Conclusion

Daniel Stoecklin and Jean-Michel Bonvin

The wealth of topics that can be found in the contributions to this volume makes it difficult to pinpoint some and not others. Therefore, we have selected several issues that lead us, so we think, to follow important tracks. Our conclusion will therefore highlight some of what seems to us the most important prospects in the continuing task of building bridges between children's rights and the capability approach. We identify three major topics that can be seen as the most relevant prospects. These are the question of individual and social conversion factors, the issue of the child as a social actor (which relates to both participation and agency), and the debate over the vulnerable and competent child.

Individual and Social Conversion Factors

Biggeri and Karkara underline that in the last two decades the dialogue between the human rights approach (HRA) and the capability approach (CA) increased substantially. A synthesis of this debate was found in the Millennium Development Goals (MDGs), most of which are indirectly connected to children issues. Apart from this very important process aiming at settling a 'common vision of future goals and targets', much is still to be done from the theoretical, practical and empirical perspectives. Biggeri and Karkara explore the relationships and synergies between the CA and the HRA in the case of children. A key issue in this respect lies in the

D. Stoecklin (✉)
Children's Rights Unit, University Institute Kurt Bösch, P. O. Box 4176, CH 1950 Sion 4, Switzerland
e-mail: daniel.stoecklin@iukb.ch

J.-M. Bonvin
Ecole d'études sociales et pédagogiques (EESP), University of Applied Sciences Western Switzerland, Chemin des Abeilles 14, CH 1010 Lausanne, Switzerland
e-mail: jmbonvin@eesp.ch

combination of individual and social conversion factors that facilitate, or conversely impede, the development of capabilities and the effective implementation of children's rights. The book provides insightful reflections into the complex interaction between social and individual conversion factors.

Liebel points to a crucial question when stating that rights become effective only when their holders (here children) are put in a position where they can actively use and transform them. This holds particularly for so-called "agency rights", where agency designates the "capacity of individuals to act independently" (James and James 2012: 3). Indeed, while protective rights call mainly for an external action (be it the State, third sector institutions or the family in the case of children), i.e. for appropriate social conversion factors, the enhancement of "agency rights" is more complex and requires to consider the individual as a co-author in the implementation of these rights: s/he is not only a passive recipient, but also a doer; however, s/he is not the only doer, but needs adequate support from the State and other external actors. Indeed, the subject is not considered in isolation from his/her context, as James (2009) clearly emphasizes when she relates agency to the subject's capacities for action as well as to the opportunities to make use of them. In this later definition of agency, we are clearly closer to the capability approach, taking into consideration the individual skills and the social opportunities to use them. In the same vein, many contributors to this volume speak of interdependencies. For instance, Baraldi and Iervese point to the fact that agency has also a collective dimension. Thus, the concept of agency does not only indicate an individual competence, but also the social relationships in which individuals are involved (Alanen 2009; James 2009). Relying on James' (2009) definition of agency, Liebel highlights that the social opportunities are especially crucial, and many others also support this point when considering children in socially disadvantaged situations. Thus, the relational aspect of agency is underlined: it is not something that individuals possess; it is rather inscribed in the interdependencies (Oswell 2013). So we must rather see agency as a certain degree of autonomy that is favoured or obstructed by particular interdependencies or combinations between individual and social conversion factors. We therefore insist that agency cannot be "something" (be it in the form of a protection, a service, or participation) that States can guarantee. If agency is inscribed in the relationships among individuals, including children, then what the State must guarantee is the democratic and participative nature of these relationships, which boils down to guaranteeing the participation rights enshrined in the UNCRC. Hence, agency lies in the relationship between individual and social factors and what must be provided when implementing agency rights lies not in a specific form of social support, but in the conditions for the setting-up of capability-friendly or agentic relationships. Procedural rights are required here, more than substantial rights focusing on benefits, services or specific protections. Therefore a relational perspective on rights is needed.

Stoecklin and Bonvin's contribution emphasize the necessary complementarity between individual skills and social opportunities in the field of participative rights and their effective implementation. The child's "own views" are pragmatically

formed when the child is able to actively participate in social life. Indeed, individual agency is enhanced when adequate social structures and opportunities actively promote the participation of children, which in turn calls for the setting up of new structures and opportunities, adjusted to the increased level of agency, and so on. This development of individual agency is captured by the concept of "evolving capabilities" presented in great detail by Biggeri and Karkara. Their Fig. 5.1 is a synthesis of the existing knowledge in this respect, it also points to further developments and prospects that, in the view presented by Stoecklin & Bonvin and Robin, go along the complex notion of "recursive and non-linear agency".

These authors insist that the participative capability is narrowly linked to individual entitlements, like participation rights, and the responsibility of any social system is to expand the choices (or freedoms) that people enjoy. In such a perspective, the exercise of participative rights is much more important than the knowledge of these rights. As the analysis of organized leisure along the framework of the "system of action" shows, actual social relations (and the extent to which they are participative) play a greater role than formal children's rights in their subjective evaluation of participatory projects. Conversely, experience shapes children's knowledge of their rights which they roughly know, without needing to quote the articles contained in the UNCRC. This means that the actor doesn't need to be clearly informed about his/her rights before acting in a rightful way. Eventually, participation rights become real only through the exercise of participation, which may contribute to gradual capacities gained by children as social actors having voice and agency. Hence, the factors transforming children's rights into effective capabilities are derived from direct experience of participation stimulating reflexivity about one's own rights. The recursive aspect of participation, as a "system of action" is therefore underlined. Another key finding is the non-linearity of the development of individual agency: if appropriate social structures and opportunities are not given at a specific stage, this may result in reduced individual agency at the later stages.

The recursive and non-linear dynamics of agency, which make it "evolve" (not necessarily upward), is something that may be helpful to specify the notion of "evolving capabilities". We hence put emphasis on the subjective reconstruction and reinterpretation of a world that changes along people's capabilities. In other words, the social structures are crucial in shaping capabilities, of both individuals and groups, but their reconstructions of what these structures mean to them offer an ever evolving margin of manoeuvre. The example of children in street situations offers insight into this question. The most resilient distanciate themselves from the structures that are trying to control, educate, "save", or "empower" them. It seems that one's margin of manoeuvre grows when one is distanciating her-/himself from the dominant discourse and is able to give another meaning to a life that, to outsiders, can only appear as horrendous (Aptekar and Stoecklin 2014). The individual's own reconstruction of reality (or "system of action") seems to be therefore crucial when analyzing the combination between individual and social conversion factors.

The importance of "recursive agency" is also underlined in other contributions that show that transformation processes themselves involve children's own reflexivity. This is for instance reflected in Baraldi and Iervese's use of Conversation Analysis to explore children's expression and their capacity for social change through the projected orientation of their interlocutors' subsequent actions. This is coherent with the definition of interaction itself as a process of reciprocal adjustment. Baraldi and Iervese show that an important conversion factor lies in adult-children interactions when they break the common hierarchical "generational order" (Alanen 2009). They highlight the interactional facilitation of active participation as a powerful social conversion factor. Following Baraldi and Iervese, we could indeed say that capabilities exist only in interaction. This clearly shows that it is not because the CA observes the individual, as a unit, and not the social, that capabilities are not the outcome of social processes. Rather the contrary, even if what is measured relates to individual capabilities, how these capabilities evolve calls for an analytical approach embedded in social processes. It is true that children, as any social actor, are able to interact in ways that enable them to change somewhat the structuring of social relations. But to what extent this is done is another question.

This calls for investigating the type of social support that is required to promote individual agency, i.e. the effective implementation of the participative and agentic rights contained in the UNCRC. Key issues relate to the degree of incompleteness of the institutional framework and that of the adaptability expected from children. If the institutional framework is precisely defined, i.e. if it prescribes clear normative expectations as to what agency should mean and how children should be prepared for this, then a top-down version of participation is privileged that goes very much in the direction of so-called 'adaptive preferences'. Beyond the institutional framework, there are also informal social or cultural norms by which children and other individuals may be called to abide. Again, the more complete or exhaustive these norms, the more constrained the agency of individuals. By contrast, if these social norms or the institutional prescriptions leave more margin for interpretation, this will also translate into more spaces for effective participation and more influence left for children and other stakeholders. Dahmen's contribution illustrates this point: he focuses on life course transitions from school to work conceptualised as temporally (and socially) embedded processes of engagement with one's future, in which young persons strive to make meaningful choices and try to achieve governance over their life. Results show that their autonomy and scope of opportunities are strongly influenced by culturally mediated self-interpretations. Thus the degree of individual agency enjoyed by young people depends on the dominant culture and social norms. A gap is identified between accounts of agency grounded in the lived experiences of youth as social actors and hypothetical models of agency that are influential in policy design and in conceptions of youth and children as welfare subjects. In the same line, Robin aims to analyse the possibility for children and young people in alternative care to be agents and to participate to their own protection. With a qualitative research made in France, she shows that the right to be heard in the assessment process is a formal resource which does not lead to real

rights for all children in care. Therefore she identifies individual and social factors which influence children's participative capability and discusses how to devise an ascending participation, which considers subjective perspectives of children and young people in care. Both contributions emphasize the necessity for an "open" and "incomplete" social support, in order to leave enough space for the deployment of individual agency.

Another pitfall to be avoided with respect to the type of social support is an exaggerated focus (conveyed by social norms and/or the institutional framework) on individual responsibility. In this respect, Liebel's concept of ascending participation makes a particularly important contribution, stating that both the CA and the CRC are ambivalent in that they may be considered to emphasize individual responsibility while actually looking at the conditions that transform rights into real freedoms. This ambivalence is illustrated in the CRC notion of "evolving capacities". For Liebel, as long as adults possess the definition power on what are these capacities, this principle risks being used in the sense of limiting children's rights. Liebel wonders whether the concept of 'evolving capabilities' (Biggeri et al. 2011: 23) could be an alternative, insofar that the CA doesn't look simply at the attributes or abilities of the subjects, but also at the available opportunities (their concrete living conditions). This is a very complex issue that will need further developments.

Malatesta and Golay also highlight the importance of the institutional goals and the roles and motives of all involved actors when it comes to participation processes and procedures in children's councils. They critically concentrate on children's councils implementation in Lausanne, Switzerland, to see whether these can act as devices enabling an experience of recognition. The authors consider the role the institution plays in defining the frame and the goals of the participation processes, as well as the opportunities and the barriers of councils' implementation. They adopt Liebel's perspective on "living rights" (Liebel 2008), to show how children's experiences of the group, the institutional context and the inequalities in terms of class and gender are influenced and reinforced by these devices. This contribution provides insightful clues into the conditions to be fulfilled for the design of social and individual conversion factors that could enhance the recognition of children.

Andresen and Gerarts emphasize the importance of temporality. They convincingly argue that children see themselves in the here and now and, at the same time, as being in a condition of development and becoming. This juxtaposition of statuses in the here and now and in the future seems to be a matter of life course for them. This shows the necessity to envisage the combination of individual and social factors not only in relation to the present, but also to the future. All in all, it looks like the quarrelling couple formed by individual skills and social opportunities cannot divorce... They stay together for better and for worse! It is difficult to speak of the one without mentioning the other. Throughout the book, there is a wide-ranging consensus on the necessary complementarity of individual and social conversion factors in the development of capabilities: children do not develop independently of the social context, and they are not determined by this context. Rather, there is a kind of mutual interdependency between individual agency and

social environment. This is a rather commonsense conclusion, but this book allows making steps forward by shedding light on some significant features of the inter-action between individual and social conversion factors: hence a relational per-spective on agency or participation rights is advocated, as well as a focus on evolving capabilities and recursive and non-linear agency, an emphasis on an incomplete and open social support (especially not insisting unilaterally on indi-vidual responsibility) in order to foster adequate recognition of children, and last but not least the integration of a dynamic element via the taking account of temporality (child as being and becoming). We contend that the further develop-ment of synergies between the children's rights perspective and the capability approach will allow addressing these issues in more refined ways and bridging the gap between sociological theories of action and the prescriptive claim to treat children as subjects of rights.

The Child as a Social Actor: Issues of Participation and Agency

A very important issue is the processual nature of participation. Many authors have highlighted participation rights both as an end and a means: they have a constitutive dimension because they enrich children's lives (which is an end in itself), whereas they are instrumental as they are used for the realisation of other rights (Hanson and Vandaele 2003: 82). We can notice the complementarity with the "constitutive" and the "instrumental" role of freedom for development (Sen 1999: 189). Both an end (constitutive dimension) and a means (instrumental dimension), participation is a process in which children acquire the capacity to build one's views "freely". The distinction between the instrumental and constitutive dimensions of participation must therefore be seen only as an analytical one. In daily life, people learn about the intrinsic value of participation by the very fact that they participate, which comes back to Dewey's pragmatism: learning by doing. Hence, participation is a process. Stoecklin's (2013a) attempt to identify explicit theories of action to assess the dynamic, processual, recursive, and cumulative features of participation, finds some more food for thought with the capability approach. The latter can help overcome the sociological blind spot in the notion of the "actor child", which is the processual interplay between individual competences and social opportunities. Participation can be seen in terms of the freedom people have to lead the life they have reasons to value (Sen 1999). Transformation of children's lives by their rights is thus a complex outcome involving many processes that have both constitutive and instrumental dimensions. While the law is constitutive of the formal status of a child, the social status relies on instrumental strategies and social dynamics. Not only in the commonsense discourse but also to some extent in the children's rights industry, the taken-for-granted "actor child" ignores this difference.

The existence of rights is not sufficient to guarantee capabilities, because the individual capacities do not solely depend on rights. Reversely, rights may favour the development of some level of command on social processes. Participation rights give the possibility to have some say on the definition of reality, which cannot be reduced to a single point of view but rather is the outcome of a social construction (Berger and Luckmann 1966). Recognition of this specific interplay between right and capability is the basis on which participative rights can be better granted to children. The instrumental dimension of participation is being constructed by social actors interacting in specific configurations. As a rights-holder, or a subject of rights, the child may have "participation rights", but in reality he/she has a certain capability regarding real participation according to the different power structures in the places where he lives. The actor's access to hearing procedures is both given by these structures and gained through the actor's competencies.

Baraldi and Ieverse's chapter offers a valuable insight for the processual dynamics of participation. They deal with the issue of adult-child interactions in classrooms and, using the discourse analysis, they identify the concept of "next positioning" to understand the ways in which any current action may project one among a range of possible future actions. They are also aware that analyzing structures of interactions is not sufficient to explain agency, because these interactions are embedded in wider social systems. Baraldi and Iervese thus show several indicators that are necessary to take into account if one wants to "measure" children's agency. These are linked to the turn design, the structure of sequence organisation, and structural presuppositions. Their material shows various ways in which the sequential dynamics of participation allow children to expand (or not) their capabilities.

These empirical findings question whether one's own views are actually "freely" built. Hence, they contribute to critical considerations on the hidden assumptions contained in the UNCRC. The social process of building one's views "freely" is not addressed in the formulation of participation rights. The assumption behind them is that this process must be accessible to any child under any circumstance. In the UNCRC, the instrumental dimension of participation is put at the forefront, and the conditions conducive to the constitutive dimension of participation are addressed only indirectly by the fact that the UNCRC holds that it is through protection and provision rights that participation may eventually occur. The UNCRC "recognizes that children only gradually gain the necessary competencies to exercise these rights as adults do. The CRC recognizes, as well, that children do not always have the physical, personal, and social power to protect their rights. Hence, children are accorded need-based, or protective, rights, such as the rights to be nurtured, sheltered, educated, and protected from exploitation" (Pufall and Unsworth 2004: 13).

It is the combination of rights that allows the children's well-being in the present and their development in the future. As underlined in Asher Ben-Arieh's foreword, as well as in Stoecklin and Bonvin's chapter, the child's being and becoming are the two sides of the same coin. They cannot be opposed, they are bound together. We can thus see that the distinctions between *being* and *becoming*, between the

instrumental and *constitutive* dimensions, or Woodhouse's (2004) distinction between "need-based rights" (protection) and "dignity-based rights" (life, identity, expression), and even that between the individual and social factors, are merely analytical. Social actors experience things not in an analytical way but rather as a continuous flow of events that they reflexively reconstruct in order to give meaning to their actions and those of others. Hence, the gradual competencies gained by children, like agency and voice, are granted by the UNCRC through diverse combinations of "need-based" rights and "dignity-based" rights that are not necessarily thought of by the actor in the same terms.

It is therefore mistaken to interpret the UNCRC as ending with an image of the child making use of participative rights as a rational social actor. Rational-choice theories have pervaded the analytical thinking in such ways that they have become naturalized. This makes it appear as a logical and natural fact that the right to be heard (art. 12 UNCRC) is not granted to "any child" but only to "the child who is capable of forming his or her own views" and also that consideration for the child's opinion should be "given due weight in accordance with the age and maturity of the child". The analytical distinctions we make as scientists may therefore have the side effect of underscoring children's lived experiences. Our conceptual apparatus relies on notions that theoretically separate what is experienced in direct interactions where emotions impact on how people behave, and this certainly holds true for children. Therefore, considering that children's views can be taken into consideration only under specific circumstances (views freely formed and expressed) is quite limitative. And it is our own analytical apparatus, which contributes to the alienation of children's opinions, as the latter would have to enter the hidden analytical framework in order to become intelligible and legitimate.

How can we say that children who do not yet form their own views are not assured to express their views freely? How do we assess that the views expressed are theirs? In the way their answers and opinions are structured? Does it mean that children who do not yet have a well structured opinion are not entitled to Art. 12? This would be an infringement of the cornerstone human rights principle that the holder of rights is subject of rights independently of his/her actual talents. Indeed, the "due weight" given according to the child's age and maturity is another restrictive element in this article. The "due weight clause" in Article 12 and the circumstances under which children's views shall be taken into account actually pose some problems for the very constitution of one's own views. How can children constitute their own views if attention to what they say is restricted to what appears to adults as rational thinking (maturity)?

The "Aristotelian conception" (Matthews 2008) of childhood, which is widespread, sees "the Formal Cause of the organism as the form or structure it normally has in maturity (. . .). According to this picture, a human child is to be understood as an immature specimen of the organism type human, which, by nature, has the potential to develop into a mature specimen with the structure, form, and function of a normal and standard adult" (Matthews 2008: 40). Therefore, if discourses have to be recognizable by adults who evaluate the degree of maturity of the child, then the constitutive dimension may well be shaped by instrumental goals of other

actors. Matthews shows for instance how classical utilitarianism is used to deny children's different ways of looking at things (Matthews 2003). This might lead to manipulation through adult-induced child participation, where so called "rational" discourses are in fact outcomes of imposed ideologies. This kind of "child partic-ipation" has been for instance prevalent during the Chinese Cultural Revolution when children were encouraged to assume an active role in the construction of a new society.

Actually, we might argue that participation rights (art. 12, 13, 14, 15, 16, 17 and 31 UNCRC) have a constitutive and an instrumental dimension exactly because it is the very nature of social interaction to be constitutive and instrumental. As a social actor, to have one's own views is necessary in order to act reflexively and hence behave in socially acceptable ways. The theory of structuration (Giddens 1984), where things are at the same time structured and structuring, helps understand that the constitutive dimension of participation has to do with socially defined ends (participation is an end itself, as it is said to "enrich one's life"). Whereas the instrumental dimension of participation is bound to the individual capacity of structuring or shaping his/her environment. Actually, social actors learn to become instrumental in the ways admitted by their culture and in the room for interplay given in specific social configurations (Elias 1991). Therefore, the instrumental dimension may be embedded in the constitutive dimension in such a way that it is not a "freely" built view that the child is expressing. What then about the notion of "living rights" (see Liebel and Hanson et al., in this volume). Can they really express the children's freely built views, or are they already embedded in power relationships and to some extent reproducing them, which poses to observers an impossible question: who is exactly saying what? To study "living rights" requires therefore that we clarify our understanding of the "social actor" in order to consider how the child can make use of the instrumental dimension of participation rights.

As an agent acting on things, the social actor is himself constructing the instrumental dimension of participation. The child has a "right to participation" and a capability regarding participation. The specific grasp on the way he/she wants to be heard is a social competence, a "command" that is constructed and that can neither be given nor guaranteed by the judicial tool itself. This distinction between potential and real agency is, so we argue, conducive to better respect for overall children's rights. The instrumental dimension of participation rights is really understandable only once we have a clearer idea of how social actors act.

These considerations allow us to deal in new ways with the important challenge of refining the notion of agency. As we have seen, some contributors use the notion of "agency rights" (Liebel) or "children's right to agency" (Baraldi and Iervese). So a first question is: What difference does it make to speak of "participation rights" or "agency rights"? Liebel discusses whether the notion of capabilities contributes to re-conceptualize children rights in the direction of "agency rights". He uses the term 'agency rights' with a reference to Brighouse (2002). For him, 'agency rights' do not refer only to participation rights but to all subjective rights in the juridical sense (Alanen 2009; James 2009).

If all children's rights can be agency rights once they are "used" by children, the question remains about what processes are needed to help children, who have evolving capacities, to actively use their rights. Isn't it that participation rights have first to be guaranteed as entitlements to truly become instruments in the hands of children who can use and influence all rights thereafter? But isn't it also true that participation rights can mean something to individuals only after they have first practiced participation in some ways, and not before they can have any consciousness of what a right may be?

The problem is then contained in the following question: how can we link individual outcomes with social processes? Baraldi and Iervese indicate that participation is located not just in decision making but in communication, more precisely in the interaction seen as a specific system of communication. Therefore, participation is seen as a social process more than a freedom to achieve, which means that the authors focus on the instrumental nature of participation. Is it really a paradox that children's agency depends on adults' promotion of their agency? Baraldi and Iervese hold that children's agency is directly linked to adults' agency. This comes back to the question raised notably by Clark and Ziegler, Liebel, and Reynaert and Roose regarding the dependency of children towards adults considered as parents and not equals.

Stoecklin and Bonvin also underline the necessity to have a clearer definition of agency, as there are many underlying assumptions with this notion that, most of the time, remain implicit. They consider agency as the capacity of an individual or a group to decide, act and interact in a socially competent way (Nibell et al. 2009). This means that children's actions and agency are not only recognized when they contribute to a social order defined by others, mostly adults, but also in their challenging, opposing, and conflicting dimensions. Because, as Simmel pointed, the forms of socialization also include conflict as a socially recognized form of interaction. Therefore the fact that children's agency is linked to adult promotion is not so much a paradox. It is a form of socialization that is normal. The question is then: how much can children oppose adult views if they want to be recognized?

Some answers may be found in Malatesta and Golay's chapter. Agency can be observed as a specific kind of rights of participation, that is as a right of choosing and making decisions. Agency means that a course of action is only one among various possibilities (Giddens 1984; Harré and van Langhenove 1999). It implies availability of a range of possible choices, opening different courses of action. In other words, the idea of agency emphasizes that children can condition the actions of the interlocutors communicating with them, above all in interactions, and can, in this way, transform the existing social structures. By choosing among different courses of action, children can enhance social change, therefore agency can be defined as active participation which enhances social change. Agency does not mean only building consensus or searching for an agreement, but also opening and managing conflicts. Here, our main questions are: To what extent can children's agency enhance social change? What kind of social change? How is such social change achieved?

Scientists face therefore a big challenge and we want to highlight that the UNCRC itself may help them in having children acting as participatory inquirers in this matter. This is especially true as article 12 has a unique feature that makes it special in comparison to the subjective rights and the other general principles (Art. 2, 3, 6) contained in the CRC. As rights are themselves "matters affecting the child", we may consider that the right to be heard is a right to express freely one's views on all rights, including the right to be heard itself. This makes of article 12 simultaneously a subjective right – the right to be heard – and a procedural right (like art. 2, 3 and 6), but with the uniqueness of having the procedure being defined with the participation of the subject of rights. To use the UNCRC as an asset for participatory research is a recommendation that we would like to make. This might also contribute to push forward another debate around whether children have a right to agency. Baraldi and Iervese speak of "children's rights to agency", which in this phrasing considers agency as a "substance". What if we replace the substantive by an adjective? In other words, shouldn't we speak of participation rights as being "agentic" (we can also use the qualificative for rights: namely agentic rights) instead of "agency rights"?

Therefore, we have to make things clear between three alternatives:

1. Either we equate participation rights (art. 12–17 and art. 31 UNCRC) to rights that are "agentic", as their respect confers higher levels of agency to children.
2. Or we consider that every right is an "agency right" in the sense that the active exercise of any right gives some more agency to the actor.
3. Or we say that we have to invent new "agency rights" in order to guarantee children's access to agency.

The third option is hardly possible. Baraldi and Iervese speak of the changes required in the education system to favour an "effective promotion of children's rights to agency". The challenge according to them is to stabilize children's agency in the education system. They recognize that "the right to agency" and the process that would be needed to guarantee such a right are out of the State's reach or control. As already stated, the State can only guarantee democratic and participative processes and not agency in itself. An additional right, called "a right to agency", cannot be guaranteed.

Liebel's use of the notion of "agency rights" is slightly different and it falls into the second option. He claims that agency rights stands for all rights contained in the UNCRC as long as these entitlements become real instruments for children, which implies a reflexive movement: Formal rights first have to be "re-conceptualized" by children before they transform into real freedoms. The capability approach might of course help situate the factors that contribute to transform the rights contained in the UNCRC into "agency rights". But neither this approach nor any other can ever empower very small children to make sense of notions like rights that are not within their cognitive reach. The child's competence in making sense of what a right may be is not only a social construct. It also has a biological base, as the new sociology of childhood acknowledged already from the start.

The first option considers that participation rights of the UNCRC are sufficient to strengthen children's agency. What is needed is not an additional right but processes that make the existing rights come true. But even if participation rights are especially agentic by nature, this is not enough to make children's agency flourish. So we should have a fourth option, which would be more cautious and less ambitious. It would be to speak of "children's potentially agentic rights" which would attract attention on the real levels of agency. The potential level of agency and the real level of agency depend on factors (rights, contexts, people) that are interdependent, and none of which is decisive by itself. It is not sufficient for agency to develop to have either a right, or a social context in which rights can be experienced, nor is it sufficient to have people able to give meaning to rights in relation to social contexts. It looks like agency only occurs after the three elements (rights, contexts, people) are sufficiently bound together. With children, this can be observed from the moment that any right contained in the UNCRC is directly exercised. In other words, the challenge is to help children transform the formal rights contained in the UNCRC into real freedoms that can be experienced to the maximum extent. But this can be rather diverse according to the context (social opportunities) and to children (individual skills). All children's rights are potentially agentic, but the levels of agentivity will always depend on the possible understanding of rights, in social contexts, and in individual children's minds.

We leave this debate open, as it entails a major prospect: the necessity to assess to what extent (participation) rights are really agentic, or, to be more precise, how the implementation of these rights, according to the conceptions of the responsible institutions, leads to more or less agency. This is what Stoecklin and Bonvin tried to address when observing how much participation processes in leisure activities are bottom-up or top-down. Taking this perspective, we can highlight that participation processes can "open" or "close" children's agency, and more precisely see what elements are enabling or constraining: by using the "actor's system" (Stoecklin 2013a), we can identify specific children's activities, relations, values, images of self and motivations as enabling or constraining their agency. This approach is sensitive to the recursive and cumulative nature of action, and allows to see shifting logics (sometimes bottom-up, sometimes top-down) that make up children's participation. This recursive approach to agency developed by Stoecklin and Bonvin also responds to an overarching challenge which is to approach agency in terms that can be understood by children and therefore assure more cross-cultural validity to the observed trends. The actor's agency, or command over the social process, can be reflected by children when using an explicit tool stimulating their reflexivity over their own experiences (Stoecklin and Bonvin in this volume). The concept of 'evolving agency' (Stoecklin 2013b) might be a way to specify the notion of 'evolving capabilities' (Biggeri et al. 2011: 81; and Liebel in this volume). It refers to the recursive dynamics of agency, which make it 'evolve' (not necessarily upward) or fluctuate. This puts emphasis on the subjective reconstruction and reinterpretation of a world that changes along people's capabilities.

The Vulnerable and Competent Child

Last but not least, the topic that the contributions to this book help underline is the opposition between the vulnerable and the competent child. The activist discourse using the rhetoric of the "actor child" puts forward the competent child. It therefore often has the paradoxical side effect of putting responsibility on children just because they have been labelled as "actors". . . The case of children's capability is particularly interesting as it shows that the capability of the youngest individuals may heavily depend on the capabilities of others, i.e. their parents or caregivers. Children's provision, participation and protection rights depend on their parents in many ways, as Clark and Ziegler argue. Besides, as the main responsibility for the development of children is attached to parents' duties, the inequality of development is not pointed to as a political question, but as an issue related to the quality of parents. This is also due to the fact the UNCRC constructs the family as a natural entity and not as a political institution. Therefore the public responsibility towards children is mediated by the private familial sphere. According to Clark and Ziegler, this leaves little room to address inequalities between classes, genders, citizens and non-citizens.

The divide between adult rights and what Reynaert and Roose call a "youth land" raises questions regarding its justification, its impact on relationships with adults and issues linked to a fair redistribution of social resources. They show how this "youth land" is still based on a childhood image of the vulnerable and incompetent child, limiting the development of their capabilities. Dahmen also shows how the CA itself is dealing with children mainly as becomings, while Baraldi and Iervese suggest that the CA has already shifted from a focus on the future realization of children's capabilities to an interest in the developing of capabilities during childhood (Biggeri et al. 2010; Biggeri et al. 2011). Baraldi and Iervese underline that according to Sen's approach (1999) participation consists of the possibility for the individual to freely make decisions about his life, which is simultaneously both a capability and a way to reach other goals for individual development.

The papers in this volume suggest that there is a need to go past the dichotomy between children seen as "beings" or "becomings". The child is both being and becoming and therefore the question of the evolving capacities, as contained in the UNCRC, becomes a central issue. Liebel questions the conditions that have to be in place to enable children to make use of their rights and points to the "evolving capacities" as an ambivalent concept. It can be understood in contrary ways: as a precondition for the use of rights or as a result of a learning process that (also) arises from the knowledge about and the use of rights. For Liebel, the UNCRC evolving capacities principle is up to now understood as a question of "subjective" competences without taking into account the "objective" living conditions as relevant for gaining and using them. Furthermore, there is only little discussion on the criteria of what may count as capacity (or the opposite) and who may decide about it. Liebel pays attention to theoretical aspects of justice and particularly to the sense of justice of children living in socially disadvantaged situations. He asks if the CA and

particularly its concept of "capabilities" can contribute to re-conceptualize the CR in such a way that they might become an entitlement or instrument in the hands of the children, or become relevant as "agency rights" of the children. This makes sense only if we understand the CR not exclusively as "welfare rights". The question is how strong the CA is oriented towards the new status of the child as rights bearers, and what are the schools of thought in the CR that are actually the most coherent with a CA. Hanson (2012) suggests that there are different schools of thoughts, ranging from paternalistic to liberationist, with a majority of scholars and practitioners located within the protectionist or emancipatory approaches.

Starting with the concept of the "social actor" in the context of the right to education, Dahmen shows the heuristic potential of the CA from an educational perspective. He makes the case of youth access to secondary education, highlighting transitions of "vulnerable" school leavers from school to secondary education. The arguments are exemplified through showing how the gap between the "right to education" (UNCRC art. 28) and the "effective" participation in education can be conceptualised through the capability approach. The article concludes that conceptualising youth as "social selves", whose capacity to act on the basis of own value commitments depends on social preconditions not included in the informational basis of actual welfare policies, can shed new light on the academic and political discourse on youth's agency.

What is then the possible contribution of the CA for understanding and re-conceptualizing the evolving capacity principle? The CA doesn't look simply at the attributes or abilities of the subjects, but also at the available opportunities (the concrete living conditions). While emphasizing the centrality of autonomy and of value-orientated own decisions seems crucial, the capability approach sees human rights as 'entitlements to capabilities' (Sen 2005) and looks both at the individual and social factors that help convert these formal freedoms into real freedoms. But even with the best arsenal of legal provisions, children' lives are very much embedded in power relationships that are hard to change. The gap between the legal framework of children's rights and their concrete implementation in the case of street children in Brazil and Mexico (Rizzini and Strickland) attracts attention on the structural limits of children's agency. While this case is probably the most obvious, the other contributions in this book also underline the importance of collective action and the problems of seeing the child only in individual terms. The individual responsibility in the actor's "own" choices and the discourse regarding children as competent social actors both contain problematic dangers. It is therefore by contextualizing children's rights that the capability approach can help overcome the paradoxes and risks of instrumentalizing children either as frail or as powerful "actors" in processes that they have entered just because they were born.

These are important questions that the contributions to this volume help tackle. New avenues for reflection about children's rights and capabilities are thus opened, which might make a significant contribution both in theoretical and practical terms. However, the chapters of the present publication are meant as a starting point to this quite challenging and hopefully fruitful dialogue between specialists of children's rights and of the capability approach.

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