

Children's Rights in Rural Punjab: the Story of a Border-Dweller

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Abstract

There is currently a disconnect between the universal and general children's rights as presented in the United Nation's Convention on the Rights of the Child and the lived experiences of children in various countries. This thesis uses the authors' struggle to exist between two cultures as a lens through which the disconnect is explored. The author returns to her village in Punjab and looks at spaces created for children through institutions such as the education system and spaces that children create on their own. Luhmann's social systems theory is used to critique anti-humanist institutions and systems. As an alternative to Luhmann, Hardt and Negri's concept of the multitude is explored to provide insight into the political spaces that children create for themselves.

Born without a name

On a quiet November night in 1985, an immigrant family filled the waiting room of a down trodden Toronto hospital to hear word of their daughter-in-laws' delivery. Already have given birth to a baby girl two years earlier, there were expectations for some that this pregnancy would bring a boy. In the early hours of the morning, a nurse came to the family and announced the birth of a second baby girl. It had to be a mistake. The father-in-law demanded that the nurse check the gender of the child again; the universe could not have sent them a second girl. Despite the protests of the old man, on that cold November morning, a second daughter had been born to the family.

Amidst all the institutional chaos that permeates even the most sacred of moments of life in the Canadian system, the hospital administration announced that they needed to register the baby's birth; this process required the child to have a name. In Sikh tradition, the child was not named until blessings had been sought. The living essence of Sikh teachings were captured in the words of the Guru Granth Sahib and as the scriptures were opened to a random page, the first letter of the first word recited out loud would be used to name the child. Seeing as this could not be done until the child was in the presence of the scriptures, the family was in no place to provide the child with a name.

When any child is born, their immune system is unexposed to external environmental factors. With their first breath, they begin to take in elements from their environment and commence what becomes a lifelong process of building their immune system. Similarly, with her first breath, this baby girl became the site in which two cultures collided. She was born a border-dweller. Within the first few moments of her life, the Canadian need for an immediate name and the Indian time lapse in providing a name became the first significant collision of the two cultures that would most impact her upbringing.

As a middle ground, the hospital registered the new baby girl using the family name and the corresponding paper work was completed. The child's family sprinkled drops of blessed ambrosial nectar in her mouth and offered prayers of thanks to a Lord that had sent them a second girl. This hospital-based encounter surrounding name and identity amongst two cultures would be the first of many in the life of the baby girl. She would spend many years thereafter being given different names, and trying to find meaning amongst them all.

Preface

I came into this world without a name and I will leave much the same way. What I have in between is a snapshot in the grand scheme of eternity to find out who I am and to make that journey count for something. All research is research of the self. Once I stopped denying this, I lost all pretence of using my academics as a means of researching the external. I brought my self-journey to the forefront and decided I would use it to examine the larger issue of children's rights.

My family and I always understood that my education was meant not only for me, but also to benefit those around me. I was told that what I have should be shared with those from the village Butala, the village where my dad and grandfather and his father were born and raised. My family has always shared their resources with the members of the village and I was not exempt from this responsibility. When I completed my undergraduate degree I knew I was ready to give my education back to my village and so I decided that I would incorporate my village into my research. Although the methods, practices, and conclusions of my research went through many transformations, the one thing that remained was the presence of my village and its inhabitants in the writing.

Knowing that my research was self-research, I was still not expecting it to affect me in the way that it did. I am in no way the woman that set out to do research in rural India in the summer of 2008. Every conversation I had, every note I made, and every picture I took changed me. Even the process of reworking this data, revisiting those moments, has brought me to a new place, one just as temporary. The essence of my story is just that. Who I am is relevant to the moment that I am in. I am made up of many seemingly temporary identities. As a person who

lives in a balance between two cultures, my existence knows fewer bounds than I previously realised. I go by many names and each of those names represents a different woman. I cannot tell which of these versions of me is truer than the next. What I have done for the purpose of this thesis is use my journey and my struggle to find a name as a means of discussing children's rights in India. What I hope you will find within my story are the stories of the many, and how they interact with ever changing forms of power.

I am (May 27th 2008)

Sikh

woman

warrior-saint

young

student

teacher

Canadian

Indian

sociologist

anthropologist

sinner

human

spirit

female

activist

consumer

musician

sister

friend

philosopher

traveller

bound by skin

We are not in Kansas anymore

As I stepped off an air conditioned plane, my legs cramped from nearly a full 24 hours of travel, I was hit with a blast of Indian air. It was early in the morning, the sun was not yet up and already the city of Amritsar had come to life. I descended the stairs of the plane and stood in the middle of the runway, without any clear instructions as to where I was headed next. Eventually a bus came to shuttle us from the middle of the runway to the main building. Despite the exhaustion from my journey I was suddenly completely awake and alert; I was not in Canada. As we entered to line up to proceed towards to baggage claim, the airline started collecting boarding passes from passengers. I had come to India on a project funded by the Canadian International Development Agency, and as one of their conditions I had to prove my stay in India for three months by submitting my boarding passes upon my return. I needed that boarding pass; it was a matter of funding and accountability. I informed the lady, in Punjabi, that I would eventually need my boarding pass back and was given an incoherent answer that would be the beginning of a wild goose chase to hunt my boarding pass down. I spent the next hour or so going from person to person, each time being told that there was yet another self-proclaimed important airport official that I would have to go through to get my boarding pass back. When I got to the last of a series of people, I made the conscious decision to introduce him to Jazz-preet.

Jazz-preet is the name and the position that the white man has granted me. He cannot pronounce my name properly, and in gratitude for limited admission to his world, I let him call me what he wants. I will even introduce myself as Jazz-preet in situations I recognize as being on his playing field. Jazz-preet is Canadian; she speaks clear English and dresses professionally. She can negotiate the discourses of higher education and can walk into a United Nations building without being looked at questionably. When I feel my authority being challenged, or someone trying to upstage me with their notions of intelligence, they meet Jazz-preet. So, it was a most logical decision that Jazz-preet should be the one to try and get her boarding pass back. I stood in front of this man, who had probably been working through the night and in my most Canadian English, and an offensively loud tone, proclaimed that I needed my boarding pass. I told him that The Canadian International Development Agency, would require it as part of my records and there would be consequences if I did not get it back.

Needless to say, I have not seen that boarding pass to date.

Literature Review

To understand the disconnect between institutional rights and lived rights, there is a need to look at the broad and current circumstances. The following is a review of the United Nations Convention on the Rights of the Child (CRC) and its implementation in international settings, and specifically India. As mentioned above, post-modern and sociological responses and critiques of the Convention will be examined. Following this, case examples of problems with implementation of the CRC in different countries will be summarized; thereafter implementation issues specific to India will be discussed. Finally, an alternative approach to viewing the problem will be identified as missing from current literature and explored.

History of Children's Rights

Discourses influencing child rights are well established and have been evolving for over a century. This section of the review focuses on what a Swedish educator and feminist, Ellen Key, first termed the “Century of the Child” (Dekker, 2000). In 1900 she published her book with the same title and proclaimed the upcoming century to be one that was committed to transforming childhood for the better. She emphasized child rights, education and the interests of the child (Dekker, 2000).

In 1919, the first international body was created as a result of the Treaty of Versailles. This treaty was signed to end World War I, and the League of Nations was subsequently designed. In 1924, this international body adopted the Declaration of the Rights of the Child (Marshal, 1999). The Declaration was a list of mostly protection rights for children written by activist Eglantyne Jebb and her colleagues (Stasiulis, 2002). In 1948, as a response to human rights violations in World War II, the United Nations adopted the Universal Declaration for

Human Rights (UDHR). This treaty also addressed the rights of children, although it focused on human rights in general. No explicit mention was given to children's rights, but it was assumed that their rights would be covered by the provisions in the UDHR (Stasiulis, 2002). This was the first time the UN had brought international recognition to Children's rights.

More than a decade later, in 1959, the UN modified the original Declaration of the Rights of the Child and adopted it. At this point although children's rights were being addressed at an international level, they were still in the form of a declaration (Stasiulis, 2002). A declaration can state an ideal form of human rights, and have countries agree, but does not legally oblige anyone to act on the rights declared. A convention, on the other hand, legally obliges ratifying parties to act on the statements within it. In 1979, also known as the United Nations Year of the Child, a 42 member committee began negotiating the United Nations Convention on the Rights of the Child (CRC) (Mitchell, 2003). A decade later in 1989, the Convention was officially adopted by the UN General Assembly. The CRC was the first child rights document to go beyond the protection and welfare of children; it uniquely addressed participatory rights of children (Stasiulis, 2002). Since then, 192 countries have signed and ratified the convention, making it the most universally ratified human rights treaty in history (Pais and Bissell, 2006; Mitchell, 2003).

What is the CRC?

The Convention on the Rights of the Child is an international policy document that is legally binding in ratifying countries, including India and Canada. It provides guidance to form policy in a manner that addresses the lives of children at a local level. It is also a treaty that offers a common ethical framework, from a global-moral consensus, for all those who work with children and young people (Melton, 2005). Specifically, it is a document containing 54 articles

that outlines the rights of children as state responsibilities (United Nations, 1989). The four main principles of the CRC are (article 2) the right to non-discrimination, (article 3) the right to best-interest, (article 6) the right to life and healthy development, and (article 12) the right to participation. These four articles are integrated into the remaining provisions provided in the document. The first 41 articles pertain specifically to the rights of children, and from 42 onwards, state responsibilities such as reporting procedures and dissemination are discussed. Article 44 requires ratifying states to report their progress to the Committee on the Rights of the Child two years after initially signing and every 5 years thereafter (United Nations, 1989). The Committee of 18 members in Geneva then submits feedback to the countries in the form of Concluding Observations. These Concluding Observations articulate positive and negative developments in the reporting country and also provide suggestions for improvement (Robertson, 2001).

Postmodern and Sociological Critiques

The historically recent emergence of international human rights regimes has come in part from the transformations of individual state parties into a global civil society (Fuchs, 2007). Accordingly, the Convention on the Rights of the Child and human rights in general have been under critique for many reasons including their universal, generalising and often westernised concepts of childhood (Burr, 2006). One such article focuses on the universal nature of children's rights (Bentley, 2005). Bentley questions whether the ideal childhood presented through the articles of the CRC can be held throughout the world when multiple contexts of childhood exist within and amongst ratifying state parties. Also, the Convention itself is not devoid of political and cultural context; it is the result of historical actions leading to its conception, as shown above. While the creation of an idealised document such as the CRC is

possible, it is argued that to apply it in multiple countries poses unique problems. One of the main critiques brought up is the Western standard of childhood that underlies the assumption of rights in the CRC. Bentley argues that these rights can be split into two different types; those children have as human beings and those rights that they have by virtue of their status as children (Bentley, 2005). The problem arises with the second category of rights, as most of these are defined through a Western concept of what a child is and how they function.

These reflect 'Western social policies which emphasise the role of individual causations and professional interventions and de-emphasise the influence of the wider social, economic, political and cultural circumstances'. (Bentley, 2005, p. 110)

As will be seen in the case examples presented later, when these individualist ideals of policy and Western concepts of childhood are presented in diverse circumstances, they are met with practical problems.

Another issue that arises is with an ontological take on children's rights (Tarulli and Skott-Myhre, 2006). One of the basic assumptions of human rights in the modern sense is that they are set norms and standards that are not to be questioned or critically examined. They occur at the levels of states and legal bodies, not in the everyday lives of children and youth. Tarulli and Skott-Myhre pose that rights are produced within everyday interactions and lives of the multitude. They assert that rights in the modernist sense are produced from assumptions of children that progress in linear and categorical ways. Rights are prescribed to children based on assumptions of ages and stages. These assumptions which are universalised become the rights found in the CRC; this in turn simultaneously reproduces the universalised child as being and as

becoming. The child, in modernity, must necessarily be produced as unstable, material and outside of the production of an 'adult'. The authors argue, that in this moment, the rights of children and youth cannot be produced by legal frameworks such as the Convention, but rather must be produced in the daily lives of children in different contexts. In this sense, rights are created through the forces and bodies of children on the ground (Tarulli and Skott-Myhre, 2006).

CRC in Context: case examples from literature

Looking at the concluding observations presented to countries that report to the United Nations provides key insights into the challenges presented when the CRC is implemented domestically. Alongside these publically available concluding observations, some researchers have gone in depth about the "gap between Geneva and the grassroots" (Veerman and Levine, 2000). In their article addressing this issue, Veerman and Levine argue that too much emphasis has been put thus far on the role of Geneva, the Convention, and the monitoring mechanisms that are in place. As a result, there has been a lack of attention at the local level. The grassroots scene has not been progressing at the speed of its international counterpart. Part of the issue stems from the nature of the CRC document; it has been established by an international body to be implemented by national parties. The conceptualisation and monitoring of the CRC happens at the UN level, leaving localities and municipalities out of the process (Veerman and Levine, 2000). The result is that the context that the document is meant to affect, the everyday life of persons under the age of 18, is being lost in the increasing gap between levels of hierarchy.

One such specific example of this relationship between the international and local context is an article by Ngokwey (2004), which examines the evolution of children's rights in the Central-Africa sub region. This region of Africa has many characteristics that make it a unique

context for the playing out of both the CRC and the African Charter on the Rights and Welfare of the Child. This region has been described by the author as riddled with social and political unrest, civil wars, mutinies and the “unrule of law” (Ngokwey, 2004). The countries are struck with poverty, and classified as being low in human development. A range of indigenous populations and multiple languages in the region provide for a diverse context and many different childhoods simultaneously being addressed by the aforementioned two documents. As reflected by the reporting processes of the convention, the countries of this region struggle with regards to the general principles of the Convention, legal definitions of childhood, civil rights and freedoms, family and alternative care, basic health and welfare, education and special protection. Issues in implementation arise from a number of obstacles beginning with a clashing of national laws and the articles presented in the Convention. Local laws and legislation are often at odds with the rights of children presented at an international level. The large clash between the context of this region of Africa and the CRC is further exemplified with respect to poverty, HIV/AIDS, and conflict. The individual effect of each of these adverse circumstances makes implementation of the CRC a challenge, and that challenge is magnified when these contextual challenges occur simultaneously (Ngokwey, 2004).

Similarly, in another example of discord, the violence of Cambodian context is examined (Miles and Thomas, 2007). Cambodia’s history is spotted with fighting foreign wars and a violent communist regime. Under the control of Khmer Rouge, the country and especially Cambodian children have suffered.

The DK regime evacuated the cities and closed down formal education, declaring the abolition of religion and of class distinctions. Denunciation, torture and

execution took place on a large scale, much of it carried out by children and young people. (Miles and Thomas, 2007, p. 384).

The children were the key members of society chosen to be moulded by the group in power to create a society without distinctions of class and religion. In 1996, the country finally saw the breaking up of the Khmer Rouge, but the consequences of violence are still prevalent. Alongside the genocide that occurred during this rule, the very nature of traditional child-adult power relations is examined by the authors. Stemming from different cultural and religious beliefs in Cambodia, there are strong unquestioned hierarchal relationships where children are expected to show complete devotion and obedience to their parents and elders. Also, these relations can be highly gendered and in favour of male children. With these contextual factors in consideration, many practical downfalls arise when implementing the convention. Issues that the authors propose as being especially problematic include protecting children from all forms of violence and maltreatment, rape, sale and trafficking of children, domestic abuse, and pornography (Miles and Thomas, 2007).

Another instance of dissension between the universalised ideals of the CRC and the lived experience of childhood is seen in the lives of the indigenous children of Australia. In his writing on the subject, Libesman explores whether general and universal laws can apply to the concrete, politically, and culturally located lives of indigenous children (Libesman, 2007). The children discussed in this article, live in a country where they have little control or say in how the dominant institutions and political bodies are run. Rights are prescribed to them from a top down system that disregards cultural relativism. While it is argued that, “instruments like the UN convention offer, by virtue of their generality, a relatively neutral common ground for dialogue

about culturally contested values and standards.” there are still issues that arise from their implementation (Libesman, 2007, p.285). The CRC is one of the only documents that Australia has signed and ratified that specifically addresses indigenous rights in multiple ways, but more work is needed to make the articles of the CRC applicable in the multiple indigenous childhoods in Australia. For example, the right to act in the child’s best interest, can be interpreted to be in support of placement of indigenous children in the care of the system, or can be interpreted as a basis for community development that allows them to stay with their families. Strengthening the communities these children live in is often at odds with the political agenda of the country and the CRC can prove to be an insufficient common ground for such discussions. The spectrum of rights for indigenous children needs to be varied across languages, regions and urban, rural and remote areas (Libesman, 2007).

Finally, in her book on children in Vietnam, Rachel Burr is confronted with a similar reality (Burr, 2006). Burr took her research with the CRC to Vietnam where she examined the use of the document in different setting including an orphanage, a reform school and with street children in general. She argues that the often westernized ideals presented in the Convention are at odds with the reality of life for children in Vietnam.

One problem with implementing the UNCRC is that it is a legal document that is meant to be applicable to all children in the world. In reality children’s lives do not neatly map onto the theories that are shaped around them or created about them (Burr, 2006, p.2)

The book goes on to describe in depth, the anthropologist’s interactions with Vietnamese children. One thing in particular that sets Vietnamese childhood apart from the theoretical

shaping of childhood found in the CRC is the collectivist tendencies of the society. In a country that values community and family, often the individualist nature of children's rights are not given priority and are associated with selfishness. International NGO's that then come into Vietnam to establish rights through the CRC misunderstand the culture and implementation of the CRC is again jeopardized (Burr, 2006).

History and Concluding Observations in India

The history of children's rights in India has instances of the same difficulties described in the above-mentioned contexts. In the 1950's, when the UN adopted the Declaration on the Rights of the Child, the Indian Government also accepted this Declaration (Rao, 2007). Following this action, various plans were launched to provide children services in health care, nutrition and education. Compatible with this emergence in policy, a National Policy for Children was adopted in 1974. Amongst other things this policy addressed health care, nutrition for mothers and children, education, physical activity, exploitation, children with disabilities and children in minority groups. To plan, review and coordinate various parts of this policy, the National Children's Board was established in the same year. More than a decade later in 1985, the Department of Women and Child Development was set up in the Ministry of Human Resource Development. This department took on advocacy, inter-sectoral monitoring and catering to Women and Children as a part of its responsibilities. In 1992, a National Plan of Action for Children was formulated; this plan built on the policies before it. In the same year the Indian Government also signed and ratified the Convention on the Rights of the Child. The main responsibility for implementation and monitoring of the convention fell into the Ministry of Women and Child Development. The convention was translated into most regional languages and was also internalized by provincial governments (Rao, 2007). In 2000 India received their

first set of Concluding Observations and in 2004 they received their second set (United Nations Committee on the Rights of the Child, 2004).

The two sets of concluding observation in India show similar human rights developments in different sets of time. Some of the upsides to the Committee reports were as follows. There was a wide range of legislation and institutions that addressed the protection of human rights and children's rights. Some of these included the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission. Increasingly, in past years the Supreme Court of India had been making frequent references to human rights treaties in court settings. Similarly, non-government organizations and other grass-roots organizations had been participating in activities that enhanced the protection of human rights. India had also been increasing their cooperation with NGOs and international bodies to address child health and labour issues. The Constitution Act had been adopted that made for free and compulsory education for all children 6-14 years of age; simultaneously primary school access had been increased. Also, the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act was established in 1994. This act made it illegal to selectively identify and abort female fetuses. Child telephone lines were established and a comprehensive set of data was collected and made available (United Nations Committee on the Rights of the Child, 2004).

On the other hand, the report showed many barriers to CRC implementation in India. The Committee on the Rights of the Child acknowledged the unique challenge India faces due to the fact that a huge proportion of the world's children are Indian, but nonetheless had a few areas that needed serious attention. Similar to Canada, one of the key issues arose from implementation of the Convention in domestic legislation. In particular, religious and personal

laws which govern family matters, were not yet fully in conformity with the provisions and principles of the Convention. Divisions in the government system led to lack of proper implementation of the articles of the Convention. Coordination amongst provincial, federal and local governments was less than ideal; there was no permanent and adequate monitoring mechanism to ensure that the Convention was being properly implemented. The principle of non-discrimination was being hugely disregarded with respect to girl, refugee, immigrant, disabled, low caste and tribe children. Stateless children were a prevalent issue in that a large amount of children were not being registered at birth. An issue unique to India's reports was that of torture. Within the police system, and the courts, children were unjustly being tortured and accountability was scarce. Similarly, the government had taken limited action to prohibit violence against children in the family, school and care institutions. There were large disparities amongst children in standards of basic health, living and education. Many children were left without access to these basic requirements.

Another issue relevant to India's reports was that of armed conflict. The government was lacking in policy and implementation of policy to protect those children who were involved. Discrepancies were also evident in administration of juvenile justice. Although girls under 18 were protected, boys were tried as adults. The committee asked that this be amended immediately. Other problems were also touched on that included limited respect for the views of children, the rights of fathers, not just mothers, children with AIDS, traditional practices such as dowries, child labour, sexual trafficking, street children and dissemination of the CRC (United Nations Committee on the Rights of the Child, 2004).

The road less travelled

As I left the Amritsar Airport that June morning, I found myself right in the beginning of a noisy Indian morning. India is not forgiving in the way she assaults your senses. She does not apologize for who she is and gives you no time to adjust. Stepping out into an India morning I found myself surrounded by a smell that I won't describe in detail, cars horns, cows, and people squatting in the fields doing something that I imagine was only contributing to the smell. I was greeted by my Uncle and a man I did not recognize. My immediate response was to greet them in return as Juspreet.

Juspreet is the handy work of my parents and immediate family. When my parents left India almost 30 years ago they brought with them their snapshot of India. Not having enough money or time to stay in touch with India and Punjab, what they were left with were their memories and a cultural understanding of the Punjab they had left behind. As a result, the Punjabi part of me was raised with continual reference to the time capsule of Punjabi memories that my parents had. In some sense Juspreet is an Indian girl from 30 years ago. She sings those songs and speaks that Punjabi which is spawned from her parents' version of India. Juspreet doesn't look powerful men in the eye, she offers every guest that comes to her house tea, and would never uncover her head in front of someone she didn't know.

It was a natural choice for Juspreet to respond to the commotion of that morning, as at the time she was the part of me that understood Punjab the most. I gave my Uncle an awkward sideways hug and opted for a neutral greeting of Sat Sri Akal and a half nod to the strange man. Good call, turns out he was the hired driver who had come to help us with our luggage. We started towards the village as my Dad and my Uncle caught up on the local news. We eventually reached the stretch of road between Dhilwan and Nadala on which the village was located.

Around the 1800's a nearby King had his sister married off in Nadala. To facilitate her easy travel to the nearest railway station, he had the road leading to Nadala paved for her. This road is still paved today and provides routes to multiple villages along the way, including Butala. As we drove into the village the day started to break and people were already well on their way through finishing the morning's work. The rain throughout the night provided for a cool morning and I was relieved to find the electricity stay on for most of that first day. After a long awaited shower and a few quick prayers, all I could think of was going to sleep. Juspreet stayed awake a few more hours to receive all the members of the village who had come to welcome her back home. Eventually, unable to take anymore force feeding of sweets and tea, I found the only real room in the house with a bed and was asleep before my head hit the pillow.

Luhmann and Social Systems Theory

After considering the information presented in the literature it becomes apparent that there is a gap in analysis of the CRC in terms of addressing the structure of society in which context the CRC operates. The assumption in most cases is that the Convention functions top down in a hierarchal system. The international treaty serves as a global-moral consensus that is governed by an international legal body. It is passed on to the national governments which internalise the document and have it move further down the hierarchy until it eventually reaches the bottom; the children that it is written about. An alternative approach to considering the structures of society is presented by Niklas Luhmann and suggests that there has been a dramatic shift in social organization. Essentially, with the introduction of global capitalism, society has gone from being organized in hierarchies into being functionally differentiated and from being a society of humans to being a society separate from humans (Luhmann, 1997).

The basis of social systems theory produces the argument that humans are no longer at the center of social functions. Humans become secondary; they are a part of the environment of systems much like other aspects of the environment (Moeller, 2006). They play a role in the reactions caused by systems, and they interact with systems, but the systems are separate from humans. They are abstract on many levels. Social systems theory then looks at events rather than humans to describe the society at hand. For example, in the political system, counting votes looks at numbers and distributing power by these numbers rather than the democratic process of representing individuals on a government level. Looking solely at events within systems, it is apparent that humans, their thoughts, and their emotions are not required to make the systems run. The systems need humans as anything requires an environment in which to function, but in Luhmann's theory, humans are no longer at the center of the social world (Moeller, 2006).

These individual systems such as the government and the economy arise randomly, that is to say that a set of circumstances allowed them to arise. They are autopoietic; they sustain themselves. The downfall of vertical systems has led to systems that create and recreate themselves through language and communication. Each system defines itself through distinguishing itself. Using a system of binary distinctions allows for language to be the medium through which systems sustain themselves. What is important to note is that no one system can actually affect another and humans cannot control any of them (Luhmann, 1997).

What the organisation of society in such a way does unwittingly is connect systems across the globe; the Convention is a prime example of this. When the concept of functionally differentiated systems is brought back to the analysis of the Convention on the Rights of the Child, it becomes apparent that the document relies on the old vertical systems to function the way it was intended to. In the social organization that Luhmann presents we can see that the CRC cannot set out to do what the humans involved believe it can. Functionally differentiated systems are not controlled by humans; they are anti-humanistic in nature. Similarly, the CRC cannot be a humanistic project by Luhmann's explanation. Also the CRC addresses issues that are dispersed in multiple systems. For example it touches on the legal system, the political system and the economic system. As mentioned before, since these are systems that function without having any real effect on one another, to operate amongst them as if they are still organized in a hierarchical fashion may be futile.

The systems as presented by Luhmann exist in the abstract; similarly, the Convention at hand exists in the abstract. Through reporting processes and communication it recreates itself but

has no real effect on the lives of the children it was written for.¹ Keeping the idea of this alternative organization of society in mind, this thesis will address the gap in the available literature. After analysing my data, I will be revisiting the works of Luhmann and the balancing concept of the multitude to address the lack of rights being experienced on the ground in India.

Overview

As can be seen in this review of literature, there is a discrepancy between the idealised rights created at a level of international governance and the lived realities of childhood in many different countries especially India. There is also a lack of writing on the organization of society and how it relates to the international treaty being considered. This review starting by looking at the history of children's rights, specifically the Convention on the Rights of the Child, considering some critiques, case examples, and then looked in depth at the situation in India. The existing literature provides preliminary insights into the theoretical and practical obstacles in implementing human rights in global civil societies. More research is needed in the mechanisms of implementation and the experiences of the children that the CRC is designed for.

¹ What will be considered later in this thesis is the concept of the multitude which does not exist in the abstract, but is rather composed of everyday lives and interactions.

Where is your survey?-

After settling into the village routine enough to start venturing out of the house, I began considering a starting point for my research. I knew I wanted information on the lives of children in Butala and how children's rights were translated through the institutions of India, primarily the education system. I ventured out to the local government run elementary school as my first choice. Armed with my little blue book (the Convention on the Rights of the Child), a pen and a note pad I walked the five minutes from my house to the school. I took my cousin with me as she had previously worked at the school and would be able to introduce me to the teachers that worked there. When I reached the two-room school there was no electricity and the classroom was swarming with mosquitoes. As a result, a few of the children were outside of the classroom gathering dry sticks to throw into a fire that had been started. The smoke was being directed into the two rooms so that the children could sit without being eaten alive by mosquitoes. On a day that was already nearing 40 degrees by mid-morning, the smoke was not a pleasant effect. However, between the mosquitoes and the heat, the heat was the lesser of the two bad options.

One of the two teachers hired to teach the five grade levels left the children unattended to sit in the 'office' and talk to me. Jazz-preet immediately launched into a self-righteous monologue about children's rights and her amazing research. She explained that she had come to bestow her gift of research on this lower class school and she would be uncovering the mysteries of children's rights in Indian institutions. The teacher immediately and defensively shut down. She could not understand what I was doing and why I wanted to know more about her school. Eventually the principal from the neighbouring government-run high school showed up. He was a relaxed man who knew my family and immediately took to our conversation. As the conversation took on a more informal turn, ideas about my research came up more naturally. The teacher from the elementary school eventually asked me to return the next day to observe a full school day, and I was invited by the principal of the high school to come and visit his school as well.

My return the next day brought a huge amount of excitement for the children of the school. Anyone in Butala who has the least amount of money sends their children to private schools. Left behind were the extremely poor children who attended the government schools. I arrived in time for the morning assembly. The children were squatting in four lines in front of the biggest tree in the school yard. Some children had not brushed their teeth as they could not afford toothpaste and others were missing because of the high demands of the rice planting season. Some of the girls that had made it to school that morning had completed their share of the house work before attending, and would be returning home to complete the rest. As incentive to send children to school, the government had started to provide a mid-day meal. The fire for that meal and the smoke for deterring mosquitoes were already in full rage.

I spent the day in the two rooms and watched what I knew to be truly non-genuine interactions. I was frustrated because the teachers still did not seem to understand my research

and on top of that they were being very attentive to the students that morning because I was there. Later, as I was exploring the playground with my cousin alongside me, she informed me that the two teachers were planning on having a 'meeting' with me later to ask me to fund the renovations of the playground. In their understanding I was a foreigner who was there to help them. These teachers assumed I was wealthy enough to have new dirt towed into the yard to prevent flooding when it rained. At the height of my frustration, a teacher from the high school next door asked me where my survey was; if I was a researcher, I must have a set of questions I needed to ask, or something I needed to count or measure. I tried to explain post-modern, qualitative research not meant to make universal, generalisable, assumptions about a group of people from an outsiders perspective. I might as well have spoken in French.

My research had made sense to me sitting in Canada. Attending classes in a higher institution, making plans, being praised and reinforced by my mentors and peers, I walked into a school in India thinking I knew what I was doing. Having submitted a research proposal to my advisors and to CIDA, I had a logical and coherent plan in writing. I can see now how those assumptions about my own research were so damaging in my first venture on the ground. I had never considered that the people I was going to be interacting with the most would not speak the language of Jazz-preet. It made me question myself. There was no part of me (yet) that could negotiate between Jazz-preet and Juspreet. I did not know how to walk the tight rope of Canadian researcher and approachable Punjabi village girl. I knew that I would have limited access into this world because I lacked the skills to approach people. My research changed in the face of the people I was working with. My original research question and methodology, chocked full of the assumptions of a Canadian woman sitting in a higher institution, failed me and were reworked. I ended up exploring the lanes of Butala in the direction that my discoveries took me. My research was no longer led by a plan, but it generated itself. It was not until I returned from my trip and looked back that I decided what to do with my new found information. My methodology was spawned from the life forces I met in India when I stopped imposing Jazz-preet on them.

Methodology

The main methodology, or the theory behind the methods, being used for this study is analytic autoethnography. This form of ethnography has post-modern elements of reflection while paying tribute to traditional realist forms of ethnography. Traditionally, ethnography has been derived from colonial anthropology and left the researcher out of the writing. Information has been gathered from travellers, researchers and notes to demonstrate an evolution or contrast of mankind as savage or civilised (Edles, 2002). The terms “ethnography”, “fieldwork” or “participant observation” have at times been used interchangeably. The original idea was that a researcher could observe an unmanipulated natural environment and richly describe the observations. Not only was the researcher assumed to not provoke the subjects being studied, but there was also an assumption that there was a concrete reality which could be studied. Ethnocentric assumptions and traditional realism have been marks of traditional ethnography (Edles, 2002). As a part of the scientific approach to discovering truths about other cultures, ethnography has been used by professional strangers to gain access to those outside of themselves. However, in a post-modern struggle for representation, science and realist thinking cannot keep up with the demanding nature of the methodology (Tyler, 1986).

Resistance to traditional Ethnography

The turn of the twentieth century brought a need for ethnography in areas such as the United States and Britain. The idea was to gather information about groups of people bound by geography. Having information on primitive, savage, or third world groups of people or tribes empowered these nations. However, ethnography has since turned around and become a tool of the oppressed peoples themselves. There has been a resistance to the quantitative methods of colonial ethnography and a shift to qualitative methods. Political, epistemological, and

methodological challenges have arisen. One of the main issues is that writing about the other in the colonial sense is necessarily about domination. Also, from a feminist perspective, ethnography of the past is male centered and male-written accounts only bring to light the experience of the dominant male (Edles, 2002). As the system of higher education is founded on the standards of males in positions of power any documents produced through linked methodologies will emanate some level of the male perspective.

The reflexive turn in post modernity

With the rise of post-modernity and the many critiques of the “old scientific ethnographic realist narrative style” there has been a push for reflexivity in the field and in writing (Foley, 2002). In post-modern discourse the self is one of the only things that can be written about. In this sense attempts to write and describe a social other are abandoned and instead of mapping out reality, a sense of what is real is evoked through writing the self (Foley, 2002). Be it ethnography, analytic autoethnography, or evocative autoethnography it is unavoidable that the researcher places themselves in the writing. Even in colonial ethnographical writing it was obvious that the research demonstrated as much about the white, western world, as it did the tribal cultures being studied (Edles, 2002). Writing ethnographically and acknowledging the self in the writing leads to the writer identifying their historical, political, and personal context. The shift in postmodernity to autoethnography, brings reflexivity into the focus of writing in that autoethnography attempts to write the self. As researchers study themselves and write transparently about their own experiences, they evoke responses in the reader and recreate themselves in the process (Gannon, 2006). Through this post-modern lens, all writing is self-writing.

Ethnography in post-modernity

As recent as 70-80 years ago, students from the Chicago School started to conduct sociological research in areas close to their lives. In multiple waves of Chicago School studies students began to write about areas of research that were separate from themselves, but save a few confessional tales, the voices of the researchers were still largely missing (Anderson, 2002). In the late 60's and 70's there were a few instances of notable self-research and autobiographical ethnographies. The most recent and popular variation of this style of writing has become evocative autoethnography. This style argues that "narrative fidelity to and compelling description of subjective emotional experiences create an emotional resonance with the reader that is the key goal of their scholarship" (Anderson, 2002, p. 377). In this method there is neither presentation nor representation, the writing is the process of knowing the self (Tyler, 1986). In post-modernity the native informant and the autoethnographer become interchangeable (Lai, 2008).

Analytic autoethnography

The emergence over the past 15 years of new and critical forms of post-modern, reflexive, and evocative ethnographies has made room for the methodology that I will be implementing for my study; analytic autoethnography. I will be using the standard of analytic autoethnography set by Leon Anderson in his 2002 paper on the subject. According to Anderson there are five key features to this method including complete member research status, analytic reflexivity, narrative visibility of the researcher's self, dialogue with informants beyond the self, and commitment to theoretical analysis. *Complete member research (CMR)* status, requires that the researcher be a complete member of the world they are studying by either birthright or

conversion to that group. This status ensures a certain emotional proximity to the people and cultural space being studied, while at the same time differentiating the self from the other by taking on the role of the researcher. *Analytic reflexivity* includes a self-conscious introspection stemming from the need to better understand the self and the other. Without turning the writing into a confessional tale the writer is to have a finite understanding of their own position of and how this affects the self and the people they are sharing with. *Narrative visibility*, means that the writer is a highly visible actor in the written text. There is no presumption of an omniscient presence that can make generalizations, rather the researcher/writer needs to be highly visible due to the dual role of complete member and researcher. This implies that the writer has to go to the extent of sharing when they are affected by the population they are writing about; changes in values and beliefs become part of the writing. *Dialogue with informants beyond the self* is, at this point, the key to preventing self-absorption in autoethnography. Although this method is grounded in self-exploration, it reaches beyond that through dialogue with others. Finally, what sets analytic autoethnography apart is a *commitment to analysis*. Having an analytic agenda requires that the writer not only provide inside information or evoke realities in the reader, but rather “to use empirical data to gain insight into some broader set of social phenomena than those provided by the data themselves.” (Anderson, 2002, p. 387). In this sense empirical data is used to generate theories on social processes. It is not enough to simply describe what is going on or inform, but tools of analysis are used to describe a social phenomenon. Following these five ground rules, I will use analytic autoethnography to theorize a social phenomenon, as is later fully explained.

It is to be noted however, that despite my use of Anderson’s version of analytic autoethnography as a methodological tool, I will not be abiding fully by all the above mentioned

criteria. Anderson's primary requirement of *CMR* status is questionable. By birth, I am a member of the two cultures studied. Also, by process of staying with the people in the village in India, I did attain a certain status as a member of the community. However, as far as complete conversion to becoming a member of the village community, I cannot say that was attained, nor is it possible to attain. This point aside, I will be using the analytic autoethnography as Anderson explains it.

Good Enough ethnography

This type of ethnography is not without criticisms of its own. For example Denzin (2006) argues that analytic autoethnography is but a return to classic symbolic-interactionist approaches to ethnography. By keeping the focus on describing a social group, setting or problem, Anderson once again brings up the arguments and critiques surrounding traditional ethnography and the business of professional strangers. There is speculation that analytic autoethnography is simple realist ethnography with the writer more visible; an attempt to mainstream autoethnography to make it more appealing. In an attempt to create and solidify a new method of ethnography, there is a reversion to the old. Even with these considerations, I maintain the use of Anderson's methods for their link to my work in India. The purpose of my writing is not to be solely evocative, or to try to theorize the residence of Butala, but to find a balance in knowing that all research is self research and still trying to connect my story to the larger world. Anderson's take on autoethnography does maintain the traditional commitment to analysis of that which is external to the researcher, but also demands that the writer be openly writing through themselves. In this sense, my use of this methodology it is not a return to the old, or an attempt to mainstream autoethnography, but a vehicle through which I connect my personal story to the world I live in.

It has also been stated that this method sees autoethnography as a destination instead of a journey (Ellis and Bochner, 2006). In the face of such critiques I will be pulling from, what Scheper-Hughes, refers to as “good-enough ethnography” (Scheper-Hughes, 2002, p. 28). Be it traditional ethnography, or post-modern autoethnography, there is unlimited amount of critiques. No methodology is unflawed, and stepping into the territory of the researcher who is also a participant opens many gateways for questions and criticism. In response to this, Scheper-Hughes proposes her good enough ethnography. Accepting that the ethnographer is necessarily flawed and biased, “we struggle to do the best we can with the limited resources we have at hand-our ability to listen and observe carefully, and compassionately” (Scheper-Hughes, 1992, p.28). What is proposed is accepting the ethnographer, with flaws, and avoiding presenting research findings as a confessional tale. As another educator puts it, this type of approach “is not intended to celebrate mediocrity, but to acknowledge imperfections that surface despite meticulous procedural implementations” (Hughes, 2008, p.126). With this in mind, my data will also be presented in a good-enough sense. I will offer what I have to share and the reader will have access to the voices in my research through my biases. This thinking complies with the reflexivity of autoethnography in that it asks the writer to expand rather than narrow their fields of analysis (Hughes, 2008).

Narratives

In addition to the methodology of analytic autoethnography, I will be employing narratives and the theory behind using stories as data. As stated by Ellis and Bochner (1992), “understanding is not embedded in the experience as much as it is achieved through an ongoing and continuous experiencing of the experience.” (Ellis and Bochner, 1992, p.89). With this

intention, narratives are created and used as a powerful analytic tool that can keep the reader visible in the text and adhere to the framework of analytic autoethnography.

Pen vs. Sword

Being a woman is a survival game. It's always about the next step, the next obstacle, foreseeing it and setting up your defences so you can overcome it. The part of me that knows how to survive, is in my bones. She is the result of all the women who have come before me and have had to survive. Women that do not have a past and a future; their wisdom exists in the present, in my now. Meet Jassa, she is the part of me that fights. Jassa been given to me by the woman warriors of the past. Her connection with India is undeniable. There is not a trace of Canadianess in her battle cry. Her essence and spirit arises from every Indian woman who has fought for her country, religion and family. Her anger is undeniable, no man can stand in its way. Her righteous need for justice does not back down in front of any form of power. Jassa will not stand for injustice or oppression or any infliction of pain.

Sikh women are required, by virtue of their faith, to simultaneously be warriors and saints. Every Sikh woman must devote her life to still and silent devotion of the Lord and at the same time be a weapon-wielding force capable of defence and protection. Although the concept of survival is with me in every breath, is it not something that can go unpractised. As a woman living in a country with all its notions of peace, it is easy to give in to not practicing self-defence and survival. Without the immediate threat of an external and obvious enemy, Jassa risks becoming silenced. So I make her struggle part of my daily struggle. Every day I work physically, mentally and through breathe to bring her to the forefront of my being.

The unfortunate truth about Jassa is that she very rarely comes to the surface. Being a women requires learning to strategize, move and fight from a position of subordination. More often than not, there is simply no place for Jassa to dominate in school, work, or the village. There were a lot of times in Punjab when I needed Jassa to come through. For practical purposes, when walking through the crowds in India, her warrior-state of mind and alertness were always at the forefront. When I could no longer stand the physical demands of being out for an entire day in the heat without a shower and proper hydration, it was Jassa that pushed me to keep walking and breathing. When I walked the stone steps of Gurdwaras where I knew my mothers and sisters had been shot and killed, I could feel the anger of Jassa stirring in my blood. At the same time it was Jassa that struggled most with representation in my research. The whole concept of translating an experience into words was not part of the body knowledge through which I had come to know the game of survival. Where Jassa knew the world and especially Butala through her senses, Jazz-preet needed to turn the experience into words so it could be duly noted. So it was with great respect that I put Jassa aside once again, while I submitted to using words to describe my data.

Methods

The focus of my analytic autoethnography will be using my experience as a child rights worker in Butala to provide insight into the disconnect between policy and the lived experience of children's rights. Specifically, I will be carrying out my research and data analysis in the following ways. I will rely on myself as a transparent participant in the culture I immersed myself in. From my time on the ground in India I have data in the form of journals, email, pictures, and direct observations. I will be splitting this data into three categories. The first data point, or point of reflection will be journals and emails, as they represent my personal thought process. The second will be pictures and observations as they are mostly descriptive in nature. A third point of reflection will come from rural Punjabi songs and popular Punjabi music. As there is music and song to accompany every occasion and emotion in Punjab, these songs will provide insight. My data analysis will discuss the two main arenas of childhood in Butala; school and home. My points of reflection will be used as applicable in these two sections. In the subsequent section of this thesis, I will move onto a discussion heavily based on analysing the data presented. I will use this space to make clear the disconnect between policy and lived experience.

Overview

One of the key ways I will be making myself visible in this analysis will be through the use of narratives. My goal, with this work is to use my story to tell a story about children's rights in Punjab. My life story, with a focus on my time in India, will be the lens through which I analyse Punjabi childhood. In her analysis of borderlands, Gloria Anzalidua, speaks of the life of a border dweller (Anzalidua, 1987). In sharing her life growing up on the US-Mexico border, she also refers to borders that are not physical. Her experience growing up in the midst of clashing

ideologies and cultures contributes to the woman she is today and how she views the world. Similarly, I will draw on my own experiences as an Indo-Canadian women to present this story as the analytic autoethnography of a border dweller. The narratives I will be presenting will be derived from different aspects of the previously mentioned data; I will be re-reading journal entries and using pictures as visual prompts as a way of creating reflective narratives (Sanders-Bustle and Oliver, 2001). Also, I will be drawing from experiences outside of my trip to India to create a more in depth story of existence between two cultures. The focus of these narratives will vary in accordance with what area of analysis is being approached, but will carry throughout them the concept of being nameless. I am a multi-dimensional person with many aspects to my existence, but bookending this journey is the idea of having no name. I was born without a name and will die without one. What happens in between is that I am given different names in accordance with the context I am in. This middle part, the time between being nameless, is what I will use to address my subject. As previously discussed, post-modernity suggests that reflexive writing creates and recreates the writer. Similarly, in using my many names, I will not only be creating a new name for myself but also be shedding some light onto the experience of children's rights on a global level.

Village girls don't wear jeans

One evening, I was invited for dinner to my uncle's house in Dhilwan, a 5 minute drive from Butala. Tired of wearing traditional Indian clothing, I struggled in the heat and managed to put on a pair of suffocating jeans and a t-shirt. My uncle from two doors down came over and told me to get ready because we would be leaving soon. I told him I was ready, and he didn't seem to understand. It finally occurred to him that I would be leaving the house and attending dinner in jeans and a t-shirt. He left, but not before I registered the look of confusion on his face.

Over the course of my three month stay I learned the value of dressing the same as everyone else. In a village where I was a spectacle enough with my fair, unblemished skin, strong teeth and above average height, I needed to make myself fit in. What started with a false attempt to dress like the other girls in the village eventually lead to more genuine changes. I am not sure at what point it happened, but I woke up one day to realise that I could now walk, talk, dress, and dance like the village girls. To them I was Jassi-didi (sister). It was not something that developed all at once, but was built over many conversations that would seem meaningless to an outsider. At times when the electricity was gone, and the heat enclosed in the walls of the house was unbearable, I would take a woven bed and put it out in the lane to catch some air. The girls would join me one by one and we would sit fanning ourselves and cursing the ice cream guy for not showing up on time. These are the moments that I pinpoint as building a relationship with the girls of Butala. Jassi-didi was indispensable to them, and their life stories were jewels to me. If the electricity did not return for hours, we would sit there telling jokes, stories, songs, riddles, or simply marvelling at the strange tales Jassi-didi would share about Canada. Anyone walking by would sit down for a few minutes, or share a story before they left. There was never any point or destination to these conversations, but they taught me more about life in Butala than any picture or notebook full of observations. Those conversations in the lanes were a safe haven where I could ask questions without judgement and share fears without hesitation.

At some point, I really became Jassi-didi as the village girls saw me. I limited my wardrobe to four Indian suits that I would wash and wear alternately. I did my laundry by hand every morning and learned how to use a gas stove without lighting myself on fire. I changed the pace of my own life and forgot to check the days off in my calendar. Sometimes in the evening, I would walk with my cousins to their fields to feed the cows and collect milk, and none of it seems strange or distant. Near the end of my stay in Butala, one of the village boys married a girl from Delhi. Rumour had it she was from high society and did not know the ways of the village. The village women even informed me that she would wear jeans at home. Her husband's house was on the way to my cousins' fields and from that day on, when we passed it I would always look in through the door to see if I could see the strange girl who wore jeans in the village.

Data Analysis

Butala: the breakdown

The village where my father was born, and where I spent the bulk of three months living is Butala, Punjab. It is predominately made up of farmers and located on the banks of the river Beas, one of the five main rivers from which Punjab gets its name. Because of its proximity to the river's edge, the original village used to be subject to natural flooding which was damaging to all the residents. As a result, the entire village picked up and shifted a few kilometres away from the river's edge. Current day Butala is an organized recreation of the original. When the move happened, the village was reset into a main complex of houses that are built on five lanes running north and south intersected by five lanes running east and west. This act sets Butala apart from other Indian villages. It is more organized and most of the lanes are wide enough to allow tractors and cars through. Outside the cluster of homes is the land that belongs to the members of the village. To further prevent flooding, a dirt wall over 70 miles long was built to keep any water that did move towards the village at bay. Despite the precautions put in place against natural flooding, there is the constant risk of flooding due to a release of water from the man made dam that was built about 50 years ago to harvest the power of the river.

At present the village is home to about 400 houses and families. Although a mix of castes and classes live in Butala, the main source of income remains farming. Farmers, by virtue of being land owners, are considered higher up in the social hierarchy and are wealthier. In recent years alongside farming, emigrating to wealthier countries has become a career option for the young men of Butala. From an early age, cultivation of skills through school and home is now being targeted at finding a way to move to another country and send money back to help run the

village home. My own father was a pioneer of this movement, as a result of which I am a first generation Canadian.

Butala is the epitome of a rural village in Punjab. In a country that is progressing at the phenomenal rate that India is, village life in Punjab is a strange preservation of Punjabi culture encapsulated in mud walls. A major city outside of Butala is only a half hour drive away. It has movie theatres, Pizza Hut and Harry Potter books, but step into the village and there is stark contrast. A popular Punjabi Singer reminisces about his childhood in one of his most popular songs.

My childhood has gone, as has my youth,

A very important symbol of life has passed me.

The memory of the lanes of my village haunt me

The memory of the lanes of my village haunt me²

In his nostalgia he sings of Punjabi traditions lost to the past including vendors shouting in the lanes, churning butter milk by hand, swimming while holding on to the cows, speakers posted on Gurdwara walls, and games played with the neighbourhood children. Having lived in Butala, it is evident that none of the romanticised notions of his childhood in the village have changed. His descriptions of old village life could easily be applied to Butala in past or present.

² Gurdas Mann, personal translation

Heat, flora, and fauna

Living in Canada, I have often found myself turning to a television channel to find out what the weather is going to be like, or only stepping outside to trek to and from a closed off building to my car. On any given day in my life in Canada, I can talk about the events of my day without mentioning the weather except for idle small talk. In Butala, the elements of the world are like people in your life; they are as real and alive as a person. The heat alone is something that cannot be put into the background of life in the village. The sun, the land, the air are not the backdrop to life activities, they *are* life. The walls of the houses are made out of cement and without insulation. There is rarely a temperature difference from outside a room to the inside of one. Lack of air condition or proper heating also means that the air inside cannot be manipulated to create a false comfort zone. Also, it should be noted that I use the term 'inside' loosely. My house, like many others, is not roofed off for the most part. There are a few rooms where there is a ceiling overhead, but being inside your house is still being outside. Thus there is no escape from the elements. What few fans there are only work when there is available electricity which during the summer months is a rare concept. Everyday life is carried out in sync with the weather. Rain means flooding which halts most activities. Too much sun means working early in the morning and later in the evening with a break in the early afternoon. Schools are mandated to let children out an hour earlier in the summer hours to keep them safe from the heat. Even my own work as a researcher was heavily influenced by the amount of flooding, the temperature and the time of day. Coming from a country where rain is a mild inconvenience at its most influential, I very quickly learned to pray for rain as it was the only relief from the 40 degree heat and lack of electricity.

Not only are the elements of nature a part of the soul of life in Butala but so are the plants and animals. Spending everyday with farmers I very quickly picked up on their Punjabi. It was very common to hear plants spoken of as if they were alive. Rice was a huge focus of the farming at the time of year when I went. In order to grow rice, the fields needed to be flooded and when the water dropped below a certain level, a family of farmers could be overheard saying the rice was “asking” for water. At night time, if you brushed up against a plant, you could be easily accused of waking it up. I heard children being scolded “how would you like it if someone woke you up from your sleep?” It was not uncommon for a family that spent every day working with plants to see life in their existence that mirrored their own. Finally there were the animals and insects whose presence cannot be justified in writing; it can only be experienced. Similar to the weather, the presence of walls had no affect on the prevalence of bugs and animals. Mosquitoes, flies, ants, frogs, lizards, bats, cats, dogs and cows were amongst the regular visitors. It did not take long to realise that although mosquito nets prevented what little natural wind there was from getting to your bed, they also stopped a slew of other things from getting in; a worthwhile investment.

Electricity

Electricity is worthy of mention on its own because it mirrors a lot of government processes and how they affect the everyday life processes of the people of Butala. Electricity for the most part is generated through dams in Punjab. It is in high demand in the summer as it is needed to pump water into the rice fields and to power the industrial strength fans that are never unplugged during the summer months. Unfortunately, with the immense heat, the levels of water drop as does the amount of available electricity. This leads to a system of roaming blackouts. Each village is supposed to have a predictable schedule of electricity blackouts so everyone has

enough electricity to function. For example, the water in most houses in the village is pulled from underground by an electric motor and stored on top of the house in a big container. When a tap is turned on, the water comes down by the force of gravity until the container is emptied at which point the motor needs to be turned on again to refill. Logically in the absence of electricity families run the risk of not having water for drinking, bathing, flushing etc. Lack of electricity also leads to food spoiling for those families that have refrigerators, men not being able to set and style their beards with electric equipment and women missing their mid-day Punjabi soap operas.

In theory, the system of roaming blackouts should provide for everyone adequately, but with corruption being a staple of the Indian political system, going a 40 degree day without a shower, cold water, ice, or a fan can be a regular occurrence. On a day that a political figure is to visit a village, there may be electricity all day, and on a cooler 25 degree summer night, a village may be left with no electricity at all. The supply of electricity to the inner village is different than that provided to the motors that pull water to nourish the crops. Sometimes that electricity is only turned on at 11:30 pm for an hour so that farmers must wake up at night and travel in the dark to their crops to let the water on. For those families that can afford them, diesel powered electricity generators can provide some relief during the day, but for the most part the people of Butala learn to sleep in immense pools of their own sweat.

Us and Them: perpetual dichotomies in identity

As previously mentioned, each part of India has its own characteristics which provide for as many different contexts for childhood as there are children. Guha (2009) states that, “we are a unique nation-unique for refusing the reduce Indian-ness to a single language, religion or

ideology; unique in affirming and celebrating the staggering diversity found within our borders (and beyond them)” (Guha, 2009, p. 41). As a result of having such intensely complicated layers of identity within one nation, negotiating a position within a group of people involves more labels than it would in Canada. In the local newspaper for example, there is a matrimonial section where elders in a family or community can post information looking for prospective mates for their young. This is not uncommon considering the long standing tradition of arranged marriage in the region. In this newspaper, which is specific to the region of Punjabi I was in, there were 14 regular sections of castes and classes. If you were in the market for a mate, you did not have to read the whole matrimonial section but could skip right to your choice of religion, caste, physical ability and previous marital status.

A clearly defined identity based in dichotomous abstracts is a matter of survival in Butala. In the school system, free books and supplies are provided to the children from families of lower castes, regardless of their actual income and status. In a place where allocation of resources is contingent on labels, knowing where you fall is essential. It is not uncommon for people to ask you what caste you are in a less than subtle way. My own identifying characteristics varied from the international right down to the tiny micro universe of my home in the village. I was a Canadian, of Indian decent, from Punjab, in the Doaba region, from the village of Butala, from the second lane. Each label that I possessed was also a declaration of that which I was not. Not only were these characteristic related to spatial segregation, but I was also a woman, a Sikh, a student, a daughter amongst other things. In a specific incident I recall going to the doctor and being registered as patient Jaspreet (Canada), daughter of Inderjit. Everyone was called forward to examinations by their name and the name of their village. Instead of registering me as being from Butala, the medical records stated my village was Canada. My dad, not having

been to a doctor's appointment with me in at least 10 years was suddenly a part of my medical consultations; I was expected to be the daughter of someone.

Baar- the outside world

One of the more recent dichotomies of identity that has become a central force in Butala is that of insider and outsider. As emigrating to richer countries to make money has become a real career option for the young men of Butala, the village has recently seen a shift in the amount of people no longer residing in the village. People who live in foreign countries for extended amounts of time or, like myself, are born outside of India, are referred to as being from *baar*; literally translated meaning outside. Those who are from the outside world become homogenized into a group of people who are assumed to be more fortunate, wealthy and willing to give more. The increase of money flow into the village has made it so that outside finances are a significant part of the functioning of Butala. The local public school, for example, was renovated and maintains their playground with the money from a Butala man living in Dubai. The local Gurdwara was completely torn down and remade from money collected mostly in Canada. There is even a business man from the outside world who regularly gives lump sums to the widows living in the village. People who leave Butala are expected to send most of their money back to their family in the village, and if there is no family, the connection to the village is expected to be maintained. The everyday conversation lends itself to speak of people who are outside, and to speak of leaving the village is as common as to speak of taking on the family farm. Children take English courses to increase their chances of leaving the village for schooling, girls marry men who fly into India on a whim to find suitable brides, and young boys only attend to school half heartedly having been told that you don't need an education to be a truck driver abroad. This dichotomy of insider and outsider becomes central to village relationships, politics, economics

and childhoods. It is driven by necessity and is not questioned, but life in Butala keeps adapting in its wake.

One of the biggest identity labels that affected daily life in the village for me was that of being Canadian. Being a Canadian in Canada does not have seemingly obvious affects everyday. With multiculturalism and elusive cultural standards, what it means to be Canadian can often go unaddressed in all its ambiguity. However, everyday that I was in India, I was intensely conscious of myself as a Canadian person. I wrote in one journal,

Being Canadian in an India context is a position of honour. People will walk on eggshells around you and be kinder. They will try to rip you off and figure you out. For the past two and a half months I have been walking around keenly aware of my Canadianess. I wear my foreign status with pride and use it to my advantage. This thinking has poisoned my ego and my spirit. I am no different from the people here yet I am millions of miles away.

As a Canadian I was never really granted full member status in the village. I was honoured as guest, and even though I came to live with everyone in the village, I was still separated. Even when I found comfort in finally dressing and walking and speaking the village way, my fair skin and apparent health always made me stand out in a crowd.

Education

One of the main focuses of my stay in India was to observe the dissemination of human rights information through the education system. As a result of this I spend a significant amount of time in public, private, village, city, primary and secondary schools. One of my biggest errors and assumptions about my research became apparent to me when I entered the school system. I

had initially gone in search of text. I was looking for articulation of children's rights through policies and school curriculums. In any school in Ontario, or a teacher training institute I would be able to walk in and find endless documentation, policies and curriculum standards. I very quickly learned that text does not have the same value in India that it does in Canada. Schools at the village level rarely ever had policies or documents on site. The technologies for reproducing text were not as prevalent at this point in the education system as they were in Canada. There were not as many printers, photocopiers, typed memos, emails, school newsletters or messages as I was used to. The teacher who ran the two room public elementary school in Butala handed me a folder with a small set of photocopied handwritten statements. She told me they were all the instructions she had been given on how to run the school. The principal of the village public high school produced similar documents. He also added that occasionally changes in school standards would be printed in the paper but he did not keep copies of those. The understanding was that if it was an important enough change, he would have remembered it. I went to teacher training colleges and was not given access to the information used to teach the teachers. The only things I found that standardized teaching in classrooms were the lessons presented in government textbooks.

CRC

Everywhere I went, without fail, I took my copy of the Convention on the Rights of the Child with me. Since I had originally sought to explore the CRC in the school system, I thought it would be a logical starting point to look at the document in government schools. No school, in, near, or associated with Butala had heard of the Convention or its principles. I watched as my copy of the convention was used as a coaster for drinks, a fan to keep cool and generally used to swat flies away. No person in a position of authority within the school system looked over or

gave the Convention a second glance, and the conversation would quickly turn back to my questions about the general school day. There were a few key places where the convention was not a foreign document. Not finding any leads in Punjab, I ventured to Delhi, the capital of India and met with non-profit organizations that targeted children's rights. There were a few key places where I met individuals well versed in the articles of the document and even heavily involved in the reporting procedures. Back in Punjab I met with the Child Development Program Officer, who was extremely helpful and gave me unlimited access to her small filing cabinet of papers. In her collection, I found a rare jewel; a handwritten scrap of paper with the principles of the Convention written on it. She had taken notes years earlier when someone had informed her about the CRC. Although she never included them in her planning, I had found some written indication that the CRC had made it to Punjab in some form. As word spread from Delhi onward that I was in Punjab looking for anything to do with the CRC, I found my last and most prized textual document. Close to the time that I was about to leave, I was graciously presented with the Punjabi translation of the UNCRC. A doctor who worked with NGO's in Punjab had been a part of the translating process and had a few minutes in her day to speak with me and offer me a copy. She was situated in the capital of Punjab, 4 hours from the schools in Butala.

Corruption

In India the idea of social justice is a concept that faces opposition on many levels. Living in Canada, like many others, I was under the illusion that concepts like peace, justice, and equity were real. If anyone tried to mess with my ideas of reality, I could call the police or I could deal with it in a court of law, there was always someone to be accountable to. Remove this accountability and you have the chaos that is life in Punjab. There is a certain acceptance of no one following the rules that is understood by everyone and allows the world to keep functioning.

I met teachers who were two years from retirement so had already stopped teaching. They would go to work and simply not teach the students because of their high position in the scheme of things. Policemen are known for taking bribes and traffic laws are nearly nonexistent.

Everywhere there is official work that needs to be done requires a bribe. On every level of the government system, there is dysfunction related to corruption. Having lived in the corruption of Punjab, the immense human rights violations that the province has become known for are suddenly brought into context. When the idea of accountability is forsaken, it's understandable how people can turn on each other for survival.

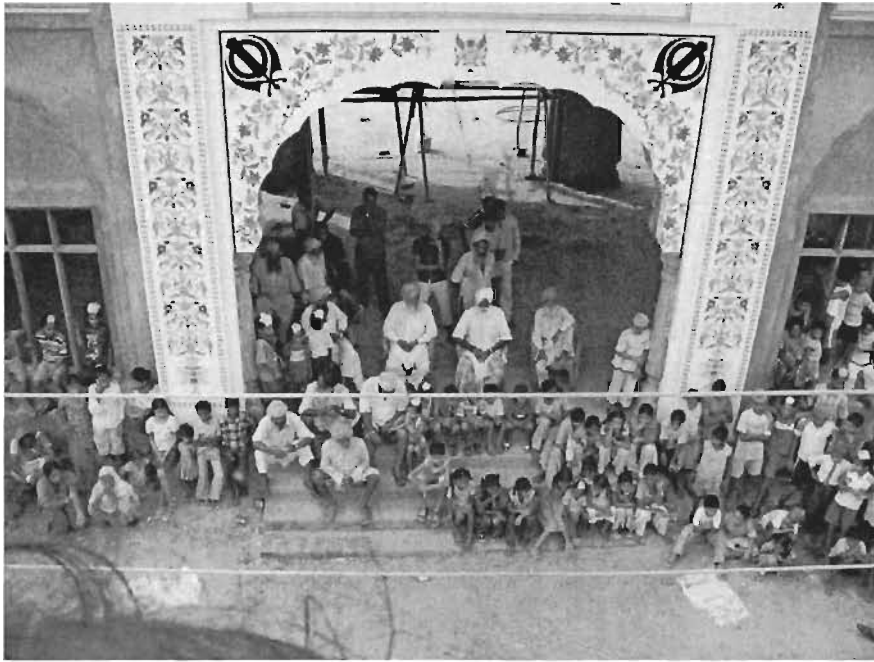
Gurdwara as an institution

Sikhism, a religion started over 500 years ago, is most prominent in Punjab. Butala, like most Punjabi villages has at its core, a Gurdwara, or Sikh place of worship. Being raised in a practising Sikh family, I thought I understood what it meant to have Gurdwara be at the core of your existence. My younger years were spent going to the Gurdwara in Brampton multiple times a week. We had Punjabi classes, music classes, life and death celebrations, politics, blood drives, food drives and charity events at our Gurdwara. Compared to the function of the Gurdwara in the village, the most I can say now is that the Brampton place of worship is the equivalent of a community center. In one email I recount,

In the village, the flow of life is interwoven with religion. Religion is not a choice. You do not choose to believe in God and therefore pursue spirituality. It is a part of the everyday life. The Gurdwara in our village, like in most Punjab Villages, is a community based institution. There are loudspeakers in all four directions so that every morning at 4 am, the prayers start and can be heard by

everyone in the village sporadically throughout the day until 8 pm, when the final prayers are recited. You cannot close your ears to the sound of the prayers and no one considers it intrusive. One of the two pre-primary centers of the village is run in the kitchen area of the Gurdwara, and the local high school gets their dishes for their government provided mid-day meal, from the Gurdwara. Every evening, the girls and I get together and go to the Gurdwara for the evening prayers. God, and religion are so solid that no one questions their existence. It would be like asking if the school system was real, or if you believed in education. It is so organized and intertwined with everyday life that it is almost as if no one sees it anymore.

The services provided by the Gurdwara were never entirely specific to religion. By virtue of the loudspeakers in place, community announcements were regularly made on system. One evening, when the water levels from the river were getting dangerously high, a voice came up on the speakers asking everyone who had animals by the river to bring them in for the night. Near the end of my stay, the Gurdwara presented itself as a place to present the local circus (a three man show with dismal effects). I found as I spent time in the cities and urban areas of Punjab that the Gurdwara was of little significance there. In certain areas it was treated solely as a religious place of worship and visited to pray or on special occasions. In Butala it was literally situated in the middle of the village and was central to life.



Gathering for Circus at Gurdwara

Girl Culture

One of the many titles that I was honoured to hold while staying in Butala was that of a village girl. I was not considered a woman, as no unmarried girl that I met was given that status. As a result, I had all the same privileges and expectations that any other girl in Butala had. This meant that I could dance in the rain behind closed doors, but it also meant that I always had to tell an accountable male before I went anywhere. Some of the insights I got into the semi private life of the world of Butala girls challenged my personal meanings of what it means to be a woman. I was initially expecting an extremely evident split between genders in the home environment. While it was true that the roles of men and women differed in the village, I found the amount of responsibility shared to be the same. Women in the house worked as if it were their job not their role or responsibility. It was a respectable job to run a house. These women

still voted, were politically active, spent money and lived outside their houses. The daily work they did for the house was equivalent of the work the men did out of the house. In most cases there was no division in income, because an entire family would have an income; no one person worked more than another.

Once I stepped into the realms outside the village home however, I found the gender discrepancies that I had been cautioned about. The place where I had least expected to find blatant double standards against women was where I found some of the most; the college closest to Butala. A few young girls from my village and surrounding villages now have the privilege of attending post secondary education. This college makes every attempt to let in young girls from all economic backgrounds. However, once you enter the school there is no air of liberation or equality. There are separate areas for the boys and girls to rest between classes. The boys' area is an open park like space as soon as you enter the gate of the school. They can see everyone, male and female, coming and going. The girls area is situated further back in the school and surrounded by an eight foot wall. As the girls that I know to laugh and talk in the walls of my house walk into the school grounds, they lower their heads and have somehow mastered the ability to walk without seeing where they are going. Girls are not allowed to wear jeans or pants to school, even if they wear them outside of school. At the college they must dress in traditional Indian clothes. One girl shared a story of her friend bringing a photo identification to register herself for college classes. In the picture she was wearing her hair down and not in a braid. The professor told her to go home, not forget her culture, and come back when she had a more appropriate picture.

Regardless of the context, I found girl culture in the village to have its own set of rules, as did any other culture. College girls shook hands when they met each other. Girls very seldom

talked on the phone, but could spend endless hours on a hot day talking about nothing. When the electricity went and the walls confining the house were stopping what little wind was blowing, the girls and I would often take a woven bed and set it out in the lane between the houses. We would take hand held fans and sit out in hope of catching a breath of air. It was during these moments that we would just be, without any agenda. Telling jokes, stories, or just mumbling about nothing in the immense heat formed the bonds that allowed these girls to let me into their existence.

As a thank you for all the time I had allowed the girls to play at my house and the endless hours spent talking, they arranged a get together at my house. During the rainy season in India, there is a festival devoted entirely to women called *mela teeyan da*. In one song describing the atmosphere, the writer states

The month of Savan and the festival of Teeyan has arrived,

Makeshift swings have been tied onto the branches of trees,

Sisters gather together and say to each other,

Come and have a swing, the swing is calling out to you.³

On the day of this festival, the younger girls of Butala, threw me a party at my own house. They each pitched in 10 rupees (about 35 cents Canadian), bought decorations, and gifts. Music was brought in, they all dressed in traditional Indian clothes, and played out song and dance sequences that they had been rehearsing. I in turn supplied the food and soon word spread throughout the village and women of all ages showed up at my house. What I had the honour of

³ Manmohan Waris, personal translation

seeing that day was women gather together to celebrate being women. All the music, the dance, even the panic over not having enough sweets to offer everyone, was spurred from a culture of girls that had paused their lives to celebrate themselves.

Birth and Death

On a ridiculously hot August evening, at 6pm, the villagers of Butala were blessed with rain. It was not rain as we know rain to be in Canada, it was intense, cooling the earth, washing the sweat off your forehead, relief in liquid form. Since I had my village house to myself, it had become a favourite hangout of the younger girls in the village. In the security of my walls, they joined me that evening and we danced in the rain away from the prying eyes of the old village men and women. Fully clothed, with plastic bags on our heads to protect our hair, we ran around until we could no longer remember what the heat of the summer felt like.



Kamal, one of the girls from the first lane in the village joined us that evening. While we were dancing in the intense rain and wind, Kamal's grandfather was driving back to the village on his

scooter. Caught off guard he kept on driving, trying to make it back to the village. The same rainstorm that had his granddaughter dancing in my house, ripped a branch off a tree and launched it at his head; she continued dancing while he died on the side of the road.

The rain stopped, and the girls returned to their homes. No sooner had I changed into drier clothes that one of the girls came back and told me that Kamal's grandfather had been walking when he was hit by a branch; she didn't know if he was okay. When I went to my aunt's house two doors down for dinner, she told me that Kamal's grandfather had died after being hit by a branch while driving. By the time I returned from the Gurdwara at 7:45, the little girls from the village were back at my house giving me all the details of the story and telling me how they had been to Kamal's house and seen her grandfather's body. They said Kamal was mad with tears and there was blood in her grandfather's hair where he had been hit by a branch. Word had already been sent to his son in Dubai, and he would be back to the village by tomorrow for the cremation. The village communication system was effective, and the reality of what had happened was not hidden from the children. There was no funeral home that came in, took the body away, painted it to look alive and leave the family in denial. The face of death was plain. The body was to stay in the house, and children were not discouraged from knowing about it or looking at it.

The same cannot be said about the other end of the life cycle. For the time that I was in the village, my cousin's wife was pregnant with her third child. Her pregnancy was treated as what I understood to be an illness. She did not talk about it, she would barely leave her house for the shame of it, and it was never explained to her existing two children what was going on. When one of the village girls asked an older girl about the pregnancy, she was scolded and told to be

ashamed for even asking. Pregnancy, much like menstruation, was treated like a dark part of a woman's body; something to not be talked about or exposed to children.

Butala in review

Regardless of the varying circumstances, everyday in Butala taught me something new about life in the village and encouraged me to look at my own life in its' context. What became apparent was that the lanes of Butala were in no way the reality I had come to know in Canada. Rights in Butala would not be easily defined or structured on the basis of United Nations documents that were being lost on the way down to the children's worlds. It did not make sense that in a village with limited text and a large spectrum of uncontrolled child centered spaces, a textual summary of human rights could be applicable. Once again, Butala humbled me into setting aside my notions of text and reality and being open to the lives of those around me to search for meaning.

Mission impossible

During one of the rainiest weeks that summer, I had the chance to live in a small community outside of Amritsar. The family I stayed with ran a high end school and provided me with a wealth of luxuries during my stay including an air conditioned bedroom and imported fruit that was not in season. The sudden flooding that attacked the poorly organized streets made it really hard to travel around the city, but I had the chance to hit up a few key institutions nonetheless.

One event that sticks out in my mind was a visit to the local university. The college that I had been affiliated with to help with my research was associated with this larger institution, and the principal of that college had set me up with contacts in the sociology department. After months in the village, I was excited to be roaming the halls of a university again. I dusted off Jazz-preet and took the five rupee rickshaw ride to the grand gates of the main building. I had called in advance to make an appointment and I had arrived well in advance in case I had trouble finding his office. I walked amongst the university students and recognised the familiar feeling of not being the odd one out. I asked for directions in English and received replies; I was home! After a confusing 20 minute walk around the huge campus I eventually found the office of the professor I was looking for. I sat under the one slow fan in his office, still sweating from my trek around the university and began explaining my research to him. I knew that as the head of the sociology department I could talk to him about my methodology and research and once again engage in the creative back and forth that I loved in the academic world.

Jazz-preet struck out again. In no way does sociology mean in that university in Amritsar mean what it means at Brock University in Ontario. For one he used the terms 'child rights' and 'child labour' interchangeably. He convinced himself that my research was a grand comparison of child labour laws pitting India and Canada against each other. "Do you actually think you are going to be able to compare two countries like India and Canada?" he asked. Within less than 10 minutes I was standing outside his office with the name of another sociology professor who might be of more assistance. Confused by what had just happened, I made my way over to this second office. I was greeted by a lady who had had no idea I was coming but cleared some room in her office for me to sit down. Jazz-preet once again launched into an explanation of her work, but with more hesitation this time. She asked me where female foeticide fit into my research. That was her area of writing. When I told her it didn't, she told me to go to the sociology departments' library to try and find the information I was looking for. Jassa wanted to clarify the situation for these two professors in the only way she knew how, but as I have mentioned before, Jassa has never been too good with words. I took what little self-restraint I had left, walked out of her office, past the library and off the campus grounds. I spent the rest of the day shopping and visiting the wealth of religious institutions that Amritsar has to offer.

Discussion

CRC rights in Butala

What can be seen at this point is that there is a discrepancy between the idealised version of rights created at the international level and the lived experiences of children in multiple contexts. The original aim of my research was to map out and analyse the dissemination of the Convention from within a top-down hierarchal government. I wanted to look at how schools and the education system in particular were used as a means of dispersing the document. One measure of whether or not rights as stated in the UNCRC were being acted upon was through article 42. This article states that ratifying countries will attempt to make the Convention itself widely known to children and adults alike by appropriate and active means. It was therefore implicit that if the convention was being used successfully, children and adults alike would know about it. What soon became evident was that this was not the case in Butala. No one had so much as heard of the convention save one piece of handwritten paper and a long sought after translated copy of the document. The bulk of officials that I met with who worked with children, teachers, institutions, and government officials were introduced to the CRC for the first time when I brought it to their attention.

From my review of India's concluding observations, I knew going into the country that there were many human rights violations, but I was not prepared for a general lack of knowledge of human rights documents. At the top end of the hierarchy, the capital of India, there was a plethora of organizations that knew the Convention, and were involved in its recreation. Further down the scale, in the capital of Punjab, was where I found people had taken the time to translate the Convention into a known language. At the regional level, the Child Development Program Officer had a handwritten note about the document, and finally, in the schools in my village,

there was no acknowledgement of its existence. I saw that it was not possible to map out the internalising process of the Convention in India and especially Punjab in an attempt to account for violations of children's rights. This is why there is now a shift in my discussion to looking at *why* the rights created by organizations, institutions and systems have not touched the lives of the children of Butala. What I propose is that anti-humanist systems cannot and do not care for the people that compose their very environments. Where children can have and realise rights is in the political spaces they create for themselves as singularities in a multitude.

Luhmann: a look at systems theory

As previously mentioned, Luhmann's system theory discusses the way in which society is organized through abstract systems. Most recently, society was composed of groups of people and organized using vertical hierarchies. In contrast, systems theory is anti-humanist and sees that society is no longer centered on minds and bodies (Moeller, 2006). Instead there are a number of self-creating systems that are made up of sub-systems of life, communication and consciousness. This trinity of mind-body-communication creates the environment of systems. Humans are split into these three categories, but as whole beings have no place in the system; they are simply part of the environment. For example, the self-referential legal system needs physical bodies to carry out its tasks, communication to recreate itself, and interactions amongst people to create networks. However, the legal system is not *made up* of humans. They are simply part of the environment, the same way a fish needs water, the legal system needs the minds, bodies and communication of humans to exist.

One of the key elements of this theory is that the systems are autopoietic; that is to say they produce themselves (Luhmann, 1997). The term originally comes from biology referring to

cells that reproduce themselves. Today, systems are social in their structure. They define themselves using binaries; they *are* defined by what they *are not*. With the collapse of vertical systems, the random circumstances arose that allowed for the creation of the systems we see today. The key to understanding systems without hierarchy is to recognise that there is no superstructure. Systems such as economy, politics, law, religion, and mass media are not run under a giant overarching international structure. They are parallel to each other. They can influence each other but cannot make significant changes to other systems. They are operationally closed off (Moeller, 2006). Some systems are tightly coupled, but they still cannot use each others' mediums. It may seem, for example, that politics and economics are very close knit, but politics cannot use codes such as money, stocks, and bonds to create themselves. They are still closed off to one another.

Society, as it is at this point, is a series of functionally differentiated systems (Luhmann, 1994). Historically societies have been either segmented, centered, stratified or functionally differentiated. The dominant form of dividing a society has arisen from random circumstances. It may seem that there is a natural hierarchy within functionally differentiated systems, such as that of the system of economy over the system of religion. According to Luhmann, this is only because the communication that the economic system uses is more uniting than that of religion. For example, a key communication of the economy is through the use of money, and religion through faith. Humans, as the environments of these systems are more actively engaged in the communicative medium of money than faith. Also, humans cannot communicate, only communication can communicate. Two people talking to each other only have access to each others' words, their minds and bodies, stay outside the equation.

Systems are bound by function not space. Now that the phenomenon of globalization has dominated, functionally differentiated systems have become global. Politics, economy, law, and religion, no longer use regional or national boundaries (Moeller, 2004). In the midst of this systems theory we find the United Nations Convention on the Rights of the Child. It is a key example of how space is not a factor in systems. The CRC is law in both Canada and India, as it uses the legal and political system in both countries. The convention is, in essence, as non-human as Luhmann's theory would suggest. It is tied into multiple systems and communicates with their codes. The two main systems that the CRC corresponds with are the legal system and the political system. Luhmann also clarifies that if systems know no boundaries across the globe it does not mean that they have the same affects everywhere. The patterns produced by these systems are based on the region in which they are expressed. This is why we can see that the CRC has as many outcomes as it does contexts. Also, the CRC is autopoietic in the truest sense. Because of reporting procedures and documents produced by obliging state parties, the CRC continually communicates with itself. Every reporting period, new reports are submitted that re-create the Convention.

So where do humans land in an anti-humanist theory based on abstract systems? As suggested before, they are a part of the environment of the existing systems. Similarly, identity also becomes split into these domains. Outside of these systems, there is no identity. Humans are included and excluded from systems on a mass level. Even those who are labelled as poor, or illiterate, or not politically active are given such titles with reference to their position within these systems. To be oppressed, the human is oppressed by the system. To be outside of a system of education or economy, is to be beyond or excluded from oppression. There is then a tendency to wonder what can be done in the face of such systems. Luhmann does not provide an answer;

rather he clarifies that systems cannot be steered or changed by humans or other systems (Luhman, 1997). The systems came to be out of random circumstances that humans had no control over, and continue to morph in the absence of any human steering. His theory is a commentary on the current state of society and in no way proposes a solution.

The multitude

With Luhmann's anti-humanist approach to society, it is difficult to place the experiences of being in the mind and body. Luhmann deals with the abstract world of systems, where mind, body and flesh are not at the center. As an alternative we might look at the concept of the multitude. A philosophical concept originally taken from the work of Spinoza, the multitude is a generally new category of political thought. The multitude accounts for the actual and potential power of human life force.

the *multitude* indicates a *plurality which persists as such* in the public scene, in a collective scene, in collective action, in the handling of communal affairs, without converging into a One, without evaporating within a centripetal form of motion. Multitude is the form of social and political existence for the many, seen as being many: a permanent form, not an episodic or interstitial form. (Virno, 2004, p.21)

The multitude takes on the task of explaining the potential of the many, but not by defining them as people or masses. The concept of the 'people' is homogenous and is in the favour of the state; the multitude is anti-state and anti-people. It is important to note however that the multitude does not reject or get rid of the concept of the One, but rather, redefines it. The concept of people

moves from the many to the One and the multitude moves from the One to the many (Hardt and Negri, 2004).

At the core of this political concept is the common feeling amongst the many of “not feeling at home” (Virno, 2004, p. 34). Whereas not feeling at home was once considered an alienating feeling, it is now a sensation common to the human experience. This permanent and irreversible feeling of fear and danger unites the multitude and stands at its core. Another uniting concept within the multitude is that of a general or public intellect. In linguistics for example, there has been a shift from needing context specific words and language, to valuing the ability to use the general tools of language to be able to communicate in any context. Also, in hegemonic forms of production, there is no longer a need for specific skills so much as there is a value for flexibility and communication in multiple areas. In the political era of the multitude, the mind, common linguistic structures and general intellect become public (Virno, 2004). Considering this common public existence as the core of the multitude, it is from this point that the many begin to diverge. In this sense the multitude redefines the One and moves towards the many.

The multitude is also a class concept. Within the multitude and in this historical moment, social production is based on knowledge and language (Hardt and Negri, 2004). There has been a shift from industrial labour as being dominant to immaterial labour as now being at the forefront. There has been a tendency to see the human experience as broken into labour, political action and intellect as three separate categories; once again these boundaries are dissolved. For example, as an element of intellect there is a type of performance with no end product. The act is itself the end, as in playing a piece of music on the piano. Similarly, engaging in acts of communication is almost always performance. Communication becomes the basis of the dominant forms of labour in post-fordist society as described by Virno. For example, a journalist,

a priest, a teacher or a public relations representative cannot be measured by the end product of their work. Their work is like performance. Instead of playing a score like a pianist, the score now becomes the general intellect of the multitude. Professions like these require skills much like those required in political processes. We now move further away from machine production towards linguistic and communicative production. In many work settings, the acts dominated by linguistics come to the front and center. Also, work time now extends to the entire life. If work is performance, and all acts of life tie into that performance, then work and production of immaterial labour does not know time boundaries (Hardt and Negri, 2004). This is not to say that production based on knowledge and language is quantitatively dominant. In fact most of the world still engages in traditional forms of labour. However, the dominant powers and methods of production are taking on this form.

The dominance of immaterial labour can be seen specifically in the agricultural industry. Family farms outside of mass production used to be self sufficient functioning units (Hardt and Negri, 2004). Villages, networks and families had everything they needed to survive within their agricultural lifestyle. The goal of their production was to satisfy their own consumption. Entire communities were economically independent. With the onset of agricultural industry there were huge shifts in land ownership, the scale of production and consequently the lifestyle of the peasant or farmer. There were now fields that worked like factories and technologies like the tractor and irrigation systems came to the forefront. Moving beyond this even further, we can see now that farming relies on communication and information. What was a need for a tractor, now shifts to the need for a designer seed, or a biochemical innovation, or artificial lighting. The people who invent, patent and control these technologies do so from a position of power. Their jobs are immersed in language, performance, creativity and information (Hardt and Negri, 2004).

Although in quantity agriculture is dominant, immaterial labour becomes hegemonic in the age of the multitude. The goal of this form of production then becomes to transform society in its image.

The basis of the multitude is in its potential for political action through the many. It only exists when it has a political project. The multitude is not One essence like 'people' or 'the masses', rather it is a network of individuals that stems from a common place (Virno, 2004). At the level of one-ness in the multitude there is language, production and the biological basis of the species. As they move away from this away from this, humans become the singularities that form the multitude. The multitude inherently implies plurality; the many. When the multitude is politically active, it is not as one unit, but rather as a number of singularities acting in common. As a force of singularities, the multitude cannot be dominated and has unlimited potential. This pure potential is elusive and horrifying for those in positions of power. The process of becoming is always a work in progress, it is never entirely concluded.

In the multitude, the expression of rights is also very different than in abstract systems. Rights are not granted or handed down to individuals. They are produced by the common, through social communication and in turn, they produce the common. Free and open communication, not bound by legal frameworks, rights are part of the actions of everyday experiences. The individuals that are the many, interact everyday with their minds and bodies, in their linguistics and labour production. Their potential for political power and realisation of rights results from their actions as singularities (Tarulli and Skott-Myhre, 2006). In this sense, the rights of the multitude are outside of abstract systems.

Canada and India

After I travelled the world in search of comparison for these two countries, I found that all I can really know is me. If you arrive at this section looking for a grand comparison of two countries, it will not be found. All I can really know is myself, but by virtue of being a border-dweller, that process can provide insight to two very different contexts. My life in Brampton, Ontario and Butala, Punjab provide for two extreme conditions in which the UNCRC is law. What I offer now is a comparison of two different contexts that I have come to know through myself. For the purpose of this section I refer to those two places I have come to know as Butala and Brampton. My goal is not to make general statements about two countries, as with a country as vast and heterogeneous as India, this is near impossible. I will not even claim that what I say about Brampton and Butala is true for all the individuals that occupy those two spaces. What is possible, is to see the affects and patterns created by the Convention on the Rights of the Child in two different life settings.

To varying degrees, both abstract systems and the politicised multitude are visible in Butala and Brampton. Both concepts know no regional and physical boundaries. The systems that bring the CRC to be law in Canada, are the same as those in India. The UN ties in closely with systems of law and politics. Both Canada and India function politically as democracies and have similar legal frameworks. In this sense, the CRC works in the same top-down approach in both countries. Similarly, the multitude is composed of singularities that act in common. The inhabitants of both Brampton and Butala share feelings of not being at home, linguistic structures, struggles and intellect. The singularities in both places become part of the multitude.

One of the major differences that cannot be ignored is that Canada is one of the places where hegemonic immaterial social production takes place. In the example that I provided earlier surrounding farm life and its new reliance on information for production, the difference between Butala and Brampton can be mirrored. Whereas Butala was once a self-sufficient and functioning unit, it opened up as agriculture became an industry. The families in Butala used to only produce for their own consumption and they were economically independent. That changed with the green revolution, the increase in pesticides, the formation of irrigation canals, and the use of industrial technologies. Butala opened its doors to big companies, and took little consideration of what was happening to the land in the face of the influx of money. Now there is a reliance on special seeds, imported knowledge and harmful chemicals. The balance of power mirrors the trends in social production as explained by Negri (2004). Brampton and Butala are on different ends of the production spectrum.

Another difference when looking at the effectiveness of systems in the two countries is the importance of text. As mentioned earlier, abstract systems are linguistic in nature. They communicate through codes and language, and differentiate on this basis. When I went into India to look at the institutional use of children's rights, what I was thrown off by was the lack of written words. At the level of the classroom in Butala, there were no government documents, no curriculums, policies or paperwork. In Butala there is a high illiteracy rate, low levels of technology and a general lack of text. There is still an abundance of communication at this level but not in text. The closest photocopier or printer are a walk, a bus ride, and a rickshaw drive away. Although some technologies like cell phones have sky rocketed, text is still one that remains outside of the general interactions of those in the village. In Brampton, life is structured around text. Everything from the curriculum of a child's school to the instructions on how to

build a toy are in writing. Every moment of my life in Brampton can be traced back to text of some sort. Legal documents, television scripts, bills, applications, identification cards, road signs, all stem from written words. In Brampton life is based on text as a dominant form of communication whereas in Butala other forms of communication take precedence.

This absence of text as dominant communication in Butala has significant implications. Text is one of the main ways that systems and humans interact. If I consider how I interact with the media, the law, politics and the education system in Canada it all returns to the use of text. If this element is not as prevalent in Butala, less control is exerted on the habitants of Butala by systems. For example, with schools in Brampton, there are written procedures about leaving children unsupervised. If a child is unaccounted for there are repercussions for either the family of the child or the teacher who should be monitoring the child. The education system dictates, through written protocols, where the body of the child should be and when. How much children should move, be outside, or at their desks is standardized. As a result, the experience of being a child in the education system is heavily monitored and controlled. In Butala, some of the children would go to school when they had time off of planting rice. Others, that made it to school, could be sent outside the classroom to look for firewood. Those that were in the classroom were rarely monitored and received little standardized education. Although there are many reasons for these differences, a main element is the difference in systemic control through text.

What happens in Butala when children, their minds, and their bodies are less constrained by the systems is that more time and space is created for unstructured interactions. These interactions are the basis for realised rights in the multitude. The rights of children at this point exist in two senses. One is in the anti-humanist systems through legal and political structures

such as the CRC, and the other is through the lived experiences of the many. Growing up in Brampton, having my own experience as a child controlled by systems, I was unaware of any struggle to achieve rights as a child. I was so much a part of the system that I was placated into believing that I was living in peace and equality. It is key to remember that the multitude does not come into existence unless there is a political project. When I was appeased by the system, there was no space in my life to be politicised. I had the potential that any singularity in the multitude does, but without the political space it was unrealised. In Butala, with the lack of structure and communication between humans and systems, there is more room to discover the political project. For example, in those countless hours spent on a woven bed in the lane because there was no electricity, there was space for a group of young women to talk about their lives and find meanings. Also, my life in Brampton was a series of being moved between structures spaces. From school to organized play to the Gurdwara and then back home. Once again, the abundance of unstructured time in Butala means that children can move and be unaccounted for and see fresh dead bodies without control by adults or systems. The implication is not that the lives of children in Butala are better than those in Brampton, but that the village provides more political space for children to realise rights as singularities within the multitude.

Human rights movements are usually generated from the people being oppressed. Slaves fight for their rights, women fight for their rights and peasants fight for their rights. What is different about children's rights movements today is that they are not created by children. No children were consulted in the writing of the Convention. This is important because the Convention is then not rights as established by children, but rather state responsibilities as established by states. This does not make them bad or invalid. It is a positive thing for states to acknowledge that to provide health, lack of discrimination, opportunities for participation and to

act in the best interest of children is a profound responsibility. However, I do not think this should take on the guise of children's rights. The rights of children, as is the case with the right of any group being oppressed, need to be lived and experienced in the spaces of interaction outside of abstract systems.

Addressing the disconnect

Returning then to the root of this discussion, I consider the disconnect between the Convention as presented by the United Nations, and its lacking presence in Butala. The Convention on the Rights of the Child is a document entrenched in abstract systems, in accordance with Luhman's theory. It deals in the language and discourses of systems of law and politics. It defines and recreates itself through linguistic dichotomies and textual documentation. It is this very form of communication, text, that does not dominate life in Butala. As previously stated, for a group of people to be oppressed, they must be within the system of oppression. The children of Butala, in their everyday interactions, are at times outside of the abstract systems and their oppression. The CRC does not reach or affect the children in Butala, because they are outside the abstract systems that the CRC uses to define itself. The bodies of these children do not make up the environment of the systems that would otherwise oppress them. Their lives exist in flesh and they are the singularities of the multitude. As I move into more rigorously defined social structures in Punjab, I find more evidence of the presence of the Convention. NGO's in the country's capital, provincial organizations and regional officers all connect with the document in some form. As I move closer to the worlds and lives of the children that I lived with, the words of the Convention disappear. They do not organize the interactions of the children and do not penetrate children's spaces.

Lines on the road

As the morning arrived on my last day in Butala, I was in a mixed state of emotion. The all-consuming home sickness I had experienced had me excited to return to Canada. At the same time, I knew I would be going back a different person. I had found and developed whole parts of myself, and I did not know how I would react to being reintroduced to Canada. I wondered if I would remember how to drive on the right (or wrong) side of the road, how I would deal with having more than 4 articles of clothing, and how I would manage to re adjust to the side of the planet that consumed more than it produced. My heart broke at the thought of leaving the village, yet I rejoiced at the thought of returning to air condition, grocery stores, and reruns of the Gilmore Girls. It was a confusing morning to say the least.

As we drove down that road to Dhilwan that the King had built for his sister, I looked at the lines as they passed the car in a steady rhythm. Those lines on the road were the exact same as the lines on the roads in Canada. In both countries the lines had been carefully measured, mapped out and painted, but the lines only had meaning when they were seen in context. In Canada, the lines served to keep drivers on specific sides of the road. All drivers were required to pass certain tests so they were all literate in the language of the lines. Constant monitoring and systems of punishment meant that even in the absence of being watched, Canadians would adhere to the lines. In Punjab, the meaning of those lines was communally constructed. People would overtake cars in the face of oncoming traffic, four cars would drive where the lines only permitted two, and motorcycles were blissfully unaware of the lines as they weaved in and out of traffic. There was a common understanding of the meaning of those lines so that even police officers did not stop drivers for what would have been major traffic violations in Canada. Because everyone understood these common rules, there were very few accidents on the roads. In the three months I had spent in Punjab had seen two accidents, whereas in Canada I would see at least one every week. Objectively speaking, however, the lines were exactly the same.

This is one of the biggest things I learned about international policy. Objectively speaking the UNCRC is law in both India and Canada, but without looking at it in context there is no way to understand it. In a place like Punjab with high rates of illiteracy and a way of life constructed by life itself, an international document may have very little authority. In Canada, where reality is constructed through words, policies and documents, the outcome can be very different.

I watched the lines until my vision blurred, and I forgot to cry over having left Butala behind. By the time I was sitting on the plane, I could not even remember the heat of the village. After a dreadful flight during which the plane had technical problems and I spent nearly two days in an airport in Birmingham, I returned to a very cold fall in Canada. I went back to my fully roofed, enclosed home and suffered from a lack of natural sunlight. I showered my grandfather with stories of his village, and he rejoiced that one of his most beloved daughters now understood such a huge part of him. I spent the next few months trying to explain to CIDA

why I didn't have my original boarding pass so I could get the remainder of my funding from them, and I resumed life in Canada without missing a beat.

Even as I write this now, I don't know which part of me is most whole or true. Jazz-preet, Juspreet, Jassa, and Jassi-didi are only a few of the names I have been given during this short journey. I can recognize that as a border dweller, I have access to places that are unique. I have come to accept that not only am I part of the many, but that the many simultaneously converge in my existence.

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