



International Conference of PhD Students
and Young Researchers

INTEGRATING SOCIAL SCIENCES INTO LEGAL RESEARCH

CONFERENCE PAPERS

10–11 April 2014

VILNIUS



CONFERENCE SPONSORS

We would like to express grateful appreciation to our valued partners for their generous support of the International Conference of PhD Students and Young Researchers 2014



LIETUVA LATVIJA ESTIJA BALTARUSIJA



EVERSHEDS SALADŽIUS



innovative law firm



ISBN 978-609-459-304-8

© Vilnius university, 2014



Information about the Conference:

Venue: Vilnius University & Vilnius University Faculty of Law, Vilnius, Lithuania

Date: 10-11 April 2014

Scientific Committee of the Conference:

Prof. Dr. Tomas Davulis, Dean of the Faculty of Law, Vilnius University

Prof. Dr. (HP) Vytautas Mizaras, Head of the Department of Private Law,
Vilnius University Faculty of Law

Assoc. Prof. Dr. Haroldas Šinkūnas, Vice-Dean, Vilnius University Faculty of Law

Prof. Dr. Hab. Gintaras Švedas, Head of the Department of Criminal Justice,
Vice-Dean, Vilnius University Faculty of Law

Organisational Committee of the Conference:

Martynas Endrijaitis, PhD student, Department of Public Law, Vilnius University

Jelena Jonis, PhD student, Department of Private Law, Vilnius University

Vitalij Levičev, PhD student, Department of Public Law, Vilnius University

Donatas Murauskas, PhD student, Department of Public Law, Vilnius University

CONTENTS

| | |
|--|-----|
| Mohamed Sami Aldegwy | |
| TOWARDS AN INTEGRATED LAW AND ECONOMICS APPROACH TO ECONOMIC REGULATIONS: MOVING BEYOND FRAGMENTED PLURALITY AND CROSS-DISCIPLINARITY IN LAW AND ECONOMICS | 9 |
| Ioannis Apostolakis | |
| EU COMPETITION LAW AND ECONOMIC EFFICIENCY: THE INTERACTION BETWEEN LAW AND ECONOMICS IN THE FIELD OF VERTICAL RESTRAINTS | 34 |
| Saulius Arlauskas | |
| LAWYERS CANON OF THE PHILOSOPHICAL KNOWLEDGE | 43 |
| Sigitas Barakauskas | |
| THE IMPORTANCE OF ECONOMIC ANALYSIS OF LAW TO LEGISLATION: AN EXAMPLE OF THE LEGAL REGULATION REFORM IN LITHUANIA CONCERNING COMPANY RESCUE | 55 |
| Teresa Bedulskaja | |
| LAW AND SCIENCE – RELATIVES OR STRANGERS? THE LEGAL RESEARCH OF SCIENTIFIC FIELD | 63 |
| Roberta Biasillo | |
| BEHIND AND BEYOND THE ITALIAN FOREST LEGISLATION OF THE XIX CENTURY | 72 |
| Erik Björling | |
| JURIDIFICATION IN THE REALM OF THE COURT – STUDIES OF THE NARRATIVE CONSTRUCTION OF LEGAL REASONING | 79 |
| Marija Bliuvaitė | |
| OPPORTUNISM IN CIVIL LITIGATION: DIVERSE VIEWPOINTS ON SELF-INTEREST IN INTERIM RELIEF | 88 |
| Artūrs Caics | |
| THE CONCEPT OF POLITICAL RESPONSIBILITY IN THE LATVIAN LEGAL SYSTEM | 93 |
| Wojciech Ciszewski | |
| HOW CAN LEGAL DISCOURSE BENEFIT FROM PHILOSOPHY? A REMARK ON THE LAUTSI CASE | 104 |

| | |
|--|------------|
| Marta Derlacz-Wawrowska | |
| RIGHT OF EMPLOYEES TO INFORMATION ABOUT EMPLOYER'S OPERATION | 110 |
| Martynas Endrijaitis | |
| THE JUNCTION OF FINANCIAL ACCOUNTING AND TAX LAW | |
| AS AN EXAMPLE OF ECONOMICAL AND LEGAL DISCOURSE | 116 |
| Egor Evtukhovich | |
| THE VALUE OF CONFLICTOLOGY FOR THE RESEARCH IN THE FIELD | |
| OF CIVIL PROCEDURE AND ALTERNATIVE DISPUTE RESOLUTION | 125 |
| Raquel Franco | |
| BEHAVIOURAL ECONOMICS: AN UNDISPUTABLE INSTRUMENT | |
| TO BUILDING BETTER LEGAL SYSTEMS | 132 |
| Maciej Gac | |
| ECONOMIC ANALYSIS OF COMPETITION LAW – FROM LAW IN BOOKS | |
| TO LAW IN ACTION | 142 |
| Gabrielė Gailiūtė | |
| ARTISTIC VALUE AS A LEGAL PROBLEM: THE CASE OF CONTEMPORARY LITHUANIA | 154 |
| Jadwiga Glanc | |
| IN SEARCH OF THE LOST ECONOMIST IN EVERY COMMERCIAL LAWYER | 160 |
| Tatjana Gordina | |
| PSYCHOLOGICAL ASPECTS OF APPLYING PRE-TRIAL DETENTION | 166 |
| Konstantin Ivanov | |
| THE NATURE OF MODERN COMPETITION LAW: BETWEEN LAW AND ECONOMICS | 178 |
| Žaneta Jakubiec | |
| THE RESEARCH METHODS IN THE FIELD OF LAW AND ECONOMICS | |
| IN THE CONTEXT OF CORPORATE GOVERNANCE | 184 |
| Gábor Kecskés | |
| THE SOCIETAL EFFECTS OF ENVIRONMENTAL DISASTERS | |
| IN INTERNATIONAL ENVIRONMENTAL REGULATION | 190 |
| Anna Kornecka | |
| AN ECONOMIC ANALYSIS OF COPYRIGHT LAW - THE DURATION OF COPYRIGHT | 197 |

| | |
|--|------------|
| Maciej Kuta | |
| UNIFICATION OF CIVIL AND ECONOMIC REGULATIONS ON AN EXAMPLE OF POLISH REGULATION REGARDING ENFORCEMENT ORDER FOR UNCONTESTED CLAIMS. AN EXAMPLE OF TECHNOCRATIC LEGISLATION OR ONE OF PRACTICAL MEANS OF ENFORCING INDIVIDUAL'S RIGHTS? | 202 |
| Eglė Lauraitytė | |
| RECONCILING DIFFERENT REALMS: EXAMPLES OF ECONOMIC ANALYSIS OF CORPORATE LAW | 208 |
| Vitalij Levičev | |
| HOLISTIC PERSPECTIVE ON LEGAL RESEARCH | 216 |
| Nėrika Lizinska | |
| THE PRESENCE OF POLITICAL ASPECTS IN THE LEGAL RESEARCH ON INTERNATIONAL PRIVATE LAW | 223 |
| Isabell Mattsson | |
| COULD SUPPLY CHAIN MANAGEMENT IMPROVE LEGAL PROCEEDINGS? | 229 |
| Milosz Matuschek | |
| BOUNDED RATIONALITY AND THE LAW: HOW AFFECTED IS CONSTITUTIONAL LAW BY HEURISTICS AND BIASES? | 236 |
| Edvinas Meškys | |
| RESEARCH BIOBANKS' IN LITHUANIA: A QUESTION OF ITS HISTORICAL, SOCIAL, ETHICAL & LEGAL PERCEPTION | 242 |
| Rafał Michalczak, Magdalena Wojdala | |
| IS LEGAL FORESIGHT CRUCIAL FOR SOCIAL STRATEGIC PLANNING? | 251 |
| Leila Neimane | |
| THE INTERRELATION OF SOCIAL ASPECTS OF THE OLD TESTAMENT AND LAW | 257 |
| Maciej Pach | |
| HOW SOCIOLOGICAL ANALYSIS CAN INFLUENCE CONSTITUTIONS. A FEW REMARKS | 264 |
| Ricardo Pazos | |
| BEHAVIOURAL ECONOMICS AND CONTRACT LAW | 273 |

| | |
|---|-----|
| Vita Petrušauskaitė | |
| CHILD'S RIGHT TO EDUCATION: LESSONS | |
| FROM A RESEARCH IN THE KIRTIMAI SETTLEMENT | 283 |
| Bohdan Pretkiel | |
| THE INFLUENCE OF THE LEGAL EXPERT AUTHORITY | |
| ON LEGAL REASONING – AN EXPERIMENT | 291 |
| Victor Terekhov | |
| 'EUROPEANISATION': FROM POLITICAL IDEA TO THE LEGAL CONCEPT | 295 |
| Evgeny Tikhonravov | |
| THE PROCESS OF FILLING GAPS IN THE LAW AS A SPECIFIC POLITICAL ACTIVITY | 303 |
| Bronislaw Totskyi | |
| BALANCE OF THE INTERESTS IN LAND SPHERE: LEGAL AND ECONOMIC ASPECTS | 309 |
| Jonas Urbanavičius | |
| INTERACTION BETWEEN ENVIRONMENTAL LAW AND NATURAL SCIENCES – | |
| A BASIS FOR SOUND ENVIRONMENTAL NORMS | 315 |
| Alexander Zakrevskii | |
| THE NECESSITY OF THE ANTHROPOLOGICAL DIMENSION | |
| OF LAW AND STATE IN MODERN JURISPRUDENCE | 322 |
| CONFERENCE PROGRAMME | 333 |

CHILD'S RIGHT TO EDUCATION: LESSONS FROM A RESEARCH IN THE KIRTIMAI SETTLEMENT

Vita Petrušauskaitė*

Lithuanian Social Research Centre, Lithuania

Abstract. The Law on Education in Lithuania embodies a principle of equal opportunities in education – it emphasizes that educational system is fair, ensures equality for individuals irrespective of gender, race, nationality, language, origin, social position, religion, beliefs or convictions and guarantees each individual access to education (LR Seimas 1991). Yet, the results of a sociological research, conducted with Roma residents of Kirtimai settlement (Vilnius), opens questions on implementation of the statutory principle of equal opportunities in the system of education of Lithuania. The 2011 census results showed an increase in Roma education levels in Lithuania – compared to 2001, more people have attained basic education level, the number of illiterate people has decreased by 15 per cent (from 26 to 10 per cent). This increase in educational attainment among Lithuanian Roma has not been even in the whole country. The youngest generation (10–19 years olds) of Roma, living in the Kirtimai settlement, continue to have very low educational attainment levels. In the conference paper, main results of a dissertation research, conducted with Roma children attending a primary school in Vilnius, are presented, paying special attention to the role of the state in implementing the child's right to education.

Keywords: equal opportunities in education, Roma, local government.

INTRODUCTION

UN Convention on the Rights of the Child, adopted in 1989 and ratified in Lithuania in 1992, was one of the most important documents that not only changed the legal status of a child, but also had a major impact on positioning of a child in society, vis-à-vis other social actors, such as parents, teachers, policy makers and others. The change in a legal status of a child has triggered a paradigm shift in sociology of children – a child was seen no longer to be seen as an object, but rather a subject of research.¹

This change in legal status and understanding of a child brought many new conceptual and methodological challenges both to legal and sociological research. The child was to be seen as an independent subject, having rights and interests that are defined separately from the family and having ability to take part in implementing and protecting his/her own rights.² Furthermore, in implementing rights of the child, the best interests of the child must be assured. Yet, debates on what are the contents of the best interests of the child and how they should be defined in a case of conflict of interests between the child and the family, the family and the state, continues.

* dr.; Institute for Ethnic Studies, Lithuanian Social Research Centre (Vilnius, Lithuania); e-mail: vita@ces.lt

1 P. Christensen and A. James 'Research with children. Perspectives and Practices' (New York: Routledge 2000).

2 B. Kairienė 'Vaiko teisinis statusas: įgyvendinimo problemos' [2012] 4(4) Socialinių mokslų studijos 1443–1445.

Joel Feinberg, discussing the case of *Wisconsin v. Yoder*³ in which a conflict of interests between parents' fundamental right to freedom of religion and the state's interest in educating its children was considered, raises a question of the child's right to open future. Feinberg divides the rights of children into three categories – rights that are common to adults and children (i.e. right to life, right to own property, etc.), rights that derive from the child's dependency upon others for the basic instrumental goods of life and "rights-in-trust" that can be summed up as a single "right to an open future".⁴ The peculiarity of the "rights-in-trust" is their projection into the future, that is, instead of focusing on the current interest of the child, these rights are intended to protect future interests of an adult-to-be. A right to an open future refers to "rights that are to be saved for a child until he is an adult, but which can be violated in advance, before the child is even in a position to exercise them".⁵

The duty of adults to safeguard the best interests of the child, that also encompasses the future interests of the adult-to-be, can bring many difficult problems in practical implementation. In order to enrich legal debates on questions like – what is the contents of the best interests of the child, how conflicts of interests between separate persons (the family and the child, parents and the child) should be adjudicated and what assistance to parents in implementing their rights and obligations should be provided⁶ – new insights from sociological research on children could be considered.

In this paper, results of a sociological research on early withdrawal of Roma children from school is analysed, discussing several issues that are common both to legal and sociological inquiries, such as – limits in ability of the child to protect his/her own rights, identification of possible breach of legitimate interests of the child and an intersection of principles of equal opportunities and justice in education in implementation of child's right to education. Author's dissertation research was conducted in a segregated Roma community in Kirtimai settlement (Vilnius) in 2009–2013. The empirical research combined several different data collection methods: a quantitative survey of the residents of Kirtimai (N=378), participant observation conducted in the period of two academic years (2009–2011, a total of 20 Roma children, attending 1st and 2nd grades participated) and qualitative structured interviews with field actors (Roma parents, teachers, school administration, social workers, child protection agency, police, policy makers, NGO workers and others) (N=27). For comprehensive analysis of research data see Petrušauskaitė (2014; 2012).⁷

³ *Wisconsin v. Yoder* 406 U.S. 205 (1972).

⁴ J. Feinberg 'The Child's Right to an Open Future' in 'Freedom and Fulfillment: Philosophical Essays' (Princeton, Princeton University Press 1992) 78–97.

⁵ Ibid, 76–77.

⁶ B. Kairienė 'Vaiko teisinis statusas: įgyvendinimo problemos' [2012] 4(4) Socialinių mokslų studijos 1443–1445.

⁷ V. Petrušauskaitė 'Ankstyvas romų vaikų pasitraukimas iš švietimo sistemos Vilniaus mieste: švietimo lauko analizė' (dissertation thesis, Vilniaus universitetas 2014).

V. Petrušauskaitė 'Romų vaikai švietimo sistemoje: Vilniaus ir Ukmergės savivaldybių atvejai' (Vilnius: Lygių galimybių kontrolieriaus tarnyba 2012).

EDUCATION AND REPRODUCTION OF SOCIAL INEQUALITY

Reasons for early withdrawal from education or lower education attainment among different social groups is one of the most important research questions in sociology of education, closely related to issues of social justice in education. Sociologists of education argue that in attempts to understand reasons why early withdrawal from education can be observed not only among individuals, but in entire social groups, one needs to go beyond analysing social or cultural specificity of these groups and analyse the role of the education system in reproduction of social inequalities.⁸

Research in sociology of education has consistently demonstrated the existence of educational inequalities among different social groups and the existing correlation of the educational inequalities with wider social inequalities (in particular, socio-economic status of parents, ethnic divisions, etc.). In order to understand the process of how the educational inequalities are transmitted from one generation to another, sociologists have turned their attention not only to the relationship between children and parents, but also to the system of education and its role in reproduction of social inequalities. Several powerful explanatory models of social inequalities of through schooling have been developed⁹, all of which emphasized the importance to analyse the form and content of schooling and helped to dispel the image of cultural impartiality of general education.

The fact that socio-economic background of a child remains the strongest predicament of his/her educational achievement, which in turn is one of the key factors of individual economic status and capacity for social mobility, is perceived as an instance of social injustice that has been addressed in important philosophical debates.¹⁰ In Lithuania, the assessment of education system in terms of delivering social justice or equal opportunities has rarely been addressed in policy, legal or social research.¹¹ Valantiejus (2009), reviewing judicial practices in application of the principle of justice in education, notes that the number of court cases concerning issues of education was rather small (40 cases in the period of 2001–2009) and only few of them addressed issues of social justice (mainly those that concerned conflicts over reorganisation reform of school network).¹²

8 See:

P. Willis 'Learning to labour: how working class kids get working class jobs' (Cambridge: University Press 1977);

G. Evans 'Educational failure and working class white children in Britain' (London: Palgrave Macmillan 2006).

S. Fordham and J.U. Ogbu 'Black students' school success: Coping with the burden of acting white' [1986] 18 Urban Review, 176–206.

J. MacLeod 'Ain't no makin' it. Aspirations and attainment in low income neighborhood' (Boulder: Westview Press 2009).

9 Among others:

P. Bourdieu and J.C Passeron 'Reproduction in education and society' (London: Sage Publications 1990).

B. Bernstein 'Class, code and control. Volume 1: Theoretical studies towards a sociology of language' (London: Routledge and Kegan Paul 1971).

S. Bowles and H. Gintis 'Schooling in capitalist America' (London: Routledge 1976).

10 For review on debates on justice in education as *justice of harmony*, *justice as equity* and *justice as equality* see E. Smith 'Key Issues in Education and Social Justice' (London: Sage Publications 2012).

11 I. Mikutavičienė 'Education and social inequality interaction phenomenon: Lithuanian Context' (dissertation thesis Vytautas Magnus University 2009).

12 G. Valantiejus 'Teisingumo švietime principo samprata ir taikymas Lietuvos Respublikos administracinių teismų praktikoje' [2009] 9(20) Socialinis ugdymas 60–72.

Although statistical data on differences of educational attainment of children by ethnicity, mother tongue, and social status is not available in Lithuania, differences in educational attainment of various ethnic groups can be observed when analysing census data. In the next part of the paper, special attention will be given to educational indicators of the Lithuanian Roma group and their changes in the last ten years.

CHANGES IN EDUCATION INDICATORS OF THE LITHUANIAN ROMA IN 2001 AND 2011

The 2011 census results show that the smallest part of residents without basic education are in Ukrainian, Jewish and Russian ethnic groups (about 10%), the largest – within the Roma ethnic group (52%). In Lithuanian and Polish ethnic groups about 17% people do not have basic education.¹³ Since 2001, in both Lithuanian and Polish groups, the fraction of residents without basic education has decreased by 10 percentage points, whereas in Roma group this part decreased only by 4 percentage points.

Despite the fact that the growth of educational attainment, observed in the Lithuanian society in the last 10 years, was considerably slower in the Roma group, the analysis of the census data of 2001 and 2011 has shown significant positive changes in education indicators of the Lithuanian Roma. The share of illiterate persons or persons without primary education has decreased remarkably in the Lithuanian Roma group over the last decade (from 26 to 10 per cent) and the relative share of Roma with basic education has increased (from 15 to 29 per cent).

Notwithstanding the positive trends, the education indicators of Lithuanian Roma are still significantly below national average. When the indicators of education of the whole Lithuanian population have been improving, especially in attainment of university education, the education of Lithuanian Roma has improved only on the lowest levels – the attainment of primary and basic education.

In the last 10 years, positive changes in education of the youngest age group (10–19 years of age) of the Roma could be observed. Compared to the results of the same age group in 2001 census, there was a notable decrease in illiteracy rates (from 47 to 11 per cent) and an increase in the relative share of young Roma with basic education (from 10 to 26 per cent). Important differences, however, remain in the acquisition of secondary and tertiary education.

Emphasis should be placed on significant disparities in educational levels within the group of Lithuanian Roma. The data of the population survey in the Kirtimai settlement reveal the distinctive character of the Kirtimai settlement in the general context of Lithuanian Roma – people residing there had a significantly lower education level than the average in Lithuanian Roma group; high illiteracy was characteristic for persons of all age groups. The indicators of education of children and youth (10 to 19 years old) residing in the Kirtimai settlement were considerably lower than the indicators of this age group in the Lithuanian Roma group – there was a larger proportion of illiterate children or children without primary education in this settlement (49 per cent); only several young persons (10 to 19 years old) had completed basic education (2 per cent). Although the comparison between the 2011 survey data and the data of the survey conducted by Institute of

13 Statistikos departamentas 'Lietuvos gyventojai pagal išsilavinimą ir kalbą mokėjimą' (Vilnius: Statistikos departamentas 2013).

Labour and Social Research in 2001 showed some positive changes in the education indicators of the Kirtimai settlement population (in particular, in the group of young women), the illiteracy ratio remains quite high in the settlement and the positive change that took place were significantly less significant than in the group of Lithuanian Roma.

CHILD'S RIGHT TO OPEN FUTURE: WHO IS DEFENDING IT?

The dominant discourse of failure of Roma children to succeed in school has repeatedly stressed individual-cultural reasons (lack of work ethics, lack of engagement with curriculum, prioritisation of other activities, etc.)¹⁴, yet a closer look at the education field shows a more complicated picture of dropping-out from school as early as primary level. In the dissertation research, early withdrawal of Roma children from school was analysed in one locality, comprehensively analysing relationships between all agents involved in implementation of child's right to education for Roma children. The developed model of empirical study was based on theoretical models of Bourdieu and Passeron (1990) and Martin (2011)¹⁵, thoroughly combining research on social reproduction in education with a methodological field-theory approach in social sciences.

The study was based on a child-centred approach – analysing reasons why children drop-out from school, academic careers of a total of 20 Roma first-graders were followed in the course of one–two years. Special attention was paid to issues that hinder full participation of children in education, analysing possibilities of children and other actors in the field to solve the emerging problems. The research has established that unwillingness of children to go to school and the signs of avoidance behaviour (being late to return to the classroom after breaks, refusal to work in the classroom) would come up after children have started attending school, in particular, after they encountered various difficulties they were unable to overcome on their own. The main challenges faced by the Kirtimai settlement children at the start of their education in general education schools were related to the acquisition of learning supplies and understanding of educational arrangements, getting ready for school and ensuring a safe trip to school, their need for additional education in order to overcome learning difficulties and the support necessary to deal with various emotional problems (anger, sadness, frustration) and conflict situations.

The willingness of children to go to school to a large extent depended on the ability of other field actors to solve the encountered difficulties. The main responsibility for ensuring the child's right to education rests with his/her parents or care-givers, yet in the Kirtimai settlement many parents were unable to provide their children with needed support in the process of schooling due to their own illiteracy, poverty and other social risks factors. Almost a third of all children living in Kirtimai, lived in households where all of the adults were illiterate, half of the children – in households, where the highest education level of an adult was primary education.¹⁶ Furthermore,

14 V. Petrušauskaitė 'Dropping out of school – an issue of disaffection, non-participation or social exclusion? Analysing school policies towards Roma schoolchildren in Lithuania' [2010] 2010/1-2 *Etniškumo studijos* 105–120.

15 P. Bourdieu and J.C Passeron 'Reproduction in education and society' (London: Sage Publications 1990). J. L. Martin 'The explanation of social action' (Oxford: Oxford University Press 2011).

16 For exact statistical data see: V. Petrušauskaitė 'Ankstyvas romų vaikų pasitraukimas iš švietimo sistemos Vilniaus mieste: švietimo lauko analizė' (dissertation thesis, Vilniaus universitetas 2014)

possibilities of parents to provide children with the needed support were often undermined by difficult financial situation of families (unstable income, debts, insecure housing, lack of basic necessities at home). Responsibility of the state to oversee the implementation of the rights of the child and to provide families with needed social assistance was divided among several field actors: teachers, school administration, social workers, child protection specialists, police and the education department at the city municipality. During the research, attempt was made to understand why in the case of evident failures of Roma children at school, no substantial efforts were made on the part of the state to improve the current situation of non-education of the Roma children.

The research data has shown that the possibilities of Roma children to participate in education were not equal to the possibilities of other children; however, these substantial inequalities were disregarded in the field of education. The field actors holding power positions in the researched field did not assume responsibility for seeking positive changes. Responsibility for school failure of Roma children was shifted on the actors with least power – on the children themselves – emphasising their “unwillingness to learn” and understating the weight of difficulties they encounter in education. Ethnic distinction of Roma children from the ethnic majority group was often actualised to substantiate the claim that allocation of additional resources would not help to solve the problem and that needs of other children deemed to deserve priority. Most of the actors in the field exhibited dispositions of helplessness (disability) in terms of their ability to ensure the rights of Roma children to education. Although it was often admitted that Roma children had limited opportunities to participate in education and were susceptible to early drop-out risk, the common attitude of helplessness discouraged allocation of additional resources to solving of this problem. Furthermore, efforts of individual actors in the field were downgraded as insufficient or meaningless even when positive developments were noticeable.

Although the system of education remains one of the most important social mobility channels for members of the groups in social exclusion, the research data validated criticism of the role of the education system in the process of social integration of Lithuanian Roma. The marginalisation of the needs of Roma children in education and the absence of the public policy that integrate social and education policy measures explains how the Lithuanian education system contributes to reproduction of social exclusion of Roma in Lithuanian society.

CONCLUSIONS

The adoption of the Convention on the Rights of the Child and the subsequent change in the legal status of a child has had a significant impact on positioning of a child in social research. Contrary to previous approaches to the child as an object – that is as a person acted upon by others and that is fully dependent from others, – children in sociology became to be seen as “social actors with their own experiences and understandings, [that] act, take part in, change and become changed by the social and cultural world they live in”.¹⁷ This new approach allows reframing some

17 P. Christensen and A. Prout ‘Working with ethical symmetry in social research with children’ [2002] 9(4) *Childhood* 477–497.

of the biggest debates in sociology of education – namely, on the role of education system in reproduction of social inequalities.

The conceptual status of the child as an independent and autonomous social actor that is no longer to be seen only as a part of social structures that surround him/her (i.e. family, school, ethnic group, etc.) allows a new revision of the balance of rights and obligations between different subjects (children, parents and the state) in implementation of child's right to education. Analysis of injustice in education that has thus far been mainly considered in respect to large social groups (i.e. working-class, migrants, ethnic minorities etc.) can now be reframed and analysed from the perspective of a child of these specific groups. In sociological research, this change in perspective allows identifying new important factors for early withdrawal from school that have not been discussed in applied education research. The new empirical evidence collected by sociologists can help to raise new important questions to be considered in legal research, such as – how does a current system of legal responsibilities affect implementation of child's right to education and how the best interests of the child could be secured in cases when parents are in need of assistance in implementing their rights and obligations.

BIBLIOGRAPHY

1. B. Bernstein 'Class, code and control. Volume 1: Theoretical studies towards a sociology of language' (London: Routledge and Kegan Paul 1971).
2. P. Bourdieu and J.C Passeron 'Reproduction in education and society' (London: Sage Publications 1990).
3. S. Bowles and H. Gintis 'Schooling in capitalist America' (London: Routledge 1976).
4. P. Christensen and A. James 'Research with children. Perspectives and Practices' (New York: Routledge 2000).
5. P. Christensen and A. Prout 'Working with ethical symmetry in social research with children' [2002] 9(4) *Childhood* 477–497.
6. G. Evans 'Educational failure and working class white children in Britain' (London: Palgrave Macmillan 2006).
7. J. Feinberg 'The Child's Right to an Open Future' in 'Freedom and Fulfillment: Philosophical Essays' (Princeton, Princeton University Press 1992) 78–97.
8. S. Fordham and J.U. Ogbu 'Black students' school success: Coping with the burden of acting white' [1986] 18 *Urban Review*, 176–206.
9. B. Kairienė 'Vaiko teisinis statusas: įgyvendinimo problemos' [2012] 4(4) *Socialinių mokslų studijos* 1443–1445.
10. J. MacLeod 'Ain't no makin' it. Aspirations and attainment in low income neighborhood' (Boulder: Westview Press 2009).
11. J. L. Martin 'The explanation of social action' (Oxford: Oxford University Press 2011).
12. I. Mikutavičienė 'Education and social inequality interaction phenomenon: Lithuanian Context' (dissertation thesis Vytautas Magnus University 2009).
13. V. Petrušauskaitė 'Dropping out of school – an issue of disaffection, non-participation or social exclusion? Analysing school policies towards Roma schoolchildren in Lithuania' [2010] 2010/1-2 *Etniškumo studijos* 105–120.
14. V. Petrušauskaitė 'Romų vaikai švietimo sistemoje: Vilniaus ir Ukmergės savivaldybių atvejai' (Vilnius: Lygių galimybių kontrolieriaus tarnyba 2012).
15. V. Petrušauskaitė 'Ankstyvas romų vaikų pasitraukimas iš švietimo sistemos Vilniaus mieste: švietimo lauko analizė' (dissertation thesis, Vilniaus universitetas 2014).

16. E. Smith 'Key Issues in Education and Social Justice' (London: Sage Publications 2012).
17. Statistikos departamentas 'Lietuvos gyventojai pagal išsilavinimą ir kalbų mokėjimą' (Vilnius: Statistikos departamentas 2013).
18. G. Valantiejus 'Teisingumo švietimo principo samprata ir taikymas Lietuvos Respublikos administracinių teismų praktikoje' [2009] 9(20) Socialinis ugdymas 60–72.
19. P. Willis 'Learning to labour: how working class kids get working class jobs' (Cambridge: University Press 1977).

Case law:

1. *Wisconsin v. Yoder* 406 U.S. 205 (1972).