Decentring the history of the Idea of Children’s Rights

With the United Nations Convention on the Rights of the Child (UN-CRC) turning 27 in 2016 there is by now an impressive literature on children’s rights. Some of it evaluates the progress made, some of it takes the form of critical reflections (e.g. Valentin and Meinert, 2009; Arts, 2014). This includes a number of titles that focus specifically on children’s rights in non-western contexts (e.g. Hanson and Nieuwenhuys, 2013; Twum-Danso Imoh and Ansell, 2013). This latter work is important because of the paradox that most Latin American, African and Asian countries were as quick to ratify the UN-CRC as rich countries in the Global North (and sometimes even quicker) despite the oft-heard and also contested critique that the UN-CRC is ‘based on a Western ideal of an autonomous rights-bearing citizen that has limited applicability outside the industrialized West’ (Montgomery, 2008, p. 8).

Beyond the formal history of the process leading up to, and the drafting of the UN-CRC (e.g. Van Bueren, 1995), as well as aligning national law with the UN-CRC (e.g. Huijsmans, 2010, p. 144-5), the historical dimension has received relatively little scholarly attention in the children’s rights literature. This is especially true for histories of the idea of children’s rights that are not narrated from the centre (i.e. Eurocentric perspectives or from dominant perspectives in the non-West). Consequentially, critical discussions on children’s rights in non-western contexts, often framed in various forms of ‘global-local’ analyses, are typically historically lopsided. Much is said about the particularity of the history of the idea of children’s rights as enshrined in the Convention and little about the knowledge production about childhood in both the Global South and North, including the emergence of ideas about children’s rights, as part of the colonial encounter. This state of affairs leaves unchallenged the problematic claim that western ideas about childhood, including children’s rights, are ‘exported’ as it fails to acknowledge that such globalized ideas are always localized and seldom (fully) displace pre-existing sets of ideas (Burman, 1996, p. 48-9).

The two books reviewed go some way to address the historical lop-sidedness of children’s rights discussions, albeit in different ways. Childhood and Colonial Modernity in Egypt is a conventional history in the sense that it concentrates on childhood1 in Egypt in the late nineteenth and early twentieth century. The book sets out to explore ‘how in the context of colonialism, changes in the construction of childhood occurred in Egypt, thanks to the ongoing modernization process’ (p. 3). Morrison does not define the term modernization and at times uses it interchangeably with ‘modernity’. The term ‘modernization process’ refers to the broad and

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1 Childhood refers here to the period beginning around the age of five when children were said to develop aql (‘reason, maturity, and the ability to learn’) and ending around the age of 15 (p. 11-12).
interacting dynamics of Egypt’s search ‘for an identity in the face of intensifying western imperialism, the emerging nation-state, changing gender roles, and a rising middle class’ (p. 2). In a post-colonial spirit, Morrison stresses that she understands modernization neither as a process of ‘linear progress and development’ (p. 6), nor as a scientific and rational Enlightenment model (p. 17). Her key argument is that over the period studied ‘children were…increasingly controlled into subjects in the modernization process’ (p. 5). This means that knowledge about childhood and child rearing ceased to be the exclusive domain of families and local communities and became an area of concern for the state and elites because of its importance for realising visions of modernity.

Morrison develops her argument on the basis of five well-written core chapters complemented with an introduction and conclusion. The chapters cover distinct yet related themes, including childhood reform in the context of colonialism, the redefinition of childhood as part of the nation-building project, childrearing and class, girlhood in the building of modern Egypt and the role of autobiographical childhood memories (written by adults) in the construction of a national identity. An important strength of the book is the critical and often detailed analysis of a wide range of historical data, most of it in Arabic and from Egyptian origins. This includes pictures as well as texts, autobiographies, children’s magazines, children’s books and archival material. In this historical material the word ‘rights’ was rarely used not least because the construct of children’s rights did not exist yet (p. 124). Nonetheless, Morrison’s historical analysis situates the articulation of different cultural conceptions of childhood within an Egypt-centred narrative of modernity that is shaped by the colonial encounter and rooted in Arab, Egyptian and Islamic heritage. The development of these ideas about childhood not only led Egypt to move towards the present-day children’s rights framework, it is also essential for more fully understanding debates about children’s rights in Egypt today (p. 125).

The second book, Inhabiting ‘Childhood’, is a more complex text, in part because of the many long and complex sentences, and also because of the large number of theorists Balagopalan engages with. Inhabiting ‘Childhood’ investigates ‘the current approach to marginal children’s lives in the non-west’ (p. 7, my emphasis) through a focus on contemporary responses to street working children in Calcutta, India. It does so through a ‘historically situated analytic of postcolonial modernity’ in order to demonstrate that diverging discourses on marginalized children in the non-west, that emphasize either their resilience or their victimhood, are ‘complexly interconnected through the workings of the state, the market and a global humanitarianism’ (p. 7). This post-colonial approach ‘is concerned with challenging the unquestioned Eurocentric ways of looking at the world and seeks to open up intellectual spaces for those who are termed ‘subalterns’’ (Nieuwenhuys, 2013, p. 4). With respect to children’s rights this does not imply rejecting them as a form of western imperialism, but, as Balagopalan (p. 19) explains, understanding how the idea of children’s rights ‘actually unfolds within postcolonial spaces and reinforces, with a difference, a particular trajectory of the project of modernity’.

The concept of modernity and its role in constructing the (post)colonial nation are central to Inhabiting ‘Childhood’. For example, the recent Indian Right to Education Act (2009), called ‘a crucial modern civilizational milestone’ (p. 2), and an earlier informal education initiative

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2 Since Morrison’s work focuses on indigenous elites rather than on the subaltern in Chakravorty Spivak’s (1994) sense her work is not a post-colonial study as such.

3 This includes Walter Benjamin, Partha Chatterjee, Akhil Gupta, James Scott, and Gayatri Chakravorty Spivak to name just a few.
targeting street working children, function as analytical points of departure. Balagopalan claims that ‘The Indian nation-state has felt an enormous compulsion to recalibrate the lives of poor children in order to prove its claim to globality’ (p. 2). Yet this recalibration, often in the name of children’s rights (as the Right to Education Act exemplifies), sits in deep tension with poor children’s place in the history of capitalism in India and the lasting presence of work in their everyday lives. This is illustrated through an analysis of how educational interventions (non-formal and formal) and the associations they mobilise play out in the lives of street working children and the discourses affecting them. As Balagopalan shows, non-formal education might not offer these working children the educational capital necessary to transform their lives but it does neither delimit their desire for a life that is not characterised by hard manual labour nor devalue other knowledges and forms of learning. Formal education, on the other hand, that seeks to transform young workers into students resulted in the creation of ‘dangerous children’: those who continued to be involved in street-based work and became seen as a risk to the success of the intervention (p. 113).

The ambiguous and often conflicting role of the idea of ‘rights’ in the lives of marginal children is most forcefully illustrated with the case of Jehangir who had been caught stealing fish at a market adjacent to a Calcutta train station around which his life revolved. Instead of arresting him as the trader urged, a policeman gave him a severe public thrashing. The incident occurred at a time when both the Calcutta police force and the street children were sensitized to children’s rights by a range of organizations. Hence, when his friends took the injured Jehangir to an NGO run shelter on the station platform, the staff urged Jehangir to press charges as his rights had been violated. Jehangir refused and insisted the policeman had been helping him as an arrest would have been way worse. The policeman was a known figure to Jehangir. He had also given him a blanket on cold nights and supported him in other ways. Balagopalan explains that the policeman ‘was part of an affective terrain of support networks that street children usually develop to provide their lives with meaning, stability and protection’ (p. 125). The example illustrates ‘Jehangir’s simultaneous insertion into a global discourse of rights along with his active crafting of relationships within his subaltern lifeworld’ (p. 131). Clearly, Jehangir’s lifeworld is constructed around hierarchical and often exploitative relations. Yet the example illustrates that these relations are also about much more than that. Balagopalan takes this to be at odds with the liberal self that she believes is the assumed subject in the children’s rights discourse (p. 147).

Together, the two titles make a solid case for decentring the history of the idea of children’s rights, and for appreciating how such ideas surfaced, unfolded, and changed (albeit expressed in different terms) in the colonial and post-colonial condition. This is done through the concept of modernity. The idea of modernity is central in post-colonial theory and although it would have benefited from a sharper conceptual discussion in both books, it is convincingly demonstrated that the colonial and post-colonial world was part and parcel of the production of modernity, including ‘ideas and practices shaping both children’s lives and childhoods’ (Nieuwenhuys, 2013: 5). The historical analysis shows that ‘the context in which a children’s rights framework emerged in Egypt was vastly different from that in the West’ (Morrison, p. 125). A critical point is that in both Egypt and India, and in many other post-colonial contexts, children are valued in terms of their worth towards modernizing the nation, a mission that has only increased in importance within globalization. This means that the nation-state cannot be reduced to a mechanism that ‘allows the child to exist’ as its role of duty bearer in relation to the UN-CRC suggests (Morrison, p. 125). Rather, ‘the child exists for the nation’, a condition, as Morrison
argues, that fits better with the idea of ‘group rights’ than the ‘individual rights’ expressed through the UN-CRC (Morrison, p. 125). In addition, the two titles also demonstrate in much detail that during the colonial era the British occupiers far from exported models of childhood. In contrast, by mobilising racial discourses ‘native children’ became subject to very different childhood regulations than the children on home soil. In India and Egypt, patterns of inequality were thus reinforced and largely continued during the post-colonial era, presenting enormous obstacles and also an urgent justification for children’s rights frameworks that subsequently emerged.

Decentring the history of the idea of children’s rights in the non-West as is done successfully in the two titles discussed adds an important corrective to the forward-looking field of children’s rights. It rejects dismissing the idea of children’s rights as a western invention. Instead, as the example of Jehangir illustrates, a post-colonial approach invites readers to understand expressions of children’s rights and interventions as ‘the unstable and contingent result of a situated encounter’ (Nieuwenhuys, 2013, p. 5).

While the two books may not provide practitioners with instant clues for ‘doing’ children’s rights better or differently, it will give them a much firmer and more grounded understanding of the historical context, and all its complexities and contradictions, in which they seek to intervene. The titles also make a useful read for academic audiences in childhood studies, law, history, anthropology, area studies, and development studies. They will hopefully stimulate further work on de-centring children’s rights debates by centralising non-western and subaltern perspectives, by approaching children’s rights as historically situated encounters and by challenging the dominance of the West in knowledge production about children’s rights.

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4 For example, the British used a lower age of admission to work in their colonies than on home soil (Morrison, p. 30; Balagopalan, p. 66). Note that this was not particular to the British colonial administration (White, 2001).
References


