Chapter 3
Children and Disabled Children
CHILDREN AND DISABLED CHILDREN

Etymologically, the term “child” comes from the Latin word infants meaning “the one who does not speak”. For the Romans, this term is designated to child from its birth, up to the age of 7 years. Being a wide concept, the process of designation of a human being from birth until adulthood evolved a lot through centuries and cultures since the age of the majority varied from one culture to another.

According to Albert Einstein “Intellectual growth should commence at birth and cease only at death”. A child is generally a human between the stages of birth and puberty. Therefore, whatever a child experiences between birth and puberty constitute his/her childhood. The phases of children’s growth and development are: early childhood (birth to about 5 years), mid childhood (6 to about 11 years) and late childhood (12 to about 18 years). Article 1 of the Convention on the Rights of the Child defines “child” as every human being below the age of 18, unless, under the law applicable to the child, majority is attained earlier. The idea, through this definition and all the texts concerning child welfare, is that the child is a human being with rights and dignity. The Article thus grants individual countries the discretion to determine by law whether childhood ceases at 12, 14, 16 or whatever age is found appropriate. Scientists agree that the early childhood stage of life is crucial for the all-round development of any human being. Studies indicate that early childhood is a critical time for developing the brain functions necessary to handle information, express emotions normally, and become proficient in language”. Most of the old world’s civilization did not consider children human beings with full human value and thus, childhood was not an independent social category until the beginning of the 18th century. Before 1839, authority and control was important. It was an established practice that the father had absolute rights over his children. But now, the law, policy and practice of child welfare have undergone significant changes. Still, children generally have fewer rights than adults and are classed as not able to make serious decisions, and legally must always be under the care of a responsible adult.

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Nearly all cultures share the view that the younger the child the more vulnerable she/he is physically and psychologically and the less able to fend for herself/himself. Age limits differ from activity to activity and from country to country. Almost everywhere, age limits formally regulate children’s activities: when they can leave school; when they can marry; when they can vote; when they can be treated as adults by the criminal justice system; when they can join the armed forces; and when they can work. A society’s judgment on the evolution of children’s capacities and responsibilities are better reflected by the Age limits set by them.

Child or minor is considered in legal terms of Iran as an individual, who is under the age at which he is not prepared physically or mentally for independent social life. As actual life begins from birth, it can be claimed that childhood begins from the very date of birth. According to the article 956 of the Iranian civil law, "the capacity of having rights begins from the date of birth ". However, other provisions of the civil law states that the rights of human being begin when an ovum is fertilized in the womb, provided that the unborn child is born alive, and even if it dies immediately after birth.

According to the article 1210 of the Iranian civil law, the age of majority begins after the childhood. According to the amendments made in this law in 1979, majority begins in girls from the age of nine, and in boys from the age of fifteen. However, this is contradictory to the note 2 of this article. Recently, Iranian legislature has amended this article, which has been passed by the Expediency Discernment Council after the difference between Iranian parliament and the Guardian Council was settled (Katouzian, p.15).

The content of the article 956 of the civil law stating that, "the capacity for having rights begins from the date of birth and ends to death" may cause you think that an individual may have rights from the date of birth, but it is not so, since the article 975 of the civil law stipulates that, "the unborn child shall have rights, provided that it is born alive" (Emami, 2011).

According to the article 958 of the Iranian civil law, "the unborn child (fetus) shall have all rights that can be vested to any human being, but it cannot exercise such
This contradiction is because the article 1210 of the civil code has remained intact, and the age of complete eighteen has been replaced by the wording "age of majority", unaware of the fact that in civil code, the age of mental maturity and age of majority are applied confusingly, and according to the amendment of the year 1982, the age of majority differs from the age of mental maturity.

The divergence of views of the courts on this issue was led to the issuance of the unified precedent no. 30 of the Supreme Court issued on Dec. 24, 1985. According to this precedent, the amendment no. 8 of this article issued in Jan. 1991 stating that the minors reached the age of majority shall be considered as mentally mature, unless proved otherwise, indicates that such individuals shall be entitled to decide on their own affairs, except their financial affairs, which are excluded as per the note 2 of the very article, and requires that the individual reaches the age of mental maturity.

In other words, "minors shall have the right to possess and directly interfere in the property owned by them through legal or contractual transfers only after reaching the age of majority and when their mental maturity is proved. Before mental maturity is proved, no intervention is permitted".

The provisions of this articles show that any individual, who reached the age of majority (15 years old for male, and 9 years old for female as per the civil code), is permitted to possess and interfere in his/her properties owned by him/her before the age of majority, only if he/she can prove his/her mental maturity before the civil courts of justice. Accordingly, if the same person intends to possess and interfere in the properties owned after the age of majority, there is no need to such a proof.

However, it is not known what the difference is between the period before and after majority that requires such a proof.

The civil code of Iran has decreased the maximum age of childhood to 15 and 9 years old for male and female persons respectively. Despite the stipulation of the article 1210 and its note in the civil code, the age of 18 is still the age of mental maturity in the traffic code, military service code, regulations of passport, etc and judges tend to accept the age of 18 as the presumption of mental maturity. Therefore, the individuals
Family in Ancient Rome: New Perspectives (1986), and Marriage, Divorce, and Children in Ancient Rome (1991). In both books childhood was singled out as an issue in its own right. In the wake of these contributions many other studies followed, most of them focusing on Roman material. Much of the research on the ancient family was summarized in Suzanne Dixon’s ‘The Roman Family’ (1992).

The focus on the needs and development of a child from the early 1990s up to now has singled out and strengthened further studies by Rawson and collaborators, such as Keith Bradley (1991), Dixon (1997), Eyben (1993; 2003), Richard P. Saller and Paul Weaver (1997). With a variety of issues related to children being dealt with, this research has further flourished and diversified. Some particular pieces of work worth mentioning are Thomas Wiedemann, Adults and Children in the Roman Empire (1989), the first full monograph on children within a Roman setting, and the recent, very valuable book by Beryl Rawson, Children and Childhood in Roman Italy (2003); which summarizes a life of research on family and children. In the works by Sarah B. Pomeroy (1997), Cheryl A. Cox (1998), and Cynthia B. Patterson (1998) however, the focus has been on the family in general and less on children in particular, there are a couple of important exceptions to this, viz., Mark Golden, Children and Childhood in Classical Athens (1990), and the recent book edited by Jenifer Neils and John H. Oakley, Coming of Age in Ancient Greece: Images of Childhood from the Classical Past (2003). Comparatively, within Jewish tradition the research on children is very meagre. The most important contribution with the special focus on the role of children in a family, so far, is the book edited by Shaye J.D. Cohen, The Jewish Family in Antiquity (1993) which is also available in the books edited by Samuel Safrai, M. Stern (1974; 1976), Leo G. Perdue’s Families in Ancient Israel (1997), in some contributions by John M.G. Barclay (1997), van Jan Willem van Henten/Athalya Brenner (2000), and Margaret Williams (2005).

To summarize, the research conducted and presented until the 1990s has been marked by some specific characteristics, like a strong focus on Rome and on literary sources and, at the same time, an awareness of the importance of family dynamics, gender differences and social, class-related variations i.e. the fruits of a feministic and social scientific orientation of research. However, from the 1990s on, new trends have also
Since ancient times, the children have been seen as either innocent, vulnerable and in need of protection or else they are considered as a social, inherently evil and in need of firm control and discipline. This was historically pointed out by Esther Saraga (1998). The ‘inherently evil’ aspect has been tackled by a number of religions which have devised rituals in order to purify babies and small children; such as Baptism within the Christian churches.

In the Middle Ages, instead of being viewed as members of society, the children remained on the periphery. Cunningham (2006) gives examples which show that children’s roles have changed with time, which has gradually allowed them to take their place within society. With the Industrial Revolution, they became an integral part of the work force. Child labour did bring an extra hand in supporting the family financially, but involving children in work, compromising their health and the right to education was considered as a dangerous and a negative situation for the children, in the view of the philanthropists of the 19th and early 20th Century. This led to the establishment of Laws and Acts which abolished child labour, ensuring a better lifestyle for the growth of a child.

Throughout the 20th Century childhood slowly became an established and recognized period within a child’s life. Underlying the concept of childhood was the concept that healthy, well educated children would become useful members of society and responsible members of the workforce. However, now in the 21st Century researchers such as Sue Palmer (2006) refer to a ‘Toxic Childhood. She defines this as ‘the damage inflicted upon our children by a competitive, consumer driven, screen-based life style’.

**Historical Changes in Conceptions of Childhood**

Aries (1960) pointed this out in his book ‘Centuries of Childhood’: “In medieval society the idea of childhood did not exist...awareness of the particular nature of childhood, that particular nature which distinguishes the child from the adult” (Aries, 1960, p. 128).
Stages of the Construction of Childhood

In the medieval society, the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken, or despised. The idea of childhood is not to be confused with affection for children; it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguishes the child from adult, even the young adult. In medieval times, there was a model of distinct stages of life, which demarcated when childhood began and ended. A new baby was a notable event. Nobles immediately started thinking of a marriage arrangement that would benefit the family. Birthdays were not major events as the children celebrated their saints' day after whom they were named. Church law and common law regarded children as equal to adults for some purposes and distinct for other purposes. What might be called the first wave of historical childhood identifies the appearance of children in literary and historical texts. The second wave investigates the social, cultural, and semiotic systems of which children are an essential part and explores the overly political dimensions of those systems. A third wave in historical childhood studies might explore a variety of issues, including childhood agency and resistance, the cultural deployment of children and childhood, and an ongoing critique of the representation and political dynamics of children and childhood. If generally parallel to feminist studies, third-wave studies in the history of childhood might equally critique essentialist conceptions of children and childhood and the very presuppositions upon which the discipline has fashioned itself; critique must therefore consistently include self-critique. During the Renaissance, artistic depictions of children increased dramatically in Europe. Modern methods of public schooling, with tax-supported schools, compulsory attendance, and educated teachers emerged in the in the early 19th century.

Children Lost Out...

On Aries' view, with the emergence of childhood, the situation of the young person began to change in society. First they were named children and with that, the theory of innocence of the child emerged. Children were to be protected from adult reality. The facts of birth, death, sex, tragedy, world events were hidden from them. This deprived the child of the freedom they had hitherto enjoyed among adults. It inflicted
Historically, a man's gender role was the breadwinner, earning money to support the family through outside work; scientists were all male.

But there has been a shift in the psychology in the recent times. Although, there will always be differences between men and women, and we should celebrate and enjoy the natural variety of human existence. But increasingly, we aren't limited by a gender role when it comes to our career and family choices, and instead we can make decisions based on our personal strengths, interests and feelings. In the last few decades, however, the definition of a gender role has become harder to answer, as gender roles grow increasingly closer together. More breadwinner wives are providing the majority or all of the household income. And more stay-at-home dads give an example of a male being able to nurture and raise children.

Two Perspectives on Child Rearing

Since the beginning of the twentieth century, millions of anxious parents have turned to child-rearing manuals for reassurance. Instead, however, they have often found yet more cause for worry. One of the experts is Dr. Luther Emmett Holt who gave advice in keeping with the regularity and systemization desired in industry at the time. Dr. Holt, one of America's first and finest pediatricians, had ideas which stood in mild contrast with those of Dr. G. Stanley Hall, owner of the first psychology doctorate in the USA and the first chair in that discipline. Hall emphasized intimacy and child-centred pedagogy. However, both suggested that children should be studied and that parenting be based on scientific information. They perhaps established the notion of a parenting expert thereby downsizing advice from grandparents and friends. The sophistication necessary to parenting had to match the new century of increasing complexity that awaited the nation's children. They emphasized on rational discipline as the route to self-control in the child and peace for mothers, “especially during the child's early years where hygiene, charts and schedules were the policy. With the “child-centred approach”, focusing on the child’s natural impulses and imagination, Dr. Hall championed the child's own natural impulses,” especially later during adolescence (Hall, G. Stanley, p.126-127,138-139,156,194,203).
The term exceptional children includes children who experience difficulties in learning as well as those whose performance is so superior that modifications in curriculum and instruction are necessary to help them fulfill their potential. Thus, exceptional children is an inclusive term that refers to children with learning and/or behaviour problems, children with physical disabilities or sensory impairments, and children who are intellectually gifted or have a special talent. The term ‘student with disability’ is more restrictive than exceptional children because it does not include gifted and talented children.

Child with a disability means a child having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

"The term exceptional children refers to those children who deviate from the normal in physical, mental, emotional or social services to develop their maximum capacity" - Telford and Sawrey (1977).

“An exceptional child is a child who differs from the average or normal child in mental characteristics, sensory abilities, communication abilities, behavioural and emotional development, or physical characteristics. These differences must occur to such an extent that the child requires either a modification of school practices or special educational services to develop his or her unique capabilities” – Samuel Kirk, James Gallagher, Mary Ruth Coleman & Nick Anastasiow (2010).

Disability can occur at birth, from genetic disorders, but many forms of disability are preventable, and may occur because of lack of preventive health care services i.e. polio, malnutrition, micronutrient deficiencies or on account of social situations like armed conflict, war, landmines, poverty. It must not be overlooked that violence is often a cause of childhood disability.

The number of children and adolescents with disability is significant. Current estimated ratio is of 1:10. Some 200 million children are born with a disability or
Defining the term disability is sometimes a complex process, as disability is more than a description of a specific health issue; rather it is affected by people’s cultures, social institutions, and physical environments. The current international guide is the World Health Organization’s discussion and classification within ICF (International Classification of Functioning, Disability and Health) which presents a framework which encompasses the complex multifaceted interaction between health conditions and personal and environmental factors that determine the extent of disablement in any given situation. It provides an important reminder that disability is not simply a health issue. In particular, there is a complex interaction between social institutions and health conditions that determine the extent to which a person is actually disabled, or not able to do something.

The ICF model views disability as “the umbrella term for any or all of an impairment of body structure or function, a limitation of activities, or a restriction in participation” (AIHW, 2002). This approach has the advantage of including environmental factors ICF essentially follows a top-down model. A group of experts, assisted by representative disability organizations, have produced a highly complex classificatory scheme with components of Body Functions and Structures, Activities and Participation, and Environmental Factors, each of which is comprised of various domains. This is used to provide a coding. Thus, as an example:

The code recorded for a person experiencing moderate difficulty changing body position is d410.28, where:

- d denotes the component, in this case Activities and Participation.
- the first digit (4) denotes the chapter or domain, i.e., Mobility.
- the 2nd and 3rd digits (10) denote the 2nd level category, i.e., changing basic body position.
- the first digit after the decimal point (2) denotes the uniform qualifier, indicating there is moderate difficulty with performance.
- the second digit after the decimal point (8) indicates that capacity is not specified.
The Moral Model:

It is archaic, yet exercised in contemporary society. Though being obsolete, it is very much functional. Religion takes the foreground here, though the terms: ‘sin, ‘shame’, or ‘guilt has nothing parallel with a person’s disability. Disability is seen as a “liability” in this model. It is an ascribed taboo. A disabled person is seen as slur in the name of family’s honour, the reason why he/she is socially boycotted. The moral model is a poor approach to the paradigm of disability. In extreme cases it may result in self-esteem issues and introvert personalities of a disabled person.

The Medical Model:

19th century paved way for a new perspective when it came to disability. The epoch of medicine emerged. Physicians took a greater role, as much of the disabilities had medical origins. The medical model took disability in terms of cause-effect relationship. That is, if the cause of the disability is known and taken care of, then the effect shall be positive. Hence, no role of the society’s prejudice, as it is a condition that can be dealt with. The medical model is based on observational information rather than orthodoxy. A disabled person is taken under medical care and attention. For a while, he is expected to take a break from his normal routine, such as school, college, office etc. He receives the medical care of the physician, who takes up the authoritative role to the sick. Considering much of the disabilities as health issues opened arenas for major loopholes. When it comes to disability public policy, especially the Social Security system, a disabled person is deemed unable to work, it is seen as an “inability”. It is the root of problems for persons with disabilities who want to work. As who would risk losing all related public benefits, such as healthcare incentives etc? Since a person is no longer apparently disabled once he goes to work.

The Rehabilitation Model:

It is on equal terms and perspective with the medical model. A disabled person is seen in need of services from rehabilitation centre providing therapeutic training,
• Intellectual disability;
• Multiple disabilities;
• Orthopedic impairment;

The above are elaborated as follows:

1. Health Impairment

Weakened strength, not agile or focused. Overtly sensitive to the environmental stimuli that results in lack of concentration. Due to chronic or acute health problems such as asthma, ADD (attention deficit disorder) or ADHD (attention deficit hyperactivity disorder), diabetes, epilepsy, poor heart conditions, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome, a person’s educational environment and performance is adversely affected.

2. Specific Learning Disability

This involves the problems associated with psychological processes. Also neurological pathology such as dyslexia (learning disability) is included or a partial or total loss of language skills due to brain damage. Impairment in understanding or in language usage, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do arithmetic. A learning disability in which a person finds it difficult to read and write (word-blindness). The term includes such conditions as perceptual inconsistency, brain injury (such as damage to Broca’s area and Wernike’s area causes aphasia), minimal brain dysfunction, and developmental aphasia. However it does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; or intellectual disability; or emotional disturbance, or of environmental, cultural, or economic shortcomings.

3. Speech or Language Impairment

It is a disorder of communication, involves stuttering, poor articulation, unable to speak with any clarity or being ineffective, language impairment, or a voice impairment that adversely affects a child’s educational life and performance.
child showing the characteristics of autism after the age of 3 could be diagnosed as having autism, only if the criteria stated above are met.

7. Deaf-Blindness

Simultaneous impairments of hearing and visual sense, the combination of which causes such severe communication and other developmental and educational needs. A child with deaf-blindness simply cannot be accommodated in special education programmes solely for children with deafness or children with blindness.

8. Deafness

Hearing impairment so severe that a child is impaired in processing linguistic information through hearing, with or without amplification, thus having a negative impact on a child’s education. Statistics state that of every 1000 live births around 2-3 infants will have some degree of hearing loss at the time of birth. Hearing loss may also develop in children latter in life. The loss can occur in one or both ears, and may be mild, moderate, severe, or profound. Profound hearing loss is what most people call deafness, loss of the sense of hearing.

9. Emotional Disturbance

Characteristics are as follows: - (also the degree matters and varies)

a. A general pervading mood of unhappiness and depression.

b. A tendency to develop physical symptoms or fears associated with personal problems, such as phobia or mania. In broader sense, includes the term schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance and diagnosed therein.

c. An inability to learn that cannot be explained by intellectual, sensory, or health factors, mainly covert.

d. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers, interpersonally maladjusted.

e. Inappropriate types of behaviour or feelings under normal circumstances
Asperger’s Syndrome (AS)

“A developmental disorder that is characterized by difficulty with social interactions and difficulty in dealing with other people”. The disorder of the Asperger’s Syndrome is now recognized as a form of intellectual disability. The impact of AS on children and their families is too deep. AS is assumed to be a mild case of autism as well.

Children with Learning Disabilities

CRC (Convention on the Rights of the Child) recognizes the human rights of all children, including those with disabilities (children with learning disabilities). The Convention contains a specific article recognizing and promoting the rights of children with disabilities. Along with the CRC, the Convention on the Rights of Persons with Disabilities (CRPD), adopted by the UN (United Nations) General Assembly in December 2006, provides a powerful new impetus to promote the human rights of all children with disabilities.
a taboo. Account of metaphors and anecdotes are found in Farsi literature (poetry) pertaining to disability. These literary works bring out the agony and the pain of disabled people. Some of these muse depict the atrocities of others towards them. However on the other hand, these musings also serve as fables wherein empathy towards the disabled lot is given importance (Salehpour & Adibsereshki). Emphasis is given to develop a true self that retrospectively when it comes to view the various aspects of life. Thereby perceiving beyond what is physically out there. Phrases such as "the eye of the heart" (chashme dil) or the blind-hearted (koordilan) are few instances. Saadi, a famous poet of the 13th. century talks about "chashme por kardeh", that is, the hollowness of the eyes referring to the absence of wisdom. Molana, also acknowledges the presence and the absence of an insight, and the plight of shallowness or lack of insight (Salehpour & Adibsereshki, p.362).

Nevertheless, Persian culture has always been empathizing towards the disabled, and the same is reflected in their literature, where emphasis is laid on the moral ethics, such as mercy and having immense patience to deal with the disabled or the physically challenged. In some literary texts, the protagonists (with a disability) themselves express their anguish and long for people's mercy, and portray the need for the same. For instance, the story of a blind man who pleaded for "double mercy" for having an unpleasant voice that added to his blindness, as it was opposed to the cliche' where a blind person is expected to have a good voice. (Masnavi stories rewritten by Shirvani, p.93). People with disability, especially the blind are often associated with beggary, or someone belonging to a low class stratum or an outcast. For example, the story of "the blind, the deaf and the poor man without clothes", (Masnavi short stories, rewritten by Ebrahimi, vol.2 P.56).

Such have been the negative outlook towards the disabled that the same falls as an alibi to the studies conducted by Miles on blindness in South-East Asia (1999). According to him, there is a pre-supposed image or a construct of a blind man. Often a blind man is conceived as 'helpless', 'pitiful', 'wretched', or prone to hunger and beggary. Moreover, a blind person (usually male) is expected to have a knack in music and poetry. A blind man with skills in music is an image portrayed in the Iranian culture (Salehpour & Adibsereshki, p.363).