

## That Our Children So May Grow : Imagining Legal Agency for Children

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Résumé de l'article

Les auteurs proposent un dialogue novateur avec la notion d'agentivité des enfants et son exercice par le biais d'une réflexion prenant pour objet le camp Children's International Summer Villages et s'appuyant théoriquement sur les études de l'enfance et le pluralisme juridique critique. En explorant la participation des campeurs à des activités reflétant des enjeux juridiques, l'article suggère que les enfants peuvent être considérés comme des créateurs de droit et donc comme des agents juridiques à part entière.

# That Our Children So May Grow : Imagining Legal Agency for Children

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Efat ELSHERIF\*\*\* et Natalia KOPER†

*Les auteurs proposent un dialogue novateur avec la notion d'agentivité des enfants et son exercice par le biais d'une réflexion prenant pour objet le camp Children's International Summer Villages et s'appuyant théoriquement sur les études de l'enfance et le pluralisme juridique critique. En explorant la participation des campeurs à des activités reflétant des enjeux juridiques, l'article suggère que les enfants peuvent être considérés comme des créateurs de droit et donc comme des agents juridiques à part entière.*

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*The authors invite innovative engagement with the notion and exercise of children's agency through work situated within the context of the Children's International Summer Villages camp and theoretically grounded in both childhood studies and critical legal pluralism. By exploring campers' participation in activities infused with law-related issues, the paper suggests that children can be understood as creators of law and thus as significant legal agents.*

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*En este texto, los autores han propuesto un diálogo innovador vinculado con la noción de agentividad de los menores y su ejercicio, mediante una reflexión que tiene como objeto el camping Children's International Summer Villages el cual se fundamenta teóricamente en los estudios de la infancia y el pluralismo jurídico crítico. Al explorar la participación de los campistas en las actividades que plasman cuestiones jurídicas, el artículo propone que los menores puedan ser considerados como creadores de derecho, y por lo tanto, como agentes jurídicos cabales.*

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*That our children so may grow  
In a world we did not know  
Sharing all they have to give  
Learning how to love and live  
In our hands the future lies  
Seize the moment there it flies.  
CISV Song*

## 1 In this Village

*Here in this village you may see, children living happily.*<sup>1</sup> This is the first line of the “CISV song” sung by all participants in the “CISV

1. CISV SONG, *Walters Song book*, p. 8, [Online], [dokumen.tips/documents/walter-songbook-cisvat-web-viewwalters-songbook-chords-at-you-can-write.html] (March 11<sup>th</sup>, 2022) (our italics).

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Village”. The CISV (Children’s International Summer Villages) Village is a summer camp that brings together 11-year-old children from twelve different countries to participate in international peace camp activities and discussions for twenty-eight days.<sup>2</sup> Every evening after dinner, the campers gather in the auditorium under the flags of twelve nations. They cross their arms to form a circle and then start to sing. The last line of their song underscores the emphasis on international peace that makes this camp special: “*Stamp the present with an act, dare to make our dream a fact!*”<sup>3</sup>

Co-authored by professors and students of law, one of whom has experience as a CISV camp counsellor, this paper takes a visit to the CISV Village as an opportunity to begin imagining the potential of ascribing *legal agency* to young people in the context of this international peace camp. There are two principal ways in which this work belongs in a collection in tribute to, and engaged with, the contributions of Dominique Goubau: first, the collaboration and conversation that informed the ideas and their development underscores the intergenerational impact of a career dedicated to teaching and learning; second, the substantive focus on meaningful and responsive autonomy for youth is shared by some of Professor Goubau’s scholarship as a family law scholar.<sup>4</sup>

We begin by observing and describing the CISV Village space. As we will see, the global citizenship education framework of the camp, combined with its immersive character, prompts reflection on the potential for meaningful empowerment of the young campers. In particular, we note that by reason of the camp’s explicit international outlook, these children have opportunities to engage with legal problems in ways that challenge more typical images of children in international law. We then

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2. See Jennifer WATSON, “Goals and Outcomes of Experiential Learning in International Camps”, in Claudio BARALDI and Vittorio IERVESE (eds.), *Participation, Facilitation and Mediation: Children and Young People in their Social Contexts*, New York, Routledge, 2012, p. 197, at page 198; CISV INTERNATIONAL, “Village”, [Online], [civis.org/programmes/village/] (March 11<sup>th</sup>, 2022).

3. CISV SONG, *supra*, note 1, p. 8 (our italics).

4. Pierre NOREAU et al. (eds.), *La jeunesse au carrefour de la famille, de la communauté, du droit et de la société*, Montréal, Éditions Thémis, 2021; Dominique GOUBAU, “La conjugalité en droit privé: comment concilier «autonomie» et «protection»?”, in Pierre-Claude LAFOND and Brigitte LEFÈVRE (ed.), *L’union civile. Nouveaux modèles de conjugalité et de parentalité au 21<sup>e</sup> siècle*, Cowansville, Éditions Yvon Blais, 2003, p. 153; Dominique GOUBAU, “L’enfant devant les tribunaux en matières familiales: un mal parfois nécessaire”, in Benoît MOORE, Cécile BIDEAU-CAYRE and Violaine LEMAY (eds.), *La représentation de l’enfant devant les tribunaux*, Montréal, Éditions Thémis, 2009, p. 109; Dominique GOUBAU, “La minorité québécoise, période d’acquisition progressive de l’autonomie”, in Dorothee GUÉRIN (ed.), *Jeunesse et droit par le prisme de la vulnérabilité*, Paris, LexisNexis, 2021, p. 281.

draw on the insights of critical legal pluralism to enrich the notion of agency on the part of children, a notion primarily developed along theoretical lines within childhood studies and ethics. With its focus on the individual as law creator, critical legal pluralism invites a focus on children's engagement with the normative principles and processes of law operating in the concrete contexts in which they find themselves. The CISV Village serves as a particularly compelling case study for identifying the juxtaposition of critical legal pluralism and children's agency and for exploring what we refer to as the legal agency of young people even in the domain of international law. While children are certainly subjects and sometimes students of international law, we suggest that they are also active and creative participants with lessons to teach as well as to learn. Of course, as noted by Madeleine Le Bourdon, who has studied the CISV Village in depth, the costs associated with attending the camp mean that participating in it is a privilege not available to all children.<sup>5</sup> Nonetheless, its somewhat utopic nature makes it a suitable point of departure for this paper's exercise of imagination.

Founded in 1951 in the devastating wake of World War II, the CISV Village program was conceived by child psychologist Doris Allen with the aim of cultivating intercultural understanding and friendship among children as an "essential step towards world peace".<sup>6</sup> While the initial blueprint of the camp provided for a leadership meeting of graduate students at the United Nations, Allen insisted that young children could best promote multicultural understanding and global friendship.<sup>7</sup> In 1979, Allen was nominated for a Nobel Peace Prize. Today, the CISV Village continues to be informed and sustained by Allen's vision of educating and inspiring action for a more just and peaceful world, starting with children.<sup>8</sup>

The quality and character of the CISV Village space rely on both isolation and connection. Isolation is apparent through the ways in which the camp keeps its participants within what is referred to as the *CISV bubble*.<sup>9</sup> Disconnected for a period of twenty-eight days from their families,

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5. See Madeleine LE BOURDON, "The Role of Informal Spaces in Global Citizenship Education", in Rita HORDÓSY (ed.), *The Bloomsbury Handbook of Global Education and Learning*, Bloomsbury Academic, London, 2021, p. 402, at page 405.

6. William PROCTER MATTHEWS, *Here in this Village*, Newcastle, CISV International, 1991, p. 22.

7. *Id.*

8. See CISV INTERNATIONAL, "What we do", [Online], [civ.org/about-us/what-we-do/] (March 11<sup>th</sup>, 2022).

9. Madeleine LE BOURDON, *What Kinds of Global Citizenship Are Produced by Non-Formal International Education Actors? A Case Study of CISV International*, PhD thesis, Newcastle, School of Arts, Design and Social Sciences, University of

communities, and cultural homes, the children enter a new space, shared with peers who bring with them a multitude of cultures, languages, and experiences. Campers puzzle through everyday issues of living together in order to understand the cultures of their peers and figure out ways to accommodate each other.<sup>10</sup> Community-based needs naturally generate new patterns of behaviour and thought. The gradual adjustment to the diverse international setting of the Village is referred to in CISV training materials as “the norming phase”.<sup>11</sup> Initial value clashes among participants evolve into reciprocal compromises, multilateral cooperation, and the forging of friendships as the camp’s norms become accepted and followed by everyone.<sup>12</sup> Norming materializes in different contexts within the CISV Village life, ranging from the way participants vote and decide on administrative issues (such as choosing the day’s cleaning committee) to the ways they organize themselves and voice their opinions during CISV Village activities.

Isolation goes hand in hand, however, with connection. While the CISV space may be isolated in a literal sense for its participants, it is connected in a conceptual sense to the educational model of global citizenship education (GCE).<sup>13</sup> Global citizenship education fosters a learning environment that empowers students to actively engage with global issues such as social justice and peace.<sup>14</sup> The CISV Village campers practice active global citizenship primarily through “experiential learning activities”.<sup>15</sup> In these learning-by-doing activities, children take part in concrete exercises that either simulate or symbolize real-life situations. Activities and learning are focused on the children, with adults often taking on background roles as

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- Northumbria, 2019, p. 98. See also CISV CANADA OTTAWA, *Information Booklet for Village Delegates and Parents*, 2019, p. 12, [Online], [docs.google.com/document/d/1WKbuHPINVhDaSrEXnplzscCKPSCeDJrVNaPQnPiVG9A/edit#] (September 27<sup>th</sup>, 2022).
10. See Roderick ALEXANDER MACDONALD, *Lessons of Everyday Law*, Montreal, McGill-Queens University Press, 2002, p. 22 (hereinafter “R. MACDONALD, LESSONS”). In “Law Day and Chocolate Bunnies”, R. MACDONALD, referring to children, states that carefully puzzling through the everyday problems of living together in society is just as important in school settings as it is in the Parliament or the Supreme Court of Canada (p. 22).
  11. CISV SWEDEN, *Mosquito Methods—Conflict and Resolution*, 2015, p. 47, [Online], [www.cisv.se/fileadmin/user\_upload/Editor/SE/Dokument/Mosquito/Mosquito\_Methods\_-\_Conflict\_and\_Resolution.pdf] (September 27<sup>th</sup>, 2022).
  12. See *id.*
  13. See M. LE BOURDON, *supra*, note 5, p. 412.
  14. See M. LE BOURDON, *supra*, note 9, p. 4. See also Lynn DAVIES, “Global Citizenship: Abstraction or Framework for Action?”, *Educational Review*, vol. 58, n° 1, 2006, p. 5 at page 6.
  15. See J. WATSON, *supra*, note 2, p. 199.

facilitators of meaningful conversations among campers.<sup>16</sup> At the end of each activity, campers debrief by discussing with each other the attitudes and knowledge acquired during the exercise and consider how these lessons “may be put to use in the future”.<sup>17</sup> In doing so, they reflect on how to apply their learning beyond the particular context of an activity within which they have each connected in a unique way. Global citizenship education thus invites children to “contribute to shaping their world”<sup>18</sup> and gives the all-encompassing camp experience its educational character.

The isolation of the CISV Village “bubble”, combined with its connection to a framework of global citizenship education, provides scholars with a distinctive opportunity. In this space, children from diverse backgrounds come together with the collective purpose of building a more just and peaceful world. As they interact, campers work through co-existing and sometimes conflicting norms: norms anchored in their own backgrounds emerging through the dynamic collective experience at the camp. The children can be recognized as active “legal agents” insofar as they create, test, and apply the rules that govern their own interactions. They are also active “legal agents” insofar as they create, test, and apply the kinds of rules and consequences of engagement developed at the level of international law. Specifically, as we will see, the experiential learning activities labelled “Cookies and Conflict”<sup>19</sup> and “Peace-War-Peace”<sup>20</sup> bring an international normative dimension to the picture. Far removed from the images of child as not-yet-citizen or incompetent social agent found in traditional childhood studies<sup>21</sup>, these children resolve conflicts, make decisions, and participate in governance. Viewed through a critical legal pluralist lens, the CISV Village presents a rich opportunity for imagining young people as creators of law in their own lives and the world.

16. See M. LE BOURDON, *supra*, note 9, p. 34.

17. J. WATSON, *supra*, note 2, p. 199.

18. *Id.*

19. CISV INTERNATIONAL, «Educational Activities», [en ligne], [civv.org/resources/educational-content-research/educational-activities/] (19 janvier 2023).

20. Rannveig Aulie SØRUM, *CISV – Peace Education in a Can? Allport’s idea implemented in an educational context*, Master’s Thesis, Tromsø, Faculty of Humanities, Social Sciences and Education, University of Tromsø, 2011, p. 44-45, [Online], [munin.uit.no/handle/10037/3959] (September 29<sup>th</sup>, 2022).

21. See Karl HANSON, “Schools of Thought in Children’s Rights”, in Manfred LIEBEL et al. (eds.), *Children’s Rights from Below: Cross-Cultural Perspectives*, Studies in Childhood and Youth, New-York, Palgrave Macmillan, 2012, p. 63, at page 66.

## 2 From Village to the World—Children as Agents

Children join together in the CISV Village with ambitious aspirations. As camp participants, they experience an intensive month of activities related to world peace and justice. These activities underscore the variety of backgrounds and baggage that campers bring with them, all the while demanding their collective openness to new, shared approaches to tough challenges. Thus, the camp allows participants to emulate the same kind of collaborative problem-solving in which international actors engage at the global level. Given the international character of both the camp's population and the substantive content of its programming, it is relevant to ask whether, how, and where young people are seen as agents within the sphere of international law, in the contexts of both peace and war.

In the context of peace, one paradigmatic image of children's agency emerges from the movement towards a culture of international peace spearheaded by the United Nations Educational, Scientific and Cultural Organization (hereinafter "UNESCO").<sup>22</sup> In the late 1990s, UNESCO advocated for "peace education"<sup>23</sup> as a key means to enable a "positive dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation".<sup>24</sup>

Even though it casts children as peace education's main target, UNESCO does not, however, appear to envision a central role for young people in this process. For example, the related resolution adopted by the United Nations General Assembly in 1999 (hereinafter "UN General Assembly"), i.e., the *Declaration and Programme of Action on a Culture of Peace*, identifies the promoters of a culture of peace as "parents, teachers, politicians, journalists, religious bodies and groups, intellectuals, those engaged in scientific, philosophical and creative and artistic activities, health and humanitarian workers, social workers, managers at various levels as well as non-governmental organizations".<sup>25</sup> By reserving the role of peace promoters solely for adults and excluding children from this list,

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22. See UNITED NATIONS COMMISSION ON HUMAN RIGHTS, *Report on the Fifty-Fourth Session*, Off. doc. U.N. H.R.C., suppl. n° 3, E/1998/23, 1998, [Online], [www.ohchr.org/sites/default/files/HRBodies/CHR/54/Documents/E.1998.23\_EN.pdf] (November 1<sup>st</sup>, 2022). The preamble, in recognizing that culture plays an integral role in the development of human beings, affirms the need for "an education for peace" to be enjoyed by "children, men and women" (p. 178).

23. R. A. SØRUM, *supra*, note 20, p. 7.

24. *Declaration on a Culture of Peace*, 1999, Res. 243 A, Off. doc. U.N. G.A., 53<sup>rd</sup> sess., preamble (hereinafter "Declaration"). See also R. A. SØRUM, *supra*, note 20, p. 7.

25. *Id.*, art 8.



UNESCO appears to understate children's potential for legal agency in the context of international peace-building processes.

Children's agency is also underplayed in the context of war, as revealed by legal scholar Mark Drumbl in his research on child soldiers. Drumbl argues that the current international human rights narrative, which depicts child soldiers as passive, vulnerable victims of wartime, risks understating the agency of those young children who voluntarily choose to join armed groups.<sup>26</sup> Even when child soldiers admit that they joined armed groups voluntarily, international reports flatten the intention behind their decisions as they insist that child soldiers' conduct be read primarily as the consequence of their desperate need for subsistence and survival.<sup>27</sup> According to Drumbl, the international legal imagination would be enriched by recognizing the "circumscribed"<sup>28</sup> agency of child soldiers, i.e., the struggle of youth's unique experiences and decision-making. Such a shift in perception would depart from the dichotomous choice of infantilizing and absolving versus criminally prosecuting child soldiers towards the pursuit of restorative peace.<sup>29</sup>

What emerges from both UNESCO's vision of peace education and a critical assessment of the image of children in armed conflict is a limited understanding of, and scope for, children's agency in international law. In the contexts of peace and war alike, the adult eye appears to see young people as *potential* adults—as not-yet citizens—for whom engagement in adult activity constitutes an inappropriately heavy burden. The value of what they do and who they are is thus filtered through the measure of who they may or will become.<sup>30</sup> In this portrait of childhood, young people are far from meaningful contributors to international lawmaking.

The CISV Village challenges this picture and its underlying assumptions. The international dimensions and activities of the camp engage the law-creating capacity of children; as campers, they exercise what we will characterize as significant legal agency in the contexts of conflict resolution and peace building. In the following section, we explore and combine two bodies of literature—critical legal pluralism and

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26. Mark A. DRUMBL, *Reimagining Child Soldiers in International Law and Policy*, Oxford, Oxford University Press, 2012, p. 62.

27. *Id.*

28. *Id.*, p. 210.

29. See *id.*

30. See Shauna VAN PRAAGH, "Taking Play Seriously: Reflections on Resilience and Responsibility", in Pierre NOREAU et al. (eds.) *La jeunesse au carrefour de la famille, de la communauté, du droit et de la société*, Montreal, Éditions Thémis, 2021, p. 205.

childhood studies—to suggest that children’s legal agency is observable in practice within the CISV bubble and is relevant beyond its borders.

### 3 Children as Legal Agents

#### 3.1 Critical Legal Pluralism: The Subject of Law as Law Creator

The engagement of the CISV Village’s participants with the international character and content of the camp presents novel implications for a pluralist understanding of the law, including international law. The lens of legal pluralism invites us to identify and reflect on the coexistence and interactions with state law of overlapping normative spheres. Those spheres exist along a spectrum of formality and breadth; they include, for example, Indigenous worldviews, religious orders, workplace expectations, intra-family dispute resolution mechanisms, and customary international law. They could also encompass the normative spheres of a classroom, a sports team, or a summer camp. Understood to constitute a “semi-autonomous social field”<sup>31</sup>, these many spheres are also internally plural, in the sense that they draw from a plurality of intertwined sources of normativity, resulting in a “plurality of pluralities”.<sup>32</sup> The CISV Village—a summer camp with governing structures that shape and organize the participation and interactions of young participants—is an obvious site for the legal pluralist to observe and describe a non-state-centric, normative, and internally plural legal order.<sup>33</sup>

*Critical* legal pluralism accepts the reality of co-existing normative or legal orders, but shifts the focus to individuals and the ways in which their choices and actions are shaped through engagement with the overlapping legal orders in their lives. It is the individual, rather than the normative order, that is understood to be the central site of creation for legal knowledge and meaning. In refusing an account of law as an “external force” to which

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31. Sally FALK MOORE, “Law and Social Change: the Semi-Autonomous Social Field as an Appropriate Subject of Study”, (1973) 7:4 *Law & Soc’y Rev* 719, 722.
  32. Werner MENSKI, “Flying Kites in a Global Sky: New Models of Jurisprudence”, (2011) 7 *Socio-Leg Rev* 1, 16.
  33. See e.g. Brian Z. TAMANAHA, “Understanding Legal Pluralism: Past to Present, Local to Global”, (2008) 30:3 *Sydney L Rev* 375, 376. See also Franco A. CARNEVALE et al., “Childhood Ethics: An Ontological Advancement for Childhood Studies”, *Children and Society*, vol. 35, n° 1, 2021, p. 110 (For an exploration for how the interaction of formal rules with norms in the various contexts that face young persons create a relevant “legal framework” without attributing too much authority to formal rules like legislation, at page 112).

individuals are subject<sup>34</sup>, critical legal pluralism is premised on the notion that “knowledge”<sup>35</sup>, as experienced by an individual, “maintains and creates realities”<sup>36</sup>. Within any given time and space, subjects construct their unique legal reality and legal subjectivity. The individual, according to critical legal pluralism as explained by Kleinhans and Macdonald, is thus primarily “law-inventing”, rather than “law-abiding”.<sup>37</sup>

This role of the individual in norm making is further developed in a paper by Macdonald and Sandomierski<sup>38</sup>, who explicitly challenge the state’s monopoly over producing legal rules and the notion that additional or complementary layers of norms created by ordinary people are external to the state-sanctioned system. They assert that, on the contrary, law begins and ends with human recognition; it is constantly renegotiated by individuals, all of whom negotiate law in their lives. While it is common to distinguish law, on the one hand, from norms, customs, or practices, on the other hand, that distinction is misleading, according to Macdonald and Sandomierski. Instead, all constitute *legal* rules, and all are born from human interactions. Rather than mere legal *subjects*, individuals are agents of *choice* who give meaning to legal rules through their unique relationships to and within their normative communities. On this account, all human beings have significant and concrete lawmaking capacity.

If we return to the CISV Village with the invitation provoked by critical legal pluralism to see individuals as creators rather than subjects of law, the camp becomes much more than a mere example of a non-state normative order. It becomes a place where children exercise their legal agency, and a site where young participants imagine, engage with, and implement rules to govern international coexistence. With few exceptions, however, children have not received attention as law creators in critical legal pluralist literature. The maker or creator of law typically imagined by critical legal pluralism is an adult<sup>39</sup>, and the notion of children’s legal

34. Wendy A. Adams, “I Made a Promise to a Lady: Critical Legal Pluralism as Improvised Law in *Buffy the Vampire Slayer*”, *Critical Studies in Improvisation*, vol. 6, 2010, p. 1, at page 1.

35. *Id.*

36. Martha-Marie KLEINHANS and Roderick A. MACDONALD, “What is a *Critical Legal Pluralism*?”, (1997) 12:2 *CJLS* 25, 38.

37. *Id.*, 39.

38. See Roderick A. MACDONALD and David SANDOMIERSKI, “Against Nomopolies”, (2006) 57:4 *N Ir Leg Q* 610.

39. See Eliza BATEMAN, *Navigating the forbidden: Exploring Religious and Sexual Identity Conflict through the Lens of Law*, PhD thesis, Montreal, Faculty of Law,

agency remains underdeveloped. This is where recent scholarship in childhood studies, a domain that views interactions and subsequent norm-making among children as manifestations of agency, can help us start to fill out the potential and power of young people as law creators.

### 3.2 Childhood Studies: A Shift to the Child as Agent

In advocating for the recognition of children's agency, scholars of childhood studies increasingly deviate from the field's traditional preoccupations.<sup>40</sup> Childhood studies as a field of research originally focused on children as incompetent social actors whose development was seen as dependent on the guidance of adults<sup>41</sup>. This focus dramatically shifted early in the 21<sup>st</sup> century towards the view of children as contributing to the "building of social structures".<sup>42</sup> Underlying the more recent view is the notion that agency and participation are inextricably linked.<sup>43</sup> Indeed, the agency of children can be identified in their ability to transform and influence, through their active participation, the social structures in which they are embedded.<sup>44</sup> By participating and engaging with their surroundings, children exercise their influence over their environment. In this picture of children's participation, it comes as no surprise that children's agency is discussed in terms of interacting with, adjusting to, negotiating with, and

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McGill University, 2019, [Online], [escholarship.mcgill.ca/concern/theses/pz50gz44d] (October 4<sup>th</sup> 2022); Claris HARBOUN, *Lawbreaking as Lawmaking: Redefining Women's Everyday Resistances to Injustice*, PhD thesis, Montreal, Faculty of Law, McGill University, 2019, [Online], [bac-lac.gc.ca/eng/services/theses/Pages/item.aspx?idNumber=1117498063] (October 4<sup>th</sup> 2022).

40. See Claudio BARALDI and Vittorio IERVESE, "Introduction", in Claudio BARALDI and Vittorio IERVESE (eds.), *Participation, Facilitation and Mediation: Children and Young People in their Social Contexts*, New York, Routledge, 2012, p. 1, at page 1.

41. *Id.*

42. *Id.*

43. See e.g. Gilles BROUGÈRE, "Participating, Learning and Intercultural Experience", in Claudio BARALDI and Vittorio IERVESE (eds.), *Participation, Facilitation and Mediation: Children and Young People in their Social Contexts*, New York, Routledge, 2012, p. 180, at page 182 (for Brougère, children's degree of participation is dependent on the degree of agency that their environment accords them).

44. See generally William CORSARO, "Collective Action and Agency in Young Children's Peer Culture", in Jens QVORTRUP J. (ed.), *Studies in Modern Childhood. Society, Agency, Culture*, Basingstoke, Palgrave MacMillan, 2005, p. 231, at page 232; Maria-Carmen PANTEA, "Young Volunteers' Perspectives on Their Interactions with Adults in Position to Facilitate Their Participation", in Claudio BARALDI and Vittorio IERVESE (eds.), *Participation, Facilitation and Mediation: Children and Young People in their Social Contexts*, New York, Routledge, 2012, p. 161, at page 166.

subsequently influencing multiple social orders and communities in which children find themselves.<sup>45</sup>

We have seen already that legal pluralism is both enriched and challenged by critical legal pluralism. Here we see that the field of childhood studies is both enriched and challenged by the contemporary emphasis on agency. Barry Percy-Smith, a leading scholar in children's active citizenship studies, coins the term "agency in context"<sup>46</sup> to explain how young people participate in everyday relationships and navigate through "complex social and environmental variables that shape their lives".<sup>47</sup> Children do not merely accept the social contexts that they navigate, but rather exercise their agency "in the way they develop their response to that context".<sup>48</sup>

Children are then active participants in the constant creation and direction of their worlds. As sociologist Claudio Baraldi emphasizes, the extent and shape of children's contribution and autonomy varies considerably<sup>49</sup>; indeed there is no explicit threshold at which participation turns into agency. Instead, as Baraldi notes, children actively construct society whenever they participate in contexts such as family and school life.<sup>50</sup> The agency of children becomes evident when their "actions [in these contexts] create alternatives to the normative standards [...] proposed by adults and institutions".<sup>51</sup> In a similar vein, sociologist William Corsaro

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45. See Charlotte COBB, Susan DANBY and Ann FARRELL, "Young Children Enacting Governance: Child's Play?", Proceedings Australian Association for Research in Education, 2015, p. 4, [Online], [<https://eprints.qut.edu.au/6429/>] (October 4<sup>th</sup> 2022); Vittorio IERVESE, "Conflict and Mediation in International Groups of Children", in Claudio BARALDI and Vittorio IERVESE (eds.), *Participation, Facilitation and Mediation: Children and Young People in their Social Contexts*, New York, Routledge, 2012, p. 128, at page 130 (as a note, the literature that is used in this paper looked at family communities, state rules, international camps, classroom rules, playground rules, etc.).

46. Barry PERCY-SMITH, "Participation as Mediation and Social Learning: Empowering Children as Actors in Social Contexts", in Claudio BARALDI and Vittorio IERVESE (eds.), *Participation, Facilitation and Mediation: Children and Young People in their Social Contexts*, New York, Routledge, 2012, p. 12, at page 14.

47. *Id.*

48. *Id.*, p. 13. This view of children's agency coincides with Marjorie Harness Goodwin and Amy Kyratzis's observation that children produce their own culture as they appropriate outside rules of the adult world, recombine them, and construct "meaning, moralities and ideological responses of their own", Marjorie HARNES GOODWIN and Amy KYRATZIS, "Children Socializing Children: Practices for Negotiating the Social Order Among Peers", *Research on Language and Social Interaction*, vol. 40, n° 4, 2007, p. 279, at page 282.

49. C. BARALDI and V. IVERSE, *supra*, note 40, p. 1 and 2.

50. *Id.*, p. 1.

51. *Id.*, p. 5.

explains children's agency in terms of internalization and subsequent reproduction of the adult context.<sup>52</sup> As children reproduce information that they have internalized from the adult world, they are constructing their own unique worlds, referred to by Corsaro as "peer cultures".<sup>53</sup>

As part of a research program called VOICE (Views On Interdisciplinary Childhood Ethics), a group of researchers across a spectrum of disciplines, led by Franco Carnevale, has developed a complementary understanding of agency within a general framework of childhood ethics.<sup>54</sup> According to this understanding, children's moral experiences within their day-to-day contexts inform their choices and actions; the exercise of their agency is thus intertwined with their unique aspirations and concerns. Children's actions—shaped by ideas of right or wrong, good or bad, just or unjust—reflect active engagement with the societal structures in their lives.<sup>55</sup> Paying attention to the moral agency of children sheds a different light on more traditional concerns about the vulnerability of children and their need for protection, without setting these concerns aside.<sup>56</sup>

The CISV Village provides a striking forum in which to explore the agency exercised by children. Participants leave their home communities and confront the new "status quo"<sup>57</sup> of the camp context. Here, they look for common forms of expression, often manifested in unpredictable action<sup>58</sup>, and they find creative ways to interact and adjust to the cultures of their peers. In a kind of "world workshop"<sup>59</sup>, they construct (and reconstruct) intercultural and interpersonal relationships that, in turn, contribute to the production of a camp meta-culture. This patchwork of individual contributions to the camp's architecture evolves into a system of collectively constructed camp norms.<sup>60</sup> The CISV Camp meeting, described in detail below, brings to life the notions of agency as *reproducing change* and creating the alternative normative standards.

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52. W. CORSARO, *supra*, note 44, p. 232-233.

53. *Id.*

54. See F. A. CARNEVALE et al., *supra*, note 33.

55. See *id.*, p. 113. See also Franco A. CARNEVALE, "Recognizing Children as Agents: Taylor's Hermeneutical Ontology and the Philosophy of Childhood", *International Journal of Philosophical Studies*, vol. 29, n° 5, 2021, p.791.

56. See e.g. Marjorie MONTREUIL, Jean-Frédéric MÉNARD and Franco A. CARNEVALE, "Where Vulnerability can become a Strength: A Focused Ethnography of a Community Program for Youth Exposed to Violence", *Children & Youth Services Review*, vol. 91, 2018, p. 390.

57. C. BARALDI and V. IERVESE, *supra*, note 40, p. 5.

58. *Id.*

59. V. IERVESE, *supra*, note 45, p. 129.

60. See *Id.*

The CISV meeting takes place once at the beginning of the camp and once halfway through the camp. During the first meeting, the camp counsellors (also known as leaders) and staff members lay down the groundwork for the camp and its default rules. For example, leaders decide which groups will be responsible for cleaning which part of the premises every day by determining procedures for choosing the rotation of the cleaning committees. Leaders propose default mechanisms to the campers such as dividing the cleaning committees by country (e.g., group A shall be comprised of the delegation of country X and will be responsible for cleaning the dining hall on Thursdays). During the second meeting that takes place halfway through the camp, the children are invited to participate and engage in concrete administrative decision making. The children, in deliberating among themselves, may reject these default proposals and try to come up with solutions that suit their own needs and preferences (e.g., some of them want to be grouped with their friends, others want to get to know new groups).<sup>61</sup> Participants bring their own values and opinions on the mechanics of voting to the table, as there is no single “right” way of solving the situation.

As the children express grievances and disagreement while also sharing ideas and pitching proposals, their agency becomes evident in many dimensions. First, their “moral agency”<sup>62</sup> comes to life as their moral experiences—manifested in their aspirations and concerns—are made explicit. Second, in a manner that parallels the illustrations of Percy-Smith and Corsaro, we observe the agency of the participants as they compromise and recombine norms to establish rules among themselves, such as informal do’s and don’ts that become emblematic of the camp’s culture as a whole. As they share, question, articulate, and internalize their rules, the campers create a new normative sphere that serves as common ground for all. Third, the rules that the children create in turn affect the dynamics of the camp; they guide not only the relationships among the children, but also the interactions between the adults and children. All of these aspects of the meeting support Baraldi’s argument that children’s agency influences the society in which children are embedded.

The negotiation of a common camp culture among the CISV camp participants results in a set of camp norms with personal, group, and

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61. The order of this interaction echoes Macdonald’s and Sandomierski’s reflection on scout norms. Scouts encounter leaders’ advice as part of a pre-existing normative matrix, which presents them with choices. From the act of acceptance or rejection, from the range of responses towards the advice emerge new legal rules. See R. A. MACDONALD and D. SANDOMIERSKI, *supra*, note 38, p. 621.

62. F. A. CARNEVALE et al., *supra*, note 33, 114.

societal implications. Sharing diverse perspectives enriches the campers' understanding of how other children behave, allowing them to question personal habits and internalized norms. If other children were raised to act in a different way than I was, why do I behave this specific way? Is one way better than another? Is one of us correct and the other mistaken? In the words of an alumna, "I remember realizing that there was no 'right' or 'wrong'... there was no 'wrong' or 'right' way to eat (which my mom had always said there was...), because everyone was eating differently, but that was just what they had been taught... there was no 'wrong' or 'right' way to see the world".<sup>63</sup>

The agency of the children becomes evident as they collectively design and adopt camp norms, drawing on a spectrum of individual backgrounds, experiences, and communities. In a more formal (and adult) context, this exercise could be characterized as administrative rule making. In this context, we might say that the campers create the "law" of their camp and, in doing so, become active "legal agents".

### 3.3 The Child as *Legal Agent*

The general insight of contemporary childhood studies—that children not only interact with, but also directly influence their environment or social settings—resonates with the notion of the individual as lawmaker central to critical legal pluralism. By combining these two fields of study, we propose that the same factors that informed our discussion above on the agency of children at the CISV Village (adjusting to new contexts and creating alternative norms) feed into a novel discussion on youth and law creation. The CISV Village offers an extraordinary and fruitful opportunity to connect the exploration of children's agency encompassed in childhood studies with the literature on critical legal pluralism. We recall that, in shifting attention from the law's *impact* on an individual to the individual's agency as the *source* of law, critical legal pluralism allows for closer scrutiny of the contexts and materialization of lawmaking.

The CISV Village invites us to reimagine critical legal pluralism's law creator as a child, and, conversely, the child agent as a law creator. We suggest that the concept of children's legal agency lies at this intersection of childhood studies and critical legal pluralism. Here, we briefly explore that intersection before returning to the CISV Village to illustrate the potential and power of children's legal agency within specific camp activities grounded in international law.

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63. CISV INTERNATIONAL, "Stories", [Online], [civ.org/stories/] (March 11<sup>th</sup>, 2022).



Roderick Macdonald, a former scout leader and legal pluralism scholar, introduces the image of the child as a lawmaker in a camp context in his *Lessons of Everyday Law*, in which he focuses on the processes and rules governing scouting activities. In particular, he illustrates how seriously children regulate their games by completely inventing rules and procedures that are the product of trial and error, past practices, and experience.<sup>64</sup> What Macdonald characterizes as *lawmaking*<sup>65</sup> encompasses the same kinds of rule-making activities that childhood studies scholars would label manifestations of agency. In later work, co-authored with David Sandomierski, Macdonald returns to scouting to consider more explicitly the literal and symbolic meaning of youth lawmaking.<sup>66</sup> For these scholars, a scout camp constitutes a testing ground for pre-existing normative orders. Through varied activities and experiences, the scouts gradually position themselves vis-à-vis each camp rule, eventually creating their unique framework for accomplishing their aspirations and defining the group's normative identity.<sup>67</sup>

In a similar vein, legal scholar and member of VOICE Shauna Van Praagh explores children's lawmaking capacities within the risk-filled context of "adventure playgrounds".<sup>68</sup> Filled with surprising and even dangerous objects, such as tires and crates, hammers and nails, adventure playgrounds are places for children to experiment, play, take risks, and meet challenges with limited interference from adults. Explicitly designed and maintained "to develop the resilience, self-confidence, independence, and social skills of the young people who play there"<sup>69</sup>, they invite children to engage creatively with their surroundings and peers; in doing so, the playgrounds become spaces for exploring the innovative capacities and autonomy of their users.

The CISV Village can be added to scouting activities and autonomy-encouraging playgrounds on the list of productive sites for exploring the exercise and development of children's legal agency. In all three contexts, young people actively create and sustain the complex rules that shape their universes. They make and remake the law of scouting, the law of play, and the law of camp life.

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64. R. MACDONALD, *Lessons*, *supra*, note 10, p. 39.

65. *Id.*, p. 38-42.

66. R. A. MACDONALD and D. SANDOMIERSKI, *supra*, note 38, p. 621 and 622.

67. See *Id.*

68. S. VAN PRAAGH, *supra*, note 30.

69. *Id.*, at p. 212.

At all three sites of activity, children find themselves in an environment outside of their usual spheres of interaction. They move from the norms of family to those of the scout troop, from the norms of the schoolyard to those of the adventure playground, from the norms of their home communities to those of their international summer camp. The new environments prompt children to re-evaluate their adherence to rules and encourage them to accommodate, modify, and create rules adapted to the circumstances. All three settings incentivize active engagement: each child's wellbeing and position in the group depend to some extent on that individual's ability to adapt to the situation and/or to participate in renegotiating collective rules of conduct. On the adventure playground, the presence of dangerous objects invites children to engage with risk as they interact with each other. Newcomers to the scouting environment discover a set of pre-existing rules and hierarchical structures; at the same time, they participate in the ongoing creation and modification of those rules. Young CISV campers, arriving from all over the world with their own baggage, are encouraged to share and exchange the metaphorical contents of their duffel bags with their co-campers.

All three settings also share the striking absence of adults as principal rule makers and problem solvers. Like children free to play in adventure playgrounds and young participants involved in scouting, campers at the CISV Village confront and resolve problems without top-down solutions articulated and implemented by adults. Adults do not disappear from any of these sites, but they do retreat to the background. The lack of direct or dictated adult supervision and guidance brings to the forefront children's capacity to express themselves and exercise their autonomy. Resolving conflicts among participants, reconciling play ideas, and building relationships all require the ability to engage with and distinguish between rules worth following and those better replaced or discarded.

#### **4 Towards "Legal Agency" for Children: CISV Activities as a Case Study**

##### **4.1 International Law-related Activities for CISV Campers**

Recognition of the distinctive transformative potential of shared experiences and relationships among young people is one of the foundation stones of the CISV Village. In responding to the experience of world wars in the first half of the 20<sup>th</sup> century, CISV Village founders aspired to create a space where young people transcended the borders of states and regions to build friendships and learned to engage with other

perspectives.<sup>70</sup> The constant exchange among “villagers” is meant to build bridges and to appreciate and reconcile substantially different experiences and worldviews. Tapping into children’s innate capabilities and developing them is thus an explicit part of the CISV philosophy.<sup>71</sup> The agency of young people is reflected in the existing academic literature describing and analyzing the CISV Village’s objectives, structure, and experience. However, the ability of young people to create “legal” norms or rules, or to participate in “legal communities”, remains relatively unexplored. We now turn to CISV camp activities grounded in international law issues as an illustration of legal agency on the part of children grappling with the complexities of conflict resolution and peace building.

“Cookies and Conflict” and “Peace-War-Peace” are two camp activities that invite us to revisit a traditionally limited appreciation of children’s potential as peacemakers and shapers of international law. As we recall, CISV is grounded in “global citizenship education”, whereby participants are empowered to engage with global issues through experiential learning activities. Conflict resolution stands in the centre of this approach, defined as a methodology that resolves disagreements through “finding a peaceful solution with the aim of restoring peace and cooperation”.<sup>72</sup> Further, the CISV Village’s approach recognizes that the diversity of cultures generates different understandings of what causes conflict and what response is appropriate.<sup>73</sup>

The Peace-War-Peace activity consists of several core elements.<sup>74</sup> All camp participants (children and adults) are divided into six teams. Each team is given art supplies and cardboard to create a country or a town complete with roads, houses, schools, and hospitals. After the teams have spent some time designing their towns, a staff member announces that it is now *war* time and directs all participants to destroy the towns of their neighbouring teams if they so choose. While some teams opt to attack the towns of the neighbouring groups, others choose not to engage in any

70. See CISV INTERNATIONAL, *supra*, note 8.

71. See *id.* CISV expressly recognizes that its mission is to develop children to their full potential as future leaders and active citizens.

72. CISV INTERNATIONAL, “Conflict Resolution in the CISV World”, [Online], [civ.org/2019/02/22/conflict-resolution-and-culture-in-the-civ-world/] (March 11<sup>th</sup>, 2022).

73. See *id.*

74. There are multiple variations to this game. See for example R. A. SØRUM, *supra*, note 20 (Sørum describes another variation where the leaders’ “territory” remains untouched). For another variation where children have discretion to destroy their peers’ structures, see CISV VILLAGE, BEE THE CHANGE, “Peace, War, Peace!”, 2015, [Online], [civvillagelinz2015.wordpress.com/2015/08/10/peace-war-peace/] (March 11<sup>th</sup>, 2022).

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destruction. Typically, the children become upset when they see their towns in ruins.<sup>75</sup> Once the war is over, the children are asked to rebuild their towns, this time with limited resources.

A classic simulation-style activity, Peace-War-Peace gives children room to reflect on war and the difficulty or even impossibility of recovering from it.<sup>76</sup> During the debriefing session that follows, children reflect on why they chose to wage war or, on the contrary, why they decided to resist the order to wage war and refrain from destroying the neighbours' towns. Justifications offered by the children included not wanting to ruin their friends' towns, that this destruction goes against the CISV culture that they created, and that it made more sense to speak to their friends in the neighbouring town first and come to an agreement not to destroy each other's towns.<sup>77</sup> These justifications appear to emanate from the children's collective decision making as they engage with and reflect on the overlapping normative spheres that guide their choices. Indeed, critical reflection on their choices, as well as tracing them back to (and contrasting them with) their outside communities' cultures and histories, is one of the objectives of global citizenship education.<sup>78</sup>

Peace-War-Peace casts children's lawmaking capacities beyond the confines of the camp and shifts them to the international stage. It brings the concrete stakes of international law to the forefront and allows participants to make them their own. Peace-War-Peace thus empowers children to reflect upon core international law questions, even though they are not labelled as such. Children's reflections—such as whether it is right to destroy their neighbouring towns, how they can convince other teams to come to an agreement not to destroy each other's towns, and their expectations that other teams will retaliate as a reaction to their actions—shed light on children's engagement with the rules of war, accountability, and peaceful conflict resolution.

Lessons learned in this activity, and memories of annoyance or sadness associated with destroyed towns, will transfer to real-life circumstances. The cost of different strategies and behaviours has a tangible weight once children have *experienced* these legal avenues. Not only are the participants trusted to develop and improve their understanding of conflicts, but it is hoped that they will go on to positively influence the response of their

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75. See R. A. SØRUM, *supra*, note 20, p. 45.

76. *Id.*

77. Efat Elsherif's experience as a junior counsellor during the 2010 CISV Village Camp, "Agents of Change" in London, Ontario from 5 July – 5 August 2010.

78. See M. LE BOURDON, *supra*, note 9, p. 32.

respective communities. Indeed, the potential impact of CISV campers on their peers back home is dubbed by CISV organizers as the “multiplier effect”.<sup>79</sup> These children are agents of change, promoters of peace.

In Cookies and Conflict, participants are divided into groups of eight. Each group of eight campers is tasked with baking eight cookies. What participants do not know is that each group is given a different set of ingredients or “resources”. There is only one copy of the recipe and only one group has access to the oven at a time. Across the groups, there are sufficient ingredients for every group to successfully bake eight cookies. However, while some groups are given more than they need to make their cookies, other groups don’t receive the full range or quantity of ingredients. The counsellors are instructed to take a back seat ; their role is limited to supervising the safety of campers and helping them put the cookies in the oven.<sup>80</sup>

As the children gradually notice that other teams have the ingredients they are lacking, they initiate negotiations with the neighbouring groups in order to exchange ingredients. Thus, they manifest their agency in communicating with each other and making decisions collectively within their group and with the other teams. With respect to communication, some children cannot understand each other and so they point or act out what it is they are looking for. With respect to collective decision making, intergroup negotiations may include a group sacrificing all of its chocolate chips just to have a basic ingredient such as flour, groups organizing a line to use the oven, and groups vehemently refusing to trade any of their ingredients, thus ending up with inadequate cookie batter or terrible tasting cookies. Within the groups, the decision to trade or not to trade is discussed at length ; participants bring their own values and ideas to the table, and the final collective approach reflects a unique composite of norms, cultures, languages, and beliefs. At the debrief session, children are asked to discuss the kinds of conflicts that arose and how they solved them. They are then asked to reflect on the allocation of global resources and the advantages and disadvantages of international cooperation.

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79. J. WATSON, *supra*, note 2, p. 209.

80. See CISV INTERNATIONAL, “Educational Activities”, [Online], [civ.org/resources/educational-content-research/educational-activities] (March 11<sup>th</sup>, 2022).

## 4.2 From Activities to Shaping Their World: The Potential of Children's "Legal Agency"

The camp's global citizenship education model "empower[s] learners to take responsibility in shaping the world".<sup>81</sup> Camp participants, through active experiential engagement with social justice issues and global citizenship education, "debate amongst themselves, push boundaries and ultimately form their own views and opinions".<sup>82</sup> Some of the newly formed opinions deviate from the young people's pre-existing beliefs and customs. As CISV campers from many communities are exposed to a wide spectrum of values and opinions on war and global resource allocation, they experiment with the consequences of taking on responsibility and with a variety of approaches to conflict resolution. They discover there is no one single good approach. The ways in which children reflect on their actions and justify their decision making illustrate the potential of legal agency as a notion that combines the insights of critical legal pluralism and childhood studies.

Within the sphere of international law, there are interesting implications that flow from acknowledgement of legal agency for children. Both Peace-War-Peace and Cookies and Conflict connect campers' personal experiences with international law. In doing so, they challenge the notion, reflected in UNESCO's efforts and the subsequent *Declaration and Programme of Action*, that peace creation lies in the hands of adults. We find that children have the capacity to bring their experience to bear in contributing to shaping norms and decisions; they are also able to appreciate and confront the consequences of decision-making and practice. For example, many children in Peace-War-Peace did not want to go to war, even when adult counsellors suggested they do so. They offered reasons for avoiding conflict and refusing to destroy the towns of their peers by referring to the camp culture that they themselves had created—the very culture of peace for which the CISV Village strives.<sup>83</sup>

Article 8 of the 1995 *Declaration and Programme of Action on a Culture of Peace* adopted by the General Assembly might envision a wide distribution of the responsibility to promote a culture of peace, but it fails to call upon children.<sup>84</sup> Further, while article 4 underlines the importance of "[e]ducation at all levels", it implicitly casts children as the passive

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81. M. LE BOURDON, *supra*, note 9, p. 32.

82. *Id.*, p. 38.

83. See CISV INTERNATIONAL, *supra*, note 8.

84. *Declaration on a Culture of Peace*, *supra*, note 24, art 8.

recipients of the teachings of their parents and teachers.<sup>85</sup> By engaging in the active creation of international rules and principles, albeit in camp space, CISV campers appear to challenge these assumptions of limited capacity and passive participation. Interestingly, article 1(d) calls for a commitment to a peaceful settlement of conflicts—an aspiration to which children adhere in the CISV activities described above.<sup>86</sup>

The notion of children’s legal agency imagined here incorporates the fact that children do need protection, whether by the State, by parents, by teachers, or even by international law. Indeed, protective concerns over children’s wellbeing and development could be understood as essential in fostering their legal agency: in this sense, children are importantly free to experiment with societal interactions precisely because there is someone to catch them if they fall. In the context of the CISV Village’s Cookies and Conflict activity, for example, the fact that a group fails to produce edible or tasty cookies does not mean that these children will go to bed hungry. This combination of meaningful space to experiment and grow, on the one hand, with a safety net attuned to vulnerability, on the other, is of course reflected in the formal context and structure of children’s international rights. Within the *Convention on the Rights of the Child* (CRC), acknowledgement of active participation, in the form of the child’s right under article 12 to be heard in all matters affecting them, co-exists with responsiveness to children’s needs in the article 3 affirmation of the best interests of the child as “a primary consideration”.<sup>87</sup>

This reminder of children’s needs and vulnerability can be understood to enrich rather than limit the potential for children’s legal agency, i.e., young people can learn important lessons in taking on responsibility for the consequences of their actions, even as their wellbeing is supported. The Peace-War-Peace activity, for example, might seem to involve little risk for CISV campers; after all, the destroyed towns were only made of cardboard. Yet, such activities allow children to test the strength of the relationships and bonds they have developed with each other; they highlight both the value and the fragility of these relationships. The activities also afford a unique opportunity for participants to take stock of how their experience as campers has transformed their outlook on conflicts and solving disputes. The destruction carried out by some of the game’s participants and the

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85. *Id.*, art 4.

86. *Id.*, art. 1 (d).

87. *Convention on the Rights of the Child*, 1989, Res. 25, Off. doc. U.N. G.A., 44<sup>th</sup> sess., art. 3 and 12.

subsequent challenge of rebuilding inspire young people to weigh the meaning and consequences of their choices and actions.

It is important to acknowledge that a turn to “children’s legal agency” does not mean that children do not need adults. Even if we question and reject an adult-centric approach that denies meaningful legal agency on the part of young people, we do not push adults out of the picture. The CISV experience itself would be impossible without the adults who designed the camps and the parents who organized their children’s presence at the camp. The activities undertaken throughout the summer would be equally unfeasible without the infrastructure of the camp, such as accommodation, transportation, food, and compliance with safety regulations. From a broader perspective, the support that children receive from adults sheds light on the economic and power disparity between children and adults. Children are not in a position to provide solely or fully for themselves, nor should they be. After all, dependence is a natural dimension of human relationships.<sup>88</sup> This inescapable aspect of the human condition might reveal itself differently in the case of (some) children who appear more vulnerable than (some) adults, but agency and vulnerability are intertwined in anyone’s position as a legal agent, no matter their age. As observed by Macdonald, law “implies relationships with other human symbolizers who themselves are both agents and patients of the agency of others”.<sup>89</sup>

The CISV Village, as demonstrated by the activities described above, is characterized by interaction and friction, vulnerability and risk taking, empowerment and responsibility. This combination of elements not only inspires but ends up being shared by the notion of children’s legal agency imagined here. Legal agency for young people comes alive through interaction with others, both young and not so young. It is crucially intertwined with the need for protection and responsiveness to child-specific needs, while recognizing the possibility for meaningful power and accountability on the part of children. While a definition or picture of legal agency for children does not emerge fully formed from this discussion, we can identify these principal characteristics through the international law and peacemaking creativity of the CISV Village’s campers.

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88. See Jennifer NEDELSKY, *Law’s Relations: A Relational Theory of Self, Autonomy, and Law*, Oxford, Oxford University Press, 2012; Martha FINEMAN, *The Autonomy Myth: A Theory of Dependency*, New York, New Press, 2004.

89. Roderick A. MACDONALD, “Here, there and everywhere... Theorizing Legal Pluralism; Theorizing Jacques Vanderlinden”, in Nicholas KASIRER and Lynne CASTONGUAY (eds.), *Étudier et enseigner le droit: hier, aujourd’hui et demain Études offertes à Jacques Vanderlinden*, Cowansville, Yvon Blais, 2006, p. 381, at page 394.



### **Conclusion : That Our Children So May Grow**

In this paper, we travelled, as scholars and jurists at different stages of adulthood, to the CISV Village. We listened to the songs sung throughout the camp. We observed and imagined campers' interactions with each other and with their counsellors. The CISV Village challenges the idea that children simply need to be educated to fit into the existing world. We find the campers' experience shows that, far from being passive receptacles for the teachings of their elders, children can play an active role in international law and peace promotion. By bringing together the insights of childhood studies about how children discover and experiment with their agency to reinvent the social world and those of critical legal pluralism carving out the fundamental role of the individual as a law creator, we imagined that young campers might be seen, in an important sense, as legal agents.

We are only beginning to uncover the legal agency of children and the project calls for further exploration and development. Upon leaving the CISV Village, our goal, notably situated within the VOICE research program, is to continue to explore the manifold manifestations of legal agency in the lives of children and learn from children themselves about the implications of their legal agency for our broader understanding of law.

In the end, it bears reminding that both authors and readers belong on the sidelines. Indeed, the CISV Village itself recognizes that what adults have to offer is limited, or at least incomplete: the answers to global problems depend on the young people who, as they grow, keep building the world in ways always surprising to adults. While the isolated "CISV bubble" means that children put distance between themselves and the rules associated with their home contexts, the connection of the Village to the promise of global citizenship education provides the foundation for the activities described in this paper. Those activities encourage children to develop their legal agency in their everyday lives and, by promoting the exercise of imagination, invites them to enter the realm of international law and peace promotion.

As adults, as scholars, as teachers, as lifelong students—whether still young or once young—we hope to be inspired and to understand in a fresh way the potential role of youth in lawmaking and peacemaking in the hope *that our children so may grow*. We invite readers to recognize this potential and to explore the promise of children's legal agency in many more spaces near and far.