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# The global as a field: children's rights advocacy as a transnational practice

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**Abstract.** Research on transnationalism has called into question the much criticized but persistent dichotomy between the nation-state space as an 'inside', and the global realm as its constitutive 'outside'. This paper contributes to the emerging scholarship on transnational elites working at the intersection of the national and the global by assessing practices related to children's rights advocacy. Particular attention is paid to the drafting and the enforcement of the United Nations Convention on the Rights of the Child since the 1980s. Based on Bourdieuan theorization of social fields the paper argues that some aspects in the children's rights advocacy can only be understood as reflecting the dynamism of the transnational field of children's rights. In somewhat broader terms the paper proposes that the formative logic of elite-driven globalization is a social and political dynamism related to the rules of competition and collaboration that structure inclusions, exclusions and awards in transnational fields.

**Keywords:** global, field, topology, topography, transnational, practice, Bourdieu, children's rights

## 1 Introduction

Studies on phenomena that transcend national boundaries have expanded rapidly during the past two decades of intensifying integration of the world through unequal economic, political and cultural processes and interactions. The concomitant new forms of social relationships

that bind together people and places across countries and continents have been studied extensively with emphasis varying from human mobility and its cultural and economic consequences to state rescaling and the rise of networked forms of governance (eg, Yeung, 2000; Nash, 2002; Brenner, 2004; Leitner and Ehrkamp, 2006). Transnational studies literature has deepened our knowledge of the structural consequences of globalization in people's everyday lives, and foregrounded new kinds of liminal and creolized forms of subjectivity and identity embedded in transnational migrants' practices and experiences (Lawson, 2000; Silvey, 2004; Song, 2012).

As a social phenomenon and research agenda transnationalism has also unsettled established conceptions of society and the state (Mitchell, 1997; Yeoh et al, 2003; Featherstone et al, 2007). The relationship between transnational practices and the state as an institutional frame of action has become an important theoretical and methodological question in itself (eg, Robinson, 2001; Yeoh et al, 2003; Mansfield, 2005; Sassen, 2006; Jones, 2009). It is evident that transnational relations are building 'global' realities that can not be captured by analysing societies as discrete 'national' entities. Moreover, the state is increasingly seen as relationally positioned through individual and institutional practices that sustain the importance of state institutions in shaping, albeit not limiting, social relationships (eg, Glick Shiller, 2005; Kuus and Agnew, 2008).

As aptly pointed out by Katharyne Mitchell (2003), emphasis on 'trans' in transnational studies has encouraged *relational* thinking from human mobility to economic interdependence, from political networking to NGO activities. Often these relations are conceived of as networks that bridge localities and people across topographic distance, thus transcending or 'shrinking' space (see Blunt, 2007). Expanding this work, there is a growing scholarship interrogating the multiple spatialities of transnationality and calling for new understandings of their social morphologies (see Voigt-Graf, 2004; Jackson et al, 2004;

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Featherstone et al, 2007). Among the latter are studies on elite-driven transnational practices, premised on the idea that people with professional expertise of 'global' purchase have a pivotal role in fostering the intensification of transnational relations (eg, Beaverstock and Boardwell, 2000; Robinson, 2001; Sklair, 2002; Mitchell, 2003; Yeoh and Willis, 2005; Suddaby and Viale, 2011). Theorization on the geographies of transnational elites has underscored that while topographic distance – literal movement across space – is relevant for understanding mobile elites' networking, some aspects of their dynamic social relationships may be better captured in topological terms (Allen, 2009; Hall, 2011).

This paper seeks to contribute to the latter conceptual work by studying social relations that bind professional advocates of children's rights together into transnational fields of thought and action. The paper sets out to accomplish two interrelated goals. First, we develop conceptual tools for a nuanced understanding of how the 'national' and 'global' realms of action are interrelated in and through the social practices of transnational elites. Second, in response to the call by authors such as Glick Schiller (2005) and Featherstone et al (2007), we seek to grasp the social forces and dynamisms at play in transnational practices so as to account for the formation of topological relations that in the existing literature have tended to remain theoretically thin (see also Elden, 2011; Malpas, 2012).

The empirical focus of the paper is on attempts to establish the United Nations Convention on the Rights of the Child since the late 1970s, and the subsequent efforts to monitor its implementation by the UN Committee on the Rights of the Child. These developments have drawn extensive attention to children's rights from both academics and policy makers in the past twenty years (Matthews and Limb, 1999; Skelton, 2007; Kallio, 2012). The vulnerability of children and young people, and the inequalities embedded in their social positions worldwide have truly become 'global concerns', and children's rights in

themselves one of the major transnational issues of our time (for an overview see Archard, 2010; Tisdall and Punch, 2012).

In parallel to this, children's rights advocacy has emerged as a professional activity characterized at once by a broad consensus "on the special vulnerability and defenceless of children", and intense debates on how to concretely promote the best interests of the child (Cantwell, 2011, page 47). For instance the child's right to be heard and partake *per se* is hardly ever questioned but the means, forms, and goals of youthful participation are subject to contextual debates (e.g. Aitken *et al*, 2007; Skelton, 2007; Kallio and Häkli, 2011). The duality of the field of children's rights advocacy, characterized at once by shared abstract values and specialist contestation, makes it a compelling case for studying elite relations driven by struggles over expertise and recognition (what we later term 'moral capital'). Moreover, by focusing on the UN as a key site of this professional field we gain an insight into an international organization founded on the membership of sovereign states – a prime setting for the analysis of practices at the intersection of the national and the global.

The paper proceeds as follows. We first chart the conceptual starting points of our approach by discussing the idea of the global in the context of Bourdieuan field theory. We then seek to develop further the concept of *global field* by assessing practices related to the drafting, adoption and institutionalization of the field of children's rights embedded in a growing global articulation of the 1989 United Nations Convention on the Rights of the Child.<sup>1</sup> While this is to some degree a particular legislative practice (part of the transnational human rights work emanating from the industrialized West), we seek to gain a theoretical

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<sup>1</sup> The empirical materials we employ in the analysis include The League of Nations and United Nations Declarations and Conventions on the Rights of the Child; Documents from the Office of the United Nations High Commissioner for Human Rights, Convention on the Rights of the Child database (General Comments, General Discussion Reports, Membership Descriptions, Materials from the Working Group Sessions, Reports to General Assembly, Decisions, and Optional Protocols); United Nations Treaty Collection, Status of the CRC ratification process; Child's Rights Information Network interviews with the Committee on the Rights of the Child member candidates in the 2010 elections; the Committee members' résumés; Legislative History of the CRC, volumes I and II.

understanding of the global field that has pertinence to contexts of considerable empirical variety. We conclude by discussing the possibilities and challenges involved in the proposed theoretical approach.

## **2 Field as the intersection of the national and the global**

The term transnational evokes a number of strong geographical images and imaginaries that challenge and rework established binaries of the geopolitical world, such as the distinction between national inside and global outside. As an intellectual response to this challenge, scholars inspired by the “practice turn” in social theory have called for novel ways to approach the national and global contexts in which politics unfolds and policy is made (see Glick Shiller, 2005; Lebaron, 2008; Kuus, 2011; Freeman, 2012). Some go as far as to claim that the topologies of world political practices should be seen “as in a Möbius ribbon, a situation where one never knows whether one is inside or outside” (Bigo, 2000, page 171).

It is this complex dynamic that we set out to scrutinize in this paper. In focusing on the intermingling of two socio-spatial formations we do not wish to underplay the scalar complexities of contemporary economic, political or cultural processes. On the contrary we seek to render intelligible the interdependence of national and global by framing both in terms of the transnational (see also Sassen, 2000; Pries, 2009). For us the national denotes socio-cultural practices organized in the context of nation-states. As authors such as John Agnew (1994), Neil Brenner (2004) and Stuart Elden (2009) have amply shown, these practices are not confined within the nation-state territory, nor should they be so assessed (see also Häkli, 2008). The global, in turn, refers simply to the world as a complex and heterogeneous but nevertheless finite sphere that for some actors may appear a unity (Robertson, 1992; Pouliot, 2008). We subscribe to Michael Mann’s (1997) notion of global networks’ partiality and lack

of singular universalism. Finally, by the transnational we mean socio-spatial processes “in which the borders between the inside and the outside are blurred and un-mappable, and the topographical and the topological come together” (Giaccaria and Minca, 2011, page 5). Along with authors such as Kevin Morgan (2007), Martin Jones (2009) and Jeff Malpas (2012) we argue that while it is important to retain the distinction between the topographical and the topological, or between territorial and relational spatialities, in social practices they are enmeshed (Häkli and Kallio, 2013). The challenge, then, is to render intelligible the ways in which the national and the global occur in tandem in practices that are both topographically embedded and topologically constituted.

To gain an understanding of how transnational relationships among professional elites unfold we turn to the Bourdieuan concept of field. Geographers interested in topological approaches have hitherto been inspired mainly by the insights of authors such as Gilles Deleuze, Bruno Latour and Giorgio Agamben (e.g. Jones et al, 2007; Belcher et al, 2008; Allen, 2011). Bourdieu's thinking has received surprisingly little attention even though he himself describes field theory broadly as a relational exploration into “social topology” (Bourdieu 1985, page 723). Our engagement with Bourdieu's field theory is motivated by what we see as its underutilized potential in making sense of how the topographical and topological are interrelated (rather than assuming an ontological priority of one over the other). As we argue in the next sections, transnational practices are variously exposed to contextual influences and this dynamism can be accounted for by distinguishing between a field's heteronomy (exposure) and autonomy (immunity) (Häkli, 2013).

As we are focusing on transnational practices at the intersection of the national and the global, and as the development we are interested in spans several decades and involves hundreds of individual and collective actors, it is impossible for us to assess all aspects of the rise of children's rights advocacy (eg, individual biographical trajectories, spaces of elite

interaction). What we can accomplish instead is an inquiry into the long-term constitution of the field of children's rights negotiated in relation to diverse national contexts with varying degrees of influence on this development, and a reflection on the role that specific sites and spaces have played in the consolidation of this emerging 'global'. It is for this endeavour that we turn to Bourdieu's thought on social fields.

Pierre Bourdieu's (1984; 1990) field theory has inspired a sizeable methodological and analytic literature across the social science disciplines. He developed the theory when studying the French social system and thus set an example of how to apply field theory in nation-state contexts (eg, Couldry, 2003; Naidoo, 2004). However, there are strands of scholarship where attempts have been made to develop the theory as a tool for understanding social dynamism that extends beyond national societies (see Benson, 1999; Bigo, 2000; Jackson, 2008; Häkli, 2013). Some scholars have sought to counterbalance the perception of Bourdieu as a sociologist with limited geographical concerns. This work has acknowledged Bourdieu's contribution to the theorization of relational spaces and found his later works attentive to the ways in which "social categories become naturalized through being embedded in fixed, physical, devices" (Savage, 2011, page 515, see also Creswell, 2002; Pain, 2008). Here the topological is portrayed as "not merely a sort of metaphorical dimension; instead, it [is] translated into real material spaces and a related set of practices" (Giaccaria and Minca 2011, page 7; see also Secor, 2013).

For our purposes the most pertinent applications of Bourdieu's field theory come from scholarship that specifically aims at transcending the dichotomous 'scalar fix' between the national and the global (Brenner, 1998). On the basis of this emerging work it seems evident that Bourdieuan field theory has potential for the study of transnational social relations. For example Peter Jackson (2008, page 178) envisions "international, national and inter-ministerial contexts as overlapping 'fields'" drawing actors rather than 'levels' into

interaction. In a similar vein, in studying the practices of security professionals Didier Bigo (2000, page 196) focuses on struggles and competition between actors with “the same interests, the same sense of the game and of what is at stake”. He seeks evidence of transnational field effects “that frame the practices of the agents”, thus showing that the contemporary field of security is not bound by national boundaries (Bigo, 2008, page 26).

It is the concept of field as an intersection between national and global that we wish to employ here to study the social dynamisms at play in the realm of children’s rights advocacy. Guided by Bourdieu’s methodological insights on how to study social fields empirically, we use the remaining sections of this paper to demonstrate *struggles* and competition that transcend national societies, and the *effects* that the relative autonomy of the children’s rights field may have (Bourdieu and Wacquant, 1992). We subscribe to the view by Dezalay and Garth (2006) who consider field autonomy as key to understanding the forces that pull actors into emerging topological spaces (see Bourdieu, 1993). Our goal is to show, by means of field theory, that elite-driven globalization implies not merely the expansion of social power and interaction across the globe, but also a social and historical transformation in its own right, one following a particular logic of practice.

### **3 Field struggle as a competitive social dynamism**

Pierre Bourdieu (1984) understands social space as composed of relatively autonomous but partly overlapping fields that arise from specific spheres of social practice, such as education, economic exchange, cultural production, and politics. The field is a relational space constituted by social relationships that exert a compelling force on actors. Yet, following the idea of social structuration, the field is not driven by an external compulsion but a competitive dynamism that at once structures the field and allows for its transformation (Bourdieu 1993).

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The dynamism is struggle over the rules (*nomos*) that legislate who may participate in the field, and what forms of capital (eg, social, cultural, economic) actors may resort to as a resource in the struggle (Bourdieu, 1997, page 96).

According to Bourdieu (1990) field struggles are largely pre-reflexive because actors take the game and its stakes for granted; “they grant these a recognition that escapes questioning” (Bourdieu and Wacquant, 1992, page 98). An example of such position taking is the drafting of the Convention on the Rights of the Child (CRC) that took place between 1978 and 1989 as a work under the United Nations Commission on Human Rights. The process illustrates well how struggles that may seem explicable in terms of interstate rivalry are actually embedded in a transnational field of children’s rights that is beginning to assume a life of its own.

### **3.1 The ‘First Polish Draft’**

The League of Nations’ ILO Conventions of 1919–1921, the 1924 Geneva Declaration of the Rights of the Child, and the 1959 United Nations Declaration of the Rights of the Child are significant signposts in the gradual shaping of the field of children’s rights. However, as moral guidelines and recommendations they do not impose obligations on states, whereas the United Nations CRC of 1989 is a legally binding agreement. Accordingly, much more was at stake in its drafting.

The first draft of the CRC, the “First Polish Draft”, was presented for inclusion in the agenda of the UN Commission on Human Rights in January 1978 by Eugeniusz Wyzner, the permanent Polish representative to the UN Geneva office. After several meetings, in March 1978, the Commission reached an agreement to request that the UN Secretary-General transmits the slightly amended draft to all UN member states as well as to competent specialized agencies, IGOs and NGOs for their comments and suggestions on the draft

convention. Moreover, the Commission decided to continue the drafting on the basis of this feedback with the goal of reaching the final version in its next session so that it could be forwarded for adoption by the UN General Assembly. The ambitious goal was to have the CRC established for ratification during the 1979 “International Year of the Child”.

At the outset the conditions seemed favourable for getting the CRC quickly adopted. The initiative was made by Polish representatives who enjoyed good reputation that Poland had gained for groundbreaking activities in the field of children’s rights.<sup>2</sup> Such credibility in the field of human rights we wish to term *moral capital*, an asset that we consider of great importance in struggles for legitimate authority in human rights issues. In the words of Adam Lopatka, the chairman of the Working Group on the draft convention:

“There was thus an international tradition of Polish engagement for the improvement of the situation of children all over the world. [...] The main exponent of this [tradition] was Dr. Janusz Korczak – a doctor of medicine, a writer, a philosopher and an educator. He confirmed the loyalty to his vision of childhood in his own life. Although he had the opportunity to save his life, he decided to remain instead with the children he was taking care of until the very end – and died with them in a gas chamber in the Nazi concentration camp of Treblinka in 1942. [...] Poland was therefore a trustworthy initiator and promoter of the Convention.” (Legislative History I, 2007, pages xxxvii-iii).

Clearly the geographical ‘whereness’ of the initiative increased expectations for its success. Moreover, the long lineage of attention to children’s rights, combined with the coming Year of the Child, supported an atmosphere well tuned to securing and protecting the best interests of the child (Marshall, 1999). Reflecting this positive sentiment the UN General Assembly resolution 33/166 of December 1978 explicitly requested the Commission of

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<sup>2</sup> For example the Geneva Declaration reflected the progressive thought on children’s rights by Janusz Korczak, and the initiative to the creation of UNICEF was made by Ludwik Rajchman, both of Polish origin.

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Human Rights to work “so that the draft of the convention may be ready for adoption if possible during the International Year of the Child” (Legislative History I, 2007, page 49). Finally, given the fact that the First Polish Draft was largely based on the text of the already universally accepted 1959 UN Declaration of the Rights of the Child, it is hardly surprising that Lopatka, among others, expected the draft convention to be adopted “within a short period of time” (Legislative History I, 2007, page xxxviii).

However, this turned out not to be the case. Instead of readily waiting ‘out there in the global’, the field of children’s rights was work in progress and the reception of the First Polish Draft turned out very contradictory. The comments by 36 member states and 17 specialized agencies and NGOs ranged from full acceptance to demands for complete review of the draft. Importantly, several critical remarks were directed to the missing definition of the child and childhood that was manifest in the draft’s vagueness about children’s status before birth and the question of up to what age an individual may be described as a child. This point of contention caused more disagreement in the drafting than any other issue (Legislative History I, 2007). At this stage it was abundantly clear that there was no hope of quick consensus and that several problematic issues regarding the definition of childhood in various circumstances needed to be dealt with before such an agreement could be reached.

The long-term development of the transnational field of human rights has been captured well in studies by Dezalay and Garth (2006; 2010) and Madsen (2007) who convincingly argue that the Cold War geopolitics conditioned heavily human rights work until the mid 1980s, after which the field became more autonomous through increasing competitive professionalization. Similar development can be shown in the field of children’s rights. Adam Lopatka explicitly states that the Cold War between the East and the West slowed down the pace at which the draft took shape. He relates the initial difficulties in the work to the fact that:

“Within the Commission on Human Rights itself there was tough competition between the United States and the Soviet Union. The delegates of certain countries used tactics of obstruction. For example, they submitted controversial proposals and then withdrew them when a consensus was finally reached after long and tedious discussions.” (Legislative History I, 2007, page xxxviii).

However, while Cold War geopolitics is interesting in its own right, we argue that the struggles in the drafting of the CRC, such as the definition of the child, can not readily be accounted for by resorting to divisions between the East and the West. This becomes evident already from the first reception of the draft convention in 1978. The commentary draws a map of the world where comments from the socialist block, backed up by statements from the developing world, almost unanimously favour the quick acceptance of the draft as it stands (Belorussia, DDR, Hungary, Poland, Ukraine, USSR, Bahrain, Central African Empire, Chad, Dominican Republic, Madagascar, Mauritius, Morocco, Pakistan, Peru, Suriname, Turkey, United Arab Emirates and Zambia). Contesting this view are statements requesting that the draft undergoes a very thorough revision and that the process should not be hastened. Many of these comments are carefully written and they reflect a great deal of expertise in children's rights issues (Australia, Austria, Barbados, Belgium, Colombia, Denmark, France, West Germany, Netherlands, Norway, Sweden, UK) (Legislative History I, 2007).

This struggle certainly echoes both the Cold War division between East and West and the geo-economic North-South divide, but it also signals increasing professionalization of the field of children's rights. Not only do Barbados and Colombia depart from the camp of socialist and developing countries in supporting a more careful approach to the drafting process, but their commentaries also show excellent competence in children's rights matters based on professional expertise (Legislative History I, 2007, pages 54-56). This competence, at once topographically embedded and topologically constitutive, turned out significant and

influential throughout the drafting of the CRC (see Legislative History I and II, 2007). We consider this as a sign of field dynamics that provides possibilities for expertise to be presented and recognized in its own right and not through the lens of Cold War geopolitics or the global North-South divide. As we argue in the next section, the shift from topographically to topologically conditioned practices can be made intelligible by distinguishing between heteronomy and autonomy in the field of children's rights.

### **3.2 The definition of the child as a field struggle**

To facilitate further work on the draft convention, the Commission on Human Rights established an informal open-ended Working Group in 1979. The group met annually in Geneva prior to the Commission session until the draft convention was finalized in 1989. The Working Group was open to the representatives of the UN Commission on Human Rights as well as to all other UN member states, and a variety of related NGOs were invited to send "observers". The informal status of the group meant that its participants were not authorized by institutional delegation but were, in principle, participating on an equal footing.

In practice, however, the members of the Working Group were differentially positioned in the field of children's rights. The ways in which the definition of the child is approached in the draft convention is illuminative in this respect. In the debate on what constitutes the child there are clearly two major orientations among the Working Group participants. While some members are trying to adjust the definition to correspond with their own national legislation or norms, others argue from the point of view of generally recognized problems related to the definition of the child *per se*.

The most frequent example of the first approach is recourse to the argument that in many countries the legislation starts from the premise that childhood begins at the moment of conception. This position is typical of participants representing countries that were against

birth control and abortion. In contrast to attempts to influence the CRC from national or religious starting points, the second approach brings up issues already established in professional debates on human rights, such as gender equality, medical ethics, legal complexities related to minority, citizenship rights, and economic differences (Legislative History I, 2007, pages 301–312). Hence, as some participants were arguing on the basis of national interests, others concentrated on the moral and ethical dilemmas that arose from different kinds of definitions of childhood in distinct situations.

We read this struggle as one shaping the rules (*nomos*) of the field of children's rights toward increasing *autonomy*, that is, independence from country-specific political and religious influences (see also Skelton, 2007; Kallio, 2012). That such field autonomy had not yet fully emerged during the drafting of the CRC can be seen from the fact that no agreement was attained regarding the definition of the child and childhood. Reflecting the influence of nationally embedded politics, i.e. field *heteronomy*, the final version of the Convention does not make a clear statement on either the starting or the ending point of childhood. The general age limit of a child was finally set at eighteen, but the definition was left open by the final note "unless under the law applicable to the child, majority is attained earlier" – a corrective that should be understood as the condition for the compromise concerning the terminal age of childhood (CRC, 1990, page 2). The age at which childhood begins remained even more vague in the final version of the CRC.

Overall, the drafting of the United Nations CRC in the 1980's is an apt case of struggles embedded in the emerging field of children's rights. The long and arduous process shows how actors at once advanced virtuous goals, and were engaged in a competitive struggle conditioned by the transnational field to which they were increasingly drawn. In addressing the Third Committee of the UN General Assembly on 20 November 1989, Adam Lopatka crystallizes the contested yet increasingly autonomous nature of children's rights advocacy:

“The drafters of the convention had had to find a way of harmonizing the varied and sometimes contradictory values and interests of the world’s societies. [...] By setting new standards in the field, the convention would promote a quality of life for children [...] irrespective of the particular features of their environment” (Legislative History I, page 244).

The drafting of the CRC shows that, as institutional contexts, nation-states continue to organize and intervene in socio-cultural and economic processes – many children’s rights advocates framed their actions as representing the views of their domestic states. Yet, in taking part in the struggle over the definition of the child, they intuitively manoeuvred in the emerging transnational field, thus seeking to promote their own conceptions of legitimate expertise in matters pertaining to children (cf Aitken et al, 2007). It is therefore important to account for the ways in which the relational topologies of social action, unfolding in the competitive environment of global fields, relate to nation-state configurations that are more topographically embedded (Sassen, 2006). In field theoretical terms this relationship can be seen as an interface: Nation-states are not and never have been purely national, nor are they conditioned by globalization as an overarching force constituted as a separate reality over and above them (Brenner 2004; Häkli, 2008; Jones 2009). What we propose instead is an understanding of the ‘global’ as driven by field dynamisms and relations, i.e. operating simultaneously within and beyond nation-state contexts. To this end it is useful to look further into the internal differentiation of fields in terms of their autonomy and heteronomy.

#### **4 Field autonomy and field effects**

Each field is internally differentiated along a continuum where autonomy and heteronomy are the extreme ends. A field’s autonomy represents the degree to which the *nomos* regulating the

field are specific to that particular field, and thus, relatively immune to influences other than those transpiring within the field's specific dynamism. Bourdieu and Wacquant (1992, page 178) use the mathematical field as an example of high level of autonomy: "a top mathematician who wants to triumph over his opponents is compelled by the force of the field to produce *mathematics* to do so" (emphasis added). Hence this triumph would not be achievable by means of external resources, such as economic or political capital. In the autonomous pole of the mathematical field scholars pursue research and are judged by their peers according to the inclusive standards of science. In so doing they are drawn together into a relational field by compliance with and struggle over its autonomous rules and rewards, thus forming the topological social space of the 'global mathematics'.

Heteronomy, again, represents the degree to which external forces may intervene in the functioning of the field. As no field is entirely autonomous, heteronomous elements can be found in all fields, but to varying degrees (Bourdieu and Wacquant, 1992). Hence, to the degree to which mathematics scholars operate for instance in the context of their respective 'national' science and higher education policies, they find themselves enmeshed in the heteronomous end of the scientific field that is less immune to economic, bureaucratic and political influence. Consequently, in struggling for, say, more teaching hours for mathematics in secondary schools, the actors will have to bring in forms of capital other than mere excellence in mathematics.

For our attempt to understand the constitution of the 'global' in children's rights advocacy, it is the autonomy of fields that is particularly consequential. A field's autonomy defines its particular economies of exchange and reward, and thus animates the creative processes specific to each field. However, through *nomos* it also regulates and directs inclusion in the field. We argue that this twofold dynamism operates in a topological spatiality where the autonomous rules of the field draw practitioners together into a social

space defined by recognized excellence, not the boundaries of a nation-state society or any other territorial polity (see also Brenner, 2004; Jones, 2009). The topographic spatiality of 'local' or 'national' is more pertinent in the heteronomous pole of the field, which is susceptible to influences from capital acquired in other fields (eg, politics and economics). In this regard field heteronomy is a manifestation of the continuing significance of the institutional realm of the nation-state.

#### **4.1 'Moral capital' in the field of children's rights**

Several developments have led to children's rights becoming an increasingly autonomous field with a *nomos* and distinctive forms of capital of its own (Bourdieu, 1998). Children's rights advocates are increasingly driven by a professional necessity to take distance from the political and religious fields as alternative realms in the negotiation of the moral standards of their work (Freeman, 2002; Skelton, 2007; Rajabi-Ardeshiri, 2009). Consequently, the emergence of the field of children's rights can be seen as partly driven by the rise of what we call *moral capital* as a legitimating asset in struggles within the field (cf Valverde, 1994).

We propose this specific form of capital as a stake in the field of children's rights (and human rights more broadly), and as such, an important element in securing the field's autonomy and regulating exclusion from and inclusion into the field. Bourdieu does not mention moral capital in his works but the notion has been used, often in a rather heuristic manner, in studies that deal with actors' capacity to exert influence in politics (eg, Kane, 2001; Kuus, 2007; Spary, 2007).<sup>3</sup> However, unlike these works we consider moral capital as a resource in a field, and set out to assess how the possession of moral capital can be traced from the ways in which major actors in the field of children's rights characterize themselves

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<sup>3</sup> Bourdieu himself might have used the term symbolic capital at this juncture, but we consider moral capital an illuminative and precise concept in referring to recognized authority in human rights issues.

when seeking to establish themselves in the field's core. To this end we look at the election of candidates to the United Nations Committee on the Rights of the Child.

After the arduous ten-year drafting the UN General Assembly unanimously adopted the Convention on the Rights of the Child in November 1989. Surprisingly, in just a few years time the CRC achieved ratification from nearly all UN member states (the United States, Somalia and South Sudan being the only remaining exceptions). The article 43 of the CRC provides that a Committee on the Rights of the Child (henceforth the Committee) will be established to monitor the implementation of the CRC by the signatory states. On the composition of the Committee the article 43 states the following:

“The Committee shall consist of eighteen experts of *high moral standing* and recognized competence in the field covered by this Convention. The members [...] shall serve in their *personal capacity*, consideration being given to equitable geographical distribution, as well as to the principal legal systems. [The members] shall be elected by secret ballot from a list of persons nominated by States Parties [...] for a term of four years. They shall be eligible for re-election if re-nominated.” (CRC, 1990, page 12, emphases added).

Significantly, while nominated by state governments representing the five major regions of the world (Africa, Asia, Eastern Europe, Latin America and the Caribbean, Western Europe and other States), the election procedure to membership in the Committee strongly highlights the candidates' personal capacities. This emphasis is clearly visible in the documentation that the candidates present of themselves to support their election.

Currently, the Committee has six members from the African bloc, three from Asia, three from Eastern Europe, three from Latin America, and three from Western Europe and other states. When it comes to “recognized competence in the field”, an examination of the Committee members' résumés reveals that most members are very active in human rights

work and have at least some substantial experience concerning children and young people. Hence, the selected members are, without exception, specialists in child and youth related human rights issues (CRIN 2010).

The fulfilment of the criteria concerning “high moral character” is not as easily assessed. To account for this question we followed Bourdieu’s methodological note, according to which it is important to identify the specific forms of capital that “at once founded and legitimized [people] to enter the field” (Bourdieu and Wacquant, 1992, page 107). What, indeed, are the attributes of moral virtue when children’s rights are concerned? Whose interpretations of the best interests of the child and children’s rights to protection, provision and participation can be considered righteous, trustworthy and applicable across a variety of regional and cultural settings, considering that all these terms are contested? In other words, what counts as moral capital in the context of children’s rights, and why?

To function as an asset within the autonomy of the field of children’s rights, moral capital has to provide its possessors peer recognition as actors capable of unbiased moral judgment and action, i.e. independence from political, religious, economic, or sectional interests. The appeal of moral capital is, thus, based on what Lawrence Kohlberg (1973, pages 631-632) defines as the highest stage of moral judgment, where

“there is a clear effort to define moral values and principles that have validity and application apart from the authority of the groups or persons holding these principles and apart from the individual's own identification with these groups. [...] At heart, these are universal principles of justice, of the reciprocity and equality of human rights, and of respect for the dignity of human beings.”

We do agree with the critical reception of Kohlberg’s idea of moral judgment developing universally across cultures (eg Boyes and Walker, 1988). Yet, we think that the

theory captures well a broadly shared perception of high moral judgment as based on the absence of bias (Gibbs et al, 2007).

To assess how the current Committee members characterize their personal properties in terms of capability to unbiased moral action, we scrutinized interviews that most candidates gave before the December 2010 election to the Committee.<sup>4</sup> The interviews were organized by Child Rights Information Network (CRIN), an NGO devoted to advocacy in children's rights. The interviews consist of a set of questions to which the candidates responded in writing. We read these responses as indicative of the central attributes of moral capital with which the candidates for the Committee seek to underscore their impartiality.

Three major aspects stand out as the keystones of the candidates' self-reported neutrality: professional background or expertise in *jurisprudence*, *scientific expertise*, and awareness and sensitivity to *cultural differences*. Of the eighteen candidates who took part in the interview eleven report major experience of working in the judicial system or legislative bodies. In the words of Kirsten Sandberg, one of the candidates elected to the Commission: "Being a lawyer, I think I can help to interpret the Convention in a right-based way and recommend best practice in terms of what is required by the wording of the Convention." (CRIN, 2010). Legal professionalism is clearly highly valued in the field of children's rights and among the Committee. This observation finds support in the studies by Dezalay and Garth (2006) who link the growing role of legal expertise in human rights organizations with the professionalization and autonomisation of the human rights field.

Moreover, thirteen candidates report significant scientific expertise either in the form of working in the academia or acting as independent scientific experts in governmental and non-governmental organizations. Hence, when reflecting on his achievements as human rights advocate Hatem Kotrane, for instance, highlights the generic role of scientific expertise: "I

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<sup>4</sup> The following quotations are excerpted from the interview materials published through the CRIN data base on the 2010 elections (no pagination available).

would say my most significant achievement has been the contributions I have made in my role as a Professor, through writing articles and publishing books. My work in this area has made a big difference in many countries, even developed countries.” (CRIN, 2010). Of the nine candidates elected to the Committee only one person is a career diplomat with relatively few scientific merits.

Finally, twelve candidates out of eighteen wish to bring forth their specific understanding and appreciation of the different cultural frames that influence the interpretation and implementation of the CRC. The candidates express this variably in the form of personal open-mindedness, the awareness of major cultural differences, or international work experience. In so doing they do *not* renounce their topographically embedded experiences but rather translate them into an asset within the field. For example, responding to a question concerning her contribution to the work of the Committee, Aseil Al-Shehail declares that: “On a personal level, I have an awareness and sensitivity of other cultures.” (CRIN, 2010). Highlighting the significance of gaining direct knowledge about cultural differences, Agnes Aidoo testifies on her awareness by stating that “regions differ in their priority areas. For example, countries in northern Europe are faced with different priority child rights issues to those in Africa. We as Committee members need to get our feet wet, rather than just receive reports.” (CRIN, 2010). Dainius Puras, who failed to get reelected, resorted to his accumulating experience as a member of the Committee: “I have learnt a lot about other countries beyond my region during my time with Committee ... . It has given me the chance to talk to people working in children’s rights all over the world” (CRIN, 2010).

In addition to highlighting issues that testify independence and impartiality, most candidates were careful to avoid taking strong positions on contested political questions, such as ethnic or religious conflicts, regional autonomy, and inequalities based on fundamental cultural differences. Also some of the most hotly debated issues during the drafting of the

CRC—birth control and abortion, adoption, freedom of religion, and the recruitment of young people in national armed forces—were among the topics that were avoided (cf Cantwell, 2011). This circumvention, characteristic of field autonomy, clearly does not happen when the candidates operate within the heteronomy of their national contexts. For example, candidate Hiranthi Wijemanne has been actively taking stances on many of these matters when involved in Sri Lankan politics (Jayawardana, 2012).

The only obvious 'bias' that the candidates openly declare, and which therefore obviously is not considered compromising their moral capital, is personal devotion to the cause of children's rights, either as an ethical principle, through unwavering professional involvement, or in the form of passionate activism. This identification with a noble cause is best understood in terms of habitus that links actors to the social structure of their field, reflecting intersubjectively shared, taken for granted values and discourses, its *doxa* (Bourdieu, 1990). In the interview most candidates bring up their long-term dedication to children's welfare very articulately. For example, when asked why she would like to serve in the Committee Hiranthi Wijemanne replies: "Whether I get into the international Committee is not an issue for me personally as I will continue with my work for Sri Lankan children anyway!" (CRIN, 2010). Maria Herczog's response to inquiry about what she would be doing if she were not working in children's rights also speaks for itself: "I can't imagine doing anything else. I love what I do." (CRIN, 2010). Clearly working in the field of children's rights is held to be virtuous in itself, a part of the habitus of a children's rights advocate.

The factors that influenced the final result of the December 2010 election certainly go beyond the candidates' recognized moral standing. However, it is worth mentioning that demonstrated expertise in children's rights alone did not guarantee election to the Committee. Every one of the nine elected candidates could claim moral capital in at least two of the three bases of impartiality (legal, scientific, and cultural) and all candidates who were able to

position themselves on all three domains were elected. Moreover, of those candidates who could resort to only one source of impartiality none were elected (regardless of their devotedness to children's rights advocacy). In this sense we read the election result as evidence of the impact of moral capital in regulating access to the field of children's rights.

#### **4.2 The Committee's 'western bias'**

Field effects can also be traced from the ways in which the Committee has actually worked, and especially from what has been dubbed its cultural or "western bias" (Skelton, 2007; Tobin, 2009; Kallio, 2012). There is an apparent paradox regarding the principles upon which the members of the Committee are selected and the stances that the Committee has taken on several culturally sensitive issues. To ensure unbiased treatment of children's rights issues arising from different parts of the world, the CRC article 43 requests that the members of the Committee represent a variety of cultural and legal traditions. In practice this diversity has been achieved through the macro-regional appointment mechanism that ensures candidacy from all parts of the world. Indeed, of the 132 elected Committee members between 1991 and 2011 28.8 per cent represent African states, 18.9 per cent Asian states, 8.3 per cent Eastern European states, 18.2 per cent Latin American and Caribbean states and 25.8 per cent Western European and other states (OHCHR, 2011).

In view of the distribution of membership in the Committee, it is surprising that its work has been criticized of taking "a particularly uncompromising and 'Western' view of what the CRC demands [...] pushing states towards effective abolition of nonconfirming traditions" (Harris-Short, 2001, page 339). This criticism is based on the content of the Concluding Observations that the Committee presents after examining state reports on the progress and difficulties in the implementation of the CRC. Despite substantial membership in the Committee from non-Western countries (two thirds of the members on average) the non-

Western state reports are treated with little appreciation of their specific socioeconomic, cultural and religious conditions. Hence, while the Committee has had every capacity to acknowledge cultural differences, it has often failed to do so (cf Aitken et al, 2007).

To account for this apparent paradox we propose that the Western bias of the Committee is not caused by poor representation and compromised action from the part of its non-Western members. Rather we argue that it is the consequence of the social forces at play in the field of children's rights, where the "rules of the game", or the *nomos* of the field, appear to have a distinct Western tone. First, as aptly pointed out by authors such as Goodale (2006), Madsen (2007) and Dezalay and Garth (2010), the autonomy of the field of human rights is structurally close to the West:

"[the players from the South] must show in their scholarship, the positions they take and their actions that they will not pose a threat to the basic rules or the hierarchy of the players in the field [...] A field that appears universal and legitimate among leaders from the East and the West, the South and the North, therefore, has a tilt towards the North and the technologies of regulation that come from contested Northern processes." (Dezalay and Garth, 2010, page 128).

Second, reinforcing the Committee's structural bias, it convenes in Geneva, in the historic Palais Wilson that formerly hosted the League of Nations and currently serves as the headquarters of the Office of the UN High Commissioner for Human Rights. This physical site is significant in *naturalizing* the view of the field of children's rights as emanating from the West, and occluding from agents the topographies of its constitution. In this regard the "physical space is the concretization of social space" (Savage, 2011, page 515). While the authority provided by moral capital is based on the principle of impartiality and independence, to accumulate it and to bring it to bear in the field of children's rights requires

a habitus that is embedded within the autonomous rules of the field – rules that at the moment seem geared toward Western norms and values.

If autonomy marks out the field of children's rights as a dynamic social space hierarchically centred on the West, the field's heteronomy is more open to political, economic, cultural and religious influence embedded in particular nation-states (for instance the CRC's adaptation to national policies). It is this multiscalar social universe that the actors of the field by necessity manoeuvre in as they situate themselves simultaneously within and beyond national contexts. All fields have both autonomy and heteronomy but to varying degrees, which explains why the 'global' is not a singular contiguous large space but rather a topologically constituted, uneven and hierarchical set of relational globalities with various extents and impacts (see also Flusty, 2004).

## **5 Conclusion**

In discussing the difference between earlier processes of internationalization and today's global scale Saskia Sassen (2006) describes a development by which actors from various nation-states were gradually drawn to collaborative relationships, thus forming assemblages on the "world scale" (page 12). The process is not merely about harmonization and standardization across nation-states, nor simply growing interdependence, but rather "a highly dynamic and often combative interaction" (page 23). Above, field theory has been proposed to account for this social dynamic by addressing the global as a hierarchical but undetermined topology of positions in a continuous state of formation under conditions set by the topographical world. Thus understood, the global field is a socio-cultural process that is continually being remodelled through intuitive and proactive position taking and invention

beyond governments and institutions within national societies (Anderson, 1996; Mansfield, 2005; Pries, 2009).

To understand how the national and the global intersect as a consequence of a competitive logic we have employed Bourdieu's field theory and his concepts of *nomos*, capital and habitus. As a theoretical concept field is not tied to any particular scale of social action (Bourdieu, 1995). Since recognizing a 'field' is a methodological move, fields can be defined and found wherever actors engage in coherent enough struggle and interaction, and when there is evidence of the specific effects the field has on their actions (Häkli, 2013). Whenever actors think there is a game worth playing, the analytical power of field theory can open up interesting questions.

In this paper we have focused on the field of children's rights, which clearly has global rules and actorship as well as contextual conditions set by nation-states. The contemporary field of children's rights has emerged gradually and at times arduously since the late 19<sup>th</sup> century through conflicts, struggles and settlements between 'international' expert-led efforts to establish moral standards without ties to formal government, and various 'national' concerns to align the endeavour firmly with the existing activities to secure the best interests of the child. This uneven and hierarchical development has given rise to a global field, but one that as a social space is porous and hierarchical rather than unitary and equal.

It is the heteronomous aspects of this field that are prone to reflect the topographically embedded struggles specific to particular national societies, whereas its autonomy is more likely to open avenues for global topologies to emerge. When actors promoting children's rights advocacy as a profession institutionalize general principles as constitutive of legitimate action in the field, and recognise specific moral capital as an asset in compliance with these 'rules of the game', the field transnationalizes. The formation of such global topologies is likely to be a relatively long process, which underlines that in each case the global is an

*accomplishment* rather than an inevitable consequence of a law-like technological or economic development.

For us the appeal of field theory is based on its capacity to explicate transnationalization as an uneven, hierarchical, shifting and contested process that is both topographical and topological. On the basis of the work presented in this paper we consider the field theoretical approach plausible and meriting further conceptual and empirical study. We are convinced that this work will be helpful in de-naturalizing the nation-state as a unit of social analysis without sacrificing its continuing relevance for organizing human experience and practice. We realize that the analysis presented in this paper is at best a tentative assessment and that much more work is needed to detail the approach. We trust, however, that the challenge will intrigue scholars working to understand the social dynamics of transnationalization.

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