a Who!*, the adventure begins by the Whos—who represent children in the story¹⁰³—asserting their right

100. "The CRC's participation rights reflect the view that childhood has value in and of itself, and that the role of the child in society is important for both the society and the child. Maria Grahn-Farley, *The U.N. Convention on the Rights of the Child and the Forgotten History of the White House Children's Conferences, 1909-1971*, 20 *Transnat'l L. & Contemp. Probs.* 307, 368 (2011). See also Craig Kielburger, *Children Helping Children Around the World*, 36 *Fam. & Conciliation Cts. Rev.* 410, 413 (1998) ("One of the most important statements in the [CRC] is that children have the right to participate in the implementation of their rights. Yet this seems to be the one right so often forgotten by educators, children's organizations, and governments around the world.") At the time of writing, Kielburger was a 14-year-old student who founded an organization called Free the Children. *Id.* at 410.

101. CRC, *supra* note 9, art. 12(1).

102. Grahn-Farley, *supra* note 100, at 372 ("The right to participate does not give the child a right to make decisions. . . . [It] means that the child should be heard in all matters that concern the child. . . . [and] includes the right of the child to participate in a meaningful way"); Tamar Morag et al., *Child Participation in the Family Courts—Lessons from the Israeli Pilot Project*, 26 *Int'l J.L. Pol'y & Fam.* 1, 4 (2012) ("[S]tudies indicate that children whose parents are going through a divorce are usually interested in expressing their positions and their feelings regarding decisions that affect their lives, although in most cases they do not wish to be the ones making the decision.").

103. Dr. Seuss follows the tradition in children's picture books of representing children as ambiguous creatures who look like animals but speak, dress, and act like humans, such as Beatrix Potter's *Peter Rabbit*, Arnold Lobel's *Frog and Toad*, and H. A. Rey's *Curious George*. Seuss's very small Whos are characteristic of the

to be heard: "Then [Horton] heard it again! Just a very faint yelp / As if some tiny person were calling for help."¹⁰⁴ Subsequently, as Horton is being attacked by others, he urges the Mayor of the Whos: "Don't give up! I believe in you all! / A person's a person, no matter how small! / And you very small persons will *not* have to die/ If you make yourselves heard! *So come on, now, and TRY!*"¹⁰⁵

Later, as the Whos attempt to be heard by all, the Mayor of the Whos explains to Jo-Jo that "Every voice counts!"¹⁰⁶ Each of these moments teaches the value of child participation and that every child has the right to be heard.

In *Yertle the Turtle*, similarly, Mack, who toils at the bottom of the stack of turtles, cries out that "[d]own at the bottom we, too, should have rights."¹⁰⁷ Mack, a child in the story,¹⁰⁸ articulates his right to be heard, which is subsequently enshrined in the CRC's Article 12. And it is meaningful that it comes from Mack, who is at the bottom of the stack, and thus arguably the lowest of the low in Yertle's kingdom; the lesson for children is that every child counts, regardless of position. The response from Yertle is not all that different from how adults often respond to the idea of child participation. Yertle offers a very dramatic version of "Because I said so!": "You hush up your mouth!" howled the mighty King Yertle. / "You've no right to talk to the world's highest turtle. / I rule from the clouds! Over land! Over sea! / There's nothing, no, NOTHING, that's higher than me!"¹⁰⁹ Rather than be shut down by this, Mack again asserts his right to be heard. Dr. Seuss writes that Mack:

mice and rabbits that predominately symbolize children in picture books, creatures who are "small enough to express the traumas of small children in a world of large adults." Perry Nodelman, *Words About Pictures: The Narrative Art of Children's Picture Books* 116 (1988). Dr. Seuss rarely drew humans, instead choosing to use animals to represent the characteristics inherent in the story—Horton evoking the elephant's faithfulness, and the almost microscopic Whos symbolizing an invisible, marginalized population. According to his biographer, Seuss said that "none of my animals are animals . . . they're all people sort of." Pease, *supra* note 30, at 94.

104. Horton Hears a Who!, *supra* note 46, at 3.

105. *Id.* at 47.

106. *Id.* at 57.

107. Yertle the Turtle, *supra* note 41, at 18.

108. In the story, Mack is called the "little turtle" six times, is conspicuously the turtle at the very *bottom* of the stack, and is also called a "little lad." *Id.* at 10, 19, and 25.

109. *Id.* at 20.

Decided he'd taken enough. And he had.
 And that plain little lad got a little bit mad
 And that plain little Mack did a plain little thing.
 He burped!
 And his burp shook the throne of the king!¹¹⁰

By burping, Mack asserts his right to be heard and this causes the chain reaction that results in Yertle falling into the pond. The burp is significant in that it is both something that the child reader relates to and an act that is considered outside the bounds of acceptable behavior by adults. It reinforces that Mack, the child protagonist in *Yertle the Turtle*, won't simply acquiesce, but is insisting on his own terms to be heard and have his rights and the rights of other children recognized. Both Mack's burp and Jo-Jo's yopp also reinforce that the "small" have both the right and obligation to participate, both for their own protection and for the role they play in ensuring the well-being of others in the community.¹¹¹

c. Other Rights

Beyond the foundational children's rights discussed above, many other rights of the child are reflected in these two stories by Dr. Seuss. Basic economic and social rights are evidenced in both *Horton Hears a Who!* and *Yertle the Turtle*. Mack asserts most explicitly the turtles' right to food, articulating that by being exploited as a living throne for Yertle, they are both starving and their shells are in imminent danger of breaking under the pressure.¹¹² Not only is their right to adequate nutrition in jeopardy, but the threat to the turtles' shelter—"Our shells will all crack!"—implicates the right to housing and the right to an adequate standard of living.¹¹³

The exploitation of Mack and his comrades at the bottom might also be representative of practices that implicate various other civil rights (the rights to be free from involuntary servitude, torture,

110. *Id.* at 24.

111. See, e.g., Miller, *supra* note 66, at 87 (articulating the complex structure of Badiou's community ethics through Horton's moral obligation to the Whos in *Horton Hears a Who!*); Jenkins, *supra* note 54, at 188 ("The heroic Horton challenges his community to show greater concern for the weak and powerless.").

112. See CRC, *supra* note 9, arts. 24 and 27; ICESCR, *supra* note 87, art. 11.

113. CRC, *supra* note 9, art. 27; ICESCR, *supra* note 87, art. 11. The fact that the turtles on the bottom are starving also implicates the foundational right to life, survival and development. See CRC, *supra* note 9, art. 6; see also ICCPR, *supra* note 87, art. 6(1) ("Every human being has the inherent right to life").

and cruel, inhuman, and degrading treatment)¹¹⁴ as well as economic and social rights (child labor protections).¹¹⁵ Horton, meanwhile, after taking it upon himself to protect the Whos on the speck, hears from the Whos that he has saved their houses, churches, and grocery stores.¹¹⁶ Viewed through a human rights lens, we see that Horton has helped preserve the Whos' rights to housing and an adequate standard of living, their right to freedom of religious expression, and their rights to food and survival.¹¹⁷ Horton's defense of rights is not limited to children's rights; he also advocates for family rights, responding to the sour Kangaroo:

"I *know* there's a person down there. And, what's more,

Quite likely there's two. Even three. Even four.

Quite likely . . .

" . . . a family, for all that we know!

A family with children starting to grow.

So, please," Horton said, "as a favor to me,

Try not to disturb them. Just please let them be."¹¹⁸

Last, although he does not explicitly reference education in the text of these two children's classics, through *Horton Hears a Who!* and *Yertle the Turtle*, Dr. Seuss helps fulfill important obligations under the right to education. Both the CRC and ICESCR recognize the right to education.¹¹⁹ Each treaty also establishes that education "shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms."¹²⁰ The CRC also enshrines

114. CRC, *supra* note 9, art. 37 ("No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."); ICCPR, *supra* note 87, art. 7 (prohibiting torture and cruel, inhuman or degrading treatment or punishment); art. 8 (prohibiting slavery, servitude, and other forced or compulsory labor);

115. CRC, *supra* note 9, art. 32.

116. Horton Hears a Who!, *supra* note 46, at 18.

117. CRC, *supra* note 9, arts. 13–14 (freedom of expression, thought, conscience and religion) & art. 27(1), (3) (right to a standard of living adequate for physical, mental, spiritual, moral, and social development, particularly with regard to nutrition, clothing, and housing); see also CRC, *supra* note 9, art. 6 (right to life, survival, and development).

118. Horton Hears a Who!, *supra* note 47, at 13.

119. CRC, *supra* note 9, art. 28; ICESCR, *supra* note 87, art. 13.

120. The ICESCR states that:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and

in a human rights treaty for the first time the requirement that states parties "make the principles and provisions of the [CRC] widely known, by appropriate and active means, to adults and children alike."¹²¹ Children's literature provides a vehicle for fulfilling this mandate, while also enabling children to realize their right to access information.¹²² *Horton Hears a Who!* and *Yertle the Turtle* disseminate the principles of children's rights to millions of children in a space that is safe and in a way that they can experience and absorb.

In incorporating a range of rights in *Horton Hears a Who!* and *Yertle the Turtle*, Dr. Seuss connects specific rights with the foundational rights of non-discrimination, the right to survival and development, and the right to be heard. In this regard, these children's stories reinforce the idea that rights are interrelated and

the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

ICESCR, *supra* note 87, art. 13(1). Similarly, the CRC states that:

States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

CRC, *supra* note 9, art. 29(1).

121. CRC, *supra* note 9, art. 42.

122. See, e.g., CRC, *supra* note 9, art. 17 ("States Parties . . . shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.").

interdependent.¹²³ Exercising one's participation rights helps advance other rights, such as the right to food, and conversely, realizing the right to food enables a child to develop and be in a position to realize her participation rights. Thus *Horton Hears a Who!* and *Yertle the Turtle* not only discuss specific rights, they demonstrate how rights operate in practice, how they are ensured, and, as the next section discusses, who is responsible for ensuring them.

2. Responsibilities/Duties

Rights imply corresponding duties.¹²⁴ In human rights law, typically that duty resides with the state.¹²⁵ From a social contract perspective, however, we want to teach new members of society (in this case, children) that rights come with duties and responsibilities.¹²⁶ Dr. Seuss conveys this Hohfeldian idea of the

123. See *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, in Office of the U.N. High Comm'r for Human Rights, *Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions*, at 117, U.N. Sales No. E.04.XIV.8 (2005) ("It is now undisputed that all human rights are indivisible, interdependent, interrelated and of equal importance for human dignity."); Philip Alston, *Economic and Social Rights*, 26 *Stud. Transnat'l Legal Pol'y* 137, 147 (1994) (stating that "support for the notion that the two sets of rights [civil and political and economic, social and cultural rights] are interdependent is widespread and is clearly reflected in international human rights instruments"); Craig Scott, *The Interdependence and Permeability of Human Rights Norms: Towards A Partial Fusion of the International Covenants on Human Rights*, 27 *Osgoode Hall L.J.* 769, 779 (1989) ("The standard expression of the interrelationship among human rights in UN parlance take the following form: '[A]ll human rights and fundamental freedoms are indivisible and interdependent.'" (alteration in original); Jonathan Todres, *Rights Relationships and the Experience of Children Orphaned by AIDS*, 41 *U.C. Davis L. Rev.* 417, 459–63 (2007) (examining the relationships between the right to education for children orphaned by AIDS and the specific issues of survival and development, discrimination, health, exploitation, and family environment).

124. Louis Henkin, *The Age of Rights* 3 (1990).

125. *Id.* ("Human rights imply the obligation of society to satisfy those claims. The state must develop institutions and procedures, must plan, must mobilize resources necessary to meet those claims."). The prevailing practice in international human rights treaty law is that the obligation to protect and ensure rights is on states parties to the treaty. See, e.g., CRC, *supra* note 9 (imposing obligations to ensure rights on states parties to the treaty); ICCPR, *supra* note 87 (imposing obligations to ensure rights on states parties).

126. On the social contract, see generally John Rawls, *The Justification of Civil Disobedience*, in *The Duty to Obey the Law* 49 (William A. Edmundson ed., 1999) (discussing the social contract doctrine); *The American Founding and the Social Compact* (Ronald J. Pestritto & Thomas G. West eds., 2003) (providing a series of essays exploring the theory of the social compact). Cf. Emily Buss, *What*

interconnected nature of rights and duties on two levels.¹²⁷ First, children, *as* children, have duties. Second, adults have duties to protect the rights and well-being of children.

In *Horton Hears a Who!* and *Yertle the Turtle*, Dr. Seuss provides two examples of children accepting their duties to respect and protect the rights of others. Mack is the child who recognizes that rights come with responsibilities not just for one's own protection but also in defense of others' rights. When Mack articulates the pain of the turtles "down here below," he notably always uses the collective pronoun ("we are feeling great pain," "we, too, should have rights," "[w]e turtles can't stand it," "our shells," "we need food," "we are starving"),¹²⁸ asserting his rights as intertwined with the rights of others. By viewing rights as not merely self-entitlements but as rights for all, he recognizes and accepts a duty to respect and ensure the rights of others. Moreover, his understanding of rights and what constitutes a violation of rights is validated by the story's narrator: Mack "[d]ecided he'd taken enough. And he had."¹²⁹ The narrator objectively verifies that Mack is not just being an impatient, petulant child, but that he has been wronged. Recognizing his responsibility, Mack takes action, and the results of his actions are that rights accrue to all turtles: "And the turtles, of course . . . all the turtles are free / As turtles and, maybe, all creatures should be."¹³⁰

In contrast, in *Horton Hears a Who!*, Jo-Jo fails to immediately recognize that he has such duties and responsibilities. He is the child that needs to be taught, and Dr. Seuss delivers that lesson. In the midst of the Whos' darkest hour, the Mayor of the Whos:

Discovered one shirker! Quite hidden away
In the Fairfax Apartments (Apartment 12-J)
A very small, *very* small shirker named Jo-Jo
Was standing, just standing, and bouncing a Yo-Yo!

the Law Should (and Should Not) Learn from Child Development Research, 38 Hofstra L. Rev. 13, 16–17 (2009) (noting that John Locke, John Stuart Mill, and others expressly excluded children from liberal theories of equality and liberty).

127. See Wesley Newcomb Hohfeld, *Fundamental Legal Conceptions As Applied in Judicial Reasoning* (Walter Wheeler Cook ed., 1919). Hohfeld's typology of rights distinguished four types of rights: claim rights, liberty rights, authority rights, and immunity rights. Claim rights create corresponding obligations. *Id.* at 38.

128. *Yertle the Turtle*, *supra* note 41, at 19.

129. *Id.* at 25.

130. *Id.* at 29.

Not making a sound! Not a yipp! Not a chirp!
 And the Mayor rushed inside and he grabbed the
 young twerp!¹³¹

Jo-Jo did not understand his own right to be heard or the importance of acting in a way that respects and protects the rights of others. He did not seem to understand either the project or his own potential role in addressing the community's needs and ensuring their rights or his own. The Whos' Mayor conveys clear goals to Jo-Jo and convinces him that he has the capacity to make a real difference:

"This," cried the Mayor, "is your town's darkest hour!
 The time for all *Whos* who have blood that is red
 To come to the aid of their country!" he said
 "We've GOT to make noises in greater amounts!
 So, open your mouth, lad! For every voice counts!"¹³²

When Jo-Jo opens his mouth and exercises his right to be heard, the Whos are heard. In exercising his own rights, he enables others to be heard, thereby helping to ensure the rights of others. Though he starts out less aware of his rights and responsibilities than Mack, he learns that it is important to exercise one's rights not only for oneself but also for the benefit of others.

Though Jo-Jo just wants to be left alone with his yo-yo, ultimately he learns, just in time to help save the Whos, that each of us has a responsibility beyond ourselves and that protecting the rights of others is as important as articulating one's own rights. Through the experiences of these two child characters, Dr. Seuss offers child readers two paths to learning about rights and how rights are intertwined with duties.

Dr. Seuss also incorporates into his stories the importance of adults who recognize and will act to ensure the rights of children. Horton is the classic example. Horton is the quintessential human rights defender. He confronts Kangaroo early: "'So, please,' Horton said, 'as a favor to me, / Try not to disturb them. Just please let them be.'"¹³³ Horton continues: "'I can't let my very small persons get drowned! / I've got to protect them. I'm bigger than they.' So he plucked up the clover and hustled away."¹³⁴

131. Horton Hears a Who!, *supra* note 46, at 58.

132. *Id.* at 61.

133. Horton Hears a Who!, *supra* note 46, at 17.

134. *Id.* at 18.

At different junctures, Horton considers other options, but always opts for the path of protecting the rights of the Whos:

"Should I put this speck down? . . ." Horton thought with alarm. "If I do, these small persons may come to great harm.

I *can't* put it down. And I *won't*. After all,
A person's a person. No matter how small."¹³⁵

Horton pledges to "stick by you small folks through thin and through thick."¹³⁶ And he does, at great cost to himself. He is attacked by others:

Horton fought back with great vigor and vim
But the Wickersham gang was too many for him.
They beat him! They mauled him! They started to
haul
Him into his cage! But he managed to call
To the Mayor: "Don't give up! I believe in you all!
A person's a person, no matter how small!
And you very small persons will *not* have to die
If you make yourselves heard! *So come on, now, and
TRY!*"¹³⁷

Eventually, as we know, the Whos are heard and saved. Horton's efforts are validated. He is rewarded not with anything for himself but by knowing that he helped to ensure the rights of others, and that his intervention led to a shift in the jungle community's perception of the Whos, from intolerance and disregard to respect and cooperative care.¹³⁸ Dr. Seuss, through Horton, provides a shining example of a human rights defender willing to stand up for the rights of others, at great cost to himself. He is the model adult who works to ensure children's right to be heard, their right to survival and development, and many other rights of children, as well as fostering their effective and genuine participation.

In *Horton Hears a Who!*, Dr. Seuss offers one other important lesson on human rights fulfillment. The Whos are saved ultimately

135. *Id.* at 20.

136. *Id.* at 38.

137. *Id.* at 51.

138. Although eventually the Whos are saved and accepted, from a human rights perspective, it is notable that the Kangaroo, Wickersham gang, and the black-bottomed eagle are never held accountable for the human rights atrocities (mauling, etc.) they inflict on Horton. See Pease, *supra* note 30, at 35, for a discussion of the spontaneous shift to mutual care after the Whos' voices are heard.

through a combination of Horton's advocacy ("I've *got* to protect them"¹³⁹) and their own efforts to claim their rights ("We are here! We are here! We are here! We are here!"¹⁴⁰). After this collaborative action, the wider community pledges its protection as well; the young kangaroo vows that "from sun in the summer. From rain when it's fall-ish, / I'm going to protect them. No matter how small-ish!"¹⁴¹ It is this partnership among adults and children that enables children's rights to be fully recognized and protected.¹⁴²

In both of these children's books, Dr. Seuss articulates a rights discourse that eventually would be explicitly acknowledged and enshrined in the CRC. Although Dr. Seuss's stories did not validate all rights—for example, his work has been critiqued for its lack of gender equality¹⁴³—his work nonetheless forged a significant shift in children's literature by recognizing the idea of children's rights. Through imaginative stories, Dr. Seuss fleshes out numerous children's rights, children's responsibilities to other children, adults' responsibilities toward children, and the need for adults and children to work collaboratively to help children articulate their needs and realize their rights.

139. Horton Hears a Who!, *supra* note 46, at 18.

140. *Id.* at 46.

141. *Id.* at 64.

142. Manfred Liebel, *The Role of Adults in Supporting Children's Rights from Below*, in *Children's Rights from Below: Cross-Cultural Perspectives* 226 (Manfred Liebel et al. eds., 2012) (outlining how adults can be "co-protagonists" and work in partnership with children to advance children's rights and well-being).

143. In Dr. Seuss's books, there are very few female title characters, and the girls in his books tend to be passive, dependent, and cooperative rather than dominant, creative, and active. Seuss has been critiqued for the way his female characters are preoccupied with brushing their hair and tagging along behind the male protagonists. See Frank Taylor, *Content Analysis and Gender Stereotypes in Children's Books*, 31 *Teaching Sociology* 300, 307 (2003); see also Roger Clark et al., *Two Steps Forward, One Step Back: The Presence of Female Characters and Gender Stereotyping in Award-Winning Picture Books Between the 1930s and the 1960s*, 49 *Sex Roles* 439, 444–47 (2003) (considering female characters and gender stereotyping in children's books contemporary with Dr. Seuss); Nel, *supra* note 30, at 105 (noting that Dr. Seuss's female characters are vain, silly, and often the object of laughter); Alison Lurie, *The Cabinet of Dr. Seuss*, *New York Review of Books* 50, 52 (Dec. 20, 1990) (reviewing 19 Seuss books and critiquing him as sexist, concluding: "Moral: women have weak minds; they must not be ambitious, even in imagination"); Morgan, *supra* note 24, at 286 (quoting Dr. Seuss responding to Lurie specifically by pointing out that he primarily used animals as characters, and "if she can identify their sex, I'll remember her in my will").

III. FORGING A NEW SUBFIELD: CHILDREN'S RIGHTS AND CHILDREN'S LITERATURE

A. Law and Literature's Insights and Evolution

The interdisciplinary field of law and literature has sought to understand and reveal the ways that the creative medium of narrative and the analytic medium of law mutually create legal meaning, and in particular, the role that culture plays in both reinforcing and destabilizing legal norms. James Boyd White's *The Legal Imagination* (1973) initiated the current academic study of law and literature, and in the 1970s and 1980s the field developed rapidly. Both legal and literary scholars recognized that this sort of interdisciplinary border crossing can promote "not simply circulation of intact ideas across a larger community but transformation: the transformations undergone when ideas enter other genres or different reading groups."¹⁴⁴ Twenty years later, Richard Weisberg's *Poethics: And Other Strategies of Law and Literature* (1992) significantly advanced the interdisciplinary critical practice.¹⁴⁵ And Robert Cover's important 1983 article "Nomos and Narrative" functions as one of the seminal texts for understanding the ways that narratives underpin our ideas about law:

No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each decalogue a scripture. Once understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live. In this normative world, law and narrative are inseparably related.¹⁴⁶

144. Gillian Beer, Forging the Missing Link: Interdisciplinary Stories 5 (Nov. 18, 1991).

145. Other books that have contributed significantly to the advancement of the field of law and literature include: Richard Weisberg, *The Failure of the Word* (1984); James Boyd White, *Heracles' Bow* (1985); Ian Ward, *Law and Literature: Possibilities and Perspectives* (1995); Theodore Ziolkowski, *The Mirror of Justice: Literary Reflections of Legal Crisis* (1997); Barry R. Schaller, *A Vision of American Law: Judging Law, Literature, and the Stories We Tell* (1997); Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (1997); Kieran Dolin, *Fiction and the Law: Legal Discourses in Victorian and Modernist Literature* (1999); Guyora Binder and Robert Weisberg, *Literary Criticisms of Law* (2000); Melanie Williams, *Empty Justice: One Hundred Years of Law, Literature, and Philosophy* (2002).

146. Cover, *supra* note 16, at 4–5 (footnotes omitted).

Cover extends this premise into an argument that we participate in a legal world only insofar as we can understand “not only the ‘is’ and the ‘ought,’ but the ‘is,’ the ‘ought,’ and the ‘what might be.’” Narrative so integrates these domains.¹⁴⁷ More recently, the field of “law and literature” has broadened into “law, culture, and the humanities,” under the scholarly influence of Austin Sarat and those who have opened the field to cultural studies and the humanities more generally.¹⁴⁸ Thus White, Cover, Weisberg, Sarat, and others have contributed to our understanding of how legal meaning does not rest solely on the law’s operative documents, but also on the narrative and cultural structures that inform our concept of law and justice.

More recently, interdisciplinary theory has also brought to light the role literature plays in diffusing and reinforcing the rights that we “hold . . . to be self-evident.”¹⁴⁹ Historian Lynn Hunt traces the emergence of human rights to the eighteenth century, when a growing reading public began to actively empathize with others through the proliferation of novels and newspapers.¹⁵⁰ Although Thomas Jefferson, Jean-Jacques Rousseau, and others contributed to the legal and philosophical grounding of human rights, prescribing the doctrines of human dignity into legally operative texts, Hunt argues that literature played an even more important role:

Human rights are not just a doctrine formulated in documents; they rest on a disposition toward other people, a set of convictions about what people are like and how they know right and wrong in the secular world. Philosophical ideas, legal traditions, and revolutionary politics had to have this kind of inner

147. *Id.* at 10.

148. See generally Julie Stone Peters, *Law, Literature, and the Vanishing Real: On the Future of an Interdisciplinary Illusion*, 120 PMLA 442, 451 (2005) (critiquing law and literature methodology for its overly reified boundaries of “law” and “literature” and finding that the interdisciplinary activity is most valuable when approached as a cultural practice); Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism 1–34, 6 (Austin Sarat & Jonathan Simon eds. 2003) (“There is one sense in which cultural studies is itself an example of the ubiquity of cultural analysis, representing as it were the opening up of a specific discipline with the cultural as its subject.”).

149. The Declaration of Independence para. 2 (U.S. 1776) (“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”).

150. Lynn Hunt, *Inventing Human Rights: A History* 29–30, 32, 38–50, 55–60 (2007).

emotional reference point for human rights to be truly "self-evident." And, as Diderot insisted, these feelings had to be felt by many people, not just the philosophers who wrote about them.¹⁵¹

Historically marginalized groups, such as women and slaves, were not considered fully "human," so they did not warrant either active protection or participation in the polity. Hunt suggests that both novels with women as central characters and slave narratives led people to actively identify with those who had previously been sub-humanized, and that "learning to empathize opened the path to human rights."¹⁵²

Literary scholars have also begun to actively explore the benefits of crossing boundaries between literature and human rights, what Joseph Slaughter calls the "nascent field" of "interdisciplinary study of human rights and the humanities."¹⁵³ Slaughter, like Hunt, focuses on the genre of the novel, but more generally he concludes,

[T]he texts we read—and how we read, teach, speak, and write about them—have an effect (however unpredictable) on the possibility that the projection of a world based on human rights might become legible, articulable, and, perhaps, even commonsensical. To paraphrase H. G. Wells: if we are not reading for human rights, what are we reading for?¹⁵⁴

The concept that literature contributes to a "projection of a world" is reiterated in a new collection of essays on human rights and literature, where the authors also suggest that stories offer a way for people to envision or "imagine" a more just world.¹⁵⁵ "[R]eading that attends both to literature's invitation to imagine other worlds, and other ways of being and that interrogates its own suppositions . . . remains a crucial balance for the pragmatic work of honoring and protecting the lives of all human beings."¹⁵⁶ And literature also disseminates human rights norms in ways that scholars are beginning to recognize as fundamental, as Michael Galchinsky illustrates:

151. *Id.* at 27 (footnote omitted).

152. *Id.* at 68.

153. Joseph R. Slaughter, *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* vii (2007).

154. *Id.* at 328.

155. *Theoretical Perspectives on Human Rights and Literature* 14 (Elizabeth Swanson Goldberg & Alexandra Schultheis Moore eds., 2012).

156. *Id.*

Human rights *culture* shares civic and ethical functions with human rights *law*, but while the orientation of the law is vertical, reaching down from government bodies to individuals, the orientation of rights culture tends to be horizontal, with the artist appealing as a human being directly to his or her fellows.¹⁵⁷

It is this horizontal reaching via children's literature that we argue expresses children's rights in profound ways, just as Hunt, Slaughter, Galchinsky, and others demonstrate how literature forges a human rights ethos, a "structure of feeling" in which human rights make sense.¹⁵⁸

In this emerging field of human rights and literature, and more broadly in the field of law and literature, the relationship between children's literature and children's rights and responsibilities has been overlooked. Yet stories, which are often at the center of children's imaginative and creative lives, shape children's understanding, or lack of understanding, of rights. "Only a tiny minority of the community will ever study law after the ages of around 18 or 19," writes Ian Ward, "but the vast majority who encounter a reasonably wide spectrum of children's literature will already have engaged in the jurisprudential debate."¹⁵⁹

Recently, compelling work on children's literature and law has been done in the areas of legal norms, adoption law, punishment, and legal agency, as well as on how children perceive the law through the stories they read.¹⁶⁰ Some of these critical essays have emphasized the formative effect of the imagination in children's understanding of law.¹⁶¹

157. Michael Galchinsky, *Framing a Rights Ethos: Artistic Media and the Dream of a Culture Without Borders*, in *Media, Mobilization, and Human Rights: Mediating Suffering* 67, 67 (Tristan Anne Borer ed., 2012).

158. *See id.*; Raymond Williams, *The Long Revolution* 64–88 (1961); *see* Richard Terdiman, *Introduction* to Pierre Bourdieu, *The Force of Law: Toward a Sociology of the Juridical Field*, 38 *Hastings L. J.* 805, 807 (Richard Terdiman trans., 1987) (asserting that Bourdieu claims that the juridical field, like other social fields, is shaped by economic, social, psychological, and linguistic forces); Raymond Williams, *Structure of Feelings*, in *Marxism and Literature* 132 (1978) (explaining that structures of feeling "are concerned with meanings and values as they are actively lived and felt").

159. Ian Ward, *Law and Literature: Possibilities and Perspectives* 118 (1995).

160. *See, e.g., supra* note 26.

161. *See generally* Manderson, *supra* note 14, at 92 ("We are none of us born with boundaries between fiction and reality, self and other. This we learn, and

The imagination is central to the integration of children's literature and children's rights. Just as the impact of imaginative literature on crystallizing human rights doctrine has been demonstrated, child development theory also validates the crucial psychological role of a child's imagination. Far from being merely an escape from reality, children "need the imaginative space to enact . . . moral dilemmas faced."¹⁶² They use imaginary worlds to test their own dilemmas, rework them, and resolve them. In childhood, the real and the imaginary are not always distinct categories, but rather closer points on a continuum; children easily pass back and forth between real and pretend, factual and fictional. The imagination operates as a "means through which we can assemble a coherent world," writes Maxine Greene, the iconic educational philosopher.¹⁶³ She proposes that the community we create for children "ought to be a space infused by the kind of imaginative awareness that enables those involved to imagine alternative possibilities for their own becoming and their group's becoming."¹⁶⁴ Even more than adults, young readers immerse themselves in imaginative, narrative worlds, falling into rabbit holes of alternative realities and emerging as slightly different people.

Thus children's books can act as catalysts, precipitating changes in how children understand themselves and the world. Even very young children are capable of decoding the texts' ethical, political, and legal ideologies.¹⁶⁵ We can quantify reading's educational outcomes, such as how reading fosters language development and improves memory, and how young avid readers

books teach us. But paradoxically, a children's story also undermines those boundaries, or more precisely, uses the early malleability of those boundaries in order to constitute them, from the inside as it were."); Roberts, *supra* note 26, at 500–08 (linking the hold that children's stories have on our imaginative minds to their sociological and psychological power).

162. Eve Bearne, *Myth, Legend, Culture, and Morality, in Where Texts and Children Meet* 183, 197 (Eve Bearne & Victor Watson eds., 2000).

163. Maxine Greene, *Releasing the Imagination: Essays on Education, the Arts, and Social Change* 3 (1995).

164. *Id.* at 39.

165. See, e.g., Bearne, *supra* note 162, at 183–97 (framing children's moral ethics of justice, tolerance, fairness, and respect as interpreted in children's literature); Jill P. May, *Children's Literature and Critical Theory* 114–37 (1995) (connecting the moral attitudes embedded in children's literature to literary theory and its application to children's literature); Ellen Handler Spitz, *Inside Picture Books* 122–62 (1999) (offering insight into how children's stories such as *Where the Wild Things Are* help children process moral transgression and punishment).

have more sophisticated, expressive vocabularies and longer attention spans.¹⁶⁶ Studies also find that children who read are more empathetic, have a greater capacity for detecting irony, think more creatively, and are less violent.¹⁶⁷ More abstractly, though, and perhaps with even greater force, we find that children's stories encode ethics during the most formative years. Peter Hunt, one of the first literary critics to take children's literature seriously, calls children's literature "one of the roots of Western culture."¹⁶⁸ As such, the stories children read (and re-read) operate as the origins for social rituals, ideological creeds, and legal principles about justice, legal autonomy, punishment, and rights.¹⁶⁹ Children's literature is a powerful cultural force, as Desmond Manderson maintains:

Stories transport us, and the younger we are the more absolute is our transportation. They are for children worlds to inhabit. The authority of the story derives from its experiential force, coupled with the child's

166. See Anne C. Hargrave & Monique Sénéchal, *A Book Reading Intervention with Preschool Children Who Have Limited Vocabularies: The Benefits of Regular Reading and Dialogic Reading*, 15 *Early Childhood Res. Q.* 75, 76–78 (2000). The authors found that children who were "active participants" in the reading process made more significant gains in vocabulary than did children who were read to passively. *Id.* at 85, 88.

167. See, e.g., David K. Dickinson et al., *How Reading Books Fosters Language Development Around the World*, 2012 *Child Dev. Res.* 1, 6 (2012) (connecting language skills developed through reading to behavioral competencies, social development, and reduced aggression); Mary Leonhardt, *Keeping Kids Reading* 13–15 (1996) (using empirical research to show that reading children acquire the crucial skills to sift through information and draw moral conclusions).

168. Peter Hunt, *An Introduction to Children's Literature* 1 (1994); see also Murray Knowles & Kirsten Malmkjaer, *Language and Control in Children's Literature* 41–67 (1996) (examining children's literature as a carrier of ideology); Fiona McCulloch, *Children's Literature in Context* 34–43 (2011) (introducing children's literature in the context of its central social and cultural role in children's lives); Charles Sarland, *The Impossibility of Innocence: Ideology, Politics, and Children's Literature*, in *Understanding Children's Literature* 39–48 (Peter Hunt ed., 1998) (showing the varied forms of ideological construction within children's literature on young readers).

169. See, e.g., McCulloch, *supra* note 168, at 51, 151–53 (contextualizing children's stories at the center of young people's cultural and social ideologies); John Stephens, *Language and Ideology in Children's Fiction* 229–31 (1992) (arguing that children deeply internalize books' narratives and visual images, which subsequently shapes their identities); Knowles & Malmkjaer, *supra* note 168, at 61–68 (examining the persuasive power of language in children's books and its subsequent ability to convey ideologies); Sarland, *supra* note 168 (surveying and summarizing the complex perspectives on how ideology is inscribed in children's books).

ability to summon it up again and again and to respond to it as they will. The story has a power over the very young that it may never have again.¹⁷⁰

The power of stories over children has long been recognized—thus the predominantly didactic tradition of children's literature as moral instruction aimed at edifying and molding children into rule-following citizens.¹⁷¹ Fables, manners books, short moral tales, and poems, all of which became increasingly popular in the eighteenth and nineteenth centuries, warned against moral corruption. For example, Hannah More's "The Carpenter: Or, the Danger of Evil Company" relates the story of a good man turned bad:

O what could ruin such a life,
And spoil so fair a lot ?
O what could change so kind a heart,
And ev'ry virtue blot ?
With grief the cause I must relate,
The dismal cause reveal ;
'Twas Evil Company and Drink,
The source of ev'ry ill.¹⁷²

Thus children's literature—at least in the Anglo-American tradition—has historically been employed as a way to transmit lessons about obedience and Christian morality.

Yet the stories we read as children do not function as overtly regulatory texts, like a list of rules on the wall of a classroom. Their authority is of a different, and perhaps more powerful kind. It has been described as a "myth-making" power, because of the ways that children's stories "do not prescribe behaviour; they do not lay down laws for us. Instead, they inscribe behaviour; they lay down ways of

170. Manderson, *supra* note 14, at 91–92. Manderson's seminal article on children's literature and the law notes the relative absence of scholarship on children's literature and law: "[T]he law and literature movement . . . has until recently focused on a particular and somewhat orthodox, though gradually expanding, corpus of adult texts. There was simply no analysis at all of literature written with a child audience in mind." *Id.* at 95.

171. See, e.g., Seth Lerer, *Children's Literature: A Reader's History, from Aesop to Harry Potter* 23–28, 35–51 (2008) (representing the chronology of children's instruction through literature beginning with the works of Homer, Virgil, and Cicero and continuing on through Harry Potter and illustrating how children's literature teaches the reader how to please and obey authority). Alison Lurie questions the tradition's commitment to didactic morality in *Don't Tell the Grown-Ups: The Subversive Power of Children's Literature* (1998) by examining the ways that children's authors subvert traditional values.

172. Hannah More, *The Works of Hannah More* 48 (1835).

being in us.”¹⁷³ Children are read Aesop’s fables and are taught to be diligent, obedient, and truthful. Moral maxims such as “slow but steady wins the race,” for example, are inscribed through stories of the tortoise and the hare.¹⁷⁴ Books impress behaviors in children through the powerful and ritualized aesthetic process of reading, initiating children into what Robert Cover argues is the “creation of legal meaning,” which “takes place through an essentially *cultural* medium.”¹⁷⁵ The stories children read, like all narratives that contribute to our moral sense of the world, help children construct social expectations and frame an understanding of their own specific rights and responsibilities.

B. The Value of Recognizing Rights in Children’s Literature

For children, literature creates a world they can inhabit, and in which they can learn about themselves and others, absorb the rules of society, and learn about rights and responsibilities. As evidenced in Dr. Seuss’s work, children experience human rights issues through children’s stories. We believe there is significant value to recognizing rights in children’s literature and ensuring that we educate children about rights. In this section, we review research on the impact of teaching children about their rights and explicate both the short-term and the long-term benefits of ensuring that children are exposed to and understand human rights. These benefits accrue not only to children as they grow and mature, but also to their families and the broader community. We aim to bring these insights of research on human rights education into the discourse on children’s rights and children’s literature.

Evaluations of human rights education programs for children produce findings that would likely surprise many parents and policymakers. Howe and Covell explain:

The evidence shows overwhelmingly that children who learn about and experience their rights are children who demonstrate the fundamentals of good citizenship. They gain knowledge not only of their basic rights but also their corresponding social responsibilities. They develop the attitudes and values that are necessary for the promotion and

173. Manderson, *supra* note 14, at 90.

174. Aesop, Aesop’s Fables 28 (Jim Manis ed., George Fyler Townsend trans., 2007).

175. Cover, *supra* note 16, at 11.

protection of the rights of others, and they acquire the behavioral skills necessary for effective participation in a democratic society.¹⁷⁶

Conversely, Howe and Covell report, “[c]hildren who have not been taught their rights, in a rights-respecting environment, tend to personalize the concept of rights and have difficulty appreciating the rights of others.”¹⁷⁷

1. Rights for the Present

There are numerous immediate benefits of providing children with a human rights education. Teaching children that “a person’s a person no matter how small” can produce positive outcomes for children’s self-esteem and sense of self-worth. “Children learn that each of them, and all children everywhere and in all circumstances are equally worthy of rights.”¹⁷⁸ Human rights education reinforces messages that support children’s self-worth and self-esteem, which in turn can have positive influences on children’s learning.¹⁷⁹

In addition, teaching children that each of them has rights has also been shown to lead to a decrease in harmful behaviors among peers. Rights education programs in Belgium and Canada produced a “decreased incidence of behaviours that infringe on the rights of others.”¹⁸⁰ Bullying declined, both because rights education

176. R. Brian Howe & Katherine Covell, *Empowering Children: Children’s Rights Education as a Pathway to Citizenship* 7 (2005).

177. *Id.* at 15. This effect has additional profound consequences in the arena of school performance. Child development research suggests that between ages 6 and 10, children’s ability to infer others’ specific stereotypes increases dramatically, as does the awareness of broadly held labels. See Clark McKown & Rhona S. Weinstein, *The Development and Consequences of Stereotype Consciousness in Middle Childhood*, 74 *Child Dev.* 498, 510–11 (2003). Beyond behavioral implications, stereotype awareness opens the possibility that children from stigmatized groups will be concerned about being judged on the basis of those stereotypes, which can lead to a “self-fulfilling prophecy” in matters of cognitive development. *Id.* at 500, 510.

178. Howe & Covell, *supra* note 176, at 145.

179. See, e.g., John DeCoene & Rudy De Cock, *The Children’s Rights Project in the Primary School “De Vrijdagmarkt” in Bruges*, in *Monitoring Children’s Rights* 627, 633–34 (Eugene Verhellen ed., 1996) (finding a children’s rights project “contributed towards a change of mentality regarding children and to the change of the child image which prevails in society”); Wallberg & Kahn, *supra* note 1, at 35.

180. Howe & Covell, *supra* note 176, at 148; see also Julie Allan & John I’Anson, *Children’s Rights in School: Power, Assemblies and Assemblages*, 12 *Int’l J. Child. Rts.* 123, 131–34, 136 (2004) (describing the participation of a student

taught children to respect the rights of others, and because it showed children that each had value and encouraged them to “command respect [from peers] and assert their rights.”¹⁸¹

To teach children about their rights is to partner with children in helping them realize their own rights, the rights of other children, and the inherent dignity in each child. Acknowledging human dignity in every individual includes understanding that every person’s opinion has value.¹⁸² This is particularly significant for children. Recognizing children’s voices and empowering them to realize their right to participate can have a profound effect not only on children but also on programs that target children. Children have much to offer on a range of issues, especially with respect to issues that directly affect their lives. As Dottridge explains:

[children] are ‘experts’ on the factors that make children vulnerable, their reasons for leaving home, and their special needs regarding prevention, assistance[,] and protection. Children and young people have an important role to play in helping to identify areas for intervention, design relevant solutions[,] and act as strategic informants of research.¹⁸³

Woodhouse echoes this notion, stating that “[c]hildren have valuable factual information and a unique perspective on their own needs and lives.”¹⁸⁴ Yet too often, children are not consulted on issues

with challenging behavioral issues in a “disability consultation group,” which ultimately facilitated his ability to recognize his own responsibility for the “other” and mitigated his often disruptive and violent behavior); Wallberg & Kahn, *supra* note 1, at 34 (delivering rights education to an early childhood program of 4 year-old children in British Columbia over a three-month period led children to understand that “[i]n order to protect one’s own rights, it was . . . necessary to protect the rights of others.”); see also generally Monique Lacharite & Zopito A. Marini, *Bullying Prevention and the Rights of Children: Psychological and Democratic Aspects*, in *Children’s Rights: Multidisciplinary Approaches to Participation and Protection* 297, 315–17 (Tom O’Neill & Dawn Zinga eds., 2008) (discussing research on the benefits of human rights education for children, including findings that show a link between children’s exposure to human rights education and greater tolerance and respect for others).

181. Howe & Covell, *supra* note 176, at 148–49.

182. Gerison Lansdown, UNICEF Innocenti Insight, *Promoting Children’s Participation in Democratic Decision-Making* 2–12 (2001).

183. Mike Dottridge, UNICEF Innocenti Research Centre, *Young People’s Voices on Child Trafficking: Experiences from South Eastern Europe* vi (2008).

184. Barbara Bennett Woodhouse, *The Courage Of Innocence: Children As Heroes In The Struggle For Justice*, 2009 U. Ill. L. Rev. 1567, 1582.

that affect them.¹⁸⁵ Too often adults fail to appreciate the value of children's perspectives because they are not expressed in ways that would be employed by adults.¹⁸⁶ But even very young children are competent as commentators, and thus should be seen, like adults, "as active social beings, constructing and creating social relationships, rather than the cultural dopes of socialization theory."¹⁸⁷

Adults have been slow to recognize the value of children's participation, even in fora designed specifically to discuss and assess children's rights. In 1999, at the Tenth Anniversary Commemorative meeting of the Convention on the Rights of the Child, children were invited to Geneva to participate in the meetings. But at the closing session, the children "expressed deep disappointment that their proposals had been disregarded and that the wording and language was difficult to follow."¹⁸⁸ The High Commissioner for Human Rights acknowledged in response "that the UN was at an early stage in understanding how to listen to children."¹⁸⁹

Recognizing the value of children's participation is central to advancing children's rights and well-being. The Innocenti Research Centre—the research institute of UNICEF—considers Article 12, "the right to be listened to and taken seriously," the "core" of recognizing

185. Roger A. Hart, UNICEF Innocenti Research Centre, *Children's Participation: From Tokenism to Citizenship* 34 (1997) ("For those projects where the end product or programme is for the participants themselves, the arguments for participation are particularly strong. But for young people, even in such obvious examples as the design of classrooms, playgrounds, sports facilities, or after-school programmes, participation is rare.").

186. Gerison Lansdown, *The Realisation of Children's Participation Rights: Critical Reflections*, in *Handbook of Children and Young People's Participation: Perspective from Theory and Practice* 11, 15 (Barry Percy-Smith & Nigel Thomas eds., 2010) [hereinafter *Handbook*]. One small example presented by Ruth Sinclair reflects the fact that children and adults interpret language very differently. To the children reviewing a government report, the word "protection" implied negative restrictions by adults, whereas the phrase "being safe" related to the affirmative and desirable creation of positive environments for children free from bullying and crime. See Ruth Sinclair, *Participation in Practice: Making it Meaningful, Effective and Sustainable*, 18 *Child. & Soc'y* 106, 113 (2004).

187. Allison James & Alan Prout, *A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems*, in *Constructing and Reconstructing Childhood* 23 (Allison James & Alan Prout eds., 2d ed. 1997); see Sinclair, *supra* note 186, at 107; see also Harry Shier, *Children as Public Actors: Navigating the Tensions*, 24 *Child. & Soc'y* 24, 26–35 (2010) (arguing that many of the important issues or "tensions" currently faced in children's participation are no different than those encountered in participatory governance generally).

188. Lansdown, *supra* note 182, at 40.

189. *Id.*

children as subjects of rights, because it “insists on the ‘visibility’ of children in their own right” and “involves a profound and radical reconsideration of the status of children.”¹⁹⁰ Since the adoption of the CRC, children have been invited to participate in conferences on war-affected children, working children, environmental degradation, and poverty.¹⁹¹ While barriers in communication style proved challenging, conference chairpersons noted that “children made a genuine contribution” providing “new and different dimensions to the debate that would have been disregarded and invisible without their direct input.”¹⁹² Given that children’s participation, once it is acknowledged, has frequently led to improved outcomes, teaching children about their rights and the rights of others facilitates their participation and may strengthen their capacity to contribute meaningfully to issues confronting their communities.

Recognizing and ensuring children’s rights also helps facilitate an important transformation. Ravazzolo, discussing the citizen ideal and recognition of rights, noted the transformation that took place during the French Revolution when the people declared that they were not just subjects of the king but individuals with rights.¹⁹³ “Since then individuals are consequently no longer subjects but also participants.”¹⁹⁴ As children mature, they make a similar transition from subject to participant. In doing so, their rights, which are innate, are recognized by others. Teaching children about their rights helps transition children from mere subjects of adults to partner and participant in their families, communities, and nations. It imbues them with rights and, as both Dr. Seuss and the research on human rights education underscore, also conveys responsibilities that children will grow into as they mature.

Finally, there is an unfortunate irony that as we teach children about democracy and democratic ideals, we often do so while denying them any avenues for participation in the democracy.¹⁹⁵

190. *Id.* at 1–2.

191. *Id.* at 46.

192. *Id.*; see generally Ciara Davey et al., *Children’s Participation in Decision-making: Survey of Participation Workers* (2010), available at http://www.ncb.org.uk/media/60402/survey_of_participation_workers_jun10.pdf (summarizing implementation of CRC Article 12 in organizations in England that work on children’s issues).

193. Teresa Ravazzolo, *Human Rights and Citizenship*, in *Teaching for Citizenship in Europe 15–16* (Audrey Osler et al., eds., 1995).

194. *Id.* at 16.

195. The opportunity to participate is usually dependent on the goodwill and interest of the adults involved: an initiative within a local authority or NGO or

"Providing for child participation rights is consistent with a commitment to the basic principles of democracy."¹⁹⁶ Facilitating child participation does not mean letting children dictate results, but it does provide children an opportunity to play a more meaningful role in their communities and develop a sense of commitment to, and stake in, their communities.

2. Rights for the Future

Children's rights and having children learn about rights early in life are important not only for the present but also for their future and the future of society. Human rights education for children provides two important benefits for the future. First, it strengthens democracy by developing engaged citizens who participate actively in their communities.¹⁹⁷ Second, it helps children grow into adults who can successfully realize their rights as individuals.

Participation rights, in particular, are both a part of and a foundation for democracy.¹⁹⁸ Teaching children about rights early enhances child participation and fosters democratic principles. "The active and age-appropriate participation of child citizens is important. Child participation is both a right and a social responsibility, and it is

willingness on the part of a school to establish a school council, for example. Lansdown, in Handbook, *supra* note 186, at 14. Although some oversight and facilitation is inevitably necessary, this top-down focus on adult- or community-based theories adapted to work with children often inhibits children's organic initiation and sustained participation. *Id.* at 18 ("[W]ithout grassroots structures, children are sometimes used to comply with adult agendas."); Karen Malone & Catherine Hartung, *Challenges of Participatory Practice with Children*, in Handbook *supra* note 186, at 24–25, 29–30 (arguing that "simply mimicking adults is not always the most authentic, empowering or beneficial type of participation."). Nonetheless, much of the emphasis in child participation has involved facilitating children's access to high-level or highly publicized events in order that those in a position to take action can hear the children's views. Lansdown, in Handbook, *supra* note 186, at 17. Even this "pattern of plucking," however, severely limits the number of children able to be involved, and often hinders the development of sustainable participation within the children's own local communities. *Id.* at 17–18, 22. Adult resistance may further develop in the face of concerns that by engaging children in public affairs, we are "robbing them of their childhood." Malone & Hartung, *supra*, at 29.

196. Howe & Covell, *supra* note 176, at 64.

197. Hart, *supra* note 185, at 34 (noting that the benefits are of two-fold: enabling individuals to develop into more competent and confident members of society, and improving the organization and functioning of communities).

198. Howe & Covell, *supra* note 176, at 68.

both part of democracy and a foundation for democracy.”¹⁹⁹ In effect, teaching children about their rights then has a broader benefit for society: sustaining democracy in the future.²⁰⁰ As Hart argues:

Participation is an important antidote to traditional educational practice which runs the risk of leaving youth alienated and open to manipulation. Through genuine participation in projects, which involve solutions to real problems, young people develop the skills of critical reflection and comparison of perspectives which are essential to the self-determination of political beliefs. The benefit is two-fold: to the self realization of the child and to the democratization of society.²⁰¹

For example, in Colombia, World Vision’s Gestores de Paz (Agents of Peace) project has created a child-directed movement to build a culture of peace.²⁰² The movement, which includes more than ten thousand children ranging in ages from 3 to 18 years, has empowered children to identify, design, and implement projects.²⁰³ Gestores de Paz, which has been nominated three times for the Nobel Peace Prize, enables children “to exercise their right to be active participants in the evolution of their own lives as well as the lives of their families and their communities.”²⁰⁴ Thus, in addition to the immediate impact of Gestores de Paz’s specific programs, this child-driven project also helped build a citizenship ideal and strengthen democracy in target communities.²⁰⁵

Realization of children’s rights enhances the prospects that as adults the same individuals will be able to realize their rights and advocate for the rights of others.²⁰⁶ One striking example is the

199. *Id.*

200. *Cf.* Hart, *supra* note 185, at 36 (noting that schools tend instead toward political indoctrination and that “by offering a fixed set of beliefs, rather than the opportunity for political self-determination, the state is failing to prepare young people to join democratically with others in the kind of flexible response to a changing world that is ultimately necessary for genuine stability”).

201. *Id.*

202. Sara L. Austin, *Children’s Participation in Citizenship and Governance*, in *Handbook*, *supra* note 186, at 245, 247.

203. *Id.* at 247.

204. *Id.* at 248.

205. *Id.*

206. Howe & Covell, *supra* note 176, at 68. “If children are to achieve real benefits in their own lives and their communities” they can only do so by practice: “articulating their own values, perspectives, experiences and visions for the future and using these to inform and take action in their own right and, where

importance of teaching girls about their rights. Facilitating girls' realization of their rights helps them develop into women who can exercise their rights.²⁰⁷ Comprehensively implementing children's rights education—to which girls must have unequivocal and equal access under the CRC and other human rights treaties²⁰⁸—will enable girls to realize their fullest potential, thus increasing the likelihood that as adults they will be able to pursue and achieve economic equality through job opportunities or advanced education.²⁰⁹ This process has potential implications for succeeding generations: because women bear the primary burden of childrearing in almost every country in the world today, when women's rights are violated or at risk of being violated, their children lose what is often their greatest, and sometimes their only, advocate.²¹⁰ Conversely, when women can fully exercise their rights they are in a better position to provide for, and advocate on behalf of, their children.²¹¹ These ideas and patterns apply to other historically marginalized populations. If their children are able to realize their rights and grow to become adults who are positioned to act to ensure they and other members of their community are treated equally, then children's rights can have a profound multi-generational impact.

Children's literature of the likes of *Horton Hears a Who!* and *Yertle the Turtle* invite children to participate actively in the story. As discussed above, the pictures in Dr. Seuss' books often show more than what the words say. Young children on the cusp of independent reading are engaged by Dr. Seuss to be active participants in these stories. By fostering children's participation with narratives that include childlike figures experiencing and realizing their rights, Dr. Seuss enables children to experience "genuine participation" as they imagine themselves as part of the story, and his stories incorporate experiences of rights being denied and ultimately realized.

The benefits of teaching children about their rights and the rights of others are far-reaching. As Dr. Seuss reminds us in *Horton Hears a Who!*, realization of children's right to participate, for

necessary, contesting with those who have power over their lives." Barry Percy-Smith & Nigel Thomas, *Introduction*, in *Handbook*, *supra* note 186, at 3.

207. See Jonathan Todres, *Women's Rights and Children's Rights: A Partnership with Benefits for Both*, 10 *Cardozo Women's L.J.* 603, 608–16 (2004).

208. See CRC, *supra* note 9, arts. 2 & 28; ICESCR, *supra* note 87, arts. 2 & 13; CEDAW, *supra* note 87, art. 10.

209. Todres, *supra* note 207, at 615.

210. *Id.* at 611.

211. *Id.*

example, offers benefits for all to reap. When Jo-Jo finally chimes in and exercises his right to be heard, “[The Whos] proved they ARE persons, no matter how small. / And their whole world was saved by the Smallest of All!”²¹²

Given the evidence that human rights education has a significant positive impact on children, one might readily conclude that all children should receive human rights education. As revealed in Part II, readers of Dr. Seuss already do. We aim now to bring together the research on human rights education and law and literature. If human rights education produces a positive impact, then it is important to explore the most effective means of teaching children about their rights and the rights of others. As we learn from the field of law and literature, experiencing rights through the stories of Dr. Seuss and other children’s authors is likely to have much greater impact than teaching young children about international human rights law. Additional research is needed, and in the next Part, we outline key research questions that can advance knowledge of the role that children’s literature plays in children’s experience and understanding of their rights, responsibilities, and roles in society. Such questions are beyond the scope of our initial study, but we believe that by bringing together law and literature and the research on human rights education, we have identified promising areas for research on how children experience and absorb human rights principles.

IV. OH THE PLACES WE *SHOULD* GO: FUTURE DIRECTIONS FOR RESEARCH AND ADVOCACY

In the previous Part, we examined the research on human rights education and detailed how teaching children about rights is important for their own development as well as for their communities. As scholars, child advocates, and parents, we both believe strongly that there is value in facilitating children’s experience of rights through literature. This Article is intended as a starting point. It aims to connect and build upon the fields of children’s rights law, law and literature, children’s literature criticism, and human rights theory to forge a new multidisciplinary subfield of study: children’s rights and children’s literature.

Given that we aim here to set the foundation for further research, in this Part we briefly outline important research questions

212. Horton Hears a Who!, *supra* note 46, at 58.

that merit further exploration in order to develop a body of scholarship on children's rights and children's literature, and to realize the full potential of children's literature as a vehicle for facilitating the development of children into rights-bearing citizens who contribute to their communities.

As we have argued, literature is a source of law for children, imprinting them with "lifetime impressions of law, equity, justice, and fairness" through the "jurisprudence of children's literature."²¹³ Stories like *Horton Hears a Who!* and *Yertle the Turtle* engage children in a rights discourse that human rights education research shows to be very valuable. Indeed, a natural conclusion from the research on human rights education is that it is essential to teach children about human rights. Efforts have been undertaken by various international organizations. The United Nations, Amnesty International, Peace Child International, National Geographic, and others have published nonfiction educational children's books explicitly articulating human rights (and in one case, children's rights specifically) to further children's understanding of rights. However, these books have experienced limited publishing and distribution and short-lived printings.²¹⁴ Given the limited reach of such sources and the much broader impact of classic children's stories (such as those by Dr. Seuss), we believe that children's literature offers more promise as a vehicle for shaping children's conceptions about their rights and the rights of others. However, to fully understand and realize the potential of children's literature as a site of rights discourse for children, more work is needed.

First, although *Horton Hears a Who!* and *Yertle the Turtle* are filled with experiences of rights for child readers, this is not the case in many other modern children's stories. We hope that our Article stimulates other scholars' interest in research that explores the extent to which children's rights are expressed in children's

213. Bruce Rockwood, *The Good, the Bad, and the Ironic: Two Views of Law and Literature*, 8 Yale J.L. & Human. 533, 551 (1996) (critiquing law and literature scholarship by Daniel Kornstein and Ian Ward).

214. See, e.g., Selda Altun et al., *Standup, Speak Out: A Book about Children's Rights* (2001) (explaining human rights with colorful illustrations and text written by fourteen to eighteen-year-olds); Amnesty Int'l, *We Are All Born Free: The Universal Declaration of Human Rights in Pictures* (Frances Lincoln Children's Books, 2008); Nat'l Geographic, *Every Human Has Rights: A Photographic Declaration for Kids Based on the United Nations Universal Declaration of Human Rights* (2008); Sarah Woodhouse, *Your Life, My Life: An Introduction to Human Rights and Responsibilities* (1980). As of August 2013, only the Amnesty International publication was not out of print.

literature. How often rights are discussed, what types of stories most commonly incorporate rights discourse, and which rights feature most prominently, are just a few important questions that require examination.

Second, much of children's literature is considerably less rights-friendly than the books of Dr. Seuss. While *Horton Hears a Who!* and *Yertle the Turtle* show the importance of child participation and their right to be heard, in *Peter Rabbit*, neither Peter nor any other child speaks.²¹⁵ As all parents and teachers know, children learn not only from what is said but also from what is not said. Some children's stories likely avoid rights altogether, while others may well be unfriendly to the idea of children's rights. The impact these stories have on children's understanding and conception of rights—their own or those of others—needs to be understood.

All of this leads to an important distinction. We have explored what children are taught in various children's stories, but what children are taught and what they learn are not necessarily coextensive. Although it is beyond the scope of this Article, we believe it is important that empirical work be undertaken to understand what children take from these stories. Such empirical work would not only be informative, but the studies themselves would foster child participation and facilitate realization of their right to be heard.²¹⁶

Future research—on human rights education and on what children *actually* learn from children's literature—should build upon existing research on human rights education in order to develop an understanding of why particular human rights education programs have been successful and what, if any, components from human rights education programs must accompany the reading of Dr. Seuss or other children's literature. Does reading Dr. Seuss alone achieve the positive gains of human rights education? Or does the impact of Dr. Seuss on rights education depend in part on having adults—parents or teachers—guide children through the experience of rights as they play out in *Horton Hears a Who!* or *Yertle the Turtle*? Further research can help determine what is needed in partnership with children's literature to ensure optimal learning.

We also recognize many of the children who are most vulnerable to a range of children's rights violations do not live in

215. Beatrix Potter, *The Tale of Peter Rabbit* (1902).

216. See CRC, *supra* note 9, art. 12.

reading-enriched environments.²¹⁷ Given the importance of literature as a vehicle for conveying experience and understanding of rights, the impact of lack of access to children's literature on marginalized children's understanding of rights merits further study.

Finally, we do not ignore other variables in the lives of children—television, the internet, peer groups, and particularly for young children who are the focus of this Article, parental modeling and parental behavior. The role of these other variables in fostering or frustrating human rights education and their potential impact on children's experiences of children's literature merit examination.

Further research that addresses each of these issues will help us to understand how children experience and learn about rights and how that informs their development as rights-bearing citizens.

V. CONCLUSION

Kieran Dolin articulates "literature's challenge to the law" in his theoretical grounding of law and literature: It is "the challenge offered by a self-consciously creative domain, where alternative voices can be heard, where hypothetical situations can be explored, and where the settled questions of society can be reopened through the medium of fiction."²¹⁸ Dr. Seuss challenged "settled questions of society" through both his innovative stories and his child-centered empowerment. Dolin refers specifically to Robert Frost, but could just as accurately be describing Dr. Seuss when he writes that the literary author "imagines a different world and poses questions: what if . . . ? why . . . ? His mischievous approach matches Jonathan Culler's description of literature as 'an institution based on the possibility of saying anything you can imagine.'"²¹⁹

The CRC enshrined what many Dr. Seuss stories imagined: it recognized that children are rights holders, are capable of expressing views, and have the right to have their views taken seriously. Dr. Seuss functions as literature can with the law, helping to "make visible some of law's blind spots and expand the compass of the liberal imagination to include people whose lives and experiences traditionally do not appear before the law."²²⁰ Dr. Seuss is not alone

217. See sources cited *supra* note 12.

218. Kieran Dolin, *A Critical Introduction to Law and Literature* 5 (2007).

219. *Id.* at 5.

220. Austin Sarat et al., *Introduction*, in *Teaching Law and Literature* 9 (Austin Sarat, et al. eds., 2011).

in this regard, and thus this Article serves as a call for further research on the role of children's literature in children's understanding and realization of their rights. "Narrative," as Barbara Woodhouse demonstrates, "can suggest not only a competing normative perspective but a new way of getting there."²²¹

Rights are not foreign to, but rather form an integral part of, some of the most well known children's classics. The stories in Dr. Seuss's books suggest that through literature, children, even very young ones, can experience profound questions about their rights, the rights of others, and how adults respond to those rights. Acknowledging this part of children's experience resists the view often expressed by children that adults do not understand them or take them seriously. As discussed in this Article, children will learn from literature regardless. Thus it is vital to develop a better understanding of how children's literature speaks of and explores children's rights, so we can understand children's emerging conceptions of rights and their understanding of who is responsible for ensuring human rights.

As detailed in this Article, human rights education can play a significant role in this regard.²²² It has an impact on children's sense of self, their sense of belonging, and ultimately their development.²²³ Human rights education also helps children develop into adult citizens who can make meaningful contributions to society. In light of the tremendous potential of human rights education, children's literature becomes even more important to understand.

To date, children's rights and children's literature have proceeded on parallel paths. Their value has not been fully recognized by adults, at least not as compared to adults' rights or literature for adults. This Article challenges that mindset. Children's rights are profoundly important for adults and children alike, and for all of society. And children's literature is an essential vehicle for teaching children about their rights and the rights of others.

221. Woodhouse, *Hatching the Egg*, *supra* note 26, at 1753.

222. In this regard, we view parents and guardians as important partners in the teaching of children and we view children's rights as they are articulated in the CRC: an asset for children, their families, and their communities, and by no means a threat to parents.

223. Austin, *supra* note 202, at 248; Katherine Covell & R. Brian Howe, *Moral Education through the 3 Rs: Rights, Respect and Responsibility*, 29 J. Moral Education 31-32, 36 (2001) (finding children who were exposed to human rights education had higher self-esteem); *see also supra* notes 180-81 and accompanying text.