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## SOCIOLOGY | RESEARCH ARTICLE

# Hidden hazardous child labor as a complex human rights phenomenon: A case study of child labor in Pakistan's brick-making industry

Mohammad Abbas Ali<sup>1\*</sup>, Mohammad Vaqas Ali<sup>2</sup> and Faiza Abbas<sup>3</sup>

**Abstract:** We examine the phenomenon of child labor in conditions where child labor is hazardous, unpaid family work, and exists in local industries. The overriding purpose of this study is to develop theoretical generalizations that may help comprehend the causes of hidden hazardous child labor in similar conditions eventually leading to effective steps in eradicating or controlling it. We consider child labor as a basic human rights issue and, hence, investigate it as a complex social phenomenon by merging two academic perspectives, i.e. the subaltern tradition in history, and the economic theories of entitlement, capability and function as propounded by Prof. Amartya Sen. We have found that the kiln-workers are invisible to the society. Their marginal existence allows them minimal options for improvement leading to a sense of despondency that decimates their self-esteem to the point where they believe that their basic human rights are negotiable. We conclude that to ameliorate the conditions of the kiln-workers there is a need to create an environment in which they are given the capability to exercise their given legal, political, and economic rights. Finally, we conclude that such an environment can be created through a multi-stakeholders approach spearheaded by the government and supported by unions, and non-governmental organizations.

### ABOUT THE AUTHORS

We are an eclectic group of researchers representing the fields of sociology, management, and industrial relations. We got together because of our overlapping interest in child labor in general and hidden hazardous child labor in particular. The current project is our first attempt at understanding the phenomenon of hidden hazardous child labor. We agree with the argument made by several scholars that hidden child labor is perhaps more prevalent than the conventional child labor as defined and measured by international agencies. Therefore, we intend to use our findings from the current study, which looks at one local industry, to develop larger quantitative studies that may include several local industries with hidden child labor, e.g. mining and quarries, and subsistence farming. The overall purpose is to find reasons of this type of type child labor and develop programs to eliminate it.

### PUBLIC INTEREST STATEMENT

We explore a specific type of child labor in which children work in family work units under conditions that are extremely detrimental for their physical, mental, and developmental wellbeing. For this purpose, we chose the brick-kiln industry in Pakistan. We consider this type of child labor as a complex phenomenon; hence, we attempt to understand its causes from a broader socio-politico-economic perspective. We initiated this work with the hope to find the root cause of such familial yet hazardous child labor and develop suggestions and practical programs to eliminate it. The study, because of its need for in-depth data, was designed as a qualitative work. We have found that the kiln workers represent a marginalized societal group that needs support of several societal stakeholders, i.e. government, NGOs, and union, to achieve adequate capabilities to get out of a vicious generational cycle of poverty and child labor.

**Subjects: Sociology of Work & Industry; Human Rights; Business Ethics**

**Keywords: child labor; hidden child labor; human rights; entitlement theory; subaltern; capability theory**

## 1. Introduction

With the spread of industrialization, it may have been inferred that child labor would eventually disappear from most developed and developing nations. However, child labor is still an issue and its prevalence has increased in many parts of the world (Basu & Tzannatos, 2003). The International Labor Organization (ILO) estimates that there are 168 million child laborers in the world with 85 million of these children engaged in hazardous work. Furthermore, over eighty percent of the total child workers are in developing nations of Asia, Pacific, and the Sub-Saharan Africa (ILO, 2016). The persistence of child labor has resulted in global attempts to eliminate this menace through ILO conventions and global programs under the UN and other international bodies.

We argue that the estimated incidence of child labor does not reflect the number of child laborers in rural settings, informal economies, and situations in which the whole family works, which may far exceed the estimated figures (Edmonds, 2008, p. 3607; Webbink, Smits, & de Jong, 2012). It is further argued that child work can be hazardous in these undetected work settings and the hidden nature of this hazardous child work may enhance the difficulty to understand its causes and the reasons for its perpetuation.<sup>1</sup> Finally, we argue that this type of child labor, in essence, is a basic human rights issue and needs a broader socio-political-economic perspective to understand and resolve it. Therefore, we take our cue from a recent ILO Report (2013) and contribute to the literature on child labor by: providing a glimpse of the problem of *Hidden Hazardous* child labor in a local industry, i.e. the brick-making sector in Pakistan, building a narrative of child labor from the bottom-up and within its socio-political-economic context, and treating the menace of child labor as a basic human rights issue.

To achieve our purported objective of building a bottom-up narrative we have relied on the Subaltern research tradition used in history. Furthermore, to understand the problem of hidden hazardous child labor in its broader context, we apply the theoretical concepts of Entitlements, Capabilities, and Functioning as propounded by Prof. Amartya Sen (1981, 1995, p. 52) and further developed by Prof. Martha Nussbaum (2003, 2011).

The study is organized in the following manner: first, we discuss the theoretical underpinnings of our study. In this section, we discuss existing literature on the topic of child labor and its deficiencies, our conceptual framework, and our intended contribution; second, we elaborate upon our methodological choices; third, we analyze and interpret our data; finally, we discuss possible solutions and conclude.

## 2. Theoretical underpinnings

In the last two decades, several scholarly contributions have provided us with a broad range of variables that may cause child labor, like: poverty (Akarro & Mtweve, 2011; Basu, Das, & Dutta, 2010; Basu & Van, 1998; Cathryne, Travers, & Larson, 2004; Edmonds, 2008; Webbink, Smits, & de Jong, 2015); low quality of education (Jafarey & Lahiri, 2005); low return on schooling (Edmonds, 2008; Srinivasa Reddy & Ramesh, 2002); lack of literacy among parents and especially fathers of child laborers (Burra, 1995; Webbink et al., 2012, 2015); large family size (Kifle, Getahun, & Beyene, 2005); the generational reason, i.e. adults who were child laborers are more likely to send their children into child labor (Emerson & Souza, 2003); lack of government funding for education (Guha-Khasnobis, Mehta, & Agarwal, 1999); lack of available credit for families of child laborers (Edmonds, 2008); lack of resources (Webbink, Smits, & de Jong, 2013); low production technology and labor intensive work (Edmonds, 2008; Guha-Khasnobis et al., 1999); high levels of inequality between the rich and poor (Dessy & Vencatachellum, 2003; Swinnerton & Rogers, 1999); inequality of opportunity;<sup>2</sup> economic growth in developing nations (Kambhampati & Rajan, 2006); societal norms that accept child labor as normal (Agenor & Alpaslan, 2013; Basu, 1999; Emerson & Souza, 2003); stiff competition in which labor cost become an important factor (Nardinelli, 1982); and physical dexterity of child laborers

**Table 1. Selected relevant works and reports and findings**

Author/Year	Title	Findings
Basu and Van (1998)	The economics of child labor	An important theoretical paper that argues that poverty is the main reason for child labor The theoretical model has received considerable empirical support in later works by several scholars
Basu (1999)	Child labor: Causes, consequences, and cure, with remarks on international labor standards	Social norms have an impact on the prevalence of child labor. In this sense, the social context becomes an important reason for continued child labor
Cathryne et al. (2004)	Child labor and global view	Poverty is a major cause for child labor
Edmonds (2008)	Child labor	Poverty, lack of available credit for families with child labor, low return on schooling, labor intensive and low technology production processes can be reasons for child labor
Akarro and Mtweve (2011)	Poverty and its association with child labor in Nombe District in Tanzania	Poverty as an important reason for child labor
Jafarey and Lahiri (2005)	Food for education vs. school quality: A comparison of policy options to reduce child labor	There is a positive relationship between low quality education child labor
Burra (1995)	Born to work: Child labor in India	Illiteracy among parents can lead to lower educational levels in child workers and perpetuate child labor cycle
Kifle et al. (2005)	The rapid assessment study on child labor in selected coffee and tea plantation in Ethiopia	Large family size is also a cause of child labor and this may be linked with poverty
Emerson and Souza (2003)	Is there a child labor trap? Intergenerational persistence of child labor in Brazil	The generational aspect of child labor in which adults who had been child laborers are more likely to make their children child laborers
Guha-Khasnobis et al. (1999)	Seen but not Heard? Dealing with child labor	Lack of government funding leading to lack or availability of education and infrastructure for education and labor intensive and low technology production processes is an important reason of child labor
Swinerton and Rogers (1999)	The economics of child labor: Comment	High levels of inequality between the rich and poor increases child labor
Dessy and Vencatachellum (2003)	Explaining cross-country differences in policy response to child labor	High levels of inequality between the rich and poor and lack of availability of credit to poor families is an important cause of child labor
Fors (2012)	Child labor: A review of recent theory and evidence with policy implications	Inequality of opportunity between the different classes has a positive relationship with child labor
Nardinelli (1982)	Corporal punishment and children's wages in the nineteenth century Britain	Competition in industries on labor cost and stiff competition leads to greater use of child labor
Brown et al. (2003)	Child labor: Theory, evidence and policy	Physical dexterity of child workers allows them to do tedious but low skill work better
ILO (2013)	Toil in soil- impact of work at brick kilns on health of children and youth	An ILO report that looks at child labor at the brick kilns in 5 districts in Pakistan and documents health, safety, and psychological issues for child workers
Khair (2005) [ILO study]	Child labour in Bangladesh: A forward looking policy study	An ILO study that focuses on how much child labor, as an issue, has featured in policy discourse in Bangladesh. The main purpose of the study is to identify the gap between the reality of child labor and policy-making. The report also finds several economic, physical, and psychological detrimental effects of child labor
Khan and Lyon (2015) [ILO Study]	Measuring child's work in South Asia: Perspective from national household survey	An ILO report that provides an overview of the prevalence and peculiarities of child labor in South Asia. Finds that there is extensive child labor in the South Asian region. The report also finds that most of the child labor in South Asia is absorbed in agriculture and situations in which children work within family units. The report also looks at educational and gender dimensions of child labor
ILO (2011)	Buried in bricks; A rapid assessment of bonded labour in brick kilns in Afghanistan	An ILO report that studies the nature, extent of bonded child labor in the brick kiln industry in Afghanistan. The report finds that bonded child labor is largely the result of cycle of debt, vulnerability, and dependence of poor families

(Continued)

**Table 1. (Continued)**

Author/Year	Title	Findings
Kambhampati and Rajan (2006)	Economic growth: A panacea for child labor?	This study uses National Sample Survey of India and find that economic growth increases child labor. This finding raises questions regarding the link between child labor and poverty and adds more context in which inequality may be an important reason for the perpetuation of child labor
Basu et al. (2010)	Child labor and household wealth: Theory and empirical evidence of an inverted-U	The study finds that poverty is a cause for child labor
Webbink et al. (2013)	Household and context determinants of child labor in 221 districts of 18 developing countries	Lack of resources increase child labor
Webbink et al. (2015)	Child labor in Africa and Asia: Household and context determinants of hours worked in paid labor by young children in 16 low-income countries	Poverty and low level of paternal education positively affects child labor
Agenor and Alpaslan (2013)	Child labor, intra-household bargaining and economic growth	Social norms, cultural values, and poor access to infrastructure impacts child labor
Srinivasa Reddy and Ramesh (2002)	Girl child labor: A world of endless exploitation	Inadequate educational infrastructure, low quality of education, and irrelevant education has a negative impact on child labor

that can be useful for intricate yet low skill work (Brown, Deardorff, & Stern, 2003, p. 193). Table 1 provides a review of the mentioned studies with findings including studies conducted by the ILO.

The scholarly value of the mentioned works is without a doubt established. However, we argue that the current literature on the causes of child labor is deficient in four respects. One, these works present us with an extensive list of antecedents of child labor but almost none assess the issue of child labor in its context. We argue that child labor is a manifestation of several complex socio-politico-economic conditions. Hence, it needs to be diagnosed as a contextual multi-layered social menace with several interacting variables. Two, the existing works do not address the causes of *hidden hazardous* child labor. This type of child labor, as we will discuss later, is almost invisible at the local, national, and international levels and is extremely hazardous to children. Three, the existing literature does not present the case from the main protagonist’s point of view, which in this case are child laborers and their families. We argue that if the problem of hidden hazardous child labor is to be resolved, then an actor-centric approach is more likely to provide insights that will be more useful than a top-down approach usually adopted to resolve the issues of disenfranchised groups (Boje & Khan, 2009; Khan, Munir, & Willmott, 2007). Finally, though ILO and other international organizations consider child labor as a matter of human rights, the existing scholarly literature does not provide us with a comprehensive theoretical framework to analyze child labor from a basic human rights perspective.

Given the presented deficiencies, we intend to study child labor as a social phenomenon and apply qualitative methods to understand a complex and multi-dimensional issue. Two, we try to understand the reasons for a specific type of child labor, i.e. hidden hazardous, which has largely been eschewed in the existing literature. Three, we apply an actor-centric approach to understanding the menace of child labor. Finally, we employ a broad theoretical framework that allows us to study child labor as a socio-politico-economic and a human rights issue.

To achieve our stated goals we have resorted to two theoretical paradigms, i.e. the subaltern tradition, and Prof. Amartya Sen’s entitlement, and capability and functionality theories.

The subaltern research tradition started in the 1970s by historians from England and India. The main purpose of these studies, as evident from the name “subaltern” that has historically been applied to denote marginalized segments of the society, was to study societies, cultures, and histories from the perspective of people at the lowest rungs of the society (Ludden, 2003; Prasad, 2003). In

essence, the historians who followed this tradition utilized different methodologies and theories to remove elite bias (Ludden, 2003), give voice to the marginalized, and provide an alternative to top-down history (Ludden, 2003).

Practically this tradition was used in India, and it led to many historical works that were used as an instrument to engage the past so as to inform on the current national debates on land reforms, local democracy, and other public policy issues (Ludden, 2003). However, despite its unique perspective, the subaltern approach has two problems, it: creates a rigid division between the top and the bottom and ignores all other levels in between, which alienates this perspective from social histories that require a layered analysis; is restricted to the bottom with the least power, therefore, distancing it from transformational politics and social change (Ludden, 2003).

We apply the subaltern tradition to build a narrative from the perspective of child laborers, and their families as we believe that this actor specific approach would enable us to create a more valid narrative of a hidden, marginalized, and disenfranchised group. However, we reduce the rigidity of the subaltern perspective by understanding the problem of child labor in concentric circles where the child laborer and their families are at the center of these circles and as we go to outer circles, we add and compare the views of other relevant stakeholders.

Prof. Sen (1995) expounds entitlement approach to explain famines in Bengal. He argues that in a market economy entitlements represent commodity bundles that a person can legally attain. Entitlement has two components. Endowments include the ability to trade, produce (by using one's own or hired resources), labor, and inheritance. Endowments, in essence, represent ownership of productive resources and wealth that a family possesses and that can be used to exchange for food. Exchange entitlement mapping represents the ability to exchange what an individual owns for other collections of commodities, i.e. through trading, production, or both. In other words, these are alternative commodity bundles available to the families based on their specific endowments.

A family will starve if its original bundle does not include adequate food and its original endowment is unalterable through work or trade. Alternatively, a family can starve when due to some reason its endowments change for the worst, for example, loss of work, fall in wages, and an increase in food prices. Furthermore, exchange entitlement mapping of a family may be influenced by the socio-politico-economic makeup of the society, and the position of the family in the society (Sen, 1981). Prof. Sen, therefore, points out a general cause of famines that reflects a failure of entitlements of a substantial section of the population. Entitlement theory looks beyond macro data like food production and per capita food distribution. It argues that hunger is a function of the entire economy with its socio-politico-economic arrangements (Sen, 1981). Hence, the solution lies in enhancing, securing, and guaranteeing basic entitlements, rather than broad measures of increasing food production (Sen, 1981).

Sen's Capability approach presents a broad normative framework to evaluate the well-being of individuals and the socio-politico-economic context that influences this well-being (Robeyns, 2005). Policy initiatives should develop people's capabilities to function to the point where "effective opportunities to undertake the actions and activities that they want to engage in, and be whom they want to be" (Robeyns, 2005) exist. Functioning, on the other hand, is the achieved state of being, e.g. being literate, healthy or not being poor. The difference between functioning and capability is akin to achievements and useful options that can facilitate achievements. Hence, a capability set can include several capabilities and individuals with similar capabilities might achieve different functionings. The important aspect is that individuals should have the "freedoms and valuable opportunities (capabilities) to lead the kind of lives they want to lead" (Robeyns, 2005).

Robeyns (2005) does a comprehensive survey of Sen's writings and explains the relationship between entitlements, and capabilities and functioning thus: individual entitlements (endowments and exchange mappings) are the means to achieve capabilities (opportunity sets) that are then used

to achieve desired functioning (achieved state of being). The process begins with the conversion of goods and services attained through entitlements into capabilities. This conversion process is affected by personal conversion factors that include one's intelligence, skills, and education, and the socio-politico-economic make-up of the society including norms and the attitude of people in the society. Once certain capability sets are achieved the conversion from capabilities to functioning depends on an individual's vision of what he or she wants to be and availability of free will. The individual's free will is influenced by his or her personal history (prior experiences, family history, ancestral entitlements, and aspirations) and psyche. Free will is further influenced by the socio-politico-economic context that sets the conditions for the conversion of capabilities into the desired functioning.

The above discussion incontrovertibly gives basic human rights a prominent place in the entitlement-capability model. Sen has argued that development requires "removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states" (Sen, 1995). In most developing nations poor people do not have access to substantive freedoms to develop basic capabilities that may allow them to avoid poverty (Sen, 1995). This argument is further developed by Nussbaum (2011), who argues that capabilities are closely related to human rights and are core to the concept of social justice. She further argues that equality and social justice not only need negative rights but also require the presence of positive rights, which could enable individuals, especially people belonging to disenfranchised groups, to have minimal capabilities to achieve their desired functioning (Nussbaum, 2011). Nussbaum further argues that the basic rights that may ensure a minimum required level of social justice ought to be endorsed and guaranteed by the state (Nussbaum, 2011).

We apply Sen's perspectives to hidden hazardous child labor because we argue that this approach would allow us to understand a complex social phenomenon within its socio-politico-economic imperatives. Furthermore, as developed by Nussbaum, this approach would also enable us to assess child labor as a basic human rights issue, which not only looks at the available rights but it also looks at the rights that are missing.

### 3. Methodological choices

Based on the exploratory purpose of this research, this is a qualitative inductive work (Schutt, 2006), with a case study design aimed at achieving a thick description of a social phenomenon, i.e. hidden hazardous child labor in the brick-kiln sector in Pakistan. Qualitative research is appropriate for social construction of reality in which a phenomenon is studied in its natural environment and reality is constructed through the meanings given to it by relevant social actors (Eisenhardt & Graebner, 2007). It is designed as it is conducted and it uses methods that maintain flexibility of research process to tackle unanticipated events (Eisenhardt & Graebner, 2007). To achieve flexibility in the research process precepts of grounded theory have been employed (Strauss & Corbin, 1990). Grounded theory is an exploratory approach that allows researchers to develop a theory-driven understanding of contextual problems that require a nuanced analysis (Charmaz, 2006). The researcher gains entry into new settings collects and analyzes in-depth data to build thick descriptions and discern context sensitive patterns (Birks & Mill, 2015). The researcher then develops connections between trends to make overall sense of the context from an emic perspective (Charmaz, 2006). Finally, synthesizing case study and grounded theory approach enabled us to sharpen existing theory and use the case study as an illustration to make conceptual contributions to understanding hidden hazardous child labor (Siggelkow, 2007).

The study follows the Straussian (Strauss & Corbin, 1990) technique of grounded theory that suggests an inductive-deductive approach towards theory building. Before going into the field, the researcher conducts a literature review and uses existing theories to guide the formulation of research questions, selection of participants, and gathering of information (Strauss & Corbin, 1990). The present study utilizes the entitlement theory and the subaltern perspective for defining its

theoretical and methodological domain. Entitlement perspective relates that familial child labor and debt-bondage in the brick-kiln sector are indicative that these families are being deprived of their entitlements and basic rights (Nussbaum, 2003). The entitlements and exchange entitlement mapping directly or indirectly flow from an individual's socio-politico-economic context. Therefore, our research focused on understanding the brick worker families' context and its influence on their entitlements or lack thereof.

The Subaltern approach proffers subjective relativism in understanding the context of the disenfranchised that envisions a reconstruction of history from the perspective of the marginalized groups (Ludden, 2003). In our study, the child laborers and their families represented the view from below. However, we countered the rigidity of the subaltern tradition by first envisaging the brick-kilns as microcosms and constructing its analytical description from the perspective of the kiln families. This "perspective from below" (Ludden, 2003) unveiled hidden realities of our main protagonists. Then we compared and reconciled these views with the views of other stakeholder positioned above the kiln families within the brick-kiln milieu, i.e. kiln-owners and their administration. Lastly, the perspectives of the stakeholders that operate outside brick-kiln context like labor unions, NGOs, the government, and brick-kiln-owners association were also sought, assessed, and reconciled.

Using a combination of theoretical and convenience sampling 20 respondents were selected and interviewed. Table 2 gives relevant socio-demographic information on the interviewees. These included: two child workers, two female workers, and six male adult brick-kiln-workers whose children also worked with them;<sup>3</sup> four brick-kiln-owners with two owners also serving as officials of the brick-kiln owners association; two union officials; two non-governmental organization (NGO) officials; and two officials of the Punjab labor department. Theoretical sampling is a method of purpose-based case selection in grounded theory studies (Charmaz, 2006). Researchers develop codes, themes, and categories based on analysis of data collected in the initial stages of the study, and later follow up on those themes and categories that are of theoretical interest, by selectively choosing interviewees that may provide relevant data (Charmaz, 2006). In this manner, the theoretical underpinnings

**Table 2. Socio-demographic information on interviewees**

Interviewee category	Number	Socio-demographic facts
Child workers	2 (Male)	Both child workers were in their mid-teens and had been working at the kilns with their parents for 7-8 years
Women workers (mothers)	2	Both women had their children working with them from early ages. Both women workers had only worked at the kilns
Men workers (fathers)	6	Most of the male workers were in their mid-thirties to mid-forties. They represented their families as heads of the family. All had their children working with them. A majority of these workers/families represented religious minorities (Christians). Majority had been working at the kilns for more than 25 years. All, except one who used to be a subsistence farmer, had always worked at the kilns
Kiln owners	4 (Male)	Two of the four kiln owners were also officials of the local chapters of the kiln owners' association. All interviewees were represented higher castes (Jatts) and were well to do with local influence.
NGO workers	2 (Male)	Both NGO workers represented The Bonded Labor Federation of Pakistan. Both represented middle to high level of management
Labor Department Government of Punjab	2 (Male)	Representing the government's view, both officials were middle level management
Worker association	2 (Male)	Both represented the Federation of Kiln Unions Punjab. Both represented top-level management within the Federation



constructed during initial data collection direct further data collection until the point of saturation or redundancy of information (Charmaz, 2006).

We began by selecting two brick-kilns located in the rural area of District Shekupura, Punjab. The selection criterion of the workers was based on their availability and willingness to be interviewed.<sup>4</sup> However, only those workers were selected whose families worked with them at the selected brick-kilns. Since both data collectors were male, the interviews of the female workers were conducted in the presence of their families.

The interviews with the kin families were relatively unstructured. The overall strategy was to ask open-ended questions to gather in-depth information and follow relevant leads as the interviewees expressed their views. However, an interview guide was followed by the interviewers to ensure that main areas of interest are covered. The interview guide included questions regarding their understanding of child labor, its hazardous nature, and its operationalization. Other questions focused on the respondent's work and living conditions, healthcare situation, debt-bondage system, and information about their economic, social, and legal problems. As a general strategy, during the interviews when the respondents were describing their or their families' decisions or life choices, they were asked probes to elaborate further their reasons for making those choices.

From the first interview, we noticed that the respondents shared feelings of social, political and institutional isolation and a weak sense of agency. Questions on these themes were added, and seven more kiln-workers (including women and child workers) were interviewed. An analysis at this point indicated that we had reached the point of information redundancy. Next, we interviewed the owners of the selected kilns, who were also associated with the brick-kiln-owners' association. The original interview instrument was revised based on the analysis of the workers' interviews, and a few questions were added about the workings and role of the owners' association. Lastly, based on the analysis of the collected data and especially the themes of isolation and lack of agency we selected a broader array of stakeholders outside the kiln milieu the interview and revised our initial interview instruments.

The interviews were conducted and recorded in Urdu [the national language of Pakistan] and Punjabi [the local vernacular of Punjab]. The researchers first transcribed the interviews in Urdu and then in English. Finally, both versions were presented to a third party who then reconciled the translation with the Urdu and Punjabi transcriptions.

Qualitative data analysis is an iterative process in which each step moves the analysis from the initial theoretical framework to a nuanced understanding of the phenomenon under study (Charmaz, 2006). We began the process of analysis by dividing the data into six sections, each representing a different stakeholder and began the process of coding. First, the initial coding categories were developed based on the questions from the interview guides.<sup>5</sup> Second, themes were developed within these coding categories by deconstructing the data to the sentence level. Third, once major themes were created then further coding led to the development of sub-themes and specific dimensions of the categories from the second level of coding. Fourth, theoretical coding was done to understand the relationships between categories and sub-categories (Charmaz, 2006).

After coding we wrote a series of memos which were then cumulated into the following three master memos that developed and linked theoretical constructs: children's and parents' master memo representing the views "from below"; owners' and owners' association master memo representing the view "from above"; workers' union officials', NGO officials', and government officials' memo representing the view "from outside." These analytical memos were then contrasted and compared with each other to develop the findings that are presented in the analysis section.

Steps were also taken to maintain the reliability and validity of the analysis process. A case study database was created, and procedures of data collection and analysis were documented and

explained. All of the coding and memo writing was conducted separately by authors and then reconciled to create combined coding schemes and memos. Finally, throughout the analysis process, a reflexive attitude was maintained, and negative evidence was sought and followed (Yin, 2003).

#### **4. Analysis: hidden hazardous existence, isolation, deterred capabilities and functioning, and human rights**

According to the ILO report (2013), Pakistan is the third largest producer of fired and green clay bricks with an estimated annual production of 100 billion bricks. Considering the size of output and number of the kilns it is estimated that approximately one million workers are engaged in brick-making and out of these at least one-third are children under the age of 18 years. Whereas, according to a conservative estimate, the total incidence of child labor in Pakistan is about six million (Khan & Lyon, 2015).

Our analysis section begins with establishing the hidden hazardous of nature child labor at the kilns. We will then discuss, in detail, child labor in its context. We believe that the context through isolating the kiln families constricts their entitlements and abilities to achieve capability sets and desired functioning. Then we discuss the debt-bondage system that results from the social and political isolation and further pushes these families into a downward spiral of negative capabilities. Finally, we argue that the plight of the kiln families, in essence, is due to lack of certain positive freedoms or basic capabilities.

##### **4.1. Hazardous work at the kilns**

The hazardous nature of kiln work for child laborers has been amply established in the ILO report that finds that more than 90 percent of child workers work five to six days a week with an average workday of five to eight hours for young children and nine to twelve hours for older children. Additionally, harsh working conditions with inadequate diet and medical care lead to several chronic medical issues related to breathing, eye and ear infections, headaches, fever, weakness, lack of energy, dizziness, body aches, and anemia. These physical problems are accentuated by frequent injuries, lack of adequate medical treatment, and drug abuse. Due to hard and abusive work conditions, child workers manifest several psychological issues like fear, anxiety, stress, low self-esteem, hopelessness, and helplessness. Finally, there is also widespread illiteracy and the resultant lack of skill development among these children.

Our data in addition to confirming the findings of the ILO report provides an intimate description of the hazardous nature of kiln work. Children born into kiln families become part of the brick kiln microcosm almost from the time of their birth and onwards. Their socialization into the work itself begins very early. In fact, they start helping their parents as soon as they learn to walk and comprehend simple instruction. As one of the fathers commented, “They [the children] start helping as soon as they are able to lift a brick.” As to the health conditions a vivid description of his general health condition is provided by a child worker,

My legs hurt a lot, and I also have back pain. I have pain in all my joints ... Yes, we also get hurt many times ... [but] after a few minutes rest, we get back to work ... this work is very exhausting.

Another child worker commented,

My back aches a lot due to the kind of work ... Lot of the work is walking on foot to bring bricks to the cart. The body is warm when it goes in water and then it cools off. Then the joints start hurting ... Feels as if I have fever but still have to go out to work out of necessity. It's the same as a horse pulling a *tonga* (horse cart) gets tired after walking a whole day.

A father commented when asked about precautionary measures taken by them to avoid injuries and illnesses among children.

**Table 3. Characteristics of child work and child labor**

		Light work <14 h/week	Regular work ≥ 14 & ≥ 43 h/week	Worst forms of child labor <sup>a</sup>
Age	15-17			
	12-14			
	5-11			

Source: Adapted from Altai Consulting (2008).

<sup>a</sup>As enumerated in ILO Conventions 29 and 82 this broad category includes slavery, debt-bondage, forced recruitment for armed conflicts, trafficking of children, child prostitution, child pornography, and procuring or offering a child for illicit activities.

No precautionary measure, whatever may happen ... When they work in the sun, they get fever. They [children] have to work, what can be done? If they do not drink water for some time, it can be harmful. If they are thirsty and drink more water even then that could be harmful. kids get fever if they get too sick we don't have the money for their treatment.

The long-term effects of working at the kilns are evident from this statement of a father,

After living just 42 years of my life, even my bones are dead. Every joint hurts and feels like I'm going to have a stroke anytime.

Finally, a woman worker commented on the living conditions that have a negative impact on health of the whole family in this way,

The excrement of donkeys and horses are in the water. We wash hands in that water and eat our food. Conditions of living are appalling, there is one room and 10 people live in it. Donkeys are tied in the same room and they all live in the same room. They (the children) do not get tested medically and they live in decrepit conditions.

#### 4.2. Hidden nature of kiln work

Table 3 gives a general idea of child work and child labor based on child's age, type of work, and conditions of work as defined by the ILO. It has been argued that the categorization of child labor presented in Table 3 constitute a small percentage of the actual number of child laborers in the world and especially in the developing nations (Edmonds, 2008; Smolin, 2000). The more common type of child labor, which is neither fully defined by international agencies nor fully acknowledged by them, is hidden child labor, which includes child labor in households, family businesses, subsistence farming, and works done by entire families (Smolin, 2000). This type of child labor is considered non-hazardous, and it is believed that it may even allow children to learn basic life skills (Ray, 2000).

At the international level, kiln work remains largely unexplored because it may be considered family work in which children have to work to support their household income. Most international organizations are not intimately involved in the issue of child labor in the informal sector that includes family work (Edmonds, 2008). A few studies funded by international agencies provide a quantified description of hazardous work conditions in the brick-kilns of Pakistan (Presented in Table 1) (ILO, 2011, 2013; Khair, 2005; Khan & Lyon, 2015). These studies rarely provide contextualized insights into "why" thousands of adults and children are voluntarily employed in this exploitative sector at the cost of their health, development, and constitutionally protected rights. Additionally, our findings suggest that many people within and outside the kiln milieu know about child labor at the kilns, but they either disassociate from it by rationalizing it or ignore it based on their personal and institutional limitations, interests, and agenda.

Parents disassociate themselves from the responsibility of putting their children to work by arguing that the kiln-owners and administrators directly or indirectly coerce them to put children to work by forcing them to increase their productivity. As one father said, "Well since they are children, it is

considered wrong to make them work. However, we have to take them forcibly, out of necessity.” Another father commented, “Look, if there are 1000–2000 brick to be cast, we can’t make do with only two people. We have to take the kids to work. Advance loan is with the brick piece rate. Kids work to pay that advance off.”

The interviewed kiln-owners and officials of the brick-kiln-owners’ association, as opposed to all other interviewees, deny the presence of child labor at their kilns and generally in their entire sector. They state that they follow the laws that ban child labor. As one kiln owner commented, “we have instructions from the government and our association, and we do not have any child laborers here.” Additionally, they argue that children could not possibly work at the kilns. As one kiln-owners association’s official remarked,

We do not have anything that a child can do ... This is hard work that can only be done by young people ... how can a child of five or seven lift a shovel full of mud and handle a cart full of mud. The bricks are also heavy as they are wet so how can this child turn it when it may be five to seven kilos in weight.

The kiln owners were in complete denial of the prevalence of child labor at their kilns as when asked about children getting injured one replied,

Well, children getting hurt is not a problem here, there is no chance. They cannot work here [therefore] they will not get hurt. I cannot understand what you mean by getting hurt.

However, according to the owners, if child labor exists anywhere then the reason is the selfishness of the parents, as one of the kiln-owners commented, “if sometimes these children help their fathers in work then it is the will of their fathers, and we cannot stop him because we cannot stop him from improving his performance [hence income].” This disassociation is made possible due to the well-entrenched debt-bondage system, which we will discuss later. In sum, the two groups, i.e. parents and the kiln-owners, are the ones who are intimately aware of the incidence of child labor yet they both eschew responsibility by blaming the other.

Finally, immediately outside the kiln milieu the child workers and their families are socially and legally invisible. The detailed discussion on the social and political isolation will be presented in later sections, suffice here to say that none of the actors outside of the kiln milieu fully acknowledge or comprehensively try to tackle the problem of child labor.

#### **4.3. The Context: social and political isolation**

We observed that the workers conveyed a deep-rooted sense of isolation. Phrases like “no one can help us”, “we are helpless” and “only God can help us” were common in their description of their sub-human living and working conditions. The workers seemed incredulous that anyone outside the brick-kiln milieu could assist them. This led us to an important question: Why were they not receiving any help from the outside? This was an important question as it would allow us to understand why as citizens of a democratic welfare state, i.e. Pakistan, and supposedly members of a society with family and kinship ties these children and their families are unable to avoid child labor. We argue that the social and political isolation negatively affect their basic entitlements and capability sets. It deprives them of their agency and pushes them into a system of economic exploitation and deprivation in the form of debt-bondage reifying their dependency on the brick-kiln system and consequently curtailing their functioning, i.e. avoiding poverty and opting out of child labor. In essence, their self-perpetuating cycle of debt and dependency is enclosed in layers of social, political and legal isolation that divests them of any social power or basic rights.

##### **4.3.1. Social isolation**

... they think of us as kiln-laborers and therefore weak. Kiln-workers are anyway considered inferior.

Brick-kilns are located in Pakistan's rural settings that are usually conservative, paternalistic, hierarchical and agrarian. A person's land holdings, caste, religion, kinship networks have a strong bearing on social status and the distribution of rights or basic entitlements a person may receive from his or her social context. However, the relationship between entitlements and social hierarchy is mutualistic, as entitlement distributions in rural societies are also the instruments of enforcing social hierarchies. For instance, we found that the brick-kiln-workers accepted abuse from kiln-owners because they belonged to a higher caste, however, challenging the abusive behavior of highborn kiln-owners would lead to no work at the kilns and loss of occasional free grain given by the owners.

Families that worked at brick-kilns are generally positioned at the marginalized extreme of the dimensions that constitute rural social hierarchy. First, as one respondent put it, "many families that work at brick-kilns are Christian." Rural communities in Punjab are dominated by conservative religious values and religious minorities, especially Christian minorities, are usually marginalized. Our study confirms findings of earlier scholarly works that reveal that Christians are socially and economically excluded in urban and rural communities of Pakistan (Raees, 2004). Second, families that work in brick-kilns usually belong to the lower castes. Caste contributes to the power dynamics in village communities, and highborn people have social precedence over the lower castes. Interestingly, even child laborers at the brick-kiln are aware of the unalterable power dynamics of the caste system and the abuse and exploitation that flowed down the social order. As one child shared his reaction to abuse by a kiln owner,

Nothing, we just tolerate [abuse]. What can we say to them? They are *Jatts* (superior caste), and we are black (inferior caste).

Their despondency and dehumanized self-image is evident from a remark from a male worker,

Our life is like that of a Pharaoh's slave.

Third, the interviewed brick-kiln-workers were mostly illiterate and unskilled. The majority of the respondents were initially subsistence farmers who had lost the lease to their lands due to the exploitation of their landlords, as one worker commented, "they [landowners] didn't give wages ... They kept one-thirds of it [the harvest], and two-thirds were ours. It was hard to make ends meet. Now, we no longer have the lease." We have found that as unskilled lowborn unsuccessful serfs, the loss of the minimal protection of their landlords pushes them deeper into social isolation. Finally, kinship networks provide a strong support system to people living in rural communities. Kiln-workers lose the kinship support because they are mostly migrant workers. However, even if they attach themselves to a village community, working at the kiln bears a social stigma that perpetuates isolation. Kiln-workers stated that even their relatives and relations usually degraded them and had severed social ties with them. One female worker said that her relatives refused to marry into her family, she commented, "People don't like it [kiln work], they don't think that it is good for children to work like this. People do not like to give their sons and daughters in marriage to us as we work in the kilns." Another worker explained his relatives' attitude as follows, "they never visit us. They believe that for us, dying of hunger would've been much better than working as a kiln-workers."

Findings reveal that the brick-kilns provide subsistence for society's outcasts. Being an outcast in rural communities signifies a culmination of social and economic disenfranchisement that deprives individuals of their basic entitlements. The kiln-workers' are socially pushed into a life of diminished unalienable innate basic human rights. Here it is germane to ask that: Why brick-kiln-workers are not receiving basic rights that they are entitled to receive as citizens of Pakistan? Why are they not in the governmental and non-government welfare network? In the next section, we will look at how the brick-kiln-workers are isolated within the political and institutional context.

**Table 4. Structures and aims of institutions linked with the kiln industry**

Institution	Structure	Purpose
Government Labor Department	Present at all levels, i.e. from federal to the district and precinct levels	Regulate the brick-kiln industry by enforcing existing laws. Protect the rights of, provide social services to workers, and kiln-owners alike. In sum, maintain a level playing field where no stakeholder can exploit the other
	The Government of Pakistan is a signatory of the ILO Convention (182) on worst forms of child labor and Employment of Child Act (1991)	
Labor Unions [Bonded Labor Liberation Front]	The Bonded Labor Liberation Front had a comprehensive tiered structure at every level from the national to the division levels. It was also part of the national coalition of bonded labor, which is a partnership of 27 workers' unions from all over Pakistan	Educate workers about their rights, mobilize workers, organize workers into unions, promote collective bargaining, protect their worker interest, and provide legal help to workers
NGOs	Well-organized and tiered presence at the district and provincial levels with coalitions at the national level	The mandate of the NGOs is straight forward and overarching, i.e. eliminate child labor and debt-bondage
All Pakistan Kiln-owners' Association	A comprehensive tiered structure at every level, i.e. National, provincial, division, district, and local levels	Protect the interest of the kiln-owners, represent their concerns at different forums, and foster good relationships between the owners and the workers. The association condemns bonded labor and child labor and is a member of Anti-Bonded Labor Committee instituted by the government. The association also is a member of vigilance and minimum wage committee
	Each level has presidents and general secretaries	
	In the province of Punjab, there are approximately 10,000 kilns and overall in Pakistan, this number would be about 15,000. All are a member of the association	

**4.3.2. The political and institutional isolation**

Four institutions constitute the institutional setup of the brick-kiln industry, i.e. government labor department; kiln-owners' Association, NGOs, and unions. The basic structures and the avowed purpose of the institutions are displayed in Table 4.

**4.3.2.1. Government Labor Department.** The Punjab labor department operates within the ambit of the relevant provincial and national laws. Under Pakistan's law child labor is prohibited,<sup>6</sup> debt-bondage is banned, brick making is classified as hazardous for children and adolescents,<sup>7</sup> and the minimum piece rate for brick workers is Rs. 962 (US\$9) per thousand bricks.<sup>8</sup> Furthermore, it is mandatory for all workers to have social security cards making them eligible<sup>9</sup> to receive social security benefits. Lastly, the government is required to provide free education to all children between the ages of five and sixteen.<sup>10</sup> Contrarily, our interviews reveal that: debt-bondage and child labor are widely prevalent at the brick-kilns in Punjab; workers receive less pay than the legal piece rate; and a majority of brick-kiln-workers do not have identification or social security cards. Furthermore, workers shared that they had never spoken to or seen a labor department official at their brick-kilns. Finally, most workers were not even aware of how the government could help them, as one respondent puts it, "I have no idea what the government can do for us." In sum, the interviews of the brick workers reveal a disjunction between protections assured to kiln-workers under the law and the protections availed by them.

The Punjab labor department is divided into six wings,<sup>11</sup> all dealing with different aspects of labor welfare. The labor department conducts inquiries into workers' complaints, disputes, and violations of the law by the kiln-owners. The department must also proactively engage in onsite activities including inspection of work conditions and incidence of child labor, setting up social security registration camps, and organizing workers' rights awareness campaigns. The department is also tasked with developing, funding and executing need-based welfare projects for kiln-workers. Undoubtedly,

to perform these tasks, the labor department would require an active presence and a clear understanding of the existing work conditions in the brick-kiln sector.

However, the interviewed labor officials did not have much to say about the inner dynamics of the debt-bondage system and child labor at the kilns. They presented a top-down legalistic perspective to the child labor phenomenon by asserting that the Pakistan government has signed the ILO conventions for abolishing child labor and has incorporated the provisions of these conventions in state laws. The labor department employees complained about the lack of governmental financial and human resources, but they seemed to dissociate themselves from the issues of the brick-kiln-workers by simply denying their existence. As one representative commented,

The law is being implemented fully. NGOs, parents, the government, and owners all are following it as it is the responsibility of all to eliminate child labor.

Further inquiry is needed to understand why the labor department employees tended to deemphasize the legal infractions prevalent in the brick-kiln sector. Most of the money that is spent on the welfare of the kiln-workers comes from foreign funding agencies. This money is channeled through the labor department to the NGO's to be dedicated to government approved welfare projects. The labor department, therefore, seems to have delegated at least part of their proactive service delivery role to the NGOs. This complacency may have been reinforced by the overall satisfaction of the government departments with the performance of the NGOs, as one official stated, "NGOs are doing a great job. They are educating children, and now these educated children are serving the society which is good for the abolition of child labor." Since our data has revealed to the contrary, we can only surmise that the motivation behind the labor officials' appreciation of the NGOs may be based on mutual need.

Furthermore, the labor department's performance may also be attributable to malversation of funds. Interviewed union officials alleged that,

Our Government also plays the role of the NGOs. They also take [international] grants and donations on the same basis ... All the grants or donations that have been given to Pakistan, in the name of education, if this money had been properly utilized, then none of our children would be illiterate ... they misappropriate funds.

In sum, there can be several reasons to why the government institutions are not functioning properly, however, the fact remains that the plight of the brick workers has remained unchanged over the years.

4.3.2.2. *NGOs.* The NGO activities focus on: coordinating efforts between the state and other stakeholders to eliminate debt-bondage; mediating disputes between the kiln-owners and workers; performing advocacy for the kiln-workers by holding national and international seminars; bringing the kiln-workers within the protective system of the state by helping workers get their identity and social security cards; and providing free training workshops to teach vocational skills to female kiln-workers.

The NGO workers believe that child labor and debt-bondage could be eliminated only through education. The NGOs work towards this goal by organizing awareness campaigns to convince parents to send their children to school and by opening special schools at or near brick-kilns. As one NGO official commented, "there will not be education unless bonded labor is eliminated," as it pushes parents to make their children work at the brick-kilns.

The NGOs solely blame the kiln-owners for the exploitation of the kiln-workers and do not blame, like the kiln owners, the parents. As one NGO official remarked,

We do not see parents in this light [do not view parents as abusers], because they themselves are being victimized by [system of] familial bonded labor ... the [kiln] owners employ them as bonded labor and (physically) torture them as well. [Kiln owner] use oppression so that the [cycle of] bonded labor that has been going on for generation does not end.

They were satisfied with the existing legal framework for the protection of kiln-workers. However, they asserted that the law was not being implemented, as one NGO official commented, “laws relating to child and bonded labor are not being fully implemented because most Brick kiln owners have political connections.” They appreciated the Punjab government and the labor department as being “quite active in this regard.” It is pertinent to add here that the NGOs need the support and protection of the state apparatus to perform their functions in small towns and villages where the legal system may be influenced by the powerful kiln-owners. Therefore, they blame the political power of the kiln-owners for non-implementation of laws and not the weakness of the relevant state apparatus.

Our data reveals that most kiln-workers had not seen any NGO worker at their kilns or received any help from them, as one worker remarked, “nobody [from NGO] has offered to help, ever. Even if they come, they just make hollow statements and misappropriate funds and keep the money for themselves.” The inefficacy of NGOs may be attributable to two reasons. The officials we interviewed represented NGOs that provided the services mentioned above to kiln-workers in all 36 districts of the province of Punjab. However, they had, in each district, only five permanent “volunteers” to cover thousands of kiln-workers. With the arrival of funds for any specific welfare project the five permanent volunteers, based on the size of the grant, may hire a temporary workforce till the completion of the project. In essence, the NGOs have to maintain a low cost flexible organizational structure to remain operational which results in curtailing their presence in the field to succor brick laborer communities on a regular basis.

Additionally, there is a multitude of NGOs that operate to help kiln-workers. However, there is little coordination of effort between them. Respondents shared that NGOs’ competed to “win” foreign and state funded welfare projects to secure their operational survival each year. They are competitors rather than partners in the “business” of welfare, and this retards the possibility of a collaborative strategy that may allow them to fight the menace of child labor more comprehensively and also raises concerns regarding their altruistic motivations. However, one must argue that the NGOs are at least indirectly helping the kiln workers by highlighting child labor at different national and international forums by highlighting child labor at various national and international fora.

4.3.2.3. *The unions.* The union strategy regarding child labor may be ascertained by their purported overall purpose, i.e. organize and unionize adult workers leading to fair collective bargaining agreements. As commented by a union official,

Unions should organize their people and make them aware that you can get the rights that you are not getting, if you are organized, if you have some weight, if you have unity only them will anyone listen to you. There is no way.

However, organization, as a tactic, has not attained much success, especially in the case of kiln-workers. Children cannot be union members as they are not legal workers. As one union official commented, “if a worker is less than 18 then they don’t even show up as employed.” On the other hand, it is difficult to organize adult kiln-workers, as most are not registered as workers. The interviewed union officials claim that they often try to convince the kiln-owners of the benefits of having a registered worker force that receives social security. However, what the union officials seem to overlook is that if the workers are registered, organized, and get support from the government through social security, then they will be much less dependent on the kiln-owners for their survival. The proposition is counteractive to the interests of the kiln-owners.



The union officials present the brick-kiln environment as very oppressive where children are constantly abused, insulted and dehumanized by their parents and the kiln-owners. They consider many contributory factors for child labor but argue that primarily it is due to regulatory failure, as the government has been able to register only a small fraction of kiln-workers as employees and most even do not have national ID cards. Union officials do not have a positive opinion about the NGOs. They argue that NGOs have so much more in resources compared to the unions, but they waste them on their salaries and luxurious lifestyles. One union official commented, “they [NGOs] do their welfare. They project their [own] name ... practically they do very little work and show more on paper.”

We find that child labor for the union officials is a manifestation of lack of rights of the adult workers. Hence, eliminating child labor is a secondary issue that will be resolved once the adult laborers attain their due rights and adequate income. Additionally, as ascertained from the interviews, it seems that they mostly concentrate on larger industrial areas with factories to improve their dues-paying membership, whereas the kilns are mainly located in isolated rural areas.

**4.3.2.4. *The Kiln-owners and the Kiln-Owners’ Association.*** In pursuance of its core purpose, i.e. protection of the kiln-owners’ interests, the association comes into conflict with all other stakeholders at one point or another. For example, when the government tried to levy sales tax the kiln-owners went on a strike and eventually forced the government to reverse the tax initiative. They also fight “the false claims” by the NGOs regarding bonded or child labor. They blame the government and the NGOs for falsely accusing the kiln-owners of hiring child labor and creating discord between the workers and the kiln-owners. They believe that the NGOs are just meddling agitators who justify their financial support from abroad by playing a very negative role in the kiln industry and creating problems for the owners.

An interesting finding is that kiln-owner’s association in cases of violations, by its members, of its regulations and decisions only seems to have a tenuous control. In other words, internal implementation of policies may be difficult. However, the association is more cohesive when it comes to protecting the interests of its members, e.g. the strike against the sales tax. We argue that the kiln-owners are usually wealthy, landowning, powerful people. They unite and use their collective power only when they come across a more powerful adversary, e.g. the state. However, they flout laws and even their own agreed upon standards at the local level where they wield adequate individual influence and control.

In summary, brick-kiln workers’ existence in their context is more of a ceremonial nature. Ceremonially, the law provides them with fundamental rights, workers’ rights, and the right to free education for their children. The law further proscribes debt-bondage and declares child labor as hazardous. The NGOs, as “concerned, altruistic activists” are supposed to advocate the cause of kiln families and help them avoid poverty and child labor. The unions are expected to give these workers voice. However, in reality, kiln-workers and their children belong to a socially and politically disenfranchised group that is forced to accept the infringement of its human rights and is compelled to enter into debt-bondage for mere survival.

#### **4.4. *The debt-bondage system***

The contextual isolation faced by the kiln-workers pushes them into a position where they have fewer opportunities to develop positive sets of capabilities and avoid child labor. Contrarily, their context negatively affects their basic entitlements to the point that the only option left to them is entering debt-bondage. Debt-bondage further diminishes their agency and creates a downward spiral of negative capabilities that perpetuates and consolidates their subaltern status for generations.

##### **4.4.1. *The hierarchy***

The debt-bondage system is hierarchical in nature. At the top of the hierarchy is the kiln owner or the contractor who runs the kiln. The brick-kiln families are categorized as “unskilled labor” and perform

the labor-intensive tasks of making/molding bricks. They represent the absolute bottom of the kiln hierarchy as they come under the administrators and skilled works at the kilns. The link between the kiln-administration and the kiln-families is established through the father or the male head of the family. This link is operationalized by recording the name of the father in the employee register. Children and other members of the family, though “help” him in this work, are not acknowledged as workers. As commented by a worker, “the head of the family is given the money. Only his name is entered in the payment register. The family head keeps all the money or distributes it, that’s up to him.” Additionally, it is the head of the family who decides who does what work within the family. The child workers, who are undocumented, unacknowledged as workers, and under the control of their parents represent the rock bottom of the hierarchy.

#### 4.4.2. *The debt-bondage system*

The debt-bondage system, which is euphemistically called the “advance system,” is initiated when families take loans from the kiln-owners in the form of advance payment on future wages. As commented by a worker,

Yes, every laborer is working here to repay the advance. Some have borrowed Rs. 10,000 [\$100], some Rs. 20,000 [\$200]. The bigger families even borrow up to a hundred thousand rupees [\$1,000].

Another worker commented,

It [advance] has to be taken due to need and it is every kiln’s principle. They encourage and give advance to a person to entrap his whole family into this work.

The loan is given to the male head of the household and is formalized by entering his name in the kiln records. The debtor then puts his family to work at the kiln to increase the overall productivity and consequently the family income. The families are paid based on piece-rates, i.e. per one thousand bricks, however, they are paid a significantly lower rate than the government prescribed rates.<sup>12</sup> The families, after deduction of the installment of the advance, are paid every week. The arbitrarily reduced piece-rates and the loan deductions push these families to the level of bare survival.<sup>13</sup>

In some cases, the owner contracts out the kiln. The contract system adds a layer of exploitation in which the kiln families are further pulverized. Additionally, the contract system dilutes the responsibility of the maltreatment of the labor, i.e. the owner blames the contractor by claiming that it is the contractor’s workforce, and the contractor blames the owner by arguing that it is the owner’s exploitative rates.

Finally, our findings suggest an extra mechanism of control and exploitation, i.e. the advance is given only to “trustworthy people.” The question is how the kiln-workers would prove their trustworthiness? Being low caste migrant workers getting loans for the kiln families is not easy. These families have to seek the help of skilled or permanent employees or someone from the local community to vouch for them. The guarantors agree to vouch for the family in consideration of a small percentage of the family’s weekly earnings, which is an additional deduction from the already meager family resources. Families may also establish trustworthiness through performance and compliance. Hard working families may get loans easily. However, to be compliant, they have to establish their credibility in the eyes of the owners by agreeing to the exploitative terms of the owners and surrendering their legal rights to fair pay. As one kiln owner remarked, “if someone takes the advance and then threatens that we have violated the law and go to the court then such people are not given advances.”

The kiln-owners deny the debt-bondage allegations. According to them, they are doing these low-income families a favor by giving them much needed funds in the shape of loans. Therefore, any control over their movement is an attempt to protect their investment. There may be some truth to

this statement, however, considering the overwhelming evidence of the ongoing practice of debt-bondage, the views of the kiln-owners seem highly implausible. Based on the discussion on contextual isolation one could argue that the kiln-owners not only protect their investment but they also maintain complete control over these hapless people to extract maximum labor from them.

#### 4.4.3. *Lack of agency, dependency, and dehumanization*

The contextual isolation and the debt-bondage system diminishes the agency of kiln families to the lowest possible level. The fathers as the heads of their respective families navigate a survival course for their family unit in a structurally constrained and highly exploitative system. The exploitative nature of the debt-system is corroborated by all interviewed stakeholders except kiln-owners. In this process, parents admit that they force their children to work. As one of the fathers stated,

Look, if there are 1000–2000 brick to be cast, we cannot make do with only two people. We have to take the kids to work ... children work to pay our advance loans off.

It could be argued that the fathers become insensitive to child labor or altruism towards their children. However, we argue that this lack of altruism not necessarily reflect the selfish attitude of parents towards their children, but it may signify a lack of alternative options. As one father commented,

We prefer that our kids be working with us and earn. Society considers it wrong and ridicules it, but to make ends meet we have to put the kids to work. If we have cattle or any business, we will not put the kids to work.

We further argue that the utter lack of control over their circumstances has forced upon these workers a fatalistic acceptance of their unfortunate circumstances to the point where they accept child labor and do not believe in the possibility of any change. As one father commented,

They [children] have to work ... Only God can help us. Our elders died because of this work when their backs were injured, and their joints gave away.

Child laborers exist at the bottom of the social order in the so-called “kiln-community.” Lack of documentation makes it easy to ignore the existence of child workers. The two major decision-makers in the kiln milieu, i.e. the kiln-owners and the fathers, disassociate themselves from child labor and blame each other for its existence. The bottom line is that the children have no say in their decisions related to work, leisure, or education. Finally, it was observed that these children start going to the kilns with their parents as infants. Hence, they are acculturated into the brick-kiln milieu and start working at the earliest possible age. This acculturation of children into the brick-kiln milieu at an early age makes them acquiescent to their exploitative environment and produces a quiescent state of mind in which self is dehumanized, and basic human rights are made negotiable. This interpretation is supported by the frequent statements in which the parents or child laborers have accepted their situation and dehumanized themselves by comparing themselves to the “slaves of the Pharaohs” and insignificant “beasts of burden.”

#### 4.4.4 *The generational spiral of debt*

Isolation, dependency, and debt-bondage create conditions of negative capabilities that lead to a self-perpetuating system of a downward spiral of misery from one generation to the next. One NGO interviewee explained that “[The kiln-owner] uses oppression and exploitation so that the [cycle of] bonded labor goes on for generations.” We have found this to be true for several reasons. First, loans are needed as kiln-working families, with no other viable economic options or savings, need to survive the off-season. Second, they are paid two-third of the official rate and then from this amount weekly deductions for loan payments are also made. Third, in the case of any additional needs that might include medicines, marriages, and expenses for funerals, they have to ask for more advances.

These financial arrangements seem to push the kiln families into a downward spiral of debt and misery with complete dependence on the owner's whims.

During our interviews, respondents did not mention a single case in which a family was able to pay off all its debts successfully. A truly unfortunate aspect of this system is revealed when we observe that even the concept of adulthood is synonymous with the spiral of debt. Getting one's name in the register, i.e. getting a separate loan means that the person is now an adult and can take responsibility for his family. This initiation into manhood seems like an important watershed in the lives of male adults of the family. Hence, the vicious cycle of debt, poverty, and subjugation is euphemized and can continue in two ways: one, a young adult comes of age and gets married and gets his loan; and two, the father gets too old or too sick, and the oldest child takes up the responsibilities—including the father's loan—upon himself. As commented by an interviewee, "first, it was my father's name [in the kiln register]. He grew old, so now it is my brother's name and mine." Their acceptance of their generational inhuman existence is evident from the following comment by a father, "Our children's knees and knuckles are completely disabled ... The way we are physically finished, and our kids are finished too."

#### **4.5. Entitlements, basic capabilities and human rights**

A typical kiln family will be illiterate, especially the parents, or would have basic elementary education. Except in the case of families that used to be subsistence farmers, these families will have no other skill, capital, or access to non-kiln related credit. Hence, in most cases, the only original endowment they have is their labor that they can exchange for advance loans, and sometimes food. They can, theoretically, use the advance money to either start a small business or invest more in educating their children so as to improve their basic entitlements and the resultant capability sets. However, in most cases that money is only used for surviving the winter season or for family needs, e.g. marriage or family sickness. The debt-bondage system puts them into a downward spiral of negative capabilities and with each subsequent generation, the debt-bondage system, pushes them further away from their desired functioning, i.e. avoid poverty and child labor.

Keeping these facts in view an important question at this point is that: Why these families are unable to avoid child labor and poverty?

We argue that the answer to the above question come from the socio-political conditions of these families and the link to their context with basic human rights. The context of these workers not only, directly and indirectly, affects their capabilities and functionings, but it also fails to deliver their basic rights, hence, further diminishing their capabilities and functioning. There are two ways in which their context plays a detrimental role in the process of reaching their functioning. One, as migrant workers belonging to religious minorities and lower castes, these workers are shunned by the society. Hence, even if, by some miracle, they can improve their basic entitlements they still are unable to achieve improved capability sets and functioning. For example, in our interviews, we came across evidence that in sometimes kiln children had acquired education, but they still worked at the kilns. In one case a girl had a tenth-grade education, in another case a boy had a Bachelor of Arts, yet both worked with their parents at the kilns. When asked that why these children are not employed in a better occupation, their parents commented, "no, even then [even if they are educated] nobody will let them get ahead in life", "he is working at the kilns despite being educated because there is no other work", and "we neither have the money, nor an intercessor to get them a job ... if God helps, they can." The fact is that these families require a guarantor even to enter into a debt-bondage agreement. Hence, their social isolation often dictates their capability sets.

Two, their context also indirectly hinders them from reaching their desired functioning even if they achieve a modicum of higher entitlements and capability sets. This indirect effect is a psychological outcome of generational marginalization. In the case where these families can reach better capability sets reaching higher functioning would depend on what choices they make. In which case, their present lack of basic entitlements, history with poverty, and a personal psyche that has developed

within the context of generational poverty, psychologically limits their ability to forge independent initiatives needed to materialize the goal of escaping poverty. We observed on several instances that workers and child laborers disclaimed their human agency by comparing themselves with slaves and beasts of burden themselves to slaves and beasts of burden. They also have, it would seem, accepted their reality and their subjugated position in society. This acquiescence is painfully evident when these families reach almost immediate redundancy while expressing their hopes of finding better employment independently or receiving any help from the state, the civil society or their communities.

Finally, we agree with Sen (1995) that basic rights are distributed through entitlements, and economic and status poverty are interlinked and can cause each other. He connects the capability approach to the idea of human rights (Nussbaum, 2003) and advocates the removal of specific repressive social features that may hinder disenfranchised groups from practicing their existing rights and reaching their human potential.

Nussbaum (Nussbaum, 2003, 2011) extends Sen's model to outline an approach to social justice and argues that each person should be treated as an end, and not as a means to the needs of others. She further argues that there are certain basic rights or capabilities that are pre-political and represent dignity that is due to all human beings. These rights, according to Nussbaum, should be extended equally to all human beings. But most importantly these rights should be extended and ensured to the disenfranchised groups so as to provide them with a minimal level of agency or capacity to avail their given legal and constitutional rights. For example, the exercise of the right to fair wages, in the context of the kiln-workers, rests on their awareness of this right and some modicum level of agency cultivated and supported by state and non-state actors. In other words, to securing the basic rights of citizens "is to put them in a position of capability to function in that area" (Nussbaum, 2011).

Finally, Nussbaum (2003) presents a list of basic capabilities that include certain positive and negative rights representing the bottom line needed to exercise all other rights in a just society. These are general goals that can be further specified owing to different situations. Based on this list we argue that a concrete answer to the proposed question lies not in the legal rights the kiln families possess but the basic rights and capabilities that they do not possess. They don't have the right to: Freedom of Physical Integrity [the kiln-workers and child laborers do not enjoy a life of good health with adequate nourishment and medical facilities, additionally, they face constant danger of violence, and bodily harm]. Freedom of Thought and Emotions [due to the lack of cultivation through adequate education and social awareness kiln-workers lack the truly human capability of imagination, reason, and cognitive ability and their emotional development is decimated by fear, frustration, anxiety, and despondency]; Freedom of an Adequate Social Existence [these workers endure social isolation that curtails their ability to be accepted in society as equally dignified beings]; and Freedom of Adequate Control over Environment [kiln families do not have the ability to move freely, seek alternative employment, and workplace dignity, or the ability to participate politically and enjoy free speech or political association].

## 5. Conclusion

We began working on this research project with the hope to find categorical solutions. As we collected more data and understood the dimensions of the problem, we realized that a single study is not enough to achieve this agenda. However, we believe that what we have achieved in this study is important, as we have identified a specific type of hazardous child labor that is and has remained largely hidden. In our attempt to understand the causes of hidden hazardous child labor we have built a comprehensive narrative by including the voices of the marginalized workers at these kilns and then reconciling them with the views of other relevant stakeholders. Finally, we have, in our case study, applied a theoretical framework that has not only allowed us to assess the context of child labor but has also led us to the conclusion that to ameliorate the conditions of these marginalized workers there is a need to provide them with certain basic human rights.

The above being said, we do have some recommendations. We believe that an important role in this regard must be played by the government. The government should ensure that laws exist and cover all aspects of child labor and are being implemented in letter and their true spirit. The government must also take steps to enhance the basic capabilities of the kiln-workers by ensuring that these families have: access to adequate medical facilities; national identity cards and other necessary documents to be registered as workers and have access to government safety nets and government protection against violence and exploitation; adequate opportunities to have education, skill development, and general social awareness; and access to government jobs. Finally, the government should initiate an awareness campaign to inform the society of the plight of kiln-workers. In many countries, governments have used government and non-government institutions and print or electronic media to reform societies. For example, for a very long time in India the Indian government has used different types of media to reform the society regarding the treatment and discrimination against the scheduled castes. In essence, the government should not only ensure that these marginalized groups have legal and constitutional rights, but it should also focus on providing them with an appropriate environment and abilities to exercise these rights.

An important role can also be played by the NGOs in encouraging these families to educate themselves and help them integrate better into the communities around them. They should: encourage these families to be documented as workers; educate these workers about their rights as citizens; and create occupational training and skill programs for these families. This is where international organizations and donors can also perform an important role. It is our opinion that donations for educational and skill development programs must be developed as strategic business plans. This means that all donors and international organizations should remain directly involved in the creation and execution of these programs. These programs should be goal oriented with short-term and long-term targets. Additionally, in the case of this particular type of child labor international organizations should sponsor more studies to understand the phenomenon in greater depth and assess the prevalence of this problem.

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#### Notes

1. ILO also recognizes the fact that even in supply chains, based on the nature of work, the true incidence of child labor may remain undetected, <https://www.ilo.org/ipec/Campaignandadvocacy/wdacl/lang--en/index.htm> (accessed 2 May 2016).
2. Fors, 2012.

3. The interviewees often would be interviewed in the presence of their extended family members or neighbours who were also kiln-workers. Hence, in most cases, these interviews represent community views and consensus on kiln families' working and living conditions and their life choices.
4. It must be noted here that most were not willing to talk to the researchers.
5. Miles and Huberman, *Qualitative Data Analysis*.
6. Employment of Child Act, 1991.
7. Ordinance for Prohibition of Child Labor in Brick-kilns, 2016.
8. Section 6 of the Minimum Wage Act Ordinance 1961 (XXXIX of 1961).
9. The Provincial Employees Social Security Ordinance, 1965.
10. The Punjab Free & Compulsory Education Ordinance, 2014.
11. The Secretariat, Directorate of Labor Welfare, Punjab Employee Social Security Institution, Punjab Workers' Welfare Board, Minimum Wages Board, and Labor Courts.
12. The government rate is Rs. 740 (US\$7.4) per 1000 bricks, in most cases the families get Rs. 550 (US\$5.5) per 1,000 bricks.
13. A family of 12 individuals making five to six thousand bricks a week working an average of ten hours a day will have a gross income—before deductions of loan installments—of Rs. 2,750–3,300 (US\$27.50–33.00) per week.

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