



CHILDREN'S WORK,
SCHOOLING,
AND WELFARE
IN LATIN AMERICA

DAVID POST

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PREFACE

Questions about the future of child labor and basic education are supposed to be settled matters, at least in most countries of Latin America. Not, of course, because all Latin American children succeed in school or because the region has no underage workers. Rather, these matters are supposedly “settled” because of the inexorable movement toward those ultimate resolutions. In one familiar version, ever-more-democratic societies embrace global human rights to create a childhood free of exploitation, as farm families and street vendors, industrialists, and the police all accept this universal norm. In another version, world trade will create incentives for nations and families to invest in the stock of their human capital: Early labor becomes bad business for all. A sociological variant sees isomorphic institutions that inevitably standardize the regulation of youth through similar types of school systems and welfare safety nets. More children are officially students whose parents have registered them in schools. Proportionally fewer, it is then supposed, must be working. The forces of economic growth and the spirit of progress lift entire societies, as the experiences of childhood everywhere come naturally to resemble those enjoyed by children in what were once called “first world” countries.

Several glitches now appear in this rosy scenario. At the end of the twentieth century, the World Trade Organization failed to compromise between *competing* “universal norms” of neoliberal, opened markets for nations and core labor standards to protect all workers. The International Labour Organization (ILO) esti-

mated that there remained 250 million working children in the world (albeit many of them attending school). Not in dispute was the disturbing truth that few of the world's poorer countries ever came close to meeting the ambitious goals set by the International Labour Organization's 1973 Convention on the minimum age for work (age fourteen). Few developing countries even had formally ratified it. And the ideals embodied in the 1989 United Nations Convention on the Rights of the Child remain just that: important ideals, yet to be legislated into national laws in much of the world. With the unequal economic growth characteristic of the 1990s, many nations, including parts of Latin America, became home to millions of children who resembled "grit in the prosperity machine" (Loker 1999). By 1995, the World Bank's annual report had concluded, "There is no worldwide trend toward convergence between rich and poor workers. Indeed, there are risks that workers in poorer countries will fall further behind, as lower investment and educational attainment widen disparities." And J. Brian Atwood, former head of the U.S. Agency for International Development, had these dark words upon stepping down: "It is time to end the hypocrisy. Globalization is thus far leaving out about two-thirds of the world. . . . If economic growth is limited to an already educated elite, then it has limited development benefit and it is a poor indicator of sustainability" (cited in M. Levinson 1999, p. 21).

We might blame an uneven demographic transition for the sorry state of childhood in Latin America, at least in part. Although birth rates have declined in the region as a whole, the decline was much slower among the poor. One result is that increasing proportions of children live in poverty, even when poverty rates do not increase. At the same time, each nation's population includes proportionally fewer children. Children are thus receiving lower priority as social policy concerns—they become easier to ignore politically—at the very moment when poverty is becoming more concentrated among them (McNicoll 1997, p.48). In fact, the problem is even worse because, as we will see, the adjustment shocks during the 1980s exacerbated poverty among the families who already were poor prior to the ascendancy of neoliberalism.

Against this backdrop, the welfare of children—those who can least advocate for themselves—becomes a humanitarian as well as a political preoccupation. The full development of our potential requires a time period—childhood—that is protected from abuse, hardship, or exploitation. Although poverty among children may be impossible to eradicate, the searching question for social scientists is just how inexorable is the supposed tide uplifting childhood everywhere. In starkest terms, is there any need for nations to *do* anything? Is there, a case for leadership or intervention by governments, non-governmental organizations, lending agencies, or multinational institutions such as the ILO and the U.N.? Finally, if there is a need for leaders, what should be their priorities for children and for which populations: the minority who are not in school, or the majority who are full-time students?

The broad view by respected economists like Gary Becker (1997) is that a common history is shared by today's wealthy countries—where child labor became irrelevant as incomes rose—and nations of the South—where the slow retreat of child labor may similarly occur as economies become more productive and as individual incomes grow. During the industrial revolution, argues one prominent historical account, “children worked . . . because their families were poor; as family income increased, child labor decreased” (Nardinelli, 1990, p.112). In nineteenth century Europe, there was little apparent effect of law, public policies, or even school availability on children's work. Smelser (1991) argues that, in an important sense, Britain's compulsory school legislation *followed* changes in the family economy that freed children for education.

Will the exploitation of Latin American children stop of its own accord when it stops making sense to desperate families? Perhaps, but that too-facile question requires a complex response. A recent World Bank summary of child labor reduction agreed that, although “poverty reduction is the most powerful long-term approach . . . this a lengthy process that, even when successful, will in practice tend to raise the incomes of the poor unevenly, thus leaving room for a substantial incidence of child labor for some time to come (Fallon and Tzannatos 1998, p. 10). In the

meantime, can children be expected to forgo labor or to attend school full time while poverty persists? AFL-CIO President John Sweeney, testifying before the U.S. Senate's foreign relations committee, argued against waiting for global prosperity: (October 21, 1999) "There are those who assert that child labor must be tolerated, that it can only be overcome when poverty is vanquished, that poor children have no alternatives to exploitation and abuse 'necessary' to a nation's economic strength. We reject these arguments. We believe that economic development is based in education; that school is the best place for all children, regardless of their personal social standing or their nation's economic vitality."

School is the best place, and education leaders would like to make it even better. But can these improvements reach children most in need of them? In the world movement for education reform, many non-governmental organizations and ministries have narrowed their agenda to the critical deficiencies in the quality of instruction. Real learning, not mere attendance, is the ultimate goal of the "Education For All" movement. Today the top priority for most agencies is to increase achievement (usually measured by standardized test results) among individuals whose major activity *already* is the business of schooling. An implicit assumption behind this reorientation is that children who labor will be likely to stop working of their own accord once schools are improved. After schools are improved and education makes better sense, working children would be expected to join the majority of children who—in many countries, though not in Peru, as we will see—already complete compulsory schooling before concentrating on economic production.

Regarding this assumption and the focus on education quality, two comments are necessary. First, the emergence of full-time schooling for all will be a long time in coming, if it comes at all. If the United States is any example, then new opportunities for employment and new adolescent consumer "needs" are likely to emerge in Latin America, even if poverty does diminish. By the most conservative estimates, more than one out of ten fifteen-year-old American students works for pay after school (U.S. Department of Labor, 2000). And there are indications from my

own research that Mexico is following the U.S. example, although not in the way John Sweeney had hoped: During the 1990s, *more* Mexican students also became part-time workers. A second comment is that I am sympathetic with a focus on education quality and will have more to say on improved quality as a means to increase parents' preferences for schooling over labor. However, "quality" is notoriously difficult to measure, or even to agree upon. In the 1990s, separate attempts were made by UNESCO and by the International Association for the Evaluation of Achievement (IEA) to assess language and mathematics achievement in Latin America. Even when ministries were convinced to participate, the results of these assessments have been kept secret in several countries (including Peru and Mexico). National pride and concern about saving face will always politicize the measurement of quality.

Rather than *directly* investigating the progress of Latin America's younger generation, in this book I take an indirect and inferential approach by investigating children's activities. Indicators of school or labor force participation are analogous to indicators of infant mortality in the field of public health or murder rates in criminology. Such indicators do not measure all of the important characteristics of an education system or of a labor force. But, like infant mortality, children's participation rates are hard to disguise and, thus, they are less prone to equivocation than other important indicators of children's educational well-being. Since all nations today are at least minimally committed to insuring school attendance and reducing child labor whenever possible, a focus on the time that children allocate to work and education is the best place to begin.

An integral approach to work and education sharpens a focus on child labor that began a generation ago. The world's most optimistic and ambitious attempt to regulate children's activities dates to 1973, and to the International Labour Organization's convention on minimum age, No. 138. This convention committed members of the ILO to the eradication of forms of employment by young people which, among other undesirable characteristics, conflicted with compulsory schooling during the age

ranges in which schooling had been legislated in each member country. Countries that had established age ranges for compulsory schooling were expected, once they formally ratified the convention, to legislate protections and restrictions on children's employment so that their work would not interfere with compulsory education. In any case, children under fourteen were prohibited from most employment. As already mentioned, the problem was that few countries with high rates of child labor ever ratified the convention or took steps to modify their own labor laws so as to accommodate its directive. Rather than reworking their national labor legislation to fit a mold set by Convention 138, many countries either implicitly or explicitly have attempted to accommodate schooling with work. As will be discussed in Chapter 3, Peru openly moved in this direction in a 1992 presidential decree, one making school and work more legally compatible. Can this benefit Peru's children? What lessons are there for other nations?

In addition to the ILO's Convention 138, during the 1990s all nations of the world (except for Somalia and the United States) formally ratified the 1989 United Nations Convention on the Rights of the Child. This treaty, the most widely adopted of any in legal history, gives a child's development priority over most competing interests and makes explicit the responsibility of national governments to protect children from the exploitation associated with working at the expense of their education. As we will see, a discourse on children's rights has succeeded, where earlier protection doctrines have failed, by energizing civil society to become advocates for children.

While we should take these developments as on balance positive for the welfare of children in Latin America, important issues remain unsettled. The integrative approaches to child welfare and labor policy—seen most clearly in ILO Convention 138 and the U.N. CRC—join together compulsory school policies with an international commitment to the rights of the child. The question of whether or not child labor inherently or *necessarily* conflicts with schooling is avoided both by Convention 138 and the U.N. Convention on the Rights of the Child. As I will discuss in much

greater detail, it also is avoided by the national labor codes of Chile, Peru, and Mexico. But this question now occupies the center of international debate, after the ILO's adoption of a *new* convention focusing on only the "worst forms" of abusive child labor. That instrument (Convention No. 182, already accepted by the United States, Mexico, and Chile) downplays the importance of schooling and, instead, calls only for the immediate elimination of the most blatantly "intolerable" forms of child labor. By omitting education participation as a criterion for defining "tolerable" child labor, Convention 182 makes no assumption that working necessarily conflicts with schooling. Employment by children of school age is not viewed, in and of itself, as inherently exploitative nor in conflict with children's individual rights. Is "tolerable" child labor consistent with the human-resource training needs of ILO member nations?

The shift to a new international criterion may be a good strategy, given that so few countries in the South ever succeeded in ratifying Convention 138. Indeed, there are excellent strategic arguments not to include those types of work that conflict with schooling as inherently among the "worst forms" of child labor. Eradicating "exploitation," too broadly construed, becomes an unenforceable goal if it requires such far-reaching redistribution of opportunity that it conflicts with other vested interests within many societies. Creating new stakeholders who are committed to eliminating work by children may be a wiser course. As one long-time ILO researcher has argued, "No real solutions will be realized without the full participation of working children and their families" (Myers 1999, p. 23). The new ILO approach is conciliatory rather than confrontational.

But, apart from the understandable *strategic* reasons to narrow the focus of the international campaign against child labor to the worst forms of exploitations, and to treat families as allies rather than adversaries, are there also substantive reasons to support the reordering of priorities that are evident in the new ILO convention? What has social science research to say on this subject? What does the preponderance of the evidence show about the compatibility of work and schooling? Does a labor market for the

time and energy of children and adolescents prevent them from investing in their future skills via education?

It is surprising that few integrative assessments of children's activities in school and work have been conducted anywhere in the world. In the context of the international policy debate over what to do about children's labor and schooling, this book offers a comprehensive view of children's labor, schooling, and family welfare in three countries of Latin America. An integrated appraisal of the determinants of children's activity is important for promoting coherent policies that can sustain social development in the region. But labor, schooling, and welfare are too seldom considered jointly in the research literature, mirroring their infrequent articulation in national governance and policy debate. As a UNICEF official, Marta Maurás, commented, "Until relatively recently it was common to encounter studies on child labor that barely mentioned education. Most educational research in developing countries, moreover, has grossly neglected the obvious link between not being in school, or performing poorly, and being a working child" (Salazar and Alarcón 1996).

This book thus argues for an integral assessment of children, incorporating findings from both education policy and child labor research. The book presents original analysis of household survey and school enrollment data to show trends in children's unpaid domestic work, paid employment, and schooling. In Mexico, Chile, and Peru, the purpose is to show how household and community characteristics shaped families' allocations of children's time to school, domestic work, and paid employment. The larger goal of the book is to interpret these trends since the mid-1980s, within and between countries. To do this, I use a comparative case study approach. For Chile, Peru, and Mexico I discuss the interest groups, global economic forces, and public policies that affected education, child labor, and family welfare.

This book culminates five years of effort, for which multiple thanks are due. First, I am deeply indebted to my collaborators, students, and research assistants over the years, some of whom were the co-authors of Chapter 4. These include: Leif Jensen, David Abler, Hector Robles, Jose Rodriguez, Patricia Muñoz, Sil-

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Policies and Realities for Working Children in Latin America

A grim joke circulated among Latin American researchers and advocates during the early 1980s, a time of threatened development loan defaults by several countries (including Peru, where that threat became a reality in 1986 under President Alan Garcia). “If you owe the bank a hundred dollars,” went the joke, “then you have a problem. But if you owe the bank a hundred million dollars, then the bank has a problem.” Policy discussions about working children and early school dropout share the same bitter insight. In a nation where few parents are forced to rely on child labor or allow their children to leave school prematurely, these aberrant parents can be seen as a “problem” for their children. But in a nation, or in a world, where substantial numbers of children are employed, either at the expense of their schooling or as an added burden to it, then the problem is not only with the family. The International Labour Organization estimates that there are 250 million working children in the world. When a nation adopts but cannot implement compulsory schooling, it is not out-of-school children or underage workers who are individually to blame for the nation’s failure to attain development targets. As stated succinctly by the Peruvian labor economist Francisco

Verdera, “That a family opts to send their children to work rather than sending them to school is a reflection of a nation’s quality of life.” This same view is taken by UNICEF: “Like poverty itself, the prohibitive cost of education that keeps children out of school and increases the likelihood of their remaining in hazardous work, must also be seen not as natural or even unavoidable, but as a consequence of faulty policies and priorities” (UNICEF 1997).

This is a book about the social realities and policy analysis of children’s work and schooling. The comparative case studies are of three Latin American countries, but the welfare issues it discusses are equally relevant to Pakistan, The Philippines, Ghana, Thailand, and many other societies. In this first chapter, I present an overview of the historical context of children’s labor. I then outline the moral foundations of the terms of debate over children as they are reflected in international law and echoed by children’s advocates around the world. Next, I pose the major welfare considerations before policymakers: When does work help children? When does it pose a threat to their intellectual growth? I review the evidence about these questions that has been uncovered by labor economics and school psychology. Next, I describe the recent political economy of each of the country cases of our comparative study, emphasizing the critical events since the 1980s that have raised concern among children’s advocates and lawmakers in Chile, Peru, and Mexico. Finally, I describe the main sources of this book’s empirical contributions to the analysis of children’s activities. I explain the national survey sources used by my collaborators and me, highlighting their strengths and limitations, and I present the major trends in children’s activities.

A note on terminology is needed at the outset of the exposition. For the purposes of this book I accept the definition of “children” that was incorporated in the 1989 United Nations Convention on the Rights of the Child (CRC). The CRC, the most widely ratified international law ever, was formally ratified by each of the countries of our study, and it clearly defines “children” as persons below the age of 18. The fact that “childhood,” “adolescence,” and “youth” are also culturally and historically specific constructs

does not escape my notice. However, when I use the term “children” to refer to persons ages twelve through seventeen, I mean this in its international legal sense, and not its cultural, historical, or psychological sense. At the same time, I often will refer to “adolescents” and “youth.” These terms (except in the case of Peru) carry no precise legal meaning, and so I use them to refer to the social-psychological condition of persons in the twelve-to-seventeen-year age group. Obviously, the issues I explore here are even more pressing for children who are younger than twelve. However, I am limited in our ability to contribute useful new insights about this younger group, because national surveys in most countries do not clearly inform us about the economic activities of young children. Even when they do, as in the case of Peru, we might question the veracity of parents’ responses about the work performed by the very young: A stigma has been attached to child labor, making household surveys poor instruments for understanding the activities of the very young.

The terms “work” and “child labor” are less clear-cut or standardized than “childhood.” Some advocates have attempted to define children’s work as any productive activity (including domestic chores that may not generate or add value to a product). Some have attempted to define “child labor”—a term that by now carries a pejorative association—as only that subset of “work” that is exploitative, detrimental, or harmful to children; other work is tolerable, possibly even beneficial. Conceptually, it is clear that all work is “work,” including cleaning, cooking, and caring for infant sisters and brothers. However, as will be described later in this chapter, the general national insights offered through using high-quality survey data are constrained by the instruments used to collect information. These surveys record activities by children that may or may not generate income to them or to their families; remunerated work like street vending and unremunerated work, like family farming, are both recorded. However, work that is not aimed at generating or adding value to a product is not recorded as an “economic activity” in these data sources. Thus, for practical reasons, when I refer to children’s work I mean children’s economic activity. Whenever possible,

however, I use the term “activities” to refer to the entire range of possible allocations of children’s time, including schooling, work, their combination, or “other.” This last category, although opaque, includes domestic labor by many children, especially that performed by girls. Finally, I should point out that I make no *a priori* assumptions about the ultimate harm of child labor; the purpose here is to document its prevalence and tendencies, along with the politics of its regulation. Thus, I use the term “child labor” to refer to all children’s economic activity, beneficial or not. But we should recognize that the survey instruments do not allow us to detect labor that is not classified as economic by national surveys of each country.

THE HISTORICAL CONTEXT FOR THE STUDY OF CHILDREN’S WORK AND SCHOOLING

The worldwide proliferation of labor laws regulating children’s activity, since the nineteenth century, was accompanied by three well-known economic and demographic tendencies: increased labor force differentiation and specialization within nations; a fertility transition, which led to smaller numbers of children growing up in the households of developed nations; and increased global economic integration, with an emerging world market for the products of children’s labor. Family trades, family small businesses, and the dominance of agriculture provided the bulk of employment opportunities for adults until the nineteenth century. Earlier, most children worked side by side with family members. The industrial revolution increased the opportunity cost of children’s time outside of the domestic economy. By the mid-1800s, the activities of Welsh children were dedicated primarily to *non-domestic* labor in support of the family economy, which had come to rely quite heavily on children in textile mills (Smelser 1991).

The first effective arguments for the education and protection of children emerged as a reaction to the grim working conditions in Britain. England’s 1802 Moral Health Act limited children to a

twelve-hour workday, and in 1842 the Law of Mines prohibited work underground for persons younger than eighteen. In 1840 the first minimum age was established in Britain, for half-time work in textiles (it was set at age eight). Because Britain's economy had become so dependent on children, the campaign for universal education of the 1870s met opposition from manufacturers as well as families. The key role being played by child labor was obvious to those who profited by it, and exploitative relations delayed and truncated the construction of "childhood" as a protected class. For example, in an environment where parliamentary investigation found a "vicious demand for young girls", reformers proposed raising the age of sexual consent from twelve to fourteen. But the House of Lords refused to pass this bill, which would have also made children unable to enter into legal contracts until that age (Horn 1995).

In the United States a hundred years ago, one out of six children aged ten to fifteen was employed outside the home. For example, Modell (1979) found that the children of Irish immigrants contributed between 38 and 46 percent of total family labor income in two-parent families, while native-born children contributed 28–32 percent, as children entered the work force in an attempt to pool risks in a very uncertain world. It was against this backdrop that Marx and Engels predicted the destruction of the traditional family through the power of capitalism: "The bourgeois claptrap about the family and education, about the hallowed co-relation of parent and child, becomes all the more disgusting . . . by the action of modern industry: all family ties among proletarians are torn asunder and their children transformed into simple articles of commerce and instruments of labor, (In Tucker, 1978, p. 487).

With more specialized job opportunities available, the numbers of children working side by side with adults began to decline. The educational opportunities represented by apprenticeships in trades began to disappear, while at the same time mechanization in farming lessened the need for children in agricultural work. Concurrent with the tendency for age-segregated employment there was a downward trend in family size. Even prior to the

widespread use of modern contraceptives, the birth rates for most countries began a rapid decline. With smaller sibship sizes, family resources were concentrated on fewer children, and families became able to forgo the opportunity costs of their children's time. From Blake's (1989) "resource dilution" perspective on this transition, families who could afford to do so invested in their children's education, and they chose to send them to school rather than to paid jobs. An alternative perspective, emphasized by many economists (cf. Becker 1991), argues for the simultaneity of joint parental decisions to regulate fertility and to invest greater resources in each child. In either event, the families living in the countries with the greatest economic growth experienced the smallest family sizes and could afford to be supportive of child protection laws. Eventually, families in wealthier nations were willing to accept laws proscribing exploitative work, perhaps partly because the families in these countries had fewer children and could focus on the long-term investment in each child.

A third tendency sets the stage for our investigation of child labor and schooling in Latin America. Since the 1980s, increasing trade between wealthier and poorer countries has globalized the production of many goods that are manufactured by unskilled labor, including children. Young people have always worked to support themselves and their families. In the past, however, the products of their labor did not compete on the international market with goods produced by adults. Today the movement toward economic integration has forced labor leaders to join with child advocates in the developed economies and to consider the welfare of children in poorer nations. In North America, a resulting tension from of this globalization surfaces in the public battle over the importation of athletic shoes and soccer balls.

Together, these trends have, perhaps as never before, led to an alliance between organized labor and children's welfare advocates, whose common efforts led to creation of an International Child Labor Office within the U.S. Department of Labor. U.S. House Resolution H.R. 2678, "The International Child Labor Elimination Act of 1997," culminated a call in the United States for regulation of the products of children. This also forced the la-

bor ministries of many developing countries to testify before the U.S. Bureau of International Labor Affairs about the specific steps their nations were taking to protect children from exploitative labor. Evidence was collected in the congressionally mandated Labor Department report, *By Sweat and Toil of Children*, which featured Mexico and Peru as case studies (and in which Peru was grouped with a small number of other nations allowing twelve-year-olds to work). Finally, in 1999, President Bill Clinton signed Executive Order No. 13126 prohibiting federal procurement of goods that may be produced using forced child labor, and he also signed ILO Convention 182, pledging to eliminate the worst forms of child labor. But from what moral ground may one nation, or even an international organization, designate which activities are legitimate and illegitimate for children in another nation? Within a particular nation, with what authority may some parents dictate the age of employment for other parents' children?

THE TERMS OF DEBATE: CHILDREN'S RIGHTS VERSUS SOCIAL WELFARE

Arguments over the moral basis for regulating childhood have been derived from different philosophical traditions, which are reflected in the language used by legal instruments and political actors to effect policy change in the countries of this study. One tradition, loosely associated with Immanuel Kant, bases regulation on the justice of *principles used* to guide action. Another tradition, associated with John Stuart Mill, is most concerned with the *consequences* of regulatory action for the well-being of children and of society as a whole. Purdy (1992), summarizing each perspective, traces arguments for justice to a presumed sufficiency of reason by children, assigning them a judgmental capacity that is not qualitatively different from that which we normally presume for persons once they cross the age of legal majority. Like adults, children have the capacity to define their own best interests. This capacity demands rights to specific protections from in-

terference in personal choice—what Berlin (1964) called “negative liberty.” Moral autonomy further requires entitlements from society that allow citizens meaningfully to exercise their freedom to choose—what Berlin called “positive” liberty and what MacPherson (1973), more sympathetically, termed “developmental freedom.” One central problem for equal rights arguments about children’s activities is with the comparability of capacities for judgment over individuals’ life courses. Proponents of equal rights for children (e.g., Cohen 1980) argue that protections and entitlements for individuals are required by even a minimal awareness and planning capacity, a level that most children surely possess, especially those who are of the ages that concern us in this book. But Purdy (1992, pps. 178, 215) insists that the capacity for reason must be compared at different chronological ages. Doing so forces us to conclude that children have *less* capacity than older persons to access the information needed for informed decisionmaking. Thus, the question of child labor can be regulated without necessarily violating the principle of equal rights. As Purdy states, “Granting immature children equal rights in the absence of an appropriately supportive environment would be analogous to releasing mental patients from state hospitals without alternative provision for them.”

From an alternative perspective, the *consequences* of child welfare and labor policies are most important, and language from this viewpoint is used by many economists and labor leaders. For example, the ILO’s Declaration on Fundamental Principles and Rights at Work, states: “Child labour is detrimental to development, since it means that the next generation of workers will be unskilled and less well educated. In today’s increasingly globalized economy, this has especially negative consequences, since . . . a skilled and educated labour force is critical to economic development, increasing incomes and social progress.” Two ILO economists (Anker and Melkas 1996, p. 15) summarize the consequentialist argument for intervention in the choices that are made by parents and children: “While poor families may be rational in their feeling that child labour is necessary for survival, child labour is not in the society’s best interest—nor in the family’s best

interest in the long run. Most children working full-time are unable to either attend school or to progress adequately in school.” World Bank economists make a similar argument: “Premature and extensive engagement in work prevents children from accumulating human capital and having higher earnings in later life, while economic growth is adversely affected by lower rates of productivity growth. In many instances, child work is the result of capital market failures: when households cannot afford education for their children and cannot borrow for this purpose, although the long-term benefits would be high” (Fallon and Tzanatos 1998, p. 5).

While the consequentialist argument is widely invoked, there also are Kantian-based evaluations that are less concerned with the outcomes of public policy action than with determining a just basis for it. This perspective seeks to avoid the major weakness at the foundation of consequentialism, which in English is summed up in the adage that “one person’s meat is another’s poison.” As guides to action, these theories are limited by a subjective conception of good ends (O’Neill 1996, p. 32). It is possible—indeed it is often quite likely—that what is subjectively experienced by a child as necessary for self-actualization may *not* be necessary. Or, the child’s self-actualization could deprive others of their own felt needs. Interpersonal comparisons of utility are off limits to most economists. Meanwhile, a “right” has been compared by the legal philosopher Ronald Dworkin to a trump card in a game of bridge. Rights “trump” welfare consequentialist considerations of policy outcomes, which may weigh the total good produced by various alternatives under the assumption of an equal capacity for moral autonomy, though not necessarily its exercise (Freeman 1992). Regardless of the total good that may be produced, there are some actions and some situations that are unjustifiable. Regardless of the potential for economic growth, nations may not enslave a people, and parents may not prostitute their children.

A rights-based argument for education and against child labor does not deny the economic and welfare rationales offered by the ILO and World Bank. But such rationales are *unnecessary*, from this perspective. Rights-based rationales, as I will discuss in

Chapter 3, are ascendant among education leaders, including those in the countries compared in this book. “The discourse about the value of education for social and economic development is very old,” commented two architects of Chile’s school reforms in the 1990s. “What is new is that education has begun to *be* development” (Garcia-Huidobro and Cox 1999, p. 8). Into this muddle, the 1989 U.N. Convention on the Rights of the Child plunges at full throttle, attempting to finesse a compromise by incorporating language of both rights *and* consequences. One of the jurists responsible for drafting the convention has asked rhetorically, “How much would it cost a state to fully implement the CRC? Not only is it impossible to answer but the question is not even helpful. A more appropriate question is: what is the cost to the state of ignoring the rights of children?” (Van Bueren 1999, p. 704).

Ignoring children’s rights became increasingly expensive for a state’s legitimacy after 1989. The CRC gives member states the responsibility to ensure that free primary education is compulsory for *all* children, with the goal being “the development of the child’s personality, talents and mental and physical abilities to their fullest potential.” Article 32 of the CRC continues:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - a. Provide for a minimum age or minimum ages for admission to employment;
 - b. Provide for appropriate regulation of the hours and conditions of employment;