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**Contested experiences and potential justice at the limit of the law for
poor urban children in Bangladesh**

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Contested experiences and potential justice at the limit of the law for poor urban children in Bangladesh

This paper explores the issues of poor children's criminality, violence and transgression in the context of slums in Bangladesh. It reworks theoretical understandings of the limits that are used to identify children and their transgressive acts in the law. The paper questions the use of the term "delinquent" children, their position and "diversion" from crime. It exposes the contested sense of margins that are part of geographies of criminality and childhood constructed in relation to existing orders, shared moralities and values in urban Bangladesh. Drawing on examples from research in slums and detention centres in Bangladesh, it highlights children's experiences of limits, their responses to prohibitions and moral imperatives, and the relationship between order and excess in terms of language and proximity to others. The paper recognises the limitations of the existing collective order and seeks out possibilities for community and justice at the limit of the law.

Keywords: criminality, violence, transgression, poverty, law, Bangladesh

Introduction

Critiques of the existing justice system in Bangladesh point to its inadequacy in addressing the "deviance" of children, who are defined in terms of their criminal activities and then "diverted" to a path of normality, as defined in the law (GOB 2013). As a result, poor children in Bangladesh are often treated as "waste", subjected to increased policing and often harsh discipline, and rendered something akin to bare life (Katz 2011). There are three main concerns emerging from the treatment of poor children in the current justice system in Bangladesh that this paper aims to address. First, within the existing order urban poor children are often singled out by the police, who treat them as isolated individuals lacking support from their parents or community (Atkinson-Sheppard 2016). The child emerges as a formal category in the 2013 Children's Act and the Constitution, defined as a person under the age of 16 and in need

of special legal protection (Ferdousi 2013, 23). However, the legal system in Bangladesh does not differentiate between a child as a perpetrator or a victim of a crime (UNICEF 2006, 13)¹. Furthermore, broader meanings attached to childhood in Bangladeshi culture are multiple, which raises questions as to the appropriateness of this singular definition as a stable entity in the law (Harun-or-Rashid 2015).

Second, judging poor children to be “delinquent” under the legal system does not often take into account neglect, abuse and violence within broader society and cannot be fully rationally justified. Children in Bangladesh are often driven into criminal activities by challenging experiences of poverty², deteriorating public education, and socio-economic instability linked to persistent unemployment (World Youth Report 2003). Children’s acts of vengeance against abusive parents such as the high-profile story of Oishee Rahman killing her mother and father are often described in terms of “madness”, thus questioning the clear boundaries between reason and unreason set out in the law (Daily Star 2015).

Third, the legal system presumes a version of ethics based on the principle of utility and centrality of the subject: a child making rational decisions and entering into a contract with the broader community. In this context, the boundary between “a child” and “a community” is described in terms of com-unis, as being together as one, which

¹ In many cases child victims of a crime are subject to detention in closed facilities, which means that they suffer at the hands of the perpetrator and then in detention. Police also use cursory classifications of criminality, arresting poor children on a variety of grounds, such as for vagrancy, being “incorrigible” or being exposed to moral danger (Atkinson-Sheppard 2016).

² Poverty in Bangladesh is described in relation to the level of per capita expenditure required to meet household’s basic needs (The World Bank, 2010; Shubin and Sowgat, 2018). According to the latest census, 31.5% of the population are living below the upper poverty line, while 54% of children are poor (*ibid*).

assumes the existence of the regulated centre imposing sameness in the name of justice, or com-munis, as being bound by a specific moral contract or norms (Stanley 1998). However, the moral orders of the streets do not fit simply within the territory of normative ethics as described in the law. In Dhaka the boundary between “illicit” labour and crime is often blurred, so that poor children join gangs to feel empowered and believe themselves to be engaged in a sort of business, with “crime described as a normal and intrinsic part of Bangladeshi society” (Atkinson-Sheppard 2016, 239). In the slums, petty crime is often tolerated by the authorities, while seemingly unfair police action becomes tolerated as part of children’s learning to stay away from crime (Conticini 2005).

To address these concerns, the paper draws on broader discussions on the possibility of “postmodern” jurisprudence in legal studies (Stanley 1998) and alternative ethics of care and justice (Barnett 2005) to explore the very process of classifying children as “delinquent”. It builds on the work of Georges Bataille to explore the possibility of different ethics and a “justice of alterity within communities of difference out-with the law” (Stanley 1998,155). Drawing on recent literature deploying Bataille’s ideas (Buur 2009, Groes-Green 2010) in Global South contexts and examples from fieldwork in slums and detention centres in Bangladesh, it challenges simplistic definitions of criminality and the boundaries of the law, and explores the possibility of justice in the community.

Transgressions, boundaries and ethics

Central to Bataille’s writing is the idea of communication, which offers opportunities to rethink subjectivity, violence, transgression and the limits of the law as it is applied to young people in Bangladesh. First, Bataille questions the division between inside and

outside, and the limit as a definition of an isolated self. Similar to Heidegger, Bataille considers being as relational “being-with”, always situated with others in the world (Shubin 2015) and “outside” the limits set by the law. In Bataille’s terms, a human being is always incomplete without recognition from others, which requires going ‘beyond’ set limits in communication with others in ‘an attempt to complete being’ (Bataille 1988a, 89). Bataille (1988a, 23) exposes the human being as being-multiple rather than being-one (conveniently defined as either a ‘child’ or a ‘criminal’), fractured within itself: “A being that isn’t cracked isn’t possible”. This understanding of a child as being-multiple redefines limits set in the law not as definitive boundaries but rather as openings to the world. Such an understanding of heterogeneous “becoming-childhoods” (Kraftl 2015) exceeds traditional boundaries in depicting children and suggests that their encounters with others are not always representable in terms of crime as it happens in Bangladesh.

Furthermore, Bataille’s (1988b, 98) insistence that “existence is communication” challenges the idea of a subject distinct from the world. A human being is always already outside itself when, through communication, it brings the other into itself. The limit of the self here is the point of passage and not closure, reflective of open-ended theorisations of contemporary childhoods as collections of “unpredictable connections among materials and processes, forces and events” (Lee and Motzkau 2011, 8). In this respect, the paper addresses recent calls to go beyond “child-centredness” (Spyrou, 2017) and engage with the heterogeneous, complex and “strange” (Aitken, 2010) encounters with difference that shape childhood. Bataille (1988b, 118) describes this impossible relation as “the movement of painful communication... [going] no less from within to without, than from without to within”, thus pointing towards the futility of separations of subject and object in legal discourse.

Second, Bataille's insistence on the openness of being and communication challenges the boundaries between reason and unreason (knowledge and non-knowledge), and redefines the limits of violence. Communicative existence involves reaching out beyond the self so that "everything in me gives itself to others" (Bataille 1988b, 130). In children's geographies, communication can be expressed in the form of affects, beyond an individual agent and "in excess of emotions, and located in bodily habits or the situational 'atmospheres' between actors" (Horton and Kraftl, 2006, 79). Here we draw on the definition of affect as a series of inhuman or pre-subjective forces and intensities' (Spinks, 2001, p. 24) arising out of interactions between individual bodies and objects. Affects are manifold as they bring together multiple compositions of bodies, things and relations beyond a single subject, creating a sense of aliveness, vitality, changeability, and potential for interaction outside one specific individual (Thrift, 2004).

With this understanding of affect a child can no longer be seen as an enclosed entity required for possession of knowledge. Bataille (1988b, 51) views communication as producing "non-knowledge" of intersubjective encounters that does not have the certainty of conceptually structured experience forming human knowledge based on reason and truth. What is emerging in Bataille's communication is unknown not only because it cannot be factually pinpointed, but because it is "structurally unknowable" as it involves openness to alterity, things one cannot own and that are yet to come (Caputo, 1997). Un-knowing disaccumulates and hollows out. It calls for an uncertain relation to the Other, appearing in the form of passion or faith, which Derrida (2014, 75) calls the "passion of non-knowing". Instead of collecting facts that define violence and name a child as "delinquent" according to the law, communication with the Other alters a child's relationship with herself and pushes it beyond any subjective capacity or

knowledge. Blanchot (1993) calls this the “surprise” of Bataille’s language, which suspends the name of the subject (child) itself and refuses to privilege conceptuality. The turn to non-knowledge does violence to the logos of logic and “denounces the oppression of a coherence that takes on the role of law” (Blanchot, 1992, 117).

Furthermore, Bataille’s (1998, 56) analysis of communication exposes the prohibitions and the law as unstable and not completely rational, “appealing not to a reason but to a feeling, just as violence is”. This approach signals a shift from a negative understanding of transgression as a threat to limits happening outside the law (as seen in the Bangladeshi legal system) to a productive vision of transgression as a part of the law (there is no outside). In Bataille’s (1986, 63) view, the inside/outside boundaries of the law are undermined since permissions to cross the boundaries (“‘Thou shall not kill!’ Followed by a blessing on armies”) are themselves subject to the law. In this case, “the transgression does not deny the taboo [prohibition] but transcends it and completes it” (ibid., 63). In this context, a child’s crime that pays no attention to the prohibition or the law, either through unawareness or indifference, is never transgressive. Crime without understanding or justification, as Derrida (2014) would suggest, places the child outside of reason and clears her of guilt. On the other hand, if violence is based on reason and appeals to a code of law to make crime “meaningful, deliberate, calculated, premeditated, goal-oriented, it belongs to the order of penal justice” (ibid., 230). Violence as vengeance that can be explained rationally becomes a part of justice, thus encouraging further violence. In a society that is founded by violence both inside and outside the law crime becomes what Perec (1997) calls “infra-ordinary”, not reduced to ordinary or extraordinary, both exception and the rule.

Third, Bataille’s analysis of communication as ontology rather than epistemology focused around boundaries of reason/unreason complicates the difference

between good and evil. Since communication destabilises the limits of the self, it questions the sense of authority that an individual can possess. Bataille contests Hegel's treatment of sovereignty as productivity and recuperation of self, which provides the foundation for defining a sovereign as "he who decides on the exception" in political philosophy and in juridical theory (Schmitt 2005, 5). In contrast to the dichotomy between the slave and the master (the law, the sovereign), Bataille (1993, 193-194) claims that sovereignty "is the object which eludes us all, which nobody has seized and which nobody can seize for this reason: we cannot possess it, like an object". In these terms, sovereignty is not simply about empowerment that young people living in a criminal environment in the Global South are claimed to possess by rebelling against authority (Groes-Green, 2010). On the contrary, communication involves giving oneself to the other, so sovereignty cannot be about appropriation or possession. Sovereignty signals movement beyond the order of representation, a passage into what Blanchot (1981, 6) calls "disappearance" or "effacement" of oneself. This is an appeal to an enigmatic non-agency and holding open the place for the Other in becoming anonymous (Fynsk, 2013). This sense of hospitality for the Other in a passivity, relinquishing one's mastery and subjective power, eliminates a relation to one's presence (as a self-exception, it cannot be owned or lived). In communication, the release of excessive energies without calculation and recompense shatters the integrity of the sovereign, hence "sovereignty is NOTHING" (Bataille 1993, 193-194). The shift from a sovereign will of the law aligned towards utilitarian ends to the will to abandon and exposure to the other is best expressed by shared suffering or affliction governed by fatality; it is the "realm of failure" (ibid., 194). The affirmation of self-withdrawal indicates a break in the existing order of instrumental responsibility, infrastructure of laws and organised boundaries, which justify calculative practices of care (Barnett, 2005).

At the same time, transgressive communication that is beyond the realm of reason is essentially amoral, indifferent and calls for a rethinking of utilitarian ethics. Bataille undermines utilitarian ethics that assume the possibility of a self-enclosed agent making autonomous, rational and reasonable choices within the boundaries of the law. As Mitchell and Winfree (2009, 71) note, by insisting on fidelity to communication, Bataille offers alternative ethics “without an object, desire for a Good beyond the good, a Good that cannot be located, reduced to a thing, acquired and turned into another thing”. In communication, beings are open to one another and to the ineffable, which cannot be mapped in relation to a “Good” or a “Bad”. As a result, such an ethics is not based on defining the originary violent moment in children’s lives as it happens in communication with the other and beyond their intentions. Instead, it calls for being open to the possibilities this excessive movement of communication brings, both spatially and temporally. An excessive ethics therefore demands a more compassionate sense of justice, which involves witnessing the ineffable and activating differences by sharing passions, suffering, and knowledge of human finitude at the limits of the social.

Context

We develop these conceptual ideas drawing on the six-month-long ethnographic study conducted in 2015 and 2017 in the Khulna region in Southern Bangladesh, which is an under-researched area with a significant number of recent cases of child delinquency and is also the site of one of the three child development (detention) centres in the country (Fig 1). In this region, 15.4% people live below the poverty line, with a large number of poor children particularly vulnerable to becoming involved in crime (The World Bank, 2010). Khulna and Jessore are two major cities in this region with a high

proportion of their area covered by slum settlements (18% and 15%, respectively, Fortuny et al., 2011). In these cities, 31% of police cases falsely allege children to be “in conflict with the law” (UNICEF 2006)³, which undermines the clear boundaries of delinquency in the legal system (Sowgat et al, 2015). Furthermore, out of 11,155 children in the slums of these cities surveyed during previous research, only 73.5% were able to show their birth certificate, thus undermining the age-based definition of a “child” (*ibid.*).

The study used desk reviews of media articles on child delinquency, as well as interviews and focus group discussions with poor children, parents, criminal justice practitioners and community members. 16 children were involved in this study, all boys between the ages of 10 and 16. We conducted several in-depth recurrent interviews with each of them (lasting for about 1 hour) in Bangla (later translated by the authors) in the community-based child protection and development centres, with the children’s guardians present during the conversations. On top of this, we conducted 18 in-depth interviews in Bangla with police and probation officers, lawyers, NGO activists, and detention centre staff each lasting for about 1 hour. The researchers received police clearance to work with children and access sensitive information, and followed ethical procedure focusing on anonymity, confidentiality, informed consent, voluntary participation, minimising harm and avoiding exploitation of participants. On top of this, the researchers tried to detect hidden value biases, moral logic and conflicting moral obligations, especially in relation to the application of the law to children’s actions. Part of our ethical commitment was to develop broader moral imaginations which could

³ The term ‘children in conflict with the law’ refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence (UNICEF, 2006).

provide insights into the challenges facing poor children living in a complex web of moral relationships (Hay 1998). Furthermore, 9 focus groups were held with children's parents, younger and older children, NGO activists and community members to generate a cross-sectional understanding of the critical issues around child delinquency, boundaries of normality, criminality and violence, transgression, risk and justice. All names used are pseudonyms.

Incomplete subjectivity and boundaries of criminality

In Bangladesh the assumed subject of a child in the dominant cultural (as protected) and legal (age-dependent) discourses is expressed as a singular and stable entity. A lawyer in Jessore testified:

“In the station, police would often determine age by looking at the faces of children. The children would not normally have birth certificates. They were often misjudged in terms of age. Consequently, because of his appearance a child would be treated as an adult in the lock up and in the court.” (Ara)

Here the police are concerned with the appearance of the child, striving to stabilise his identity so he becomes a subject of the law and rationalised as “deviant”. Such orderings are particularly problematic since they do not reflect the complexity of children's lives, openness to the future and other people. On the one hand, the experiences of poor children undermine the limitations to subjectivity expressed in the law. For example, a boy in a Rupsha Slum in Khulna expresses conflicting experiences of incompleteness in his life:

“People would want us, the children, to be inside the house and act like gentlemen, no arguments with anyone, and very fragile. However, life is far more difficult for

me and many others like me. We did not get any love from our father. We had to start working to support the family and we were exposed to the cruel world.”

(Sohel)

As this quote suggests, the child subject is expected to hold together contradictory aspects of his life, trying to reconcile the need to be cared for and provide for the family. Moreover, this highlights “exposure to the cruel world” as a necessary condition of being such a child, which exceeds the boundaries of a singular entity. In Bataille’s (1988b) terms, such exposure disrupts the limits of the law that defines the child as an autonomous subject and points to the insufficiency of being a child often judged as a deviant. A child in Jessore’s detention centre reflected on being close to death in police custody:

Interviewer: Do they treat you the same as other children?

Momin: By ‘other’ do you mean to say, children who are not engaged in crime? If that is the case, surely they treat us very different... I experienced electric shocks, beating, abusive language in police custody... They were doing evil things that I cannot tell you. I was so shocked and was so startled. I told them: “Don’t you have any son or daughter? How can you do this to me?” I was scared and thought I would die.”

By stressing the child’s relationship to death, this example illustrates the sense of breaking the boundaries of the subject that is beyond an accepted authority of morals. It shows the disappearance of the subject of a protected and innocent child, where a child oversteps his bounds and reaches out towards the other (all sons and daughters).

On the other hand, relational understanding of a child as always “being-with” others reformulates taken-for-granted boundaries describing children’s singular identity

and order. In particular, friendship means a lot for children in slums, as one child in Jessore explains:

“I would often go with my friends at night and roam around. They wanted me to take drugs, encouraging me every day. I had to accept this because, if I did not do so, they would not let me be with them. I knew I was getting addicted and it would be bad but did not want to leave my friends... I had to take the risk of being arrested.” (Jibon)

Here group membership requires communication and contact with what is other (drugs), which risks the child’s independent existence. A child is caught in the public world of being-with others, where he cannot remain immune to others’ influences. In Bataille’s (1988b, xxxiii) terms, a relational understanding of the child’s being implies openness to the outside in “the play of the isolation and the dissolution of beings”. Bringing in the foreign substance (drugs) challenges the boundaries of inside and outside, normality and deviance. A boy in Sonadanga Slum in Khulna testifies:

“I took a few bottles of Fensi [a drug], things went very foggy... I did not think about crime, I just thought that I had to do this to keep my friendship with the others. When we were short of money for drugs, we had to snatch money from houses to support our habit.” (Orup)

In this situation, communication as a relation of exposure opens up the world beyond the child’s control as he starts taking drugs and he is pushed to steal money to support his habit. Although drug dependence is often seen as a pathway to crime (Atkinson-Sheppard 2016), the above example also stresses the child’s unstable position as a developing being-with others whose relation to criminality is not certain (“things went foggy”). The legal discourse tends to overlook the violence intrinsic to

communication when one “participates in suicide” and loses one’s integrity (Bataille 1992, 26). The experience of taking drugs introduces new materials and forces that transform the child, taking away his control over himself and making him further dependent on the group. Communication cracks open his identity, putting him at risk: “it requires individuals whose separate existence in themselves is risked” (Bataille 1992, 19). Such exposure and dislocation of the self creates what Bataille (1998b, 27) terms the “fusion of the subject and the object”.

As this section has demonstrated, an understanding of being as multiple challenges the boundaries of inside and outside as traditionally expressed in the law. The other ruptures a child’s identity and moves the outside to the inside, thus undermining the normative politics that present a child as an independent rational actor. With the developing subject that cannot be reduced to an isolated self, the limits in legal discourse are also becoming blurred, undermining the attempts to name and represent a child as “deviant”. This dislocation of the self makes it impossible to clearly name a child a “criminal” or a “victim”, thus challenging the processes of rationalisation for classifying violence, which we consider in the next section.

Transgression, violence and the limits of reason

Uncertainty about the evolving subject brings into question the kind of knowledge that is usually exhibited around normality, deviance and crime. On the one hand, affective engagements create intersubjective relationships between a child and others that escape rational representation. Affects relate to corporeal, sensuous, expressive being that exceed individual feelings. One of the children in the Railway Slum in Khulna spoke about his pre-reflective actions that cannot be simply classified:

“I went to someone’s house to pick tamarinds from a tree. And then I used a toilet since it was open and empty. Just before leaving, I saw a kitchen tap open, water wasted and I was pushed to close it, so many people suffer without water in my community! That was when the house owner caught me and took me to the police”.

(Rony)

This quote describes an emotional response of a child to running water, preceded by what the police described as trespassing in a property. The “suffering” of others (that we will also revisit later) hit a child and created resonance with the broader community without water. This situation does not lend itself to a simple interpretation drawing on the order of subjects and concepts. Even the investigating police officers in this case were concerned that the owner of the house treated the child too harshly, since it is culturally accepted for small children to collect ripe fruits from the trees. This tension between the legal discourse, common understanding and a spontaneous response highlights the fact that a child’s experience cannot fit into intellectual or moral categories imposed from without. In Bataille’s (1988a) terms, communication between a child and a “suffering” other expresses the volatile experience of being “outside” oneself so the sense of self-enclosure of the subject required for the appropriation of knowledge is lost. Communication as a part of intersubjective encounters produces “non-knowledge”, different from the certainty and regularity of knowledge based on reason. Affective interactions question the “order of representations, or whether they are good or bad” (Stewart 2007, 5) and create a gap in rational reasoning. A child from Jessore Detention centre spoke about such compelling forces that are more than rational:

Raju: “I killed my uncle. He was very bad and did bad things to me. It lasted and lasted, but I could not say anything as me and my mum would be kicked out of the house. I was ashamed of myself, so I started taking drugs. I felt that I was also

implicating myself in wrongdoing [homosexual act] against the will of God. One night when I was abused again, it hit me. I did not know what it was, I just took a big knife and killed him.

Interviewer: Did you realise that you committed a crime?

Raju: I had to do it, after all the things he did to me.”

This quote reflects the unbearable and sudden burst of energy, which comes before rational thinking. It is a reaction of a child to visceral suffering that created the potential for change. The act of killing draws on “hybrid, bastard, or even corrupted reasoning . . . ‘as in a dream’” (Derrida 1995, 90), where a child is moved by an ineffable force (“it hit me”) to end his ordeal. Even though the court sentenced this child for premeditated murder, both his systematic abuse and reactions to it are outside of a legal discourse and religious norms (where homosexuality is prohibited). This example also exposes the prohibitions as not completely reasonable. In Bataille’s (1986, 36) view, a child’s reaction to violent deeds “opens a passage between reason and unreason linking together what seems impossible to reconcile, [namely] respect for the law and violation of the law; the taboo and its transgression”.

On the other hand, children’s troubled living also brings into a question the meaning of transgression. According to Derrida (2014), crime that pays no attention to prohibitions does not belong to the order of penal justice. A child from the T.B. Cross Road slum in Khulna reflects on transgression that does not quite fit within the definitions of criminality:

“I was arrested for stealing pigeons in other people’s houses. But I love pigeons! I don’t think stealing a bird was a theft. I do it for the love of birds. I would go to different houses and steal pigeons...These days people call me ‘the pigeon lover’, but the police arrested me and tried to “divert” me from crime, but how can I live if I do not have my love for birds?” (Irfan)

The child's love for birds here reflects an obsession with another living being and challenges negative meanings attached to transgression. For Bataille, transgression is not oppositional or disruptive as it does not challenge pre-defined ethical limits – instead, it constructs the world by creating excess at the limit of discursive thought. The child's actions were seen as absurd and insignificant by the police, who struggled to give meanings to his acts and provide signification in the code of law beyond the term “theft”. As one of the police officers in Khulna claimed,

“Children do things without knowing that this would be a serious crime. They simply don't know how to balance the advice of the elders, street culture and the police's interpretation of a crime.” (Salam)

In this case, the perceived crime of a child exceeds the bounds of the rational and his actions exceed the definitions of the law, of homogenization and justification.

To summarise, this section challenged the totality and certainty of knowledge about criminality in the legal discourse. It demonstrated that different forms of affective knowledge and of not-knowing produce the situations that make children human – the events beyond the representations of “criminality” and the limits of reason. In contexts where society is founded by violence (“guaranteed by crime”, Bataille 1992, 18), reason alone cannot define the changing limits. As a result, the category of “transgression” itself needs to be reconsidered not as a negative act or an opposition to the law, but as often unintentional, uncertain being in place that exceeds representation. Importantly, a transgression that is not only rational and involves reaching towards the other also offers the possibility of different ethics beyond the limit of the law, which we now turn to.

Alternative ethics and judgement

Unstable and multiple subjectivities emerge in the world of prohibitions that appear irrational and beckon instability. On the one hand, children's experiences in Bangladesh question the idea of sovereignty as expressed in the law. Children are often judged to be consciously turning transgression into celebrations of inverted moral orders to achieve sovereignty as power (Jenks 2003). However, for many poor children, involvement in violence is not driven by utility and it does not lead to possession of power (Sowgat et al., 2015). Instead, it is about loss and destruction, as a boy from Jessore's detention centre explains:

“As a member of the gang, people respect me, but I have lost a lot. I can no longer just be a child, people treat me as a criminal. I could not go and play with my friends without worrying. I am always scared of being arrested. I have to listen to gang leaders, I can no longer do things by myself. I feel suspended, somewhere else, ‘sold out’ to the gang.” (Jalil)

Here the sovereignty is without mastery since it involves giving oneself to the other (being “suspended”) without achieving a sense of superiority, so it does not threaten the limits of the law. Bataille (1993, 194) claims that it cannot be thought of in terms of achievement, so “never can we be sovereign”. The event of sovereign abandon is not reducible to the conceptual determination in the form of “deviance” or “criminality”; it is outside the binaries of good and evil. Instead, the child's experiences of suffering and loss of childhood go beyond the order of the law and reveal the patterns of exclusion rife in Bangladeshi society.

On the other hand, children's transgressions question the moral basis of the existing social order. A child in Ward 6 in Jessore questions the ethics of the police response to his actions:

"The police do not bother too much about rights of children. They convict us even before anything happens simply because they assume we did something wrong, like being out at night. They often beat us in the van while taking us to the station to discipline us! You get no mercy as a child." (Ali)

Almost in response to this, a criminal justice practitioner in Khulna justifies the existing ethics of the police:

"Often police beat children up and then let them go. I think this is more effective than to send them to jail or convict them. Yes, this is unfair, but the children are given a lesson. They are afraid to break the law again. They would be fearful, remembering the suffering and not dare to commit a crime again." (Kalam)

Although children's transgressive acts are identified in terms of criminality, they are not intrinsically good or bad as they stand outside reason and beyond the code, so that they can be considered amoral. Bataille (1962, 127) insists that "evil is not transgression, it is transgression condemned", so that children's actions only become subversive and negative when they are related to norms and moral ideas about "usefulness". The criminal justice practitioner uses the binaries of opposition and negation to express children's "misconduct", shaped by calculations of interest for the good of the community. However, Bataille explores a possibility of justice and community beyond the law, when individuals push life to the limit that is death. In this excessive moment of communication, one exposes herself to the exceptional, the other,

puts herself and the other in the region of death (Mitchell and Winfree 2009). A boy in Khulna's Basupara slum states:

“The police hung me upside down, beating me to death. I was losing myself and looked death in the face, but I lived. This moment changed my life. I suddenly thought about all the other children who were in my place, suffering from the police. Now I do not see crime as doing something wrong. Everyone is doing something wrong, even the police. If you are made to suffer, where is the difference between right and wrong?” (Abir)

A child here speaks about a moment of “seeing death” and being open to otherness. He confronts the impossible, an “unexperienced experience” that is dying (Derrida 2000, 45). This experience at the limit of existence is beyond individual and outside language – it is indescribable. The encounter with death opens onto the experience of suffering that is measureless (it involves “all other children”) and establishes co-belonging in a community of affliction. Since it transgresses the limits of the terms “good” or “evil”, it is essentially amoral. In this moment, shared passion is transgressive and it allows for the development of a different relation to others in what Blanchot (2000, 5) calls “a compassion for suffering humanity”. Communication is ekstastic (it stands out, *Ekstatikon*), it goes beyond the limits imposed by the law and offers a possibility of sharing that is not determined by calculation or the restricted economy of meaning.

Rethinking ethics with Bataille suggests the importance of being attentive to the moment that involves communication at the limits of the language. A police officer in Khulna explains:

“It is very wrong that the police are brutal. I found three kids carrying drugs on a railway line. I searched them, found that they were carrying cannabis, and they

were being used as drug transporters. I used to be like these kids, violent and abandoned by my parents, so I did not arrest them. I then contacted their parents through the local city councillor and talked to them.” (Salam)

This example presents a policeman as someone affected by loss, who has been in a position of abandonment and exposed to the harsh realities of life on the street, and who has accepted that other in himself. Instead of ethics limited to moral ideas about the best ways of achieving the greater good, he considers the possibility of a just community that shares incompleteness and hospitality for the other – sharing of themselves and the sharing of others. As Nancy (1991, 25) comments, Bataille’s thinking offers the possibility of a community “constituted by ... sharing that makes them others: others for one another, and other”.

To summarise, this section explored possibilities for sovereignty as absence and withdrawal at the limits of the law. With the disappearance of the subject as a part of being-in-common, sovereignty cannot be expressed through utilitarian ends achieved through work and reason. If sovereignty is about no-thing and beyond interpretation and value, then the logic of interiority and exteriority governing dominant morality is false, and the notion of “good” measured against usefulness needs to be abandoned.

Normative ethics cannot express the diversity of children’s experiences and life events that have emerged independently of their intentions. This section explored possibilities for an alternative ethics of hope with the determining commitment to alterity and a just community that shares incompleteness, loss and hospitality for the other.

Conclusions

In line with the broader themes of this special issue, our paper re-examined the ways in which boundaries for naming poor delinquent children are drawn in the Bangladeshi legal system. Firstly, drawing on Bataille's idea of communication, we questioned the boundaries of an isolated child as a stable and dependent entity in the law and exposed the limit as a point of passage and proximity with others as a part of being-in-common. We challenged the illusions of rationalised exchange that inform policies of diverting children from delinquency with the expectations of moving them "outside" crime. In so doing, we destabilised the notion of a child as "waste" (Katz, 2011), which requires containment and imposition of boundaries as a form of accumulation by dispossession (from education, from knowledge, from the future). By being made disposable in a system based on exchange value and commodification, poor children in Bangladesh are often pushed towards famine, debilitating work and street gangs, thus reinforcing their positions as deviants and outsiders. Drawing on examples from the cultural politics of the everyday, we unsettled the binaries of centre/margins, deviant/normal and victim/criminal in the law. Following Smith (2003, 307), we called for more attention to the ontological units that support definitions of criminality and encourage focus not on "universalizable 'subjects', but variable processes of subjectivation; not the 'whole', the 'one' or 'objects', but rather "knots of totalization" held together by the power relations within the Bangladeshi state.

Secondly, our paper challenged the logic of un/reason used to draw the limits of normality in the legal discourse. We questioned representations of poor children as unreasonable due to their transgressing the limits of the social order and offered examples of alternative ways for children to engage with the world. Children's affective communication drew attention to the ineffable, inter-subjective and more-than-rational

relations with their surroundings that are not a matter of knowledge drawing an external authority (language). Communication that goes beyond the limit of language is outside of rational knowledge and demands for acknowledgement. In Derrida's (1995, 90) terms, such interactions cannot belong to discourse as they are "beyond categories, and above all beyond categorical oppositions, which in the first place allow it to be approached". As a result, we questioned the negativity of transgression as belonging to the law and challenged the oppositions and limits that it is expected to create. A sense of uncertainty about the prohibitions that draw on often specious justification and supported by emotional responses to violence was apparent in the stories from the correctional system. Fieldwork examples challenged negative morality and consideration of a delinquent child as a passive agent outside the law, who is condemned for transgressing the boundaries of prohibitions only to maintain the societal order.

Finally, our paper questioned the ethical boundaries of calculative rationality applied to poor children in Bangladesh. Moving beyond the order of representation, we explored the relationship between sovereignty and transgression at the limit of the law. If sovereignty is taken as mastery, it is subject to the corruption of reason and justifies the ethics aligned towards utilitarian ends and binaries of good/evil, normal/deviant. Children's testimonies illustrated their experiences of lack that the law attempted to complete in its desire for sameness, with the police officers judging children's actions in terms of difference that needs to be normalised. However, children's desires are multiple and are not driven by the deliberate, calculative choices of an isolated individual, and we need to move beyond the humanist ethical model of an agentic child (Spyrou, 2017). By focusing on sovereignty as sacrifice and withdrawal, the paper followed Bataille's thinking in his re-evaluation of justice and normative ethics. It

explored justice at the limit of the law and society that builds on an ethics of alterity and proximity to others that is not limited to moral ideas about the best ways of achieving the greater good. This approach goes along with recent developments in children's geographies calling for an alternative ethics of encounter with the ineffable through congregational practices (Rautio, 2013) or play-full-ness (Christensen et al., 2018), which defies the boundaries of reason and appears as silly or foolish. As our discussion suggested, the possibility of alternative ethics emerges through the sharing of passion, abandonment of calculative interests and opening a place for the strangeness of the other.

Commitment to such an ethics requires re-interpretation of the legal boundaries imposed on urban poor children in Bangladesh. Paraphrasing Baudrillard (1981,129), "deviant" children are often made to say that they are not deviant, "that bestiality, savagery – with what these terms imply of unintelligibility, radical strangeness to reason [non-knowledge] – do not exist, but on the contrary the most bestial behaviours, the most singular, the most *abnormal* are resolved in science" and the law. Instead of simply attempting to fit the diversity of children's "challenging" behaviours or erasing their perceived abnormality within the law, our efforts can perhaps be better spent trying to make their experiences speak in ways that escape conceptual determination. It is an opportunity, as Katz (2011) suggests, to consider the pleasures of "doing nothing", the joys and passions of expectation and not knowing what is to come – indeterminable, surprising and unforeseeable. This may involve engaging with the "non-knowledge" that can help to elucidate the meaning of children's actions and the intentions of others in the way their lives continue to develop. As such, it is a possibility for making room for the faith in what is to come, and being differently attuned to the unexpected "childhood" worlds that can develop (Caputo, 1997). As much as a call for patience and

waiting, it is also an opportunity to appreciate uncertainty, playfulness and the experimental time of not-knowing that never lets itself be attained in terms of value, waste or productivity (Katz, 2011). It is not a learned or reasonable not-knowing, but an openness to alternative senses (affliction, passion pushed to its limits) and a reservoir not yet uncovered (Young, 2000, 196).

In this context, the troubles and excitements experienced by poor children can reveal the inadequacies of the existing order and question the moral basis of a normative life in Bangladeshi society. The possibility of justice in the community comes through shared suffering and passion beyond the boundaries of a singular being (policeman, judge) that produces compassionate responses. In this context, care for children calls for selfless responsibility: giving oneself without reserve, mastery and determined calculation, and abandonment of the fixation with the origins of violence that in itself is foundational for Bangladeshi society as a whole.

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