



Beyond Work and Play: Decolonising Children’s Right to Leisure

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Abstract

In this research note, I unpack the way children’s right to leisure and play has been understood and formulated in contemporary child rights discourses. Article 31 of the United Nations Convention on the Rights of the Child (UNCRC) recognises children’s right to “rest and leisure” including their right to participate in age-appropriate play and recreational activities. I argue that this ‘right to leisure’ discourse within UNCRC reinforces a liberal, unitary model of citizenship that locates the individual child as the locus of rights. Instead, I connect contemporary debates around difference-centred model of children’s citizenship and living rights with decolonial approaches to leisure and vernacular rights cultures to offer a critical appraisal of children’s right to leisure. These inclusive approaches can offer new avenues for theorising and researching children’s right to leisure.

Keywords UNCRC · Child rights · Decolonising child rights · Children’s leisure · Children’s play · Vernacular rights cultures · Living rights · Decolonising leisure

1 Introduction

In this article, I reflect on the way children’s leisure and their human rights are entangled in contemporary discourses and practices around children’s ‘right to leisure’. Through a critique of the way such rights are formulated, recognised and claimed within international law and child-focused policies, I reassess the nexus of work, education, and leisure within children’s everyday lives and evaluate ‘alternative’ ways of thinking about children’s leisure and their rights.

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In recent decades, children's rights have received significant attention within international law and policy. Indeed, the 1989 United Nations Convention on the Rights of the Child (UNCRC) as an international human rights treaty has now been ratified by more than 196 countries (except United States). Article 31 of the UNCRC recognises children's right to "rest and leisure" including their right to participate "freely" in age-appropriate play, recreational activities, cultural life and the arts. It also places responsibility on state parties to promote these rights and ensure equal opportunities for all children to take part in such activities. In its General Comment 7, the United Nations Committee on the Rights of the Child (henceforth the Committee), which is a body of independent experts that monitor the implementation of the UNCRC noted that "insufficient attention has been given by States parties and others to the implementation of the provisions of article 31 of the Convention" (United Nations, 2005, P. 15). Till date, it has spawned the creation of national-level play policies and/or strategies in only nine countries (Armstrong & Gaul, 2023). Nonetheless, anchored in the wider framework of international human rights, Article 31 of the UNCRC has been widely invoked by those advocating for children's right to leisure and play and for the creation of play provisions (Lansdown, 2022).

While scholars have explored the question of child rights in its various dimensions— what they stand for and how might they be recognised, claimed or implemented – there is a paucity of critical scholarship on Article 31. Even when it has been foregrounded in scholarly writing, the concern has been with clarifying the attributes of the Article, and/or its monitoring and enforcement (Colucci & Wright, 2015; Davey & Lundy, 2010). While assessing the implementation of Article 31 is an important task in itself, the current lines of enquiry overlook critical arguments around child rights and children's citizenship that can meaningfully contribute to and push research in this area to new directions. Therefore, in this article I take Article 31 of the UNCRC as my point of departure to reflect on the politics of child rights and that of leisure and to advance a decolonial critique of children's right to leisure and its relation to social justice. Such critical reflections can guide us towards more inclusive approaches for understanding childhood and children's right to leisure without reproducing existing exclusions and biases.

1.1 Understanding Article 31

The forty-two substantive articles in the UNCRC are seen to revolve around 3Ps: protection, provision and participation (Mayall, 2000). Article 31 invoke all 3Ps and are linked – explicitly or otherwise – to fifteen other Articles of the UNCRC (Lansdown, 2022). The Committee (2013) has offered further clarifications on Article 31 in the form of General Comment 17 which sets out what terms such as 'rest', 'leisure', and 'play' mean in the context of the UNCRC. It defines 'rest' as "respite from work, education or exertion of any kind", leisure as "time in which play or recreation can take place" and play as "any behaviour, activity or process initiated, controlled and structured by children themselves" and which "takes place whenever and wherever opportunities arise" (United Nations, 2013, p.5). Through these definitions, the Com-

mittee provides broad steer on how state parties and caregivers should think about these rights and implement them on the ground. In doing so, it universalises certain understanding of leisure, play and rest that in many ways take it for granted that children's everyday lives are usually (neatly) segmented into work, education and play. It adopts a temporal view of leisure and goes on to further characterise (children's) leisure in following terms:

free or unobligated time that does not involve formal education, work, home responsibilities, performance of other life-sustaining functions or engaging in activity directed from outside the individual. In other words it is largely discretionary time to be used as the child chooses. (United Nations, 2013, p. 5)

This temporal definition posits leisure as time that as is either left over or set aside for play and recreation to happen.

The Committee (2013, p. 5–6) further insists, in General Comment 17, that children's leisure and play are meant to be “driven by intrinsic motivation and undertaken for ... [their] own sake, rather than as a means to an end”. However, such an understanding of leisure and play “grate against the cultural desires for productive childhoods” (Cartmel et al., 2024, p.88) prevalent in contemporary parenting discourses, state policies on children's education and care and the burgeoning sector of leisure products and services aimed at children and their parents. For the last few decades, the importance of play for children have increasingly been recognised within research and policy circles, while at the same time the provision of and support for play within institutional settings have come increasingly under threat (Whitebread, 2012). Indeed, Frohlich et al. (2013) have drawn attention to a large ‘play paradox’ wherein free and spontaneous play is continually being promoted among children by educators and public health professionals as a panacea to childhood obesity and inactivity with an explicit expectation that such play should be developmentally sound, purposeful and progress-oriented. Therefore, in more ways than one, the policy context around children's right to play and leisure – what it should look like and what its ‘benefits’ are - is an extremely fraught one; it is an arena where competing ideas around (neo)liberal governance of children – and their bodies and spaces - is being played out. The adult-centric priorities that undergird current thinking vis-à-vis children's right to leisure need to be robustly challenged to pave way for more inclusive ways of thinking about and enacting children's rights including their right to leisure. In what follows, I map the ways existing frameworks are limited and limiting in their view of leisure and child rights.

1.2 Child Rights, Leisure and (Neo)Liberal Individualism

The entanglement of child rights discourse and contemporary understanding of leisure in the Anglophone world remains poorly understood and even less commented upon. The UNCRC is a legally binding international human rights treaty that operates in accordance with the Vienna Convention on the Law of Treaties (1969). As such, it shares the philosophical foundations of human rights dis-

course more generally. In a similar vein, the modern idea of leisure – as invoked by Article 31 of the UNCRC and explained in the Committee’s General Comment 17 – is undergirded by certain implicit assumptions around leisure and how it fits into the way societies and daily lives – of children and adults – are organised. I argue that there are shared assumptions that underpin both human rights discourse – including the UNCRC – and modern ideas of (children’s and adult’s) leisure. The common intellectual heritage of these ideas has shaped the way scholars and practitioners have thought about and attempted to implement children’s right to leisure. Unravelling these underlying assumptions, I argue, not only creates affordances for a critique of current discourses and practices that individualises the issue, but can also bring about a transformation in the way we engage with the question of children’s right to leisure.

Modern conception of leisure and the global human rights discourse as we recognise it today are products of the Enlightenment project in Europe. The shared historical roots of these ideas have moulded their historical trajectories till date. Therefore, to fully unravel the politics of children’s right to leisure, it is key to unpick their implicit ideological underpinnings and what they exclude.

Leisure scholars have debated for decades as to which particular period of European history the modern idea of leisure flows from: is it nineteenth century industrial revolution or the coming of Enlightenment modernity in the seventeenth century. In the former camp, Clarke and Critcher (1985, p. 52) argue that the “term ‘leisure’ differentiates employment from free time with a sharpness which does not accord with the experience of daily life at the end of the eighteenth century”. In this thesis, the industrial revolution led to a fundamental reorganisation of daily life such that “a discrete area of human activity called ‘leisure’ became recognisable” (Clarke & Critcher, 1985, p. 58). In contrast, Blackshaw (2010, p. 67) argues that the antecedents of modern leisure lie “in the substitution of modernity for pre-modern social arrangements” with the Reformation and the Enlightenment as points of reference.

This most Eurocentric and adult-centric of debates has further entrenched a narrow view of what leisure or ‘modern leisure’ entails, and how its history can be plotted without stepping outside the Euro-American world. Further, these accounts of modernity and the emergence of leisure as a distinct aspect of life – much like the rest of mainstream social theory – “conflate Europe with modernity” (Bhambra & Holmwood, 2021, p.4) and thereby exclude ideas, practices and lived experiences from outside the Euro-American world. This is despite the fact that colonialism and imperialism are “integral to modernity” (Bhambra & Holmwood, 2021, p.6). If we are to view the history of the leisure concept through the lens of modernity, then we cannot elide the broader colonial context in which ideas of modern leisure and human rights emerged. Social encounters with and material resources from the ‘rest of the world’ directly shaped these ideas in the ‘modern West’ (see Hall, 1992). The notion of leisure as “a discrete area of human activity” (Clarke & Critcher, 1985, p. 58) that only becomes meaningful in relation to work and education, foregrounds historical developments in economy and society within the Euro-American world at the cost of other conceptions of leisure. In this formulation, the individual is the locus of rights and maker of (rational) leisure choices. What Article 31 of the UNCRC manages to do is to transfer neo-liberal ideas of autonomy and individualism “from the adult

male subject to children” (Esser et al., 2016, p. 8) without questioning the basis of individualisation of leisure and human rights.

As I have argued elsewhere (Mukherjee, 2023), extant definitions and conceptualisations of leisure within leisure studies textbooks and journals are profoundly adult-centric wherein adults are always the taken-for-granted leisure actor whose experiences form the basis of our theories, and it is also profoundly ethno-centric, often turning the historical experiences of Europe and North America (post-European colonisation) into universal frames for charactering leisure (and its foils). As a result, there is little ground within the mainstay of leisure theories for understanding children's leisure from children's own perspectives. Especially, there is little conceptual wherewithal within leisure theory to grasp the leisure of those children whose lives don't fit the model of children's lives often found in global child rights pronouncements which segments children's lives into work, education and leisure. These issues become significantly visible while studying the leisure of children (and adults) in global south whose lives resist the typologies of leisure developed by northern leisure theorists. It has been estimated that only 10% of languages have synonyms or equivalent words for the English word 'leisure' (Chick, 2006). Nonetheless, it has been argued that “leisure, though it may be called something else and conceptualized somewhat differently, ... is a universal human phenomenon” (Chick, 1998, p. 127) or a “cross-culturally valid phenomenon” (Purrinton & Hickerson, 2013, p. 125). If we are to embrace and fully appreciate leisure as a cross-cultural phenomenon, there is an urgent need to decolonise contemporary frameworks for defining and characterizing leisure – for children and adults - and expand them in ways so that a diverse set of leisure experiences can be recognised and understood.

To take the case of children and their leisure, the separation of daily lives into productive work, schooling/education and play/leisure – as posited in Article 31 of the UNCRC - is not a universal phenomenon. In contemporary hunter-gatherer societies, ethnographic accounts have repeatedly found that children in these societies spend most of their waking hours in unsupervised, self-directed and unstructured play where they freely interact with other children and adults and these forms of play are the principle means for the acquisition of (ecological, social and subsistence) knowledge in the absence of formal curriculum and adult instructions (see Ninkova et al., 2023; Grey, 2011). Children's play in these contexts are “an ongoing ... activity, not separated from the rest of life” (Lew-Levy et al., 2017, p. 386). Research in Aka and Bofi communities in central Africa has found that children between the ages 4 and 12, spend most of their days playing in mixed-age and mixed-sex groups (31.4% of day) or in being idle or unoccupied with activities (37.9% of day) with no expectation from adults that they should contribute to household or subsistence work (Hewlett et al., 2011). Children in these contexts undertake solitary or social play or play that imitate adult (subsistence) tasks. Evidence across contemporary hunter-gatherer societies – from Batek of Malaysia to Nharo and Ju/'hoansi of southern Africa to Efè of central Africa – demonstrate that children in these communities have the freedom to play all day every day either on their own or with other children, with no formal instructions or interventions of adults in children's leisure activities (Gray, 2009). Even adults across hunter-gatherer societies of today are known to do subsistence work with a “sense of play” leaving plenty of time for a range of everyday,

often community-based, leisure activities (Gray, 2011, p. 31). Play here befuddles the separation of work, education and leisure invoked in the study of children's (and adult's) lives in the global north especially within the folds of leisure studies. The way we narrate children's leisure, and their rights (to leisure) will be vastly different if we begin with these 'other' sites of childhood and leisure and do not adopt globalised societies of the global north as a universal premise.

I have argued so far that the current state of child rights discourse and our understanding of leisure are founded on narrow visions of childhood, rights and leisure. By exposing the exclusionary ground of these processes, I am not calling for rejecting the need to respect and protect children's right to leisure. On the contrary, in order to realise social justice – including leisure justice – for all children it is an imperative that we interrogate the assumptions that undergird the way we think about and act on this issue. Doing so, I argue, can lead to more inclusive ways of thinking and doing, that can benefit a wider cross-section of children. In this spirit, I will now elaborate on alternative ways on thinking about child rights and leisure beyond (neo)liberal models of citizenship.

1.3 Leisure and Vernacular Cultures of Children'S Rights

Some legal scholars argue that child rights exercises are by nature collaborative, in that both children and adults are involved in the realisation of these rights, and they are relational with the expectation that the implementation of child rights is interdependent with parental rights and local customs (see Tobin, 2013). Nonetheless, theories of child rights as enacted within contemporary international law (such as the UNCRC) embody liberal ideas of citizenship and rights (Moosa-Mitha, 2005). This paradigm individualises the questions of rights – where individual children are seen to possess certain natural, inherent rights that they can claim or that be claimed on their behalf by those adults advocating for better provisions and protection for children. This same unitary liberal notion of individual rights and citizenship posit the child as a 'not-yet-citizen' or an apprentice citizen whereby children are – by law – excluded from the franchise and exempt from a range of economic and legal responsibilities (Cockburn, 2013). This has prompted critical childhood scholars to look beyond the liberal model of individual rights and citizenship and mount frameworks that centre children as social actors and citizens in the here and now (Moosa-Mitha, 2005), who participate in social processes as "co-builders of the social and cultural structures which make up our communities and societies" (Knutsson, 1997, p. 42). As social actors, children influence the actions and behaviours of others including adults and make important contributions to social processes and institutions. The liberal model of citizenship underscores 'sameness' as the principle behind equality and freedom where "rational ... lonely autonomy ... is the measure of virtue" (Mayall, 2000, p. 256). In contrast, the inclusive approaches championed by childhood scholars emphasize interdependence, reciprocity and redistribution thereby moving beyond the individual as the locus of rights and entitlements, to draw focus on the processual nature of rights and citizenship. This has led to a renewed interest in children's lived citizenship and rights which flow from children's interactions and everyday practices rather than exist in isolation as given 'rights' (Warming, 2018).

Indeed, some childhood scholars argue for the need to consider “children’s rights as an open-ended endeavour that is responsive to the world that the young construct as part of their everyday life” (Hanson & Nieuwenhuys, 2013, p. 3) and direct attention to children’s ‘living rights’. Others have talked about ‘child rights from below’ (Liebel, 2012) to capture the way children themselves experience, enjoy or exercise their rights in the immediate contexts of their lives. Hanson and Nieuwenhuys (2013) point out that on the ground, children’s rights are not defined exclusively by states and inter-governmental bodies, and that children’s own notions of rights play a key role in shaping what these rights denote or what they could become. In this view, children’s rights are not pre-defined but are dynamic processes. We therefore need to talk to children and map the way they are making pleas and demands in their daily lives to claim a diverse set of rights that are relevant to children’s own lived realities notwithstanding whether these claims can be translated into international law. However, any move towards understanding children’s living rights must also grapple with the epistemic locations from which ‘global’ child rights are articulated or claimed. Of late, Madhok (2021) has theorised ‘vernacular rights culture’ to talk about diverse conceptual languages of rights wielded by subaltern groups at the forefront of grass-root political struggles. For Madhok (2021, p. 2), these “non-elite, particular and unprivileged sites of rights articulation and politics ... are ... not the ‘universal’, the ‘cosmopolitan’ and the ‘global’ but rather signal the unequal epistemic power relations between global human rights and the politics of vernacular rights cultures”.

Feminist standpoint theory has been foundational to the development of the ‘new’ sociology of childhood that sought to offer a child’s eye view of their own lives and that of society (Mayall, 2002). Vernacular rights culture approach demands another perspectival shift; a conceptual manoeuvre that has the capacity and sensitivity to recognise diverse political and moral vocabularies of rights without attempting to shoehorn or ‘translate’ global rights into local contexts. Thinking from these diverse conceptual vocabularies of vernacular rights cultures and world-making can enable us to tell different stories of human rights and child rights from the standpoint of those demanding rights in their specific material and historical contexts. Decolonising human rights, in this fashion, requires us to fully grasp that “[v]ernacular rights cultures do not ‘emerge’ but are “made” through subaltern political struggles that are intersectional ... and intensely conflictual” (Madhok, 2021, p. 2). There is sufficient ground here to extend the framing of vernacular rights cultures to children’s living rights, and for connecting it to contemporary debates about decolonising child rights and childhood studies. Thinking of child rights in these terms is wholly compatible with the difference-centred model of children’s lived citizenship outlined earlier.

Decolonising child right including their right to leisure can contribute to greater social justice and equity in the lives of children everywhere. To achieve this, we must also expand and decolonise our understanding of leisure both in the lives of children and adults. Rather than starting with ideas of leisure rooted in the nexus on work, education and play, we must recognise and begin from the premise that “leisure experiences are socially structured and shaped by the inequalities of society” (Juniu & Henderson, 2001, p.8). There cannot be a “one leisure size fits all” approach (Henderson, 1996, p. 139) when it comes to defining children’s leisure as any such attempt will by design proceed from assumptions based on the lives of some children, not all,

and exclude from its ambit children in ‘other’ epistemic locations – to use Madhok’s (2021) words – whose daily realities and leisure do not fit our model of children’s leisure, and whose ways of *making* vernacular political cultures of leisure rights, or their living rights as it were, resist translation into the language of international child rights.

2 Conclusion

In this article, I have connected contemporary debates around difference-centred model of children’s citizenship and living rights with decolonial approaches to leisure and vernacular rights cultures to offer a critical appraisal of children’s right to leisure, with key focus on Article 31 of the UNCRC. My object here has not been to reject child rights or undermine the UNCRC. Far from it. I contend that it is beneficial for child rights advocates to reflect on and learn from evidence-based critiques that can prompt a reappraisal of the way we think about children’s rights in general and children’s right to leisure in particular. Rather than being pre-occupied solely with the monitoring and implementation of a pre-defined set of rights, it is worth turning the tables and think from the vernacular cultures of rights as experienced and lived out by children in diverse settings. I have called attention to the way extant legal and discursive constructions of children’s right to leisure are often articulated from privileged epistemic locations. In response, the framework I have presented here can serve as a roadmap for future research in this area that is inclusive and does not reproduce the universalising and ethno-centric frames of reference evident in much contemporary thinking in this area. There is an urgent need to reflect on and expand the way we conceive of and research children’s right to leisure, both in terms of how we articulate child rights more generally as well as how we identify or characterise what leisure means in the lives of children. Such conceptual diversity only stands to enrich our scholarship and holds promise in realising our collective vision for social justice and equity for all children.

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