Since its foundation, anthropology has been particularly motivated to allow the voices of subaltern and marginal groups to be heard. Ethnography and participant observation, by which researchers aim to grasp the perspectives of actors, are the central methodological approaches of the discipline, which allow anthropologists to play a key role in political and ethical processes of recognition of the “others.” At this level of analysis, children constitute a social group with an especially marginal status at the economic, social and legal levels (Scheper-Hughes and Sargent 1998: 1). The renewed interest in childhood and children in anthropology since the end of the 1980s accompanies a strong will to make visible the “lifeworlds” of children (Nieuwenhuys 1994), the strategies that children and young people deploy for managing their own survival (Reynolds 1991; Hecht 1998), and their own perspectives regarding social life (Montgomery 2001, 2009). In short, anthropology asks to what extent children are active agents working in and for the shaping of social, political and economic processes (Honwana and De Boeck 2005).

While anthropologists of childhood are determined to take seriously the points of view of children and young people, this does not mean that they deny their potential vulnerability and the numerous social structures that constrain their capacity for action. On the contrary, anthropologists interested in children’s rights are especially conscious of the threefold domination that children must face, especially those from Southern societies and dominated social groups with whom anthropologists have been mostly concerned. First, located in a generational structure, children and young people are typically dominated by adults: their capacity for action and their autonomy are not recognized on the public scene (Elson 1982; Nieuwenhuys 1994; Montgomery 2001; Cheney 2007), and their symbolic creativity is constrained by the viewpoints of their elders. Second, especially those children and young people belonging to the rural masses or to the lower classes of urban areas, are frequently positioned at the bottom of the social hierarchy. Finally, many children and young people are
members of societies considered to be poor nations, or still perceived and labelled as “developing countries” with a history of colonial domination and subordination, whose symbolic references and institutions take place in a network of power relations with dominant nations. This last dimension is especially important in the case of childhood, which, since the end of the Cold War, has been progressively globalized through international human rights law and instruments such as the Convention on the Rights of the Child (CRC), but also through powerful international institutions and NGOs involved in the shaping and in the monitoring of childhood all over the world.

Consequently, anthropologists who tackle children’s rights – particularly in Southern societies – face two fundamental moral tensions with epistemological and methodological implications. In the wake of cultural relativism, which historically constitutes a crucial epistemological position of the discipline (Hatch 1997; Nagengast 1997), anthropologists seek to describe how children experience their rights according to the common norms and representations of childhood and parenthood that are present in their own society. But anthropologists who focus on human rights, and on children’s rights in particular, are aware of how previously more remote societies have been progressively penetrated by external dimensions and global systems of values and monitored by global institutions that have integrated them into global power relations (Cowan et al. 2001: 5). As a result, for anthropologists, describing how children’s rights law is challenged by cultural diversity all over the world is nowadays far from sufficient; even though globalization processes have not smoothed down the numerous and diverse ways in which childhood is locally perceived and lived across the globe. This opposition between relativism and universalism, progressively replaced by the tension between the local and the global, is related to another opposition: the capacity of children for action, which varies throughout societies, on the one hand, and the very constraints, social structures, and power relations that limit the autonomy of children and young people, on the other.

These tensions convey two epistemological pitfalls that anthropologists continuously try to leave behind: “populism” and “miserabilism” (Grignon and Passeron 1989). With populism, social science researchers focus on the capacity of children to make sense of their life, but without taking into account the dominations and power relations that shape it. Miserabilism, in its turn, looks at young lives in Southern societies through their domination, and also through the globalized and legitimate child images, for example, through the image of the child protected by the “loving bonds” of the nuclear family. In order to avoid these pitfalls, anthropologists and ethnographers who study children’s rights juggle bottom-up and top-down approaches.

These dimensions will help to present and structure this review of anthropological approaches to children’s rights, with special attention to the relations between anthropology and children’s rights since the adoption of the Convention on the Rights of the Child. The first part analyses a strange paradox: while the CRC has contributed to a renewed interest in children among anthropologists, as well as to deep theoretical and methodological transformations in the discipline for grasping children’s experiences, anthropologists have strongly criticized global children’s rights law. After examining different forms of critiques that anthropologists have addressed to children’s rights law and their interest for the latters, the second part of the chapter will focus on bottom-up approaches, which aim at understanding rights as they are experienced by children, in particular in non-Western societies. The last section will analyse the anthropological trends that look at children’s rights as structures of power, or as being linked to structures of power that affect children’s lives. Consequently, this chapter, which reviews the anthropological works on children’s rights, tackles children’s rights defined in a variety of ways.

The majority of the work reviewed here was conducted by anthropologists; but many of these scholars, including the representatives of the main trends, have carried out their work in...
building strong ties with researchers from other disciplines (legal science, sociology, psychology and educational sciences). On the other hand, many social science researchers who claim to be affiliated with “childhood studies”, or who have theoretical affinities with this scholarship, have used ethnography or other qualitative research in order to tackle children’s rights “from below.” For these two reasons, this paper will refer to these researchers and “ethnographers” as well.

1. Children’s rights law and anthropologists: Interest and critiques

1.1. The resurgence of interest in childhood in anthropology

Since the beginning of the 1990s and alongside the adoption of the Convention of the Rights of the Child in 1989, there has been a renewed interest in social sciences for the study of children with works claiming to adhere to “Childhood Studies” or the “Anthropology of Childhoods” (Bluebond-Langner and Korbin 2007: 241). The sociology of childhood came to life with the decline of “grand narratives” (Lyotard, 1979) and with the questioning of theories of socialization (Sirota 2006). Anthropologists, however, had started focusing on childhood earlier. But in the light of concepts such as “cultural transmission”, children were conceived as mere recipients of parental culture and upbringing (Schwartzman 2001; Hirschfeld 2003; LeVine 2007). Studies sought to grasp many aspects of the child’s passage to adulthood in its interaction with group culture and within relations of filiation and kinship (Mead 1928a, 1928b, 1930; Benedict 1935; Middleton 1970; Spindler 1997; Whiting and Whiting 1975), rather than in how children behave as children as autonomous participants in society (Montgomery 2001: 17; Razy et al. 2012). For example, in the case of child work, the anthropological tradition highlighted the nesting of productive activities performed by children in subsistence societies in a reciprocal nexus of duties, gifts, responsibilities and compliance towards elders (Richards 1939; Raum 1940; Fortes 1978; Schildkrout 1978), or at the heart of exchange relations in the context of kinship (Goody 1981; Lallemand 1993, 2002). Perceived as important producers and working for the reproduction of the group, children, by means of their activities, were socialized to the rules of a society in which they gradually would define their place (Katz 1996). In African societies, children and their work have also been studied as resources (productive force) at the root of conflicts between families and communities, even generations (Katz 1996). Since the late 1980s and early 1990s, anthropological studies have either seen the role of adults as knowledge transmitters or construed culture as an item that needed assimilation (LeVine 2007). As Montgomery remarks (2001: 15), “the beginning and end of childhood” have been analysed, but “the nature of childhood itself” and the social construction of childhood as well as its cultural variations have remained under-researched for several decades.

Beginning in the 1990s, in the social sciences, analyses of childhood saw a renewed interest that would give rise to important theoretical and methodological shifts: researchers sought to grasp the experiences and particular perspectives of children, conceiving them more generally as agents with a capacity for action or even experts (James et al. 1998; Gaskins 2000; De Boeck andHonwana 2000). To go further, some authors have begun to devise new tools for collecting data on children and to construct a new dominant paradigm in relation to childhood. Danic et
al. (2006: 52) argue that there are different studies, nowadays, which provide a new orientation to these issues. They are based on a particular methodology, one that places the child at the centre and views it as an interlocutor in the inquiry. These studies also set a new direction, since they construct their object around the viewpoint of the child (Danic et al. 2006: 52). The United Nations General Assembly’s adoption of the Convention on the Rights of the Child in 1989, coupled with the ability of NGOs to mobilize opinion and resources at massive scales, seem directly linked to the resurgence of interest in children among anthropologists and other social scientists. The CRC has contributed to giving rise to a global field of childhood; this field is structured by global agents, international agencies and global NGOs, and is animated by numerous child welfare practitioners working all over the world to resolve different kinds of problems that affect children. In addition, over the past two decades, images of child labourers, children suffering from starvation or from HIV/AIDS, and child soldiers have been abundantly displayed in popular media (Denov 2010). This global field, aided by the media, has helped make children more visible on the international scene and drawn the attention of anthropologists and other researchers. Indeed, as Sirota (2006) expressed concerning Latin America (in a way applicable to other societies as well), what is catching the attention now is the protection of the poor child, especially by means of social and educational policies, backed by prominent international organizations such as the World Bank, UNICEF and ILO. But most importantly, this sector and the worldwide media determine the so-called universal and legitimate outlines of childhood (Boyden 1990; Ruddick 2003; Rosen 2007) in a way that stigmatizes other ways of being a child. As we will see, many anthropological approaches to children’s rights have emerged in reaction against the emphasis on misery and suffering in international rhetoric on children’s rights.

On the other hand, this revived interest is not a mere fashion. The renewed focus on children also reflects processes, evolutions and transformations of childhood and youth in developing countries. For example, de Boeck (2000) pointed out how the phenomenon of child witches in the Democratic Republic of the Congo (DRC) has to be understood according to deep and intense transformations of “the categories of maternity, gerontocracy, authority and more generally of family itself” in the country (and more broadly throughout the continent). In the same vein, while young people in Africa needed to go through a long process of initiation “for becoming a fully realized human being”, the process of disarmament of youth soldiers is traversed by other discourses on young people, such as the ones who are under 18 years old, discourses that assimilate young people with children (Hoffman 2003). This polyphony in discourses of childhood and youth in developing countries is especially related to the field of aid and international development, and the multiple programmes that promote patterns of childhood in conformity with international children’s rights instruments such as the CRC. Guillermet (2010) shows how the status of an orphan in Niger is constructed and negotiated between local and global conceptions of childhood and parenthood. In this context, a diversity of competing discourses about childhood and youth gives rise to conflicts between generations (Archambault 2011).

While children’s rights have thus contributed to the resurgence of interest amongst anthropologists in children, the next part will show that, immediately after the adoption of the CRC, many anthropologists hurried to express their reservations and uncertainties regarding universal legal frameworks for protecting the rights of the child.

1.2. Anthropologists’ reservations regarding children’s rights

The attitude of scepticism of anthropologists towards child rights law and instruments such as the CRC was not surprising, as children’s rights are partly, as it has been said in the introduction
of the book, human rights. Actually, since the adoption of the Universal Declaration of Human Rights (UDHR) in response to the horrors of the Second World War, anthropologists have been relatively disengaged concerning human rights issues (Goodale 2006). After briefly locating the origin of the initial detachment of anthropologists vis-à-vis human rights, this section of the chapter will describe the main critiques of children’s rights formulated by anthropologists.

The early disengagement of anthropologists regarding human rights lay in the concept of cultural relativism, initially developed by scholars such as Benedict and Herskovits, in order to ask respect for cultural difference (Nagengast 1997; Hatch 1997). According to cultural relativism, all cultures have to be recognized as having an “equal value” and should consequently be grasped in their own logics (Nieuwenhuys 2008: 5). Actually, in 1947, the American Anthropological Association, through the figure of Herskovits, had strongly refused to take part in the shaping of human rights instruments, in part because of cultural diversity, but also, and more specifically, because of the normative nature of the UDHR, which anthropologists refused to support (Goodale 2006; Brems 2013). This rejection occurred when many Southern societies were still colonized and consequently at a time when anthropologists were afraid of the shadow of “a moral imperialism” behind the statement of universal human rights (Hernandez-Truyol, quoted by Goodale 2006). This initial rejection in this specific context did not encourage anthropologists to consider human rights as a worthwhile topic for anthropological inquiry or analysis; one had to wait until the end of the 1980s for a focus on human rights as an anthropological or ethnographic subject of research (Turner 1997; Goodale 2006).

Thus, the link between human rights and culture was at first formulated as an irreducible dichotomy (Cowan et al. 2001: 4). And yet, cultural relativism in its opposition to the so-called universality of human rights, involves many other dichotomies, such as public and private spheres, individual and collective rights, civil/political and social/economic rights (Nagengast 1997, 353). For example, anthropologists, for whom human individuals are especially the product of networks of social relationships, consider that many legislations and policies of human rights problematically refer to a Western conceptualization of the human which is the “property of the individual”, “inhabiting an individual body”, overlooking the collectives in which human beings are inscribed (Turner 1997: 275).

But anthropologists have gradually distanced themselves from cultural relativism to the point that it is now more condemned than strongly accepted (Hatch 1997: 371). The problem of this concept is that it can be used strategically to justify and tolerate a distinct treatment of dominated social groups such as women, indigenous groups or children (Nagengast 1997: 352). Another difficulty with cultural relativism is that it essentializes cultural difference. Indeed, according to cultural relativism, social phenomena are only understandable when they are related to the logics of the cultures within which they occur (Nieuwenhuys 2008: 5). The ethical consequence of this epistemological position is that social phenomena such as “genital mutilation” cannot be universally condemned in the name of human rights because they vary according to the cultural setting in which they are inscribed (Nieuwenhuys 2008). The problem of such a position, according to Nieuwenhuys (2008: 6) is that, while universalism as contained in human rights regimes leads to the essentialization of childhood, cultural relativism essentializes and makes permanent cultural features. Yet, with societal transformations in the wake of various processes of globalization, the majority of anthropologists have come to agree that cultures are not homogenous, but an evolving set of unstable, conflicting and contested meanings (Turner 1997; Nagengast 1997; Cowan et al. 2001; Merry 2006; Nieuwenhuys 2008). But while anthropologists have moved beyond the use of such concepts as tradition or culture – at least, if these are understood as a fixed set of meanings – theorists of children’s rights and development agents very frequently use terms such as “tradition”, “culture”, “victimhood,” and
“collective rights” (Archambault 2011). In doing so, they essentialize social practices such as early marriage or child domestic work, which are generated more by structural factors, such as social position, social class relations or dynamics of capitalism, than cultural ancestral dynamics (Archambault 2011; Jacquemin 2009). Thus, children can be victims of these essentialized constructions of their tradition or culture, which restrain their active participation in the world (Stephens 1995: 32).

Therefore, if cultural relativism is still influencing current anthropological approaches of human rights, it is not through a coherent theoretical position but rather with specific epistemological lenses by which moral judgements are suspended for a better understanding of other cultures (Turner 1997: 275). Nevertheless, the first relation between anthropology and children’s rights was not based on a similar initial rejection. Messer (1993: 234) notices that since the beginning, anthropologists took an active role in educational matters or in the question of child labour policies. This active participation of anthropologists in the field of children’s rights, whether through critical involvement or through research responding to policy agendas stimulated by the CRC (Ennew 1986, 2000; Bonnet et al. 2006; Boyden and de Berry 2004; Boyden and Bourdillon 2012) is growing nowadays. The sector of international development, which has made children one of its main targets, now offers anthropologists professional openings or resources (de Waal and Argenti 2002; Massart 2007, 2009; Thorsen 2012a, 2012b, 2012c).

Through this involvement and in other ways, anthropologists interested in children’s rights are sceptical regarding the establishment of moral standards to monitor and regulate childhood all over the globe. On the one hand, their criticism is grounded in the perception of the diversity of childhood across the world: children are indeed perceived by anthropologists as especially “dependent on local meaning and practices” (Stephens 1995; Scheper-Hughes and Sargent, 1998: 8). Childhood differs from one country to another (Boyden 1990), from one specific society to another. This “relativist caution” can strongly underlie the work of anthropologists when they study children’s rights issues. Montgomery’s classic study on child prostitutes in Thailand, for example, analyses how the trajectories that lead children towards prostitution in Thailand are underpinned by a very different conception of sexuality (Montgomery 2001) and a very different representation of children from the one conveyed by the CRC: indeed, children have more duties and respect towards their mothers than their mothers have an obligation to protect their offspring. In this perspective, child prostitution “was a job which brought in relatively large amounts of money which could be used by the children as a way of fulfilling their perceived obligations” (Montgomery 2001: 89). On the other hand, anthropologists’ scepticism concerns rights talks, discourses and practices that are intertwined with cultural values that are neither neutral nor universal. More precisely, their critiques question the specific context in which children’s rights law has emerged. In 1990, Boyden pointed out that the CRC failed to take into account the “evidence that the conception of rights is intimately tied up with cultural values and the outlook of any given society” (Boyden 1990: 203). Indeed, the Children’s Rights Movement, which progressively led to the adoption of the CRC by the United Nations, suggests that the notion of children’s rights is connected to the “social question”4 in nineteenth-century Western societies (Hawes 1991). The foundation of the school as a public institution and the institution of compulsory education are indeed the solutions that were enforced so as to control and direct “the political energies of the

4 By social question, we refer here to the questioning of politicians and elite regarding the harsh conditions of the labour class in nineteenth-century Europe: political solutions were needed for counteracting the threat of insurrection of the “dangerous class”.
working-class” in Europe (Clarke, quoted by James et al. 1998: 49). This original context is very different from the current situation of Southern societies. In the latter case, the foundation of the school was a key political strategy of the colonial authorities. Nevertheless, and as Boyden (1990) has argued, the first attempts made at the state regulation of childhood in the South occurred under colonial ruling and were influenced by what had happened in Western societies during the nineteenth century. For example, as Nieuwenhuys (1994) has shown, the legal approach to child labour from nineteenth-century Europe aimed at managing the problems linked to the employment of children in factories. This legislation built a dichotomy between child labour in the factories and other activities such as housekeeping, child care, etc., then considered as training, help or socialization (Nieuwenhuys, 1994). “The welfare priorities devised at that time continue to shape the structures and forms of provision in the present” (Boyden, 1990: 200).

The other main critique formulated by anthropologists regarding children’s rights law concerns the philosophical thought that underlies current formal human rights discourses. The specificity of the CRC is that it brings an additional dimension to the status of children, in that it recognizes them as subjects who have rights, and not simply as beneficiaries of adult protection (Landsown 2001). For many anthropologists (Stephens 1995; Schepers-Hughes and Sargent 1998), however, this acknowledgment is related to the neoliberal philosophy of the self-governing individual, which is far from corresponding to the “ethos” which continuously informs the lives of children and young people in rural African societies for example, even if these have been evolving according to the “new challenges of new situations and contexts brought by education, urbanization and evangelism” (Droz 2006: 115–116). As Turner (1997) indicated, there is a deep ambiguity in the contribution of Enlightenment Liberalism to current thought about human rights (and children’s rights) (Turner 1997: 279). While the universalistic ambition of human rights thinking led to the removal of any reference to class relations, ethnic differences, or social and historical specificities, it has been “formulated from the standpoint of the dominant class position of the bourgeoisie” (Turner 1997: 279). In this vein, many anthropologists critically emphasize how the representations of childhood and parenthood diffused by child rights discourses, talks and law promote the dominant urban nuclear middle-class family of the centres against the rural and working-class families of the peripheries5 (Boyden 1990; Stephens 1995; Schepers-Hughes and Sargent 1998). In addition, these discourses convey a rather passive image of children and youth. Anthropologists generally take a critical position with regard to the emphasis on misery and suffering in international rhetoric on children’s rights: Cheney, for example, criticizes the discourse of children’s rights as it relates to Africa’s orphans because it has few empowering virtues; rather it disempowers vulnerable children (Cheney 2012).

In the next section we will see that these critiques have led many anthropologists to recall the variety of conceptions of childhood, but especially to transmit children’s own views and to insist on the importance of their rights and capacity for action. These approaches on children’s rights are based especially on ethnographic approaches in developing countries, where the gap between international law and rights as they are experienced by children is particularly significant, and challenges the relationships between dominant and dominated nations (Hanson and Nieuwenhuys, 2013).

5 By the opposition between “centres” and “peripheries”, we refer here to the opposition between dominant and dominated nations, opposition that comprises different oppositions. For instance, between Northern and Southern societies, between Western and non-Western societies, between developed and developing countries, and between former colonial empires and their colonies.
2. Children’s rights from below

If the debate between cultural relativism and universalism has reached an impasse in the discipline because, among other reasons, anthropologists have distanced themselves from concepts such as tradition or culture as stable, shared sets of meanings and values, anthropologists remain deeply focused on realities as they are lived at the local level. In fact, anthropological perspectives that go along with “bottom-up approaches” of children’s rights deal not so much with culture as with daily lives and ordinary experiences which continuously influence the ways in which processes of globalization take place. This section will focus on anthropological approaches that pay attention to the daily life of children and their communities as they shape the ways in which rights discourses are implemented, challenged and altered (Cowan et al. 2001: 1). In this sense, they join one of the two main current trends6 in the anthropology of human rights – namely, the ethnographic trend – in order to describe how human rights work as a social practice (Goodale 2006).

Like scholars from other disciplines, including political and social scientists, lawyers and developmental psychologists (e.g. Liebel 2012; Hanson and Nieuwenhuys, 2013), anthropologists consider that top-down approaches to human rights are far from being sufficient (Nieuwenhuys 1994; Montgomery 2001; Cheney 2007; Hanson and Nieuwenhuys 2013; Cowan et al. 2001). Not surprisingly, anthropologists challenge issues of human rights implementation by analysing these processes from below. In the field of children’s rights, their line of reasoning firstly concerns the social abilities for which children are given credit. While these scholars – like their counterparts in other disciplines – would neither reject the notion that the subjectivities of children are shaped by global discourses and law, nor would they claim that children’s agency is equal to the skills of adults, they see young people as social actors able to form their own ideas concerning their rights (Montgomery 2001; Cheney 2007). Far from justifying forms of child abuse, such as child prostitution, or the behaviour of adults who take part in these processes of child mistreatment, for these researchers young people are “taken seriously as both research subjects and as analysts of their own lives and circumstances” (Montgomery 2001: 3; Lundy et al. 2011). It is at the methodological level that one can at first locate this child-centred dimension: anthropologists and ethnographers analyse the discourses of children and young people about their rights. Pells, for example, has shown that children and youth in Rwanda perceive their rights as they are formulated in official discourses as “everything that they don’t have” (Pells 2012).

Most importantly, and beyond words and discourses about rights as they are formulated in official documents, anthropologists analyse how children’s rights are experienced and lived by children, their families and their communities. In this vein, the social anthropologist Nieuwenhuys and the legal scientist Hanson (Hanson and Nieuwenhuys 2013) have recently systematized a very challenging approach where children’s rights are a living practice. Even though within their conceptual framework, “the translation from principles to practice is never solely either a top-down or a bottom-up activity” (Hanson and Nieuwenhuys 2013: 19), they emphasize the fact that the rights of the child are far from being only the result of processes of legal deliberations and negotiations. Beyond the viewpoint according to which rights have been formalized within international institutions and legislation, they depict children and their

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6 According to Goodale (2006), there are two approaches developed by anthropologists when they started to re-engage with human rights: an anthropology of human rights that aims at contributing to “emancipatory cultural politics” and an anthropology that tackles human rights as a question that has to be analysed empirically.
families continually making and recreating their own rights as they are facing and struggling with the daily concerns of their life. Many anthropological studies of children’s strategies and capacity for action to secure their own life can be included in this trend that identifies children’s rights as a living practice. For example, in African agricultural societies, Reynolds (1991) has explored how children develop their own strategies for survival, support, and nurture in the web of relationships that they construct with different kinsmen (Reynolds 1991: 138). Young people in Southern societies are in such material conditions that anthropologists and ethnographers portray them as fighting for securing their livelihood. Indeed, strategies for survival are deployed by the young in harsh conditions and contexts with limited choices and possibilities. For example, in South Africa, in a context of widespread HIV/AIDS and consecutive deaths in the family network, Henderson (2013) has shown that girls prefer contracting “an informal marriage” and thus overcoming the shrinkage of kinship relationships, rather than realizing their right to education as it is promoted by development agents with their gender agenda. Generally, these children’s ideas and practices concerning their rights clash with the rights discourses and programmes as they are practised in the field of development. While international law on children’s rights deems child mining activities as one of the worst forms of child labour, the ethnographer Okyere has shown how these activities are important strategies by which young people try to pursue the achievement of their basic needs and rights such as eating and going to school (Okyere 2012). The strategies for survival that children develop are not always opposed to the categories expressed by rights discourses as they are practised by development agents. Children can use them strategically in order to secure their basic needs. Cheney has shown that the “orphan identification with victimhood” is used by children and adults when they are pursuing the goal of survival (Cheney 2012: 153).

These strategies for survival are not deployed just for achieving individualistic projects and goals. Anthropologists pay attention to the broader networks of relations and ties of interdependence in which children and young people are involved; these groups also take part in different forms of collective organizations and resistance related to a specific “ethic of subsistence” (Scott 1976) in which norms and values of reciprocity, mutual benefit through inter-generational exchanges, and kinship relationships enable local communities to survive (Hanson and Nieuwenhuys 2013: 11; see also Droz 2006). As Hanson and Nieuwenhuys (2013: 12) have argued, the capacity of children and young people for survival and sense of justice are consubstantial with what anthropologists have conceptualized as the “moral economy”. In her seminal ethnography on child labour in India, Nieuwenhuys (1994) has shown how the many work activities carried out by children and young people – such as young boys foraging’ habits in fishermen societies or girls cleaning coir in the production of coir yarn – although undefined, non-formalized and almost invisible, play a central role in the livelihood of their families (Nieuwenhuys 1994). What is depicted through their ethnographies is a very different portrait

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7 In some way, his ethnographic approach is very similar to the one of political scientist Saadi (2012) about the case of working children’s organizations that shows how children have specific views on childhood and labour.

8 The concept of moral economy was first described by Thompson (1993/1963), who noted the subjective orientations of the poor in late eighteenth-century England regarding their living conditions. Other scholars such as Scott (1976) developed the concept further by relating it to peasant rebellions in the South. In Scott’s work, the moral economy refers to the “notion of economic justice” and the “working definition of exploitation” of the peasants, which is related to an ethic of subsistence. This ethic of subsistence is a non-capitalist ethic determined rather by the need of securing subsistence than by making profit. This ethic resorts to interdependence relations and the principle of mutuality within the group (household, community).
of youth. These young people are not autonomous individuals pursuing the achievement of their rights as they are formulated by international institutions, but rather considered as social beings who have incorporated schemes of behaviours, perceptions, and representations depending on social situations and specific networks of social relations in which they are inscribed. This is especially visible in the work of Montgomery – also referred to above – on Thai children who, in a context of restricted work possibilities and poverty, prostitute themselves in support of their parents to whom they are obliged (Montgomery 2001: 82). This perspective of interdependency appears especially relevant for grasping the agency of poor African children who, in the context of an absent welfare state, are “interdependent beings whose daily livelihoods are intricately entwined with and are inseparable from that of the family collective” (Abebe 2013: 72). André and Godin (2013) have shown that, in the DRC, in a context of very low public investment in primary education, in which parents’ financial participation in their children’s schooling has become more and more significant (Poncelet et al. 2010; De Herdt 2011: 115–156), children have decided to work in small-scale artisanal mining in order to help their elders – their parents or the community. While mining is labelled as one of the worst forms of child labour, children have been led to perform such activities because of their dispositions of respect and duties toward their elders that they actively pursue in the artisanal mining sector. This “collective dimension”, in which children’s strategies and abilities are inscribed, need not be romanticized, as it was in the past in some anthropological accounts of production activities in rural subsistence societies (Nieuwenhuys 2006). It has also been analysed through the perspective of local dominations and power relations from which rural communities or other dominated social groups are not exempted, such as the seniority system, through which the autonomy of children and young people is not recognized on the public stage (Elson 1982; Nieuwenhuys 1994).

This ability for action and resistance is not limited to the material level; it also refers to the ability to give meaning to one’s own life (Willis 1977), that is, to the levels of symbolic representation and identity, as young people “[negotiate] their identities as individuals and as social selves” (Cheney 2007: 15). At the symbolic level, anthropologists analyse children’s capacity for resistance towards, for example, the ideals of the nuclear family and residential permanency conveyed by development projects or school programmes (Archambault 2010). Or, while child migrations are perceived as child trafficking in anti-child-trafficking policy in Benin, Howard (2012) has shown that young people leave their homes to pursue such ambitions as acquiring skills that the school and local sphere could not provide. At this cultural level, the symbolic input of the young is quite important in the neoliberal age. Comaroff and Comaroff (2000) have analysed the paradoxical effects of the current exclusion of the young by neoliberal capitalism: while it marginalizes young people from the labour force and other networks of power, it makes possible the creation of their own culture. In the interstices of their exclusion, which are governed by a horizontal organization rather than vertical relations (de Suremain 2006), children and young people can develop a specific sense of justice and freedom which challenges those of adults (O’Neill 2012). Indeed, in the case of child labour in Nepal, O’Neill (2012) depicts the resistance of young carpet weavers against the domination of their capitalist employers in factories: while learning weaving skills, they also acquire in the same time a sense of their own liberty. Finally, the contribution of children and young people also concerns the shaping of political processes. The demobilization and reintegration programmes addressed to former child-soldiers generally do not take into account the fact that these children and young people wanted to take arms in order to contribute to changing the political system (Hoffman 2003: 304).

All these anthropologists studying children’s rights from the perspective of children are very engaged in contributing to “emancipatory cultural politics” (Turner 1997). In this sense, even if
they are not quite standard-bearers for applied anthropology, their basic perspectives of research are closely intertwined with moral considerations or political recommendations (Montgomery 2001; Reynolds et al. 2006; Hanson and Nieuwenhuys 2013). This commitment appears in a field that is very sensitive, as it contains very emotionally charged issues such as child prostitution, child labour, or child soldiers, which especially call into question the “neutrality” of the “participant observer” (Montgomery 2001). Their first contribution lies in the critiques that they address to the very miserabilist overtones of the discourses of children’s rights advocates. Anthropologists do not necessarily disagree with such discourses; they even recognize and celebrate the assiduity of development agents in defending children’s rights (see e.g. Montgomery 2001: 2), but they insist on the necessity of grasping categories by which children formulate and live their experience (Montgomery 2001) in order to improve the ways in which rights discourses can really improve the lives of children. On the other hand, their contribution is formulated regarding the gap between two kinds of rights, children’s rights law and children’s practical ability for justice, in other words through a “critical analysis” that enriches the critical perspectives defined in the introduction of the book. The gap between what is formalized in children’s rights law and children’s real lives can be so significant that children ignore the former, because its relevance and meaning do not appear in social spaces of severe marginality (Snodgrass 1999). This aspect of their work is especially carried out and made possible through close collaborations with scholars from other disciplines that lead to challenging interdisciplinary concepts, for instance, the metaphor of “refraction” (Reynolds et al. 2006, Hanson and Nieuwenhuys 2013). By this notion, anthropologists Reynolds and Nieuwenhuys, in association with Hanson, their legal science counterpart, explain how children’s rights law “change[s] the direction of children’s experiences” when they make “conscious choices” in response to the terrible circumstances of their lives (Reynolds et al. 2006: 12–13). They warn against the fact that many “positive aspects of children’s lives” can be wasted when children’s rights are brandished (Reynolds et al. 2006: 13). As such, if anthropologists interested in children’s rights are especially critical of children’s rights discourses, their criticisms are directly linked to their commitment to “social justice” (Hanson and Nieuwenhuys 2013) and, even indirectly, to the improvement of the formulation and the implementation of rights.

This section has analysed an anthropological trend which accounts for children’s rights by putting more emphasis on their bottom-up dynamics than their top-down forces, while not denying that children’s rights are developing both from above and from below (Cheney 2007, Hanson et al. 2006, Hanson and Nieuwenhuys 2013). The next section will attend to anthropological approaches that have put their focus on the top-down strengths contained in children’s rights law.

3. Children’s rights and global powers

While many anthropologists who focus on children’s rights are especially interested in the dynamics that come from below, they do not perceive the bottom-up processes as if they were totally disconnected from top-down dynamics and constraints. Although childhood is often perceived as an apolitical realm, it is one of the primary fields of existence concerned with many different kinds of power relations and controls. The category of childhood is shaped by numerous projections and political projects that pursue the maintenance of social cohesion (Rose 1989; Stephens 1995; Schepers–Hughes 1998 and Sargent; Cheney 2007). These projects impel an increasing surveillance of children by means of “the constructed boundaries of childhood as a particular stage of innocence and dependency” (Cheney 2007: 14). In this section, I will show how anthropologists of children’s rights also analyse national and global politics as well as continuous forces that seek to control the lives and bodies of children and young people.
3.1. Children’s rights and global capitalism

In the 1990s, anthropologists as Stephens (1995); Scheper-Hughes and Sargent (1998) were worried by the ways in which “the treatment and place” of children were affected by the flows and activities of global capitalism, especially the growing dominance of neoliberal economic policies that started disturbing the economies of the developing countries from the 1980s on: the latter have been bombarded by pressures from international institutions such as the World Bank and the IMF to adopt structural adjustment programmes (see also Mestrum, Chapter 20 in this Handbook). These changes have had numerous devastating consequences for Third World populations, especially women and children, as these adjustments programmes involve severe economic restrictions in social-welfare programmes and give rise to harsh disorders in local social and work-related networks (Stephens 1995; Scheper-Hughes and Sargent 1998).

That is why some anthropologists perceived the expansion of the human rights movement since then as “a reaction to political alienation in contemporary states under conditions imposed by global capitalism, and in particular the effects of neoliberal policies” (Turner 1997: 283). This was particularly the case for the development of children’s rights according to Scheper-Hughes and Sargent (1998: 3). In the early 1980s, UNICEF expressed its concerns regarding the rapid economic evolution and changes motivated by neoliberal global economics and launched many campaigns in favour of children and women who had been relegated to the lowest priorities of world capitalism (Scheper-Hughes and Sargent 1998: 4). Texts and expressions from international institutions such as UNICEF’s “World’s children” or “The State of the World’s Children” reflect this increasing global preoccupation for children. The answers of UNICEF to the hostile effects of global capitalism on child survival has been critically analysed by anthropologists such as Scheper-Hughes (1987).

While the spread of children’s rights and human rights movements has been seen as a response to these broader economic changes, anthropologists as Scheper-Hughes and Stephens started to analyse how the representations and the values that underlie children’s rights law must themselves be grasped in a complex entanglement with processes of capitalist globalization (Stephens 1995; Scheper-Hughes and Sargent 1998). The global, late-capitalist society promotes workers who are liberated from any attachment such as residence, family obligations, and kinship duties, and who are fully dedicated to making profit and taking individual initiative (Scheper-Hughes and Sargent 1998: 7; see also Stephens 1995). In this perspective, rights rhetoric is proposed to be interpreted as “a screen for the transfer of Western values and economic practices dependent on a neoliberal conception of independent and rights-bearing individuals as opposed to ideas of social personhood embedded in, and subordinate to, larger social units, including extended families, lineages, clans, and village (or ethnic) communities” (Scheper-Hughes and Sargent 1998: 7). In an ambitious theoretical programme that her abruptly interrupted life did not allow her to achieve (Malkki 2003), Stephens (1995) analyses children’s rights, especially the rights of the child to culture, in the wake of the global politics of culture, which are strongly related to late capitalism. She analyses historical and social constructions of childhood in their entanglement with the interconnected structures of modernity: namely “capital”, the nation-state, urban life, and the diverse cultural forms and subjective orientations characterizing modern Western capitalist society (Stephens 1995). Following the seminal work of the geographer Harvey, she conceptualizes the restructuring of childhood as a movement from state forms of capitalism to a period of globalized structures of capital. In this perspective, Stephens (1995: 37) argued that the culture “to which the child has primary rights is the international culture of modernity”. Consequently, if in the CRC children’s rights to culture refer to identity, this identity is more individual (and in some ways familial and
national), rather than based on collective belongings, and the promotion of indigenous cultures is very limited (Stephens 1995). In the field of education, one can observe serious changes affecting educational systems intended to prepare children and young people to take part in a flexible society directed to the interests of profit (Stephens 1995). Within this theoretical orientation, Field (1995) shows how Japanese children are being assaulted in mind and body by continuous logics of production in the goal of taking their place in the market (Field 1995). In the same vein, André and Godin (2014) have shown that in DRC, the child labour law is implemented in the wake of the liberalization of the mining sector. As such, development programmes that try to put an end to child labour in artisanal mines, diffuse children’s and parents’ images in favour of a capitalist exploitation of the mines headed by transnational corporations.

3.2. Child protection, state control, and international development

Projects concerning young lives are related to state issues as well. When ratifying the CRC, numerous national governments in the South promulgated their own laws on child protection. The social anthropologist Cheney (2007) explores how international institutions such as UNICEF have mobilized, with child rights discourses, the attention of African governments and led them to direct their national development campaigns towards children as a key step in the growth of the nation. She shows how the discourse of children’s rights has become a crucial aspect of the construction of child citizenship in African countries such as Uganda, to the point that even children perceive the fulfilment of their citizenship through the lens of their own rights (Cheney 2007: 44).

Beyond formal texts and political measures, childhood appears to be a public concern in many developing countries; public in the sense that issues linked to children are present on the radio, on television, and in other media through awareness-raising activities and local debates concerning issues such as child labour; the rights of the child have also become a topic of the programmes of public schools (Cheney 2007). Whereas for a long time public policies of childhood especially targeted the formal education of children, the context has now changed. Public policies are interested in children, not only while at school, but also outside school, as children categorized as “street children”, “child labourers”, “child soldiers, etc. These categorizations reflect the increasing fears for children and young people in society, especially “children out of place” (Connolly and Ennew 1996: 132) who, outside adult supervision, have a degree of autonomy never seen before: marginalized from the normative world of work and wages, they are “independent players” (De Boeck and Honwana 2000, Comaroff and Comaroff 2000). In such a way, the child then appears as a social concern or as a public problem. More broadly, by means of the category of childhood and in the name of the child’s best interest, state power can monitor and police troubled and troubling families of different sorts within their private domain (Donzelot 1977). In such a perspective, Droz (2006) has shown how Kenyan government policy strategically refers to the language of children’s rights, but in a locally adapted version, in order to control the most precarious sections of the population in ways that favour the local business class.9

9 The government has been developing “rehabilitation projects” for street families that convey the Kibaki’s ethnic group ethic, which is very individualistic, comprising values of individual accountability, work and self-discipline. In doing so, these projects strategically refer to children’s rights and target street children rather than street families, focusing on individuals and denying the sociological cause of the problem (Droz 2006: 359).
Anthropologists show that the development field is also involved in this powerful network of discourses about the child. Indeed, there are many actions devoted to children and many NGOs dedicated to childhood specifically. After the issue of gender, children have become the target population of many development projects in many areas: education, health and labour, to name just a few. Children and youth represent “the possibility of either an exit from Africa’s current predicament or an intensification of that predicament” (Argenti and de Waal 2002: 8–9). These projects also concern different categories of children. As Boyden (1997) outlined, the Convention has become one of the main frames of reference for NGOs and international organizations linked to childhood. Some anthropologists refer to the work of Foucault to analyse children’s rights policies as a set of interconnected discourses spreading through all the social world, that is to say a technique of governmentality, which gives rise to “self-governing individuals” (Howard 2012: 559). With this perspective, Howard (2012) gives a very critical appraisal of anti-child-trafficking policy in Benin because it would aim to control poor children and their communities by spreading discourses on the responsibility of poor parents to keep their children at home and in school. In the same vein, Godin and André show that development programmes that aim at putting an end to child labour in artisanal mines, position and task family members in relation to the principles and representations of “responsible parenthood” (André and Godin 2014).

4. Conclusion

Anthropologists, in studying the rights of the child, are so sceptical and critical that one can legitimately pose a question similar to Hirschfeld’s (2003) regarding children and anthropology: do anthropologists not like the rights of the child? As it has been argued throughout this chapter, children are so structurally dominated that their perspectives have only been recently recognized in anthropology as a worthy topic of enquiry. The renewed interest in children in anthropology is especially motivated by the desire to document and analyse their lifeworlds, the ways in which they perceive social life, as well as their ability for resistance and symbolic creativity. An initial disbelief in human rights was also shared by anthropologists who did not consider human rights as a noble subject for anthropological enquiry until societal evolutions, including globalization, shook up economies and cultures all over the world. These scepticisms bring tensions amongst anthropologists when they deal with children’s rights. On the one hand, they have reservations on the images of child victims that children’s rights law or development programmes can convey; on the other, they cast doubt on the relevance of children’s rights law when it is based on images of autonomous children. To surmount the diverse tensions that traverse their perspective on children’s rights, they tackle children’s rights both from above and from below.

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10 This may be understood within the frame of postcolonial relations. While colonial policies on childhood focused on education primarily, children, nevertheless, were far more important targets in the colonial context. Indeed, children were used by the colonial authorities as purveyors of the impulse of social change, in the interest of the colonization. In the French and Belgian colonies, the foundation of schools and the education of children were two of the key political strategies of the colonial governments. They have had considerable effect on the functioning of the African states and the formation of the political elites. Whether it is assimilationism, as adopted by France, or the politics of indigenism, understood as the Belgian version of “indirect government”, the education of children was a key piece of the colonial project.
Without conceding to a strict cultural relativism which is nowadays more condemned than promoted in anthropology as in other disciplines, anthropologists go beyond the position that rights of the child are only the result of processes of official deliberations and legal negotiations: children's rights in Southern societies are also produced through strategies of survival that children, as profoundly interdependent beings, deploy in a network of social relationships, in response to sometimes very difficult circumstances. They do not deny the need for top-down structures, they even recognize the values of top-down interventions. But their empirical research shows that social justice results not only from processes in which children are protected from above, but also through the energies of children and young people from below. The political contribution of anthropologists is in this sense important: the descriptive data can help to improve the implementation of children’s rights, especially for reshaping and redirecting them when their formulations are against the positive aspects of children’s life. At this stage, collaborations with scholars from other disciplines are of great consequence and give rise to challenging interdisciplinary perspectives (Hanson and Nieuwenhuys 2013; Boyden and Bourdillon 2012). Anthropologists also see children as being located at a crossroads of many cultural and political projects. These are the result of the violence and risks that children have had to face in contexts shaped by neoliberal politics from the late 1980s on. At the same time, these multiple projects, including children’s rights law, correspond to violence and an increasing expansion of global capitalism. These projects concerning young lives are also related to governments’ attempts to control children and adults and to the field of international development.

In sum, anthropologists have been developing critical analyses of children’s rights from both below and above. Emphasizing the diverse conceptions of justice and numerous powers that shape children’s life, anthropologists might play a key role in the improvement of politics of children’s rights that would pursue social justice. But as the scepticism of anthropologists regarding top-down interventions, structures and the agents involved in these processes remains, one can legitimately ask: in which ways is anthropology able to improve children’s rights law?

Questions for debate and discussion

• What are the tensions that anthropologists have to face when they tackle children’s rights?
• What are the epistemological and methodological challenges to which anthropologists have to rise while developing analyses of children’s rights?
• In which ways do anthropologists tackle children’s rights both from below and from above?
• How can they go beyond their suspicion and engage with other disciplines for improving children’s rights law?

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