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Critical Human  
Rights, Citizenship,  
and Democracy  
Education  
Entanglements and  
Regenerations

Edited by Michalinos Zembylas and André Keet



Critical Human Rights, Citizenship,  
and Democracy Education

Bloomsbury Critical Education Series

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# Critical Human Rights, Citizenship, and Democracy Education

Entanglements and Regenerations

Edited by  
Michalinos Zembylas and André Keet

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## Series Editor's Foreword

This new book series is being introduced against an international background that comprises situations that are disturbing as well as interesting. There are concerns regarding the distribution of wealth and its concentration in the hands of a few to the detriment of the many, “the multitudes,” as referred to by Michael Hart and Toni Negri.<sup>1</sup> The series is launched at a time when the “social contract” is continuously being shredded as several people are removed from the index of human concerns. Many are led to live in a precarious state. Contract work has become the norm, a situation that renders one's life less secure. There is also criticism targeted at the very nature of production and consumption themselves with their effects on people and their relationship to other social beings and the rest of the planet.

They are also difficult times because the initial enthusiasm for the popular quest for democracy in various parts of the world has been tempered by eventual realism based on the fact that strategically entrenched forces are not removed simply by overthrowing a dictator. Far from ushering in a “spring,” the uprisings in certain countries have left political vacuums—fertile terrain for religiously motivated terrorism that presents a real global security threat. This threat, though having to be controlled in many ways, not least tackling the relevant social issues at their root, presents many with a *carte blanche* to trample on hard-earned democratic freedoms and rights. The situation is said to further spread the “culture of militarization” that engulfs youth, about which much has been written in critical education. Terrorist attacks or aborted coups allow scope for analyses on these grounds, including analyses that draw out the implications for education.

The security issue, part of the “global war on terror,” is availed of by those who seek curtailment of human beings' right to asylum seeking and who render impoverished migrants as scapegoats for the host country's economic ills. The issue of migration would be an important contemporary theme in the large domain of critical education.

We are also living in challenging times in which an attempt is made for politics to be rescued from the exclusive clutches of politicians and bankers. A more grassroots kind of politics has been constantly played out in globalized public

arenas such as the squares and streets of Athens, Madrid, Istanbul (Gezi Park), Cairo, Tunis, and New York City. A groundswell of dissent, indignation, and tenacity was manifest and projected throughout all corners of the globe, albeit, as just indicated, not always leading to developments hoped for by those involved. Yet hope springs eternal. Some of these manifestations have provided pockets for alternative social action to the mainstream, including educational action. Authors writing on critical education have found, in these pockets, seeds for a truly and genuinely democratic pedagogy that will hopefully be explored and developed, theoretically and empirically, in this series.

It is in these contexts, and partly as a response to the challenges they pose, that this new series on Critical Education has been developed. Education, though not to be attributed powers it does not have (it cannot change things on its own), surely has a role to play in this scenario; from exposing and redressing class politics to confronting the cultures of militarization, consumerism, individualism, and ethnic supremacy. The call among critical educators is for a pedagogy of social Solidarität that emphasizes the collective and communal in addition to the ecologically sustainable.

Critical educators have for years been exploring, advocating, and organizing ways of seeing, learning, and living that constitute alternatives to the mainstream. They have been striving to make their contribution to changing the situation for the better, governed by a vision or visions of systems that are socially more just. The ranks of the oppressed are swelling. Hopefully, it is the concerns of these people that are foremost in the minds and hearts of those committed to a social-justice-oriented critical education. I would be the first to admit that even a professed commitment to a critical education can degenerate into another form of radical chic or another form of academic sterility. We need to be ever so vigilant toward not only others but also ourselves, coming to terms with our own contradictions, therefore seeking, in Paulo Freire's words, to become less incoherent.

This series offers a platform for genuinely socially committed critical educators to express their ideas in a systematic manner. It seeks to offer signposts for an alternative approach to education and cultural work, constantly bearing in mind the United Nations Sustainable Development Goals that, albeit difficult to realize, serve as important points of reference when critiquing current policies in different sectors, including education. The series' focus on critical education, comprising the movement known as critical pedagogy, is intended to contribute to maintaining the steady flow of ideas that can inspire and allow for an education that eschews the "taken for granted."

In this particular volume the contributors bring a strong element of criticality into areas such as Human Rights Education, Citizenship Education and Democracy Education that though sounding appealing can be and have often been taken on board uncritically feeding into the dominant and exclusionary western liberal bourgeois paradigm. Some approaches to CE for instance take the concept of Citizenship for granted overlooking the fact that certain people, for instance rejected asylum seekers and their offspring born in the borrowed country, lack access to citizenship rights (see Pisani 2012). It is the kind of situation that this book seeks to redress, hence the emphasis on criticality which makes the volume fit the present series.

**Peter Mayo**

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## Notes

This Series Preface draws on these two works: Mayo, P. (2012a), *Politics of Indignation. Imperialism, Postcolonial Disruptions and Social Change*, Winchester and Washington: Zer0 Books/John Hunt publishers; Mayo, P. (2012b) "Critical Pedagogy in Hard Financial Times" in *Lifelong Learning in Europe (LLinE)*, No. 2 pp. 23–27. I am indebted to my friend Michael Grech for his comments on an earlier draft. The usual disclaimers apply.

- 1 See Michael Hart and Toni Negri (2001) *Empire*, Massachusetts: Harvard University Press.

## Reference

- Pisani, M. 2012. "Addressing the 'Citizenship Assumption' in Critical Pedagogy: Exploring the Case of Rejected Female Sub-Saharan African Asylum Seekers in Malta." *Power and Education* 4(2), 185–195.

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# Introduction

André Keet and Michalinos Zembylas

Over the past six decades, human rights articulations became braided into the principles of constitutional democracies; introducing more inclusive and just conceptions of citizenship. For instance, Guilhot (2005: 1) has very little hesitation in arguing that human rights are *Democracy Makers*: as “the organizing principles of a new international order . . ., the *Grundnorm*,” while the edited compilation of Koh and Slye (1999) *Deliberative Democracy and Human Rights* explores four fundamental relationships: “the relationship between ethics and human rights; between constitutionalism and democracy; between democracy and deliberation; and between morality and punishment” (19). Further, Habermas’s (1996) influential work on *Between Facts and Norms* provides a discourse theoretical base to argue for the constitutive relationship between rights and constitutional democracy. And Somers (2008: xiv), almost a decade ago, settled the debate on the relationship between citizenship and rights for they are “inescapably mutually implicated and constituted. Citizenship in the *right to have rights*.” Thus, the ideas of human rights, democracy, and citizenship have a shared conceptual frame. Any basic database search will bring into view a widespread common-sense understanding: in a democracy, citizens have rights.

At a scholarly and political level, Gutmann and Thompson (2004) reaffirmed such ideas in *Why Deliberative Democracy?* In similar vein, the collection of chapters in *Constructing Democracy: Human Rights, Citizenship and Society in Latin America* (Jelin and Hershberg 1996) includes an exploration of the relationships between citizen, human rights, and democracy. Analogous to these are the arguments advanced by Zivi (2012) in *Making Rights Claims: A Practice of Democratic Citizenship*. The same logic is discernible from Goodhart’s (2005) *Democracy as Human Rights: Freedom and Equality in the Age of Globalization*.

The constitutive relationships between citizenship, human rights, and democracy are presupposed in the founding document of the United Nations (UN), the Universal Declaration of Human Rights (1948) and subsequent declarations and conventions. The translation of these relations into educational statements are diffused right throughout these major international human rights instruments (see Coysh 2017: 46–67) and have found expression in, for example, works published under the *Palgrave Studies in Global Citizenship Education and Democracy* (Laker 2016) that, inter alia, brings citizenship education (CE), democracy education (DE), and human rights education (HRE) together. The convergences between these three educational forms are confirmed in the literature (Acun 2014; Kang 2002; Calderón and Bastidas Mora 2015; Moon and Koo 2011). The United Nations Educational, Scientific and Cultural Organization's (UNESCO) Global Education First Initiative (UNESCO 2012) working assumptions are also rooted in conjoining CE, DE, and HRE (see UNESCO 2015). Another formulation of these links are to be found in the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education that was adopted in 2010 (see Kerr 2013; Zajda 2013). The charter cuts through many of the surface distinctions between CE, DE, and HRE. It seamlessly entangles education relating to democracy, citizenship, and human rights (Kerr 2013: 2). This is also true for Heater's treatise *A History of Education for Citizenship* (2004) and the *Sage Handbook of Education for Citizenship and Democracy* (Arthur, Davies, and Hahn 2008).

Such intertwinement better reflects the practices of these educational forms; interwoven in ways as not to be easily separated. This is reflected in the broad definitional parameters of CE, DE, and HRE. Whereas CE refers to education that aims promoting citizens playing an active part in democratic life through the exercise of rights and responsibilities, DE has as its focus education about the idea, practices, and principles of democracy, and HRE seeks the promotion and protection of human rights and fundamental freedoms (see Decaux 2010; Tibbitts and Kirchsclaeger 2010; Keet 2010a; Coysh 2017; Toots, De Groof, and Kavadias 2012; Barber and Torney-Purta 2012). Taking issue with how Dewey's work (1972) on "Democracy and Education" is often collapsed into the notion of *democratic education*, Quay (2016) argues that while "today we commonly express the connection between democracy and education via various forms of democratic education," Dewey had something radically more substantive in mind. "Democracy and Education" puts forward an educational philosophy, while *democratic education* is an educational strategy that advances principles of democracy through democratic teaching and learning environments. The

differences between *democracy education* and *democratic education*, self-evidently, are almost nonexistent; they simply oscillate between or collapse “democracy as content” and “democracy as method.”

All in all, the expansion of human rights as the dominant moral language of our age (Baxi 1994) and its constitutive relationship with constitutional democracies and their concomitant conceptions of citizenship have been taken up primarily within these three pedagogical formations, namely, CE, DE, and HRE. These educations formed a triad that was consummated with the adoption of the United Nations Declaration on Human Rights Education and Training in December 2011 and the endorsement of global CE as a strategic priority within UNESCO’s education program (2014–2017). The proliferation of these educational forms across the globe has been well researched and documented, and most countries through government and civil society initiatives attempted to include it into school curriculums with concomitant schemes on curriculum development, teacher education and implementation plans (see, e.g., Moon and Koo 2011; Kalayci and Hayirsever 2014). The authoritative “Education for All Reports,” in, for instance, the 2005 and 2015 editions, track the expansion of educational forms on citizenship, democracy, and human rights across the globe (see also Suárez 2006; Suarez and Ramirez 2007; Ramirez, Suarez, and Meyer 2007; Dill 2013).

However, most of these programs struggle to give expression to the “critical” that must accompany any educational endeavor. Thus, they are incapable of critiquing the categories they work with and struggle to create the conditions to advance “new” understandings of their own knowledge base. That is, the acceptable “truths” of human rights, democracy, and citizenship are seldom critically examined, and productive interpretations for understanding and acting in a world that is soaked in the violations these educations try to address cannot emerge. These challenges, as Coysh (2017: 68) argues in the case of HRE, have been raised since 1983 and include the work of Eide (1983) and Conteh (1983). Other HRE critiques followed in what Coysh (2017: 69) regards as a body of “early” critical HRE scholarship in reference to the work of Baxi (1996, 1997), Cardenas (2004, 2005), Yamin (1993), Magendzo (1997), and Okafor and Agbakwa (2001). Nevertheless, “there is a scarcity of critique of HRE in current literature” (Coysh 2017: 71).

In the case of CE, the critiques of Davies et al. (2005) and Pais and Costa (2017) are instructional. However, it is Neubauer’s (2012) productive *Critical Review of International Research on Citizenship and Citizenship Education* that brings into sharper view the limits of the prevalence of a rights-based citizenship (2012: 96).

“CE is primarily viewed through the lens of good or responsible citizenship ... where the concept is directly connected to raising awareness on the rights and duties of the so-called responsible citizenship,” Neubauer (2012: 91) argues. Critiques of these conceptualizations are not widespread and critical thinking is thus restrained (Crick 2000) in order to advance a neoliberal rationality that sustain the demands for active compliance (Kennelly and Llewellyn 2011). These analyses are rooted in an extensive history of CE as evidenced by the fact that the International Association for the Evaluation of Educational Achievement (IEA) conducted its first study on this educational formation in 1971; covering 10 countries. The 2009 IEA International Civic and Citizenship Education Study (ICCS) included 38 participating countries (see Toots, De Groof, and Kavadias 2012). Neubauer (2012: 98), in particular, is highly critical of “the prevalent non-problematic use and application of the concept of responsible and/or good citizenship.” The rights-based citizen, layered by declarations, conventions, and legal provisions is, it seems, little more than a regulated subject; a critique very distant from how we think and do CE and HRE. Understandably, CE and HRE practitioners, invested in a common-sense understanding of the “good” of their work, will find it hard to fathom that the content matter of their educational endeavors goes against the objectives they proclaim to pursue.

Linking CE and DE is commonplace (see Kalayci and Hayirsever 2014; Arthur, Davies, and Hahn 2008). So is joining CE and HRE (Flowers 2004; Heater 2004). And so too is coupling CE, DE, and HRE (Al-Nakib 2012; Laker 2014; Keet 2010a, 2010b). As a consequence it is almost impossible to separate the critiques aimed at them. Or, for that matter, disconnect the critiques leveled at the practices associated with their organizing concepts of citizenship, democracy, and human rights. It is within both these entanglements and their critiques that the possibilities for regenerations are located. In a sense, a double critique is at play in relation to *citizenship-, democracy-, and human rights education* (CDHRE): critique of CDHRE as pedagogical formations, and critique of their subject matter and content. From this double critique a critical CDHRE will source its orientation. However, the *critical* praxes that should emerge must also challenge the “self-certainty of the critical attitude that confidently assumes that it is really in the know” (Hoy 2004: 237). The *critical* is called upon to confront its own codes, dogmas, and doctrines. The praxes and transformative actions that emerge from the *critical* must, therefore, address their respective positionalities and reflexivities and discard their own self-certainty so as to be self-critical, “reflect on [their] own contingent circumstances and contextual limitations, and thus, remain open to moderation and other possibilities” (Hoy 2004: 238–239).

## The present volume and its structure

The current state of affairs regarding the aforementioned issues throws up challenging questions for practitioners and academics working in CE, DE, and HRE sectors. This edited collection brings together a compendium of chapters to engage with the following questions:

1. How can human rights, democracy, and CE question the basic assumptions on which it is fostered? What new forms of human rights and politics are taking shape on the “glocal” scene as evidenced in mass protests, activisms, and social movements? What are their implications for human rights, democracy, and CE as a *critical project*?
2. How can human rights, democracy, and CE in schools and other sites of learning better respond to the challenges of our time: structural inequality, discrimination, poverty, environmental degradations, violence in societies, the shortcomings of rights and democracy, and so on? How can this educational triad advance an inclusive narrative of progress?
3. How do we begin, through this triad of education, to unbundle human rights, democracy, and citizenship from the discourses of the market, governmentality, and regulation?
4. What kind of human rights, democracy, and CE can “simultaneously engage in understanding and undermining the new world in the process of becoming ...? How can their endeavours be summoned to beyond their own untruths? How can we source counter-hegemonic sentiments, logics, and practices from the ‘critiques of human rights as sites of resistance to HRE?’” (see Baxi 1994).
5. How can human rights, democracy, and CE engage with critical pedagogy, critical social theory, critical legal studies, public sociology, feminist theory, cultural studies, queer studies, the natural sciences, and the like? What are the strengths and pitfalls of these schemes? What would a critical program on this triad of educations look like? How can such critical programs be initiated? How should disciplines such as law, sociology, health sciences, and social work and their associated professions respond?

Needless to say, the chapters in this volume do not provide answers to all of these questions, but rather advance scholarship in the entanglements of CE, DE, and HRE using one or more of these questions as a point of departure that attempts to view these entanglements as a critical project.

Generally speaking, there are two overarching goals that drive this edited collection, as those are addressed in two separate parts: (1) the first part (Chapters 2–7) provides theoretical work that cultivates a critical view of human rights, democracy, and citizenship education and revisits these receivable categories to advance socially just educational praxes; and (2) the second part (chapters 8–13) highlights case studies that redefine the purposes, practices, and approaches in education for a better configuration with the justice-oriented objectives of human rights, democracy, and citizenship education.

The first part of the collection consists of six chapters focusing on theoretical issues that range from exploring the contributions of critical theory to regenerating CE, DE, and HRE, to theorizing decolonizing, hermeneutic, narrative or hybrid approaches in rethinking various aspects of the entanglements between CE, DE, and HRE.

In Chapter 2, André Keet explores the major revisions of Critical Theory over time, its interpretive entanglements with constitutional democracy and human rights, and its implications for CDHRE. Present pedagogical arrangements within CDHRE, Keet suggests, only further serve to structurally anchor inequalities, discrimination and exclusion. It is thus incapable of generating emancipatory alternatives. This chapter argues that the various shifts and strands of critical theories provide productive schemes for revitalizing an emancipatory praxis of CDHRE.

In Chapter 3, Michalinos Zembylas argues that a decolonizing approach in HRE needs to examine human rights issues through a critical lens that interrogates the Eurocentric grounding of human rights universals and advances the project of re-contextualizing human rights in the historical horizon of modernity/coloniality. This alternative configuration of HRE as “critical” and “transformative” offers pedagogical and curricular possibilities that go beyond conventional forms of HRE and create openings for pedagogical praxis along social justice lines. The quest to create these openings and possibilities is a fundamental element for decolonizing the theory and pedagogical practices of human rights. It is argued that the move to create spaces for decolonizing pedagogy and curriculum in HRE can take HRE theory and practice to a less Eurocentric outlook and thus a more multiperspectival and pluriversal understanding of human rights—one that recognizes the histories of coloniality, the entanglements with human rights, and the consequences for social justice projects.

In Chapter 4, Joanne Coysh examines the relationship between power and discourse in the struggle for human rights knowledge. Starting from the proposition that discourse is the site where power relations are played out and



knowledge determined, it unpicks how a global and dominant discourse of HRE is produced by the global institutions, taken up, and embedded into practice in local contexts. This dominant HRE discourse propagates a certain version of human rights that, arguably, undermines people's knowledge and agency, tacitly imprints a language through which people then define their struggles, and guides action through preexisting and systemic mechanisms. Drawing upon three years of research and fieldwork conducted in Tanzania, this chapter illustrates that while the dominant HRE discourse may offer a way for people to reframe their problems, the ultimate interest is to maintain the status quo rather than opportunities for radical alternatives or social transformation.

In Chapter 5, Rebecca Adami explores the critical potential of using historical and present counternarratives in human rights education. An argument she develops is that there are other empowering and inspiring historical narratives of people (children, women, and men) from all over the world who have aspired human rights, apart from the dominant told ones, and in education we could gain new knowledge by telling the stories of those forgotten. Equally, the normative discourse surrounding the notion of rights and democracy, as belonging to a white, male, and Western hemisphere, risks being challenged if educators engage students with narratives that interrupt and question agency as coupled with power hierarchies, in relation to human rights claims.

In Chapter 6, Fuad Al-Daraweesh and Dale T. Snauwaert suggest that democracy is simultaneously an integrated system of human rights *and* a process of public deliberation and public reason. As human rights constitute the core normative content of democracy, it is argued that democratic citizens, in the face of the social fact of pluralism, must be able to articulate the justification, and accept the legitimacy, of human rights from within a moral point of view. This moral point of view, as Al-Daraweesh and Snauwaert point out, is defined by core standards of normative justification as well as their value-based cultural perspective; thus, it suggests that the development of the capability to engage in these processes of justification constitutes a core aim of human rights education. The authors argue that the fulfillment of this aim requires a morally discursive *and* hermeneutic approach to HRE and thereby to the education of democratic citizens.

In the final chapter of this part, Chapter 7, Felisa L. Tibbitts presents the key arguments made both for and against the existence of universal values, with the goal to suggest strategies for the treatment of such values in school curriculum and in the classroom. This chapter proposes a hybrid approach—which is sometimes referred to as “qualified universalism”—that is both philosophically

based and educationally pragmatic in recognizing the universality as well as the particularities of values. Tibbitts also discusses the evolution of critical human rights education (CHRE) in response to the “universal values debate.”

The second part of the book consists of six chapters. The purpose of this part is to consider how the entanglements of CE, DE, and HRE explored in Part I are manifested within particular settings, namely, Northern Ireland, India, Pakistan, South Africa, England, and the United States.

In Chapter 8, Joanne Hughes, Rebecca Loader, and James Nelson consider theoretical perspectives on intergroup relations with respect to human rights, democracy, and citizenship education. The authors provide an overview of major intergroup theories, drawing largely on the discipline of social psychology, and argue for the more extensive application of these to education for citizenship, democracy, and human rights. Their chapter focuses, in particular, on intergroup contact theory, which has received more substantial attention from educational researchers and practitioners as a model for promoting intercultural understanding. Adopting a critical perspective, Hughes, Loader, and Nelson question the contribution of contact-based approaches to equality and social justice, highlighting the apparent tension between promoting harmony and exploring difference (and associated issues of conflict, discrimination and inequality) during intergroup encounters. Finally, the authors discuss how this tension has been manifest in practice within schools in Northern Ireland and consider the potential way forward offered by a model of shared education.

In Chapter 9, Monisha Bajaj examines children’s rights issues in policy and in practice in schools in India. The chapter provides an overview of educational rights in India, from the immediate postindependence expansion of mass schooling to the more recent Right to Education Act (2009) and its implementation. The chapter reviews how teachers and school practices routinely discriminate and disadvantage some children despite policy provisions that outlaw such occurrences. Bajaj focuses, in particular, on curricular and pedagogical innovations that address the rights of Dalits, children, women, and other often-marginalized groups. Bajaj discusses the impact and sustainability of such learning spaces in relation to cultivating youth agency and resistance to dominant practices of exclusion for marginalized youth.

In Chapter 10, Shenila Khoja-Moolji and Natasha Hakimali Merchant seek to decenter the discourse of human rights as the *only* possible language of justice, emancipation, and empowerment. The authors pluriversalize our knowledge field by drawing on work with adolescent girls and teachers in Pakistan to

illuminate the existence of multiple idioms and vocabularies of justice, in addition to the language of rights. Specifically, Khoja-Moolji and Merchant hone in the ideas of *farz* (responsibility) and *madad* (help) that were grounded in religion and operated powerfully in local contexts setting the parameters for behavior toward others. In fact, the authors argue, Islam provided some of the most potent idioms for social justice. They, hence, propose that it is imperative to view UN-centric human rights as a historically and geographically specific body of knowledge that affords specific life-scripts and possibilities, and that we must make space for non-Eurocentric idioms of justice as well. Such a move will enrich our politics, afford the possibility of multiple life-scripts, and delineate the complexity of projects for social justice.

In Chapter 11, Kayum Ahmed presents an empirical study from South Africa to demonstrate that a “values gap” exists between the personal values held by human rights advocates on the one hand, and the human rights values they are meant to uphold on the other. Based on the responses to questionnaires administered to 71 human rights advocates in South Africa, Ahmed’s study finds that a substantial number of activists and scholars continue to exhibit attitudes and behaviors that conflict with human rights values despite having participated in a HRE training program. This research raises questions about the effectiveness of HRE training, and offers some insights into the values gap that exists between the personal values of human rights advocates and the human rights values they are expected to promote and protect.

In Chapter 12, Katherine Covell and R. Brian Howe present a case study of an initiative in children’s HRE that is consistent with the justice-oriented perspectives of human rights and citizenship education. The initiative — *Rights, Respect and Responsibility* — implemented in Hampshire County, England, involved the restructuring of schools to be consistent with the education rights described in the UN Convention on the Rights of the Child. In essence, children’s human rights became the foundation and framework for all school teaching and functioning, involving the explicit teaching and consistent practice of rights. Evaluation data, collected over ten years, demonstrated the capacity of rights-based schooling to promote the attitudes and behaviors that underpin social justice and democratic citizenship. Over time, students demonstrated increased social consciousness and social action, respect for the rights of others, participation in school and community, and understanding of the nature and value of human rights. In addition, school engagement and academic achievement increased over time. It is concluded that rights-based schooling is an effective means of promoting a rights-valuing and rights-respecting culture.

In the final chapter of this part, Chapter 13, Carol Anne Spreen, Chrissie Monaghan, and Anna Hillary describe related case studies from their work on youth activism in the United States illustrating different strategies that can be translated into a social justice pedagogy within a HRE curriculum that promotes a transformative orientation. Components of this approach include current readings and activities that provide students with understandings of human rights and violations of rights locally contextualized such that these are not abstract, but made immediate and real; and that promote students' emotional, as well as intellectual, engagement, as the authors argue. Spreen, Monaghan, and Hillary suggest that critical engagement with HRE, and its reaches and limits, can facilitate societal change on multiple levels, including in students' views of themselves, their own agency, and the ways in which they demonstrate that agency. In emphasizing action and critical perspectives, as it is pointed out, this integrated approach enables educators to reposition HRE with change and action at the core.

The book concludes with an afterword from Lis Lange in which she offers another reading of the problem this edited collection poses. In particular, Lange suggests that CE, HRE, and DE have a limited emancipatory capacity, if they fail to engage with their own political, philosophical and systemic origins.

The contributions toward the pursuit and exploration of a *critical project* in CE, DE, and HRE in this volume point to the necessity of repeatedly raising the questions posed earlier as a point of departure: first, to make visible the complex entanglements between CE, DE, and HRE in various settings and, second, to invent new ways of regenerating the criticality of approaching CE, DE, and HRE. Together the chapters presented in this volume constitute only a humble contribution toward this direction, but they demonstrate that ever more new theoretical and methodological tools are necessary in an effort to make the exploration of CE, DE, and HRE *more critical*.

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Part One

# Key Theoretical Issues



# Crisis and Critique: Critical Theories and the Renewal of Citizenship, Democracy, and Human Rights Education

André Keet

## Introduction

Our present social, political, economic, and environmental challenges are accompanied by a general mistrust in democratic institutions (Cruz and Brown 2016; Brown 2016; Klein 2008; Dean 2009; Krastev 2014); the neoliberal attrition of human rights; and the way these are knitted together with the status, quality, and agency of citizenship (Dean 2005, 2009; Brown 2005; Keet 2015; Deutscher and Lafont 2017). These, inevitably, have implications for citizenship-, democracy-, and human rights education (CDHRE). This chapter argues that such implications can become more intelligible by engaging, through critique, with the crises of our times. The interplay between crisis and critique, so this chapter argues, will open up new possibilities for emancipatory praxes within CDHRE that are better rooted within social reality. An enhancement of the social justice potential of CDHRE is also anticipated. Treating crisis and critique as analytically and historically central to the program of critical theory, this chapter further suggests that the major shifts in critical theory provide productive pathways for the renewal of CDHRE.

## Citizenship-, democracy-, and human rights education

Citizenship education (CE), democracy education (DE), and human rights education (HRE) coconstitute one another. That is, their organizing themes and aims are, to a large extent, related, with only slight differences in foci and emphasis.

Thus, their program content substantively overlaps. The literature confirms such coconstitution and overlaps (Laker 2016; Kerr 2013; Heater 2004; Arthur, Davies, and Hahn 2008; Toots, De Groof, and Kavadias 2012). The clustering of CE,<sup>1</sup> DE, and HRE (CDHRE) has become more pronounced and intelligible through the work of the Council of Europe (Kerr 2013). So, in the sense of associating it with CE and HRE<sup>2</sup>, it is probably more productive to frame DE, for the purposes of this chapter, as education for democratic citizenship (EDC).<sup>3</sup> As a “family” of educations, CDHRE, to be loyal to its purposes and aims, has to engage the crises haunting the everyday existences of the majority of the world’s inhabitants.

The world is precarious, as the realities that authored the United Nations Sustainable Development Goals (SDGs)<sup>4</sup> so clearly disclose: massive socio-economic inequalities, hunger, poverty, wars, conflicts, systemic discrimination of all sorts, environmental degradation, and so on; rooted in existing global economic arrangements and practices. And, as Butler (2010: 3) so powerfully argues, such precarity is differentially and disproportionately distributed according to “specific ontologies of the subject”; ontologies coconstructed by contemporary citizenship, democracy, and rights discourses. Those to whom the SDGs speak as “victims” and “unfortunates” carry the bulk of exposure to “injury, violence and death” (3).

Against the backdrop of these realities, it, from time to time, strikes one as surprising and even incredulous to see an array of “social justice educations” disentangled from one another in the absence of an integrated education and political program while at their core they share more or less the same objectives. Its junctures are readily conceded as is the case in a thoughtful and considered piece by Tibbitts and Kirchsclaeger (2010: 8) on *Perspectives of Research on Human Rights Education*:

These efforts (HRE), which has gained momentum since the early 1990s, has spawned a growing body of educational theory, practice and research that often intersects with activities in other fields of educational study, such as citizenship education, peace education, anti-racism education, Holocaust/genocide education, education for sustainable development and education for intercultural understanding.

Somewhere else I (Keet 2010: 31) attempted a *Conceptual Typology of Human Rights Education and Associated Pedagogical Forms*. In this analysis I probed the way in which HRE scholars and practitioners such as Lenhart and Savolainen (2002: 146) present HRE as an “emerging global educational philosophy” that

“unite and subsumes these other disciplines [which I refer to as educations]” (Flowers 2004: 118). This follows Tarrow’s (1992: 30–31) proposition that suggests that HRE is central to and entangled with multicultural, antiracist, civic, global, development, peace, environmental, and moral education. The recent reflections on Betty Reardon’s life (see Reardon and Snauwaert 2015), as a key figure in these educations, confirm their interwovenness; not only as fields of praxes but also as practitioner-identities and subjectivities. Nevertheless, there remains a subtext of distinctiveness between these educations (see Tarrow 1992; Lynch 1992; Keet 2010). Moreover, a global, desegregated program between these educations with a rational political orientation in the context of the world crises is yet to be conceived.

The justifications for sustaining superficial boundaries and margins between these educations are yet to be explored. Yet, there have been various forms of “integrations” over the past two decades (Smith 2015; Huddleston 2016; UNESCO 1998b) that have not been upscaled, conceptually and practically. One may argue that this weakness makes it almost impossible for these educations to respond to the global, regional, and local challenges it purports to tackle. A useful starting point, building on the massive work already done within the scope of critical pedagogies, is to work toward an educational orientation and formation that views CE, DE, and HRE as coconstituting each other. This inevitably and suitably will bring CDHRE in closer conversation with the various interpretive schemes of critical social theories; and the postcolonial and decolonial critiques embedded within it.

For one, CDHRE will have to shed its façade of virtue as an instinctive, automatic public good. By doing so, it will reveal to itself its complicity in the crises of our times through critiques of its own assumptions and practices. Key to such endeavor is to explore the connections between the crises of the world and the general disillusionment with democratic institutions and the human rights project within which CDHRE is implicated. Such enquiry, for now, can best be undertaken using the tools available within the historical program of crisis and critique of critical theories.

## Crisis and critique

*Critical Theory in Critical Times* (2017), a compilation of essays edited by Penelope Deutscher and Cristina Lafont, is an industrious exercise in the self-criticism of critical theory’s foundational assumptions, as Charles W. Mills (2017a) observes,

despite his reservations on the whiteness of critical theory. Critical theory's roots in Left Hegelian Marxism has, in varieties of ways, been dedicated to Marx's injunction of a "*ruthless criticism of everything existing*" (1978: 13) (emphasis in original); a criticism that "must not be afraid of its own conclusion, or of conflict with the powers that be" (1978: 13). This is a now well-known reference to Marx. What is seldom cited is Marx's refusal to set up "any dogmatic flag" (1978: 13) in the sentence immediately following the one on "ruthless criticism." Criticism is an opening up; to clarify in any critical program the "meaning of its own struggle and its own desires" (1978: 15). The program of critique that Marx had in mind refers to the agenda of the journal *Deutsch-Französische Jahrbücher* (German-French Annals) that he was setting up with Arnold Ruge at that time. However, only one edition was published.

Almost a century after Marx and Ruge, Walter Benjamin and Bertolt Brecht planned to launch a journal named *Krisis und Kritik* that reestablished the ancient etymological roots of these two concepts (Olaison, Pedersen, and Sørensen 2009: 2). This was a response to the political crisis in the form of fascism, a theme that would feature strongly in the Critical Theory (CT) of the Frankfurt School. This journal project was aborted, and critique became one of the first casualties of fascism (Olaison, Pedersen, and Sørensen 2009: 2). In 2014, more than 80 years later, Agon Hamza became the editor-in-chief of a new journal titled *Crisis and Critique*; a Marxist journal of philosophy (Bjerre and Hamza 2014) aiming at "reinventing the idea of radical emancipation."

Elsewhere I (Keet 2014: 134) have explored crisis and critique as a combination of concepts with a rich history in critical social theory. At the heart of critique, so I argued (135), is renewal: "The transformation of our cultural traditions, institutions, knowledges and practices in a world in which current social, political, cultural and economic arrangements only further serve to structurally anchor inequalities, discrimination and exclusion." I am aligned with Holloway's (2012: 515) definition of critique as "the opening of categories that are closed, to reveal the antagonism within them, to reveal the crisis that they conceal." "When we criticise the categories, we criticise the social relations that give rise to those categories. We open both" (Holloway 2012: 515–6). Thus, critique "aspires to find emancipatory alternatives to the conditions that block free human existence and damage social relations"; it can be viewed as a praxis (Cordero 2014: 498). The key point here is that from Marx to Habermas, Honneth, Dean, Brown, Forst, and Fraser, to name some of the key contemporary critical theorists, crisis and critique has been central to critical theory's analytical categories and key to its major shifts.

Why would reflections on crisis and critique in the mold of critical theory be important for CDHRE? The answer is straightforward. They constitute the location of *the critical*: that place from which we can cut through surface appearances; disrupt our receivable categories and interpretive schemes; and go behind that which we produce as truths. Simply put, *the critical* is the source of our disrupted self as CDHRE practitioners. From this vantage point, it may be possible to disclose, to ourselves, that the pragmatic and real-life expressions of liberal democracy and human rights with its associated conceptions of citizenship have masked and deepened societal crises, thus paving the way for *neoliberalism's stealth revolution*, as Brown (2015) argues. Our dilemma then is the emergence of democracy and human rights as the “primary signifier [s] of the potential of emancipatory political struggle” (Dean 2005: 154) that, as ensnared and detained within neoliberalism, may “indicate a diminishment in political dreams, the loss, perhaps, of hopes for equity and social justice” (154). A CDHRE that does not respond to these realities can do nothing other than reproduce the status quo. To work against such possibility would require CDHRE practitioners to foreground the analytical categories of crisis *and* critique. Stated differently, CDHRE should embed itself in critical theories of society.

## Critical theories

All theories of society that subject its object to critical examination can be regarded as critical theory (see Honneth 2007: 63). This chapter does not refer to this all-encompassing notion of critical theory. I am aligned with Nancy Fraser's (1985: 97) observation that no one as yet, has improved on Marx's 1843 definition of critical theory as “the self-clarification of the struggles and wishes of the age” within which an emancipatory intent is inscribed. I am also in agreement with Allen's (2016: xi) distinction between a narrow and too broad conception of critical theory.<sup>5</sup> The narrow conception refers to the German tradition of social theory associated with the Frankfurt School and its inheritors. The two broad conceptions denote any theory and practice with emancipatory intent and includes work under the “banner of feminist theory, queer theory, critical race theory, and post- and decolonial theory” (xi); *and* the French theories associated with “poststructuralism.”

In slight deviation from Allen (2016), I am not categorizing post- and decolonial theory under the broad notion of critical theory. The targeted, yet wide-ranging scholarship under their banners dictates that they be treated

separately. I am also adding a further distinction that merges African Studies and African American Studies into Africana Critical Theory (Rabaka 2009) with its focus, among other things, on the political economy of race and gender, decolonization, critical race theory, and the critical philosophy of race. To make references to these distinctions more manageable in the text, I am denoting them as follows throughout this chapter. First, “critical theory” (CT) refers to the Frankfurt School and its inheritors. Second, Allen’s two broad conceptions of critical theory, excluding post- and decolonial theory, is referred to as “critical theory.” Third, postcolonial and decolonial theory are designated as such. Fourth, Africana Critical Theory is denoted as ACT. Fifth, I regard crucial works such as *Southern Theory* (Connell 2007) and *Theory from the South* (Comaroff and Comaroff 2012) as a strand of critical theory associated with both post- and decolonial theory. The five strands are collectively signified as “critical theories.”

### Shifts in critical theories and implications of CDHRE

An analysis of the major shifts in critical theories with all its complexities is, to say the least, an ambitious undertaking. Fortunately, these are already well-captured in the writings of the “founders” of the Frankfurt School and others (see Horkheimer 1972; Habermas 1985 Horkheimer and Adorno 1972; Bronner and Kellner 1989; Held 1980; Connerton 1976; Honneth 2007, 2012). However, my aim here is to provide a summary of these shifts within critical theories broadly speaking, and consider its implications for CDHRE.

The shifts in critical theories are commonly linked to critiques; irrespective of whether these critiques are internal, external, Africana, postcolonial, or decolonial. From within, CT has been critiqued, revised, and challenged with alternative propositions for its project. This mainly includes shifts from Horkheimer and Adorno and their circles’ Marxist functionalism that presented “a closed theoretical sphere of capitalist domination and cultural manipulation” (Honneth 2007: 65), to Habermas’s theory of communication (1985), to Honneth’s theory of recognition (2007, 2012). In other words, first a shift from class and social labor to social interaction and communication as analytical categories within which to locate the critique of social domination and concomitant emancipatory potentials. And second, a shift from justice petitions rooted in distorted communication to demands for recognitive justice within which to situate a program of emancipation. For Habermas, deliberations that challenge distorted communication, generate, through the democratic procedure, valid



and legal norms that capture the petitions for justice (see Renault 2005). Honneth, on the other hand, suggests a form of recognitive justice rooted in social recognitions constituted by the triad of love, respect, and esteem (see Pilapil 2011); or love, rights and solidarity.

Critiquing Habermas's assumption that distorted communication is the primary resource for identifying injustice, from which the emancipatory impulse of CT stems, Honneth (2007, 2012) suggests that recognitive justice and not communicative justice should form the basis for understanding the emancipatory drive of social agents. His recognition version of CT is particularly disapproving of the legal, procedural conceptions of social justice.

Nothing has been more fatal to the formulation of a concept of social justice than the recent tendency to dissolve all social relations into legal relationships, in order to make it all the easier to regulate these relationships through formal rules. (Honneth 2014: 67)

But, for Honneth, in *The Struggle for Recognition* (1995) and his later work (2007, 2012, 2014), "rights" remain central to a theory of justice. Though presenting a more pluralistic conception of justice through the three levels of recognition, Honneth is yet to explore the already dominant configuration of legal proceduralism embedded in rights and democracy that advances existing capitalist democracies, reproduces socioeconomic inequalities, and generates varieties of human rights violations.

Typically, for CDHRE practitioners the notions of citizenship, democracy, and human rights as formulated within CT are treated as integral to the idealist idea of human and social progress. The citizen situated in democratic aspirations is a rights bearer where "democracy and human rights express a common aspiration for human autonomy, dignity, equality and freedom" (Schaffer 2015: 96). The Habermasian thesis of the co-originality of democracy and human rights as set out in *Between Facts and Norms* (Habermas 1996) is based on the assumptions of his theory of communicative action (Habermas 1996: xxxix). From here we derive the idea of deliberative democracy and its procedural conceptions. Thus rights, though intersubjectively rooted, can discursively be elaborated into a comprehensive system folded into democracy (see Flynn 2003); a theme that generally governs approaches to CDHRE.

CT has not shied away from rooting its program in broad normative claims against which injustices are identified. It has thus been accused of being married to one or other form of metadiscourse. Thus, externally, the critique of CT is, in large part, derived from the "postmodernist" and "poststructuralist" schools

of thought. For the “postmodernist,” especially arguing against the Frankfurt School, CT’s appeal to “some grand narrative” (Lyotard 1999: xxiv) is misplaced. That is, its adherence to modernist conceptions of for instance progress, democracy, human rights, and so on is misdirected.

The general argument leveled against CT, in this case, is precisely its uncritical adherence to these classical notions. Instructive for CDHRE has been the critique of CT’s modernist assumption of the already-constituted human rights and democratic citizen. Likewise, the poststructuralist critique decenters the human rights subject and the foundationalism of democracy and rights, and displaces the absolute meanings of democracy and rights. Thus, the productive option available to CDHRE is to see its understandings of the concepts of citizenship, democracy, and rights as an interplay of the critiques within CT and critical theory. That is, critical theory, in its broad sense, alerts us to how rights, because it adheres to an idea of a finished human rights subject, are both implicated in capitalist and neoliberal domination *and* in its failure to perpetually steer law toward an “impossible commitment to an unconditional justice” (Douzinas and Gearty 2014: 2). In a sense, rights desire a foundation in truth, as we note from its codification in human rights instruments and law, but “needs to fail to have one in order to maintain its hegemonic power as the progressive ideal of the post-political age” (2). It follows then that the emancipatory potential of CDHRE resides in working with these kinds of paradoxes of rights, citizenship, and democracy (see Douzinas and Gearty 2014; Birmingham and Yeatman 2014). That is, to converse with professionals and communities with whom we work in authentic ways, placing on the table the impossible promises and absurdities that profoundly impact our shared everyday lives, but, which nonetheless, are skimmed over in our practices.

The critique of CT from a postcolonial perspective argues that the Frankfurt School, “despite its seminal insights into the relationships between domination, modern society, and the opportunities for redemption through art as critique, is stunningly silent on racist theory, anti-imperialist resistance, and oppositional practice in the empire” (Said 1994: 278). For Said (1994) it was only Fanon that converted his Marxist, Freudian, and other heritages into an “anti-authoritarian” service. At the heart of the postcolonial critique of CT is its adherence to the dominant, Eurocentric narratives of progress. Postcolonial approaches work to challenge these narratives “and to reconfigure them to provide more adequate categories of analysis, where adequacy is measured in terms of increasing inclusivity and is oriented ‘backwards’ as well as ‘forwards’” (Bhabra 2007: 15). The implications for CDHRE are obvious. If the dominant narratives

constructed the “human” of human rights in limiting terms, it is incapable of imagining forms of social life outside of its own interpretive horizon. Using Allen’s (2016: 19) insights, I argue that because CDHRE employs conceptions of citizenship, democracy, and human rights as incorporated into the notion of progress as formulated within the sphere of European modernity, it fails to explore that its practical expression as education “has served and continues to serve the ideological function of rationalizing and legitimizing contemporary forms of informal imperialism, neocolonialism, and racism” (19). An uncritical CDHRE may also be implicated in epistemological essentialism since, given the stadial conception of development within which it is located, it may assume to know on what basis it claims to know how “advances” in citizenship, democracy, and human rights counts as progress (see Allen 2016).

CT’s obedience to an idea of progress that draws its resources from a phased-development, Eurocentric logic, has been the subject of criticism from a decolonial perspective as well (see Quinjano 2000). For some, the postcolonial critique is not sufficient. For instance, Grosfoguel (2011: 2) argues for decolonizing postcolonial studies itself, given its roots in French poststructuralism and calls for epistemic frameworks from the Global South to contribute “to a radical decolonial critical theory” (2). In essence, the postcolonial and post-modern critique is, for Grosfoguel (3), a Eurocentric critique of Eurocentrism. A decolonial critique, however, is a critique of Eurocentrism from “subalternized and silenced knowledges” (3). The propositions for CDHRE are disrupting. Not only are its organizing concepts taken to task for being imprisoned by Eurocentric conceptions of progress and social evolution, it now also has to excavate subalternized understandings of rights, citizenship, and democracy (see Mignolo 2014) to be of any critical pedagogical and emancipatory value in the Global South. CDHRE practitioners who argue that the understandings of rights, citizenship, and democracy are, in any case, contextualized as a decolonial movement within its praxes, have always missed the point that “contextualization”, in this instance, is an act of epistemic invasion and of colonization.

Nevertheless, a radical decolonial critical theory, as Grosfoguel will have it, should, I think, engage with both a Eurocentric *and* Subalternized critique of Eurocentrism. Zeleza (2009) and Gikandi (2002) make more or less similar points in their critique of the way in which Africa Studies and postcolonial studies remain locked in Eurocentric frames in which Africa is written by analogy, subjected to reference points authored somewhere else.

In the same way as Grosfoguel (2011) is setting the scene for exploring a radical decolonial critical theory, Rabaka (2009) is arguing for an ACT that

situates critical theory within the interpretive schemes provided by Du Bois, James, Fanon, Cabral, and the like and the “developments in philosophy of race, sociology of race, psychology of race, anthropology of race, history of race, and critical race theory; Pan-Africanism, anti-colonialism, decolonization theory, and critical postcolonial theory; black Marxism, black nationalism,” and so forth (ix). In essence, Rabaka (2009: 302) argues for a critical theory to be more attuned to the lived experiences of black people, and the black radicalism that emanates from such experiences. It is worthwhile here to quote him at length (2009: 302).

Deeply indebted to Mills work, Africana critical theory advocates a *conjunctive* approach to critical theory; an approach which places race *and* gender *and* class *and* sexuality at the center of, not only critical analyses of contemporary society, but of the creation and reconstruction of the radical theories and revolutionary praxes aimed at transforming contemporary society. Africana critical theory, therefore, does not argue that race and racism are the most pressing social and political problems confronting the critical theorists of the twenty-first century, and it does not claim that class should be replaced with race or gender as the central problematic of critical theory. However, it does audaciously assert that critical theory stands in need of radical reconstruction, and that critical race theory, philosophy of race, sociology of race, feminism, womanism, and postcolonialism, among other theoretical perspectives, should be critically utilized to *supplement* conventional critical theory’s critiques of capitalist class struggle and political economy. The main idea here is to correct the methodological omissions and strengthen the epistemic weaknesses of classical and contemporary critical theory, not prescribe yet another intellectually insular and myopic methodology.

Allen’s (2016) charge that CT has been all too silent on the problem of imperialism ties in with Rabaka’s observation. But, whereas Allen marshals Adorno’s and Foucault’s insights for a decolonial CT, Rabaka has a renewal of critical theory via “black,” “race,” and feminist studies in mind. Charles W. Mills, (2017a) on the other hand, argues for both the decolonization and deracialization of CT as ways of retrieving it, because CT, in decentering race, has been blinded to its own whiteness (Mills 2017a).

As a consequence, it has been handicapped in achieving that self-critical and “estranging” illumination of “the social institutions and practices, patterns of cultural meaning and subject formation, and normative commitments that have made us who we are,” which has been an epistemic and ethical goal from the beginnings of Western philosophy. (Mills 2017a: 264)

The critique of Allen (2016), Rabaka (2009), and Mills (2017a) extends to one of citizenship, democracy, and human rights as key to both the constitution of the idea of progress within Eurocentrism as taken up by CT and critical theory, together with the legitimization of whiteness in the way these concepts find practical expression in our social institutions and practices, including how they are furthered by CDHRE. What brings Allen, Rabaka, and Mills together is their belief that CT should not be discarded but regenerated, and with them, we can launch the program for the renewal of CDHRE.

This chapter is punctuated with tentative ideas on how such renewal may take shape. To summarize, such renewal will entail a complex set of movements in the direction of critical and decolonial pedagogies and critical social theories in general; this includes careful consideration of the shifts in critical theories. As argued earlier, the analytical categories of crisis and critique themselves is the location of the *critical*; the vantage point from which to disrupt ourselves as CDHRE practitioners. A *critical* CDHRE would know that the focus on capitalist domination and cultural manipulation through Marxist interpretive schemes seem to be more pertinent today than ever before. But, it will also know how to integrate such analysis with the analysis of social interaction and communicative action that Habermas's has in mind. Further, it will be attuned to the limitations of the legalistic notions of citizenship, democracy, and human rights, and models itself on pluralistic conceptions of justice. In short, a *critical* CDHRE will know that the notions of citizenship, democracy, and human rights are both affirmed and critiqued by shifts in CT and critical theories and will view such paradoxes as productive.

A *critical* CDHRE will assume responsibility for its adherence to modernist conceptions of citizenship, democracy, human rights, and progress that permeate the United Nations (UN) instruments with which we work. And then question it through incessant critique. It will undertake the task of engaging, against its grain, with unfinished, nonhuman rights subjects, and interrogate democracy and rights as grand narratives. Absolute meanings of citizenship, democracy, and human rights will be dislocated, and their absurdities and aporias will be key to the content and approach of *critical* CDHRE. Further, the critique of the notion of progress will bring *critical* CDHRE in conversation with critical decolonial theory and ACT. However, when all is said and done, the project of formulating these into a pragmatic education project should be the responsibility of the collective of CDHRE practitioners across the globe.

## Conclusion

If we accept that the renewal of our social practices are dependent on our capacity and commitment to be attuned to the crises generated within and outside our modes of thinking and doing, an unending critique of our praxes would be a permanent orientation. This critique would also have its gaze on the normalized legitimacy of the concepts we work with: citizenship, democracy, and human rights and its inversion and deployment in the local and global processes of domination. For all its shortcomings, CT and critical theories have been central in providing productive interpretive schemes to guide the tools we work with in the directions of social justice.

However, as we have seen from the forgoing arguments, critical theories have to engage with the erosion of citizenship, democracy, and human rights under the annihilating influence of neoliberalism's stealth revolution (Brown 2015); combat its own Eurocentric inheritance; struggle with its silences on global racism and others forms of discriminations; and take more seriously the post- and decolonial critiques leveled against it. In a sense, the critiques of and among critical theories extend to CDHRE. Incriminated in the global crises we are facing, CDHRE should be articulated as incessant critiques of its organizing categories (citizenship, democracy, human rights) and its pragmatic manifestation in a world soaked with human rights violations. Its responsibility is to work against the growing mistrust in democratic and human rights institutions by adopting the critical pedagogical posture. A posture that will demonstrate to those with whom we work that the differential distribution of precarity can be countered by a *critical* CDHRE.

## Notes

- 1 CE can be defined as educating children, from early childhood, to become clear-thinking and enlightened citizens who participate in decisions concerning society (UNESCO, 1998a).
- 2 Kerr (2013): "HRE means education, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower learners to contribute to the building and defence of a universal culture of human rights in society, with a view to the promotion and protection of human rights and fundamental freedoms."

- 3 “Education for democratic citizenship” means education, training, dissemination, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and molding their attitudes and behavior, to empower them to exercise and defend their democratic rights and responsibilities in society, and to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law (Kerr 2013).
- 4 These are no poverty; no hunger; good health; quality education; gender equality; clean water and sanitation; renewable energy; good jobs and economic growth; innovation and infrastructure; reduced inequalities; sustainable cities and communities; responsible consumption; climate actions; life below water; life on land; peace and justice; and partnerships for the goals. See the full document at <https://unstats.un.org/sdgs/report/2016/>. [Accessed August 3, 2017].
- 5 Allen, 2016: xi–xii. “In its most narrow usage, ‘critical theory’ refers to the German tradition of interdisciplinary social theory, inaugurated in Frankfurt in the 1930s, and carried forward today in Germany by such thinkers as Jürgen Habermas, Axel Honneth, and Rainer Forst and in the United States by theorists, such as Thomas McCarthy, Nancy Fraser, and Seyla Benhabib. In a more capacious usage, “critical theory” refers to any politically inflected form of cultural, social, or political theory that has critical, progressive, or emancipatory aims. Understood in this way, critical theory encompasses much, if not all, of the work that is done under the banner of feminist theory, queer theory, critical race theory, and post- and decolonial theory. A distinct but related capacious usage of the term refers to the body of theory that is mobilized in literary and cultural studies, otherwise known simply as “theory.” Here critical theory refers mainly to a body of French theory spanning from poststructuralism to psychoanalysis, and including such thinkers as Michel Foucault, Jacques Derrida, Gilles Deleuze, and Jacques Lacan.

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# Toward a Decolonizing Approach in Human Rights Education: Pedagogical Openings and Curricular Possibilities

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## Introduction

It has recently been observed that human rights are full of contradictions and human rights education (henceforth HRE) has not only failed to address these contradictions, but it has also legitimated a narrow and uncritical type of human rights discourse in education (Al-Daraweesh and Snauwaert 2013; Coysh 2014; Keet 2010, 2012, 2014, 2015; Osler 2015; Yang 2015; Zembylas 2016a, 2016b, 2016c). One of the most blatant contradictions pointed out is how everyone is supposed to have human rights, yet the reality is very different, as most people do not. While the United Nations guarantees human rights and countries are supposed to protect them, many countries around the world are actually violating them. The roots of these contradictions, as Yang emphasizes, “lie in the modern condition, which is a *colonial* condition” (2015: 226 emphasis added). Therefore, it is argued that the human rights field needs decolonial strategies for the project of decolonizing human rights to be advanced (Barreto 2012) and HRE, in turn, will also need to become “decolonizing” (Yang 2012).

Generally speaking, colonialism denotes the exploitation of human beings and nonhuman worlds in order to build the wealth and the privilege of the colonizers (Mignolo 2003). Colonization of the land, argues Mignolo, goes hand in hand with geopolitics of knowledge, and specifically the domination of Eurocentric thought that classifies regions and people around the world as underdeveloped economically and mentally. Decolonization refers to the interrogation of how Eurocentric thought, knowledge, and power structures dominate present societies, and how that thought and knowledge has consistently

undermined the exploitation of colonized people and their losses (Brayboy 2006). The decolonizing project, then, disrupts Western epistemology as part of the larger colonial project, introducing multiplicity and “pluriversality,” namely, turning the process of knowledge production open to epistemic diversity (Mignolo 2006).

The purpose of this chapter is to explore what *decolonizing*—as both a verb and an adjective—HRE might imply, and how this “intellectual and political enterprise” (Barreto 2012: 2) could make a contribution to “a dynamic, self-renewing, and critical orientation towards human rights” (Keet 2012: 8). My point of departure is Tuck and Yang’s (2012: 2) provocative observation that “decolonisation, which we assert as a distinct project from other civil and human rights-based social justice projects, is far too often subsumed into the directives of these projects, with no regard for how decolonisation wants something different than those forms of justice.” While this critique emphasizes, rightly so, what is incommensurable between decolonizing projects and other social justice projects, the decolonizing project also highlights a radical position that is necessary for “transformative” (Bajaj, Coslaghi, and Mackie 2016) forms of HRE that take into consideration social justice issues: it interrogates the very nature of the epistemological and ontological grounding inherent both in the human rights discourse and in HRE, namely, the colonial condition and the liberal notions of the “human” and “rights” in European Enlightenment. There is much to be gained, both politically and intellectually, from moving away from a competition over how decolonizing and other social justice projects—which are not always commensurable—are nevertheless coimplicated. In this chapter, then, I want to offer an analysis of the human rights (education) regime that illuminates both the distinctness of decolonization *and* the ways in which it is linked with other social justice projects.

The human rights regime is embedded within a specific cultural and historical framework involving the foregrounding of Western colonial knowledges (Baxi 2007; Mutua 2002; Spivak 2004). I will contend that HRE has also been shaped within this colonial condition that delimits its own space, both theoretically and practically (see also, Osler 2015; Yang 2015). For HRE to be decolonizing, then, there has to be serious strategic work that challenges Eurocentric thinking and recontextualizes HRE theory and pedagogical practice in the historical horizon of coloniality. In order for HRE to become more “critical” (Keet 2015) and “transformative” (Bajaj, Coslaghi, and Mackie 2016), it needs to go beyond the epistemological and ontological grounding inherent in the dominant human rights regime. For this to happen, we need to develop HRE theory and practice that go beyond critical pedagogies that highlight the human as the

unit of liberation (Yang 2015); we need decolonizing pedagogies and curriculums that problematize the very premises of human rights and HRE.

The chapter is divided into three sections. In the first, I offer an account of how the development of a global discourse of HRE is substantively tied to the entanglement of modernity and coloniality. The next section examines some decolonial strategies that could recontextualize human rights and HRE. In the final and concluding section of the chapter, I suggest how these strategies could be “translated” into decolonizing pedagogy and curriculum that could promote a critical and transformative orientation toward human rights and HRE. In emphasizing decolonial perspectives that enable human rights educators to reposition the theoretical frame of mainstream HRE, the chapter provides a set of strategies and ideas for enacting a decolonization approach in HRE curriculum and pedagogy.

## The global discourse of HRE and the struggles for decolonization

Reports that reflect on mainstream HRE projects in schools, universities, non-governmental organizations, and communities seldom question the epistemological and ontological underpinnings of the Eurocentric theory of human rights (Keet 2014). It is not surprising, then, that although different models of practice exist in HRE, the theoretical underpinnings of HRE either remain underdeveloped (Osler 2015) or simply perpetuate an uncritical advancement of human rights universals as an uncontested social good (Keet 2015). Building on the argument about the “imprisonment” of human rights into Western, colonial, and neoliberal arrangements, Keet (2015) suggests that the legalistic framework of human rights has also limited the promise of HRE within a normative form. Thus, mainstream HRE projects follow what Keet (2012) has termed a “declarationist” approach, namely, “the almost dogmatic belief that all human rights truths are generated and consummated within human rights instruments such as declarations, conventions and covenants” (22).

Furthermore, as Coysh argues, the uncritical adoption of United Nations’ (UN) global discourse “has enabled a narrow and manufactured type of human rights education” (2014: 90) by validating certain types of knowledge (institutional expert, technical), while discounting others (cultural, indigenous, community). Coysh explains that “over the years the UN has increasingly controlled the formation of human rights education discourse by gradually institutionalizing and centralizing

its production. Doing so . . . it has also enabled the UN to regulate the operation of the discourse by prescribing how human rights should be disseminated” (92). For example, it is not uncommon that human rights are portrayed in the form of universal facts or defined in the Universal Declaration of Human Rights; this sort of grounding of human rights in HRE fails to capture the different conceptions of human rights as they exist in community knowledge and resources.

In particular, the construction of a global HRE discourse has relied upon the subjugation of particular types of knowledge, according to Coysh (2014). This process of subjugation occurred in two ways: first, by institutionalization and formalization of HRE so that historical knowledges are masked; and second, by subjugating a whole range of different forms of knowledge that were discounted as naive or inferior. The colonial condition, then, has been very much embedded in the subjugation of alternative conceptions of human rights. What is remarkable, Keet (2015) says, is not so much the institutionalization and formalization processes themselves through UN agencies “but the speed at which this construction achieved hegemonic status” (2015: 52). The way that the language of international human rights norms and standards are prioritized in many models of HRE practice is evidence of this, says Coysh (2014). As a consequence, “rather than widening the scope for social transformation, the dominant discourse of human rights education has in fact narrowed the opportunities for this to take place” (108).

Similarly, Keet writes that “an unreflexive form of HRE masquerading as its radical-productive opposite becomes dominant . . . Thus, now more than ever, HRE is in need of critique and renewal” (2012: 8). The basis of this renewal, argues Keet, lies in our ability to articulate human rights and HRE along the lines of a critical engagement “that is neither caught up in human rights idolatry or cultism, nor is conservative and uncritical” (9). The introduction, therefore, in HRE of different notions of human rights that challenge the Eurocentric standards and structures of the notions of “human” and “rights,” enlarges the landscape of HRE, leading to a reconfiguration of HRE. As Keet further argues: “A new HRE is required, one whose fidelity is spawned by incessant betrayals by relentless human rights critiques. To do otherwise is to be anti-educational and anti-human rights” (21).

Along similar lines, and with a radical pedagogy in mind, Coysh (2014) suggests that HRE needs to be rooted in the following assumptions:

First, human rights education cannot be detached from its natural community and environment . . . Second, it is plural and diverse and circulates in a society of difference, rather than a homogeneous state. Third, human rights education should be learned in terms of different context, cultures, people and experiences



... Fourth, it is rooted in people's everyday experiences, aspirations, concerns and needs rather than abstract and intangible concepts. (110–111).

Finally, Al-Daraweesh and Snauwaert's suggest five elements (2013: 410) of a pedagogy that is reframed within a critical and hermeneutical approach to human rights and HRE: it focuses on the cultural, social, political, and historical nature of HRE (historicization); it offers learners the tools to understand the concept of human rights in context (contextualization); it draws strength from the idea of multiple perspectives on human rights (HR) (multiperspectivity); it takes a critical stance toward human rights as they are conceptualized/interpreted locally (criticality); and it recognizes that human rights conceptualizations are partial and incomplete (partiality).

All in all, the aforementioned calls for reconfiguring, repositioning, or renewing HRE so that it becomes more "critical" and "transformative" are well aligned with recent arguments for decolonizing HRE (Yang 2015). Yang (2015) points out that if HRE is going to be truly decolonizing, it has to dismantle first the concept of "Human" as it continues "to mean a settler and a property owner whose 'Rights' to land, life, and liberty are actually entitlements enforced by settler nation-states" (226). Importantly, as Tuck and Yang (2012) warn us, we need to be careful with the adoption of decolonizing discourse as its superficial and uncritical use will turn decolonization into a metaphor rather than a strategy, a politics, and a practice that exposes and dismantles coloniality. It has already been mentioned earlier that a "critical" form of HRE has to denaturalize the categories of "human" and "rights" grounded in Eurocentric theories of human rights. On the one hand, there are important commonalities in the political project of a "critical" and a "decolonizing" HRE that ought to be kept in mind; on the other hand, to acknowledge Tuck and Yang's (2012) warning, critical theory and pedagogy may not be always appropriate for making sense of the colonial condition and for transforming those who carry the burden of Eurocentric knowledge of human rights. In the next part of the chapter, I discuss some decolonial strategies that could reposition human rights and HRE, while the last part will become more specific in suggesting how a decolonizing pedagogy and curriculum in HRE might look like.

## Decolonial strategies for human rights and HRE

According to Barreto (2012), the quest to decolonize human rights can be summed up in two statements made by Walter D. Mignolo: "The future demands

thinking beyond the Greeks and Eurocentrism” (2003: 85), and “a radical reconceptualisation of the human rights paradigm” (2000: 739). According to Mignolo (2009), the concepts of “human” and “rights” were inventions of European humanists during Enlightenment to challenge the power of the Church and highlight the autonomy and rationality of each individual. The liberal reforms and revolutions in the seventeenth and eighteenth centuries consolidated a secular notion of humanity that was recognized in the Declaration on the Rights of Man and Citizen after the French Revolution (Mignolo 2009). In the Universal Declaration of Human Rights of 1948, the notions of the “human” and “rights” inherited the liberal ontological and epistemological premises of the West, legitimating Eurocentric thinking while excluding other sites of knowledge (Mignolo 2011).

Mignolo (2009, 2011) suggests that there are two options in responding to the notions of the “human” and “rights” as inventions of Western imperial knowledge: first, to accept what “human” and “rights” are according to the Western framework of knowledge; and, second, to engage in “epistemic disobedience” by denouncing the unilateralism of the universal, and by affirming that being human is not being Christian and rights are not framed in liberal legality. Mignolo argues for the latter option, the decolonial option, because it does not attempt to replace the old Eurocentric truth with a new truth but rather to keep the definition of what it means to be human open. He uses the term “pluriversality” to denote the notion of universal knowledge for humanity, yet one that embraces openness to dialogue among different epistemic traditions (Mignolo 2006). As Acuña (2013) notes, the decolonial option strongly criticizes liberal legality and the epistemological and ontological foundations of Western modernity/coloniality. But more importantly, what the decolonial option does for human rights is to delink them from Western epistemologies and ontologies and enact an alternative approach.

The project of decolonizing human rights or decolonizing HRE, then, is inevitably part of the wider task of decolonizing education and knowledge. I will present, then, a number of strategies that have already advanced the project of decolonizing human rights (see Barreto 2012), claiming that they can also support HRE to become decolonizing. Here I focus on three such strategies—which are further “translated” into decolonizing pedagogy and curriculum of HRE in the last part of the chapter: first, the recontextualization of human rights and HRE so that there is inclusion of different traditions of human rights and a critical relationship with human rights universals in HRE theory and practice; second, the critique of critical theory and pedagogy and its enrichment

with decolonial thinking and praxis; and, finally, the adoption of an ethics of emotions as an ethics of human rights and HRE. Each of these strategies is briefly discussed below.

The first decolonial strategy is what Barreto (2012) calls the “re-contextualisation” of human rights that includes the necessity of extending the history and context of human rights beyond the borders of Europe. As he writes: “The re-contextualisation and contextualisation of the hegemonic theory of human rights in the material conditions of modern/colonial geography and history paves the way for re-drawing and re-writing the geography and history of human rights” (6). Furthermore, Barreto explains, the standard way of presenting human rights is often situated in no context at all, highlighting the “universal” conception of rights. Imperialism has been advanced and sustained because “the truth” (i.e., Western epistemology) has colonized other cultures (Mignolo 2011). Therefore, resisting colonization in the field of human rights implies dismantling the hegemony of Western epistemology by recognizing the historical setting within which different traditions of human rights have emerged outside the borders of Europe—among colonized people in the South or in the Third World (Barreto 2012).

In the field of HRE, the above idea implies both the inclusion of different traditions of human rights and a critical relationship with human rights universals. A critical and hermeneutic approach to HRE, argue Al-Daraweesh and Snauwaert (2013), includes local cultural conceptualizations of human rights, that is, different conceptions of human rights altogether that express the moral concerns of different (non-Western) cultures and match the values of the Western conceptualization of human rights. Human rights cannot be based anymore in a priori universal principles detached from the historical and cultural context—the traditional framework of human rights theory and history (Barreto 2012). As Keet (2015) also emphasizes in his proposal for what he calls “critical human rights education,” an important aspect for HRE to be “critical” is to stand in a critical relationship with human rights universals. Therefore, a critical dialogue is needed between local notions of human rights and international legal documents and declarations. Decolonization of HRE means recognizing the contributions made by Southern and Third World cultures. Most importantly, though, it means acknowledging that the global discourse of human rights and HRE has emerged in the background of the history of modern colonization of the world and the struggle against imperial violence.

The second decolonial strategy is the critique of critical theory (Barreto 2012; Broeck 2013), and critical pedagogy (Tuck and Yang 2012; Yang 2015).

Broeck (2013) argues that critical theory needs to be modified to account for the violence generated by imperialism. As it stands at the moment, says Broeck, critical theory highlights humanism as the epitome of modernity, while it fails to recognize how capitalism, imperialism, and colonialism were also made possible in modern Europe and led to slave trading and colonialist practices. Therefore, Broeck suggests that critical theory needs to adopt a *longue durée* historical approach that widens its field of study to recognize the entanglement of modernity with coloniality and to read history from the point of view of the colonized or the slave. For human rights, this implies rewriting their history, as Barreto (2012) says, that is, expanding the standard accounts of the trajectory of rights in modern times.

Along similar lines, yet focusing on critical pedagogy, Tuck and Yang (2012) emphasize that it is important to acknowledge that there are significant differences between critical pedagogy and decolonizing projects. For example, argue Tuck and Yang, Freire situates the work of liberation in the minds of the oppressed, as a humanist self-critique, whereas decolonizing projects (e.g., Fanon) always position the work of liberation in the particularities of colonization and the structures of the colonization process. Unlike Keet (2015), who views critical pedagogy as contributing to developing a praxis for “critical human rights education,” Tuck and Yang push for a much sharper distinction between critical pedagogy and decolonizing work. Similarly, Yang (2015) suggests that decolonizing pedagogy is an alternative to critical pedagogy precisely because the latter remains deeply humanist when it comes to liberation, whereas for HRE to be decolonizing, it has to dismantle the category of human.

Finally, the third decolonial strategy suggested here is the adoption of an ethics of emotions as an ethics of human rights and HRE. The affective turn in the social sciences and the humanities marks “critical theory’s turn to affect” (2007: 2), as Clough writes, “at a time when critical theory is facing the analytic challenges of ongoing war, trauma, torture, massacre, and counter/terrorism” (2). This new scholarship shows us that what is felt “is neither internally produced nor simply imposed on us from external ideological structures” (Rice 2008: 205), but rather affects and emotions cannot be thought outside the complexities, reconfigurations and rearticulations of power, history, and politics (Athanasίου, Hantzaroula, and Yannakopoulos 2008). This scholarship has offered various insights toward establishing a link between colonialism, human rights, and emotions, especially in relation to how human suffering is entangled with colonialism and elicits rights-talk (Barreto 2012). These issues push the boundaries of thinking about what human rights can *do* in the context of multiple

temporalities and historical changes in local and global power relations, (post) colonial processes, (post)national discourses, and biopolitical arrangements (Athanasidou, Hantzroula, and Yannakopoulos 2008).

The affective turn raises new important questions about human rights and their transformative possibilities in HRE: How can explorations of human rights activism become strategic sites of ethical and political transformation that pay attention to different manifestations of social injustice? How can human rights create possibilities to resignify emotional and social injury in ways that continuously rework and unsettle affective attachments to particular bodies, discourses, and practices such as the mythology of national belonging? How do biopolitics emerge as a crucial feature of human rights in the making of modern individuals and communities imagined through the normativity of emotional bonds and solidified through the emotional power and performative force of identity work? (Zembylas 2014, 2016a, 2016b, 2016c) All in all, the decolonization of human rights in HRE needs to offer possibilities of approaching human rights from a critical emotional orientation.

## Decolonizing pedagogy and curriculum in HRE

In the last part of this chapter, I further elaborate on the aforementioned decolonial strategies by attempting to “translate” those into “decolonizing pedagogy” and “decolonizing curriculum” in HRE. In particular, I underscore the need for HRE to draw upon theoretical and conceptual tools that will facilitate this endeavor. In this respect, I draw upon the concepts of “decolonising pedagogy” (Tejeda, Espinoza, and Gutierrez 2003; Tejeda and Gutierrez 2005) and “decolonising curriculum” (Grande 2004; Subedi 2013) to argue for the importance of developing “critical” and “transformative” forms of HRE “that take into consideration the distinct social locations and forms of marginalization faced by different groups” (Bajaj, Cislighi, and Mackie 2016: 15).

First of all, decolonizing pedagogy aims at interrupting Eurocentric knowledge at the level of the classroom with the hope that these interventions help undermine historical distributions of power structures. According to Tejeda, Espinoza, and Gutierrez (2003), “there is a direct and material relation between the political processes and social structures of colonialism on the one hand, and Western regimes of knowledge and representation on the other” (24). Decolonizing pedagogy in HRE, for example, challenges the dominant thinking and meanings attached to human rights as those have been integral to colonial

conditions across the world. The decolonizing pedagogy, as proposed by Tejeda, Espinoza, and Gutierrez (2003),

must be guided by a conceptually dynamic worldview and a set of values that make it anticapitalist, antiracist, antisexist, and antihomophobic. It is informed by a theoretical heteroglossia that strategically utilizes theorizations and understandings from various fields and conceptual frameworks to unmask the logics, workings, and effects of . . . colonial domination, oppression, and exploitation in our contemporary contexts. (21).

A decolonizing pedagogy in HRE, then, draws theoretically from various conceptual frameworks (e.g., postcolonial studies, spatial theory, critical pedagogy, critical race theory, black feminist theory) so that human rights educators and learners are offered the tools to recontextualize human rights. To achieve this goal, educators and learners need to take a critical stance toward human rights as they are conceptualized/interpreted in the material conditions of coloniality and its persisting effects. I contend that developing a critical consciousness of neocolonial conditions by showing the connections between Eurocentric epistemology of human rights and colonial domination is fundamental for a decolonizing pedagogy in HRE.

However, the cultivation of critical consciousness in decolonizing pedagogy is entangled with educators' and learners' emotional investments (Zembylas 2013a, 2014, 2016a). A fundamental challenge, then, is: How does an educator deal pedagogically with the learner who resists or rejects critical perspectives and who openly expresses racist, colonialist, or nationalist views because his or her privileges are being threatened or lost; or the learner who is so traumatized from racism, colonialism, or nationalism that he or she feels that nothing can be done to rectify the situation? As Jansen (2009) maintains, critical theory and critical pedagogy receives and constructs the world as divided (e.g., black/white, oppressors/oppressed) and then takes sides to free the oppressed. However, the rhetoric of critical pedagogy as we know it might prove inadequate, because it remains too firmly grounded in such binary pairings as oppressor/oppressed, master/slave, and power/freedom (Albrecht-Crane 2005; Yoon 2005; Worsham 2001).

Consequently, decolonizing pedagogy in HRE has to move beyond critical pedagogy not only because critical pedagogy highlights the human as the unit of liberation whereas decolonizing pedagogy has to denaturalize the category of the Human (Yang 2015), but also because the difficult knowledge emerging from counternarratives of human rights has to be foregrounded rather than backgrounded (Zembylas 2014). Working from the assumption that

decolonizing pedagogy in HRE must engage this terrain of difficult emotional knowledge in ways that have not been sufficiently addressed by critical pedagogy so far, decolonizing pedagogy needs to pay attention to difficult knowledge of human rights as a source of fruitful and critical sentimental rather naive sentimental ways (Zembylas 2016b). To do so, a nuanced understanding of decolonizing pedagogy in HRE needs to pay attention to two important insights.

First, decolonizing pedagogy in HRE needs to recognize that global discourses of human rights formulate pedagogies of emotion in society and in schools, exerting a powerful impact on the affective struggle for empowerment and resistance (cf. Worsham 2001). Therefore, human rights pedagogues who wish to develop a decolonizing approach need to be critically aware of the emotional consequences when they categorize individuals into “oppressors” and “oppressed”; failing to understand how learners’ emotional attachments are strongly entangled with traumatic historical circumstances of human rights violations and material conditions will undermine human rights educators’ pedagogical interventions. Second, as Worsham (2001) further states, there are many emotional manifestations of disempowerment and lack of resistance such as boredom, apathy, resentment, hatred, anger, nostalgia, sorrow, loss, shame, guilt, and humiliation, and generally the ways those emotions are organized and practiced across differences of race, class, and gender (Zembylas 2013a). A form of decolonizing pedagogy that does not apprehend its own limitations of the complex discourses and practices of emotion that are embedded in particular local contexts is less likely to acknowledge emotion as a crucial aspect of political struggle for change and solidarity. Thus the desire for empowerment and resistance cannot be taken for granted as a “natural resource” for any sort of critical pedagogies (Amsler 2011); rather, the affective tensions around issues of empowerment and resistance must be placed at the heart of decolonizing pedagogy in HRE.

Finally, in relation to decolonization and the curriculum, to “decolonize curriculum” means to critically examine dominant structures of knowledge and their relationship to power—as they operate and are reproduced in and through the curricular content and design—recentering knowledge in the intellectual histories of colonized people (Grande 2004). Decolonizing HRE curriculum, for example, entails the inclusion of the histories and experiences of colonized people, thus constructing “a genealogy for human rights that differs from the usual one” (Gilroy 2010: 57). As Gilroy writes further, this genealogy

should begin with the history of conquest and expansion, and must be able to encompass the debates about how colonies and slave plantations were to be

administered. ... The counter-narrative of human rights we require is evident in opposition to racial orders, in the struggles of indigenous peoples and in the post- and anti-colonial pursuit of liberation from imperial domination. (71–72)

Decolonization of the HRE curriculum, therefore, means to offer accounts of human rights that would force European thinking and knowledge to confront its barbarism and coloniality. To achieve this, the decolonizing approach needs to embrace three critical curriculum approaches: antiessentialism, contrapuntal readings, and ethical solidarity (Subedi 2013).

As noted earlier in the chapter, there are often essentialist and universalist notions of human rights promoted in mainstream HRE; therefore, an antiessentialist approach critiques the monolithic portrayal (i.e., Eurocentric) of human rights, while emphasizing the value of recognizing not only the link between Western epistemology and modernity/coloniality but also the contributions made by third world countries and cultures. The antiessentialist HRE curriculum, then, draws strength from the idea of multiple perspectives on human rights, rather than universalizing human rights as a Western achievement. Second, the decolonizing curriculum values contrapuntal readings (Subedi 2013), meaning that it explicitly focuses on questions of colonization and imperialism. For example, Eurocentric theories of human rights deal mainly with relations between state and society, or between governments and individuals, putting aside the problematic of the entanglements with empires and colonies (Barreto 2012). The decolonizing curriculum in HRE encompasses a different philosophy of the history in which human rights interpretations are based on, giving birth to a new paradigm of HRE that historicizes notions of human rights in the colonial condition and their entanglements with power structures. Finally, the decolonizing curriculum is attentive to how questions of solidarity have been conceptualized, and it emphasizes the need to mobilize collective struggles across differences (Subedi 2013). For example, in relation to HRE, this strategy implies that to promote action-oriented empathy and solidarity, there has to be a systematic investigation of the different ways in which feelings of empathy are evoked in the classroom and have differential implications for those who suffer (Zembylas 2013b). To interrogate the trappings of sentimentality and especially narratives of pity, human rights educators and learners need to challenge the emotional investments and emotion-informed ideologies that underlie their responses toward suffering and seek to promote sympathy and solidarity that make a concrete difference in sufferers' lives (Zembylas 2016b).



## Conclusion

In this chapter, I have argued that a decolonizing approach in HRE examines human rights issues through a critical lens that interrogates the Eurocentric grounding of human rights universals and advances the project of recontextualizing human rights in the historical horizon of modernity/coloniality. This alternative configuration of HRE as “critical” and “transformative” offers pedagogical and curricular possibilities that go beyond conventional forms of HRE and create openings for pedagogical praxis along social justice lines. The quest to create these openings and possibilities is a fundamental element for decolonizing the theory and pedagogical practices of human rights. As Gorski (2008) has pointed out almost a decade ago about decolonizing intercultural education, I also argue that attaining a decolonizing HRE requires not only subtle shifts in pedagogical practice, but also important shifts of consciousness that prepare us to see the political and theoretical moves that are necessary and influence HRE theory and practice. Needless to say, any decolonization project is messy, because conventional HRE practices are often implicated in the legacy of colonialism (Smith 1999). Yet, the move to create spaces for decolonizing pedagogy and curriculum in HRE can take HRE theory and practice to a less Eurocentric outlook and thus a more multiperspectival understanding of human rights—one that recognizes the histories of coloniality, the entanglements with human rights and the consequences for social justice projects.

## Note

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# Exploring Power and Discourse in Human Rights Education

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## Introduction

In the last 20 years, human rights education (HRE) has become an increasingly significant strategy employed in the space between the global institutions and local communities, where third sector organizations, civil society, and educational institutions employing HRE tread the fine line between the need to maintain the status quo and the invitation for large-scale social, political, and economic change. The context is complex and diverse, so they navigate a multitude of different people, spaces, practices, problems, and interests.

In the same period, HRE has become increasingly institutionalized, defined, and formalized at the global level, and integrated and encompassed within United Nations (UN) structures and mechanisms (Coysh 2017). While appearing to offer a pathway and approach for tackling social problems, inequality and injustice, the institutionalization of HRE and the production of a dominant discourse seem to be a critical part in the creeping regulation of human rights knowledge. This controls not only how human rights are understood and articulated, but also the choices and action people take in consequence.

In this situation, it is intermediary actors, such as nongovernmental organizations, who have a critical role in taking up the dominant HRE discourse and putting it to work in the local context through their practice. Often unconsciously they are key operators in a broader struggle for human rights knowledge, caught up in a dynamic relationship of power and in a permanent relationship of provocation between domination and resistance.

Gramsci's claim is that the maintenance of a dominant hegemonic culture takes place not through the application of force, but through the forging of

consent and the art of persuasion (Mayo 1999: 36). This means educators need to be alert to the way that power is operating through HRE discourse as the risk is continuing to reproduce a dominant culture that reinforces the status quo rather than actively seeking to change it.

This chapter explores the operation of power in forming a dominant discourse of HRE. It will outline briefly the relationship between power, discourse, and knowledge, before sketching out how power has operated to produce and circulate a dominant discourse of HRE and the practices that reinforce it. The conclusion will consider some of the implications of doing this. The chapter draws on evidence from three years of research exploring the relationship between the global and the local HRE discourse in community-based settings. It includes evidence from a 12-month case study in Tanzania with local nongovernmental organizations (NGOs) doing HRE in community-based settings. It outlines some of the general trends and patterns in HRE rather than an in-depth analysis of practice (Coysh 2017).<sup>1</sup>

## Power, discourse, and knowledge

Foucault claims that the exercise of power is a question of regulating and controlling society through specific forms of governance (Foucault in Dreyfus and Rabinow 1982: 212–213). In this sense, the idea of government is broader than the traditional understanding about political structures or management of states. Instead it is taken to signify the ways in which the conduct of individuals and groups can be regulated, controlled, and directed. It is about considered and calculated modes of action that are “designed to act upon the possibilities of action of other people” (Faubion 1994: 341).

This fixation over the control of society is not new. Foucault describes it dating back to the sixteenth century when attention shifted from concerns about the nature of state control to one concerned with introducing and maintaining the economy and order (Foucault in Dreyfus and Rabinow 1982: 212). It is since this time that society has become a political target, and during this period that alternative forms of governance began to emerge through the development of disciplinary technologies in institutional spaces such as schools, prisons, workplaces, and hospitals.

The idea that institutions control the formation of discourse to regulate society was suggested by Michel Foucault, who claimed that discourse is a set of linguistic and strategic facts that are designed to produce and sustain an

economy of truth and the site where meanings are contested and power relations determined. It is through certain disciplinary systems, institutions, and social relations that we can see the ways that exercise of power in society is used to control knowledge and meaning (Marchand and Parpart 1995: 3). Discourse is a central part of the struggle for knowledge, through which multiple relations of power function. Harnessing that power to serve specific interests therefore becomes a significant, if not a predominant, role of discourse working within that space.

Discourse is the site where meanings are contested and power relations determined, and it is through examining the ways that certain systems and institutions control discourse and meaning, that we can understand how power is operating to regulate knowledge. Discourse here is taken to mean not only text and language, but also social practice and interaction that can take place simultaneously.

Examining the different spaces of discourse is an entry point to investigate the ways that transformation takes place, in the past, present, and future. It is a way of understanding how shifting discursive practices contribute to the interplay between changes in knowledge, social relations, and social identities, as well as, the relationship between microlevel instances of discourse and the macro influences. It can also be used as an analytical tool to bring to the surface the hidden and unconscious dynamics of knowledge, power, and truth and how they can influence and forge passive consent that then makes possible the domination of all aspects of society by one single class. In other words, the way that knowledge, power, and truth maintain the hegemonic status quo (Foucault 1980).

The way that power produces knowledge is therefore critical in trying to understand HRE discourse and how it is constitutive and constituted of social and institutional practices. The target is not the institutions, theories, or ideologies of HRE, but the *practices* and the *conditions* that make these acceptable at any given moment (Mahon 1992: 129). Each society, suggests Foucault, has its own “regime” and “politics of truth,” which consist of the types of discourse it accepts and circulates as truth (Foucault 1980: 131). The critique of truth is that it is what society accepts as true knowledge and thought itself and is intimately bound up with language and inserted into systems of social practice (Foucault 1976). A history of human rights knowledge is claimed to be “a story of struggle for certain truths,” where the outcome is “constitutive of particular social relations and modes of being” gaining dominance at certain points in time and a consequence of power struggles in which particular realities are privileged and others disqualified (Haugaard 2002: 182).

Constructing a *history of the present* requires analyzing how power relations have shaped our ways of seeing and doing HRE. The analytical task is to show the way in which the historical truth of the discourse of HRE in fact rests upon “complex, contingent and fragile ground” (Marshall 1990: 19), which introduces a sense of complexity and uncertainty, doubt and reflexivity about its production and claims about human rights knowledge (Ball 1995: 269). This requires respect for the uncertainty of knowledge claims, on the basis that “there will always be other perspectives from which to interpret the material under review” (Wetherall in Wetherall, Taylor and Yates 2001: 284). In this sense the notion that human rights are an inherent and a natural “given” is rejected and instead seen as one perspective in a world of multiple perspectives and narratives. Historical developments in HRE should not be viewed as culminations of historical processes, grand narratives, or hidden political designs, but instead as “manifestations of the balances of power over people, though no one person or collective may have exercised that power or ultimately be held responsible” (Marshall 1990: 19).

The next part of the chapter shows how power operated to enable and support a dominant global discourse of HRE, which traversed the transnational space through intermediary networks and was able to access hard to reach and unregulated local populations.

### A dominant discourse of HRE

Following the United Nations Declaration on Human Rights (UDHR) 1948, there were few efforts to directly link concepts of human rights and education, and little if no institutional control over the content or process of educating in human rights. However, this lack of prescription allowed space for creativity, as well as the opportunity to broaden the scope of issues considered relevant through initiatives such as the Associated Schools Project (UNESCO 2007).<sup>2</sup> It was during this period that efforts were made by United Nations Education, Scientific and Cultural Organizations (UNESCO) to link education explicitly to concepts of human rights through various initiatives.

In the next few decades the relationship between human rights and education appears to have developed in a disorganized and sporadic fashion. This was until the “Recommendation Concerning Education and International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms” was presented by the UNESCO in 1974.



And yet, even then, there were no specific methodological guidelines, which meant that there was little, if any, institutional control over the political nature of the discourse that could emerge. This all came during the Cold War, when the idea of collective critique could have been a challenge to the capitalist ideological order.

However, the post-1994 period signified an important shift, when the term “human rights education” emerged as a concept and as a specific program that was removed from UNESCO and placed under the mandate of the UN Office for the High Commissioner for Human Rights (OHCHR). The focus of HRE discourse shifted from issues on the world stage to human rights themselves, and HRE was explicitly linked to the aims of peace, democracy, development, and social justice as they were stipulated by the UDHR. While the potential remit was broad, all the issues were clearly situated within the UN framework: its role, the instruments, and the institutions. HRE was being drawn further into the global political structures and policy-making framework.

The purpose of HRE was clearly stipulated in the Programme of Action for the UN Decade for HRE (1994–2004) (UN General Assembly 1996). This stated that HRE was “training, dissemination and information efforts aimed at building a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes,” and was firmly rooted in the provisions of the international human rights instruments (para. 2). The UN effectively centralized the production of HRE discourse, and by doing so it was not only able to control its formation by focusing the language of HRE on the definitions outlined in international instruments, but also regulate the operation of the discourse by prescribing how human rights should be disseminated. The UN used its resources and influence to build a HRE framework that could socialize international human rights further than national governments and penetrate society.

### Spaces of HRE discourse

For Michel Foucault, space guarantees the obedience of individuals through the architecture, function, and hierarchies assigned to them. Discipline, he claims, is advanced from the organization of individuals within this space; it gradually evolves through the overlapping, repetition, imitation, and support between varieties of microprocesses that are distinguished from each other only by their domain of application, but eventually produce a “blueprint of a general method” (Foucault 1977: 138). The use of space is therefore an important feature

within HRE discourse, and the way that it is not only organized physically—in terms of organizations, actors, and processes—but also the manner in which it is occupied by interests, identities, and hierarchies (138). The way space is used is essentially about the exercise of power. The formal organization of space then appears not only to be about regulating how HRE discourse is distributed and communicated, but also as a means of control over how people exercise their human rights within assigned and regulated spaces.

While HRE discourse has become increasingly centralized and institutionalized in terms of both production of the content and the process, the distribution and translation of the global discourse increasingly relies upon a network of intermediaries that can traverse not only the transnational space, but also the divide between institutions and society. NGOs have become an important part of this intermediary network, especially in countries such as Tanzania, where growth has mushroomed in the past 15 to 20 years.<sup>3</sup> These national NGOs theoretically have a choice: they can channel the institutional UN discourse of HRE into the fabric of society, or they can resist the global discourse and instead choose to focus on more local indigenous knowledge and resources.

In reality choices are limited because of the precarious role of NGOs, which requires them to constantly navigate through a complex terrain of different interests, not only those of the state and society, but also their own organizational interests. Many NGOs are reliant upon donor funding, with their strategies and programs often being influenced by the interests and agenda of donor organizations. NGOs are often caught in relations of power and a dynamic of competing discourses, the outcome of which can determine as well as be determined by how they interpret and adopt HRE discourse in practice. In addition, the availability and conditions of donor funding can implicitly influence the way that HRE space is organized and used in terms of the content, structure, and timing, effectively limiting the choices available to what is stipulated but also practical.

Research conducted by the author in Tanzania shows that HRE discourse tends to be composed of different types of practice (Coysh 2017: 115): from nationwide mass education campaigns on posters and through media to the use of public spaces in markets and village centers, often used for public discussions or theatrical performances. Public consultations also take place between the government and society to discuss human rights issues raised in proposed changes to legislation. For example, there was a public discussion at the Alliance Française with student members of Peace Clubs (Global Network of Religions for Children [GNRC]) in November 2009, which was a consultation about the

proposed Law of the Child Act (Coysh 2017: 151). However, it is more common for HRE activities to take place within closed and formal settings, such as workshops or meetings, arranged for invited participants, rather than with the public. These workshops tend to involve information and training about human rights principles or laws, which participants are then expected to take back and communicate to their local communities.

How these spaces are used in terms of the arrangement of the furniture, interactions of actors, and the way the information is delivered provides insight into the operation of power within. In Tanzania, distinctions between the NGO staff and participants are created in ways that are not uncommon to many other formal learning spaces, which give implicit messages about hierarchies of knowledge and power. For example, one can find NGO organizers sitting behind a table at the front of the room (sometimes on a raised platform) or standing and walking around the room while talking or delivering material, with participants often raising their hands when they wish to speak.

In Tanzania, there is also an elite group of human rights experts whose work is distinguishable from that of the other activists. These individuals work in NGOs mainly staffed by lawyers or legal experts, who often design and manage the human rights related projects and work, including HRE. While these NGOs adopt a certain elite identity as both human rights and HRE experts, they are brought into the international discourse and framework in other subtle ways, including overseas training, the compilation of expert reports for international organizations, and by displaying literature about international human rights conventions or issues, sometimes in English. This elite status is also reinforced through the formal style of dress, office layout, air-conditioned environment, and the language and terminology used. Although the environmental factors are not so evident in the scholarly accounts of HRE practice, organizers are often located at places away from the HRE workshop venues and, in some cases, the presentations are designed and delivered by consultants bought in from overseas. This all reinforces the idea that HRE is something special and exclusive that needs to be designed and delivered by an educated professional, rather than anyone in general.

NGOs, however, are only one aspect of what appears to be an organized structure of regulation in Tanzania, which is designed and sustained on certain understandings about HRE expertise. This regulatory structure operates through nationwide networks of both salaried individuals and volunteers, most of the time called paralegals, but also known as village legal workers, community justice facilitators, or human rights monitors. While these individuals principally come

from and live in local communities, they are recruited and trained in a manner that sets them apart from the rest of the population. This involves invitations to closed workshops, the adoption of a similar dress style, and the use of human rights terminology, along with daily allowances for attending workshops. Over time they appear to increasingly associate themselves with the national NGOs or the HRE project, associations that are often reinforced by the apparent common practice of distributing various souvenirs stamped with the organization's name or logo, including pens and t-shirts, that the paralegals would regularly wear or use.

It is through these various processes that networks of volunteer HRE actors are given, what Harri Englund calls, a "quasi professional identity" (Englund 2006: 72); a distinct identity that relies upon the "disadvantaged and poor" being excluded from the group (72). Distinguishing NGO staff and volunteers from the learners in the HRE process is a hidden lesson in HRE training, and volunteer HRE actors are provided with just enough knowledge of international human rights principles or laws to then be able to justify returning to their communities as HRE "experts."

This is reinforced by scholarship on HRE practice, which describes hierarchical systems of HRE where individuals become categorized as experts, specialists, trainers, and volunteers. For example, three accounts of the HRE program in Cambodia explain how it was implemented through an organized network of overseas professionals, national trainers, and community-based volunteers (a national network of Buddhist monks), who had the ability to reach even the most remote areas of society (Marks in Andreopoulos and Claude 1997: 36–37). Despite this, the production of material and resources remained firmly in the hands and control of the staff in United Nations Transitional Administration in Cambodia (UNTAC) (37). Many of the other accounts show how the division of tasks and a hierarchical structure is not uncommon within HRE.

The organization and use of the HRE space therefore reinforces distinctions between those who have the knowledge (the NGOs and their legal staff) and those who do not (the rest of the population).

## Consumption

The idea that HRE processes should be tailored to meet the specific requirements of a specific population or context is the third aspect of cultural translation. It is during the translation process that the target population becomes redefined

(Merry 2007: 137). So who identifies the issues addressed and groups that HRE targets?

HRE processes are commonly organized and implemented by organizations or individuals, such as NGOs, international organizations like the UN, or independent consultants viewed as specialists in HRE, who often come in from other areas. For example, in Tanzania, NGOs based in Dar es Salaam conduct trainings with paralegals from rural areas, who then have the task of communicating the information to the rest of the population. Many of these staff have studied human rights at university and a number of them have taken regional or international training courses. Scholarship also shows how overseas, usually Western, specialists are either brought in by institutions or volunteered as part of a HRE program to assist the local organizations with planning and implementation.

HRE discourse is also shaped by external forms of control and agendas, such as international UN campaigns that drive both the national and funding agenda, such as gender-based violence (GBV), female-genital mutilation (FGM), and HIV/AIDS—issues that are generally part of prominent international advocacy efforts. For example, in Tanzania guidance was given from a UN committee to the Tanzanian government advising them to draft and enact legislation in order to specifically address the rights and freedoms of children as per the Conventions on the Rights of the Child (1990) (CRC) into single law. National NGOs had apparently been campaigning for a separate law since 1995 with little response, and yet within one year of the UN committee's report, the Law of Child Act (2009) was in force (Coysh 2017: 153).

The presence of a core group of long-standing women activists, who have prominent roles in the leading national NGOs and international institutions, is one of the ways in which international agenda influenced activism in Tanzania. This select group has been engaged in advocacy on the rights of women for the past 20 years and become involved in the early 1990s after attending the “Third World Conference to review and appraise the achievements of the United Nations Decade for Women: Equality, Development and Peace” in Nairobi in 1985, and the Fourth World Conference on Women in Beijing in 1995. Some interviewees in the case study explained that after the conferences these women had returned to Tanzania with a sense of purpose and a way of advocating for the rights of women. Many NGOs in Tanzania that focused on women were established in the early 1990s after these conferences took place (Coysh 2017: 154). So, maybe there is some correlation between the focus of local activism, international interest, and financial support.

However, the focus of international efforts and funding on certain aspects of human rights is possibly only one of the reasons why only some issues dominate, while others are marginalized or ignored. NGO survival not only depends upon external funding but also on some level of state-sanctioned support to operate. This means they can easily become influenced by external agendas.

Several concerns result. First is that NGOs construct organizational strategies and programs that meet the priorities of donor organizations or the state, rather than those of the community. While some of the practical scholarship on HRE implies that communities and individuals are approached as part of HRE program to understand their needs and problems, the strategies and programs are often designed and implemented by HRE *professionals* and appear to involve the detail about the processes and making them participatory, but with the aim of raising awareness of the idea of human rights, rather than understanding it. While it is not clear that this process of *targeting* has been happening in Tanzania or in the scholarship, it can result in the flooding of certain issues by NGOs, on the one hand, like GBV or HIV/AIDS, which is evident in Tanzania, and on the other, a neglect of other more systemic and complex problems, such as poverty or economic injustice. It can also have the effect of diverting attention away from the endemic and structural issues that cause national, regional, and global social and economic inequalities, which means that, without questioning, HRE discourse can be too easily absorbed into the other ideological agendas.

A second concern is how HRE can be used to provide accessibility and opportunities to reach and educate the *target population* in line with these external agendas. An assumption about who has and who does not have knowledge of human rights is shaped by the orientation of the HRE organizations and individuals involved, and while many individuals express a belief in the inherent nature of human rights, it is often articulated in terms of international human rights norms and standards. This finding is supported by the frequent inclusion of international human rights principles or laws in the content of HRE processes and the instinctive reference by interviewees to these standards to explain why they consider an issue to be wrong, like discrimination or GBV.

Arguably, it is easier to justify GBV as a human rights violation by referring to the principles in Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) rather than engaging in lengthy debate about the sociopolitical or economic factors, such as those entrenched patriarchal social structures, poverty, or a lack of state support. Alternately, individuals may refer to universal principles and values because they validate and give their views,

the international consensus-building processes within the UN being viewed as giving credence to what would otherwise be abstract and moral concepts. If human rights are understood as concrete principles inscribed and entrenched into international texts, it follows that knowledge of human rights is something one can learn by being educated about content of those texts, and directed toward the legal framework as a means of claiming these rights. From this perspective, a claim made by many HRE actors that people do not have knowledge of human rights could arguably be justified and correct.

HRE discourse in developing countries is often targeted at certain communities, groups, or individuals and there appears to be an assumed link between the purpose of HRE and social struggles. Target populations appear to have some common characteristics: they are often poor, live in rural areas, lack access to basic services, and maintain strong cultural traditions and beliefs. In relative terms, most examples of HRE processes and practice demonstrate at least a couple of these common traits, and HRE processes are generally targeted at populations distinct and different from that of the HRE actors, either in terms of where they came from (overseas or the city), by their dress (formal), or by their professional status (educated/lawyer).

There appears to be common assumptions that people, especially those who are rural, live in the countryside or villages and are poor, or that there are groups, such as women, that do not know their human rights. In addition, there appears to be a presumed need for HRE and knowledge of international human rights to stop the cycle of abuse and violations that arguably occupy these communities. HRE strategies are commonly designed to reach deep into society and remote communities through organizations or networks of individuals. This reinforces the idea that ordinary people do not know or understand human rights. As such their knowledge is discounted as irrelevant until the point in time when it is translated into the language of human rights, and becomes strategically useful.

In Tanzania, HRE processes tend to be targeted at rural communities rather than those in the city, as well as certain populations within Tanzanian society (Coysh 2017: 115–117). An additional common tendency is for HRE processes to focus on groups within the population frequently viewed as marginalized or vulnerable, such as women and children, or specific ethnic groups.

Distinguishing and targeting groups within the population, who are viewed by HRE actors as most in need of HRE, ensures that the difference between those with knowledge and those without is maintained. This, in the words of England, it “presupposes a categorical distinction between the advantaged and

the disadvantaged. The former helps the latter to sustain itself, while the distinction itself remains virtually intact” (2006: 71). Englund has described how he saw very little in the Malawian civic education project he studied that would “actually have enabled the disadvantaged to lift themselves from their predicament.” The fact “that this troubling observation is largely unnoticed indicates how natural the distinction has become” (71).

The justification for *targeting* certain groups is strengthened by the finding that HRE appears to be predominantly understood by HRE actors as a means of empowerment. Providing communities with awareness of human rights was seen to give them the ability to reframe their experiences, problems, issues, and needs in terms of rights. Rights, in turn, are shown as principles with mechanisms attached and so can be acted upon and in some cases enforced through the legal framework. Empowerment can be viewed as “moving out of constrained places and isolated spaces,” in that it widens the scope for action and multiplies potential sites for engagement, and enables an organic growth in “confidence, in capacity, in wellbeing” (Cornwall 2002: 2).

And yet, as Andrea Cornwall has argued, *empowerment* has increasingly become appropriated by mainstream development and become a way of bringing in, finding a place and lending opportunities to poor people—empowering them and inviting them to participate then becomes another way of relocating them within the prevailing order (Cornwall 2002: 3). It has, in this respect, become an “instrument for managed intervention” rather than a process through which people discover their own potential. This is an interesting claim, which should raise a number of questions for HRE: who it targets, who it does not, and why? It would appear from the research that more generally HRE discourse is targeted at sections of society that are often the most powerless. In this sense a lack of knowledge appears to be apparent because of an individual or group’s lack of human rights.

By identifying themselves as human rights subjects, individuals become inadvertently drawn into the state-sponsored or global justice mechanisms and, while arguably exercising agency, they can become managed by the regulated discourse of human rights and the framework in which it operated. Without questioning and critique, HRE discourse can too easily become implicated in the way that hegemonic systems of control exercise power over individual agency. The forging of distinctions between human rights *educators* and the rest of the population is a kind of cultural disposition, but one that does not exist in a political and economic vacuum, and can serve the dominant interests.



## Conclusion

HRE discourse is a site of permanent struggle, and efforts to control the production, distribution, and consumption of HRE discourse are ultimately about the exercise of power. The rich and diverse narratives, spaces, and people that could inform the context of HRE are details that the international institutions and dominant discourses have attempted to bury and discount. Instead of acknowledging the diverse nature of knowledge and cultural resources that are attached to our understandings about life, knowledge of HRE has become codified to such an extent that it becomes difficult to see beyond it, as an ethical framework for the way we live.

Within this institutional framework of HRE discourse and understanding, other preexisting forms of knowledge and cultural resources are dismissed as meaningless. The experiences and knowledge of communities are instead used to give contextual meaning to human rights principles and open up ways of introducing the idea of human rights. For example, stories about women having suffered violence are used to direct discussion about equality or the provisions of CEDAW and a way through which people can then reframe their experiences in terms of the global language of human rights. Reframing experiences in this global form is arguably a way of dislocating the language and experience of suffering or life from its community or cultural roots, and instead translating it into a global language considered valid and legitimate.

In the past, colonialism imposed new life systems through the “cultural, educational, and linguistic priorities” of the colonizer “antithetical to all things that were native” (Abdi 2008: 71) Colonial education abstracted the “cultures, the center of their lives, and may have even de-patterned [the] mental dispositions” (72) of the African people, which then inscribed in their minds a feeling or acceptance of “lower possibilities in their lives” as compared to others (70). Not only was colonialism preoccupied with exploiting the psychosocial and natural resources of the colonized, but it was also

bent on achieving a globally miseducated and, by extension, decultured world population that looks for protection and psychological sustenance from the European metropolis, and these two dimensions (i.e., the process of miseducation and deculturation) were the most potent weapons in achieving the socio-politically deconscientized and economically majority of our world. (Abdi 2008: 69)

This raises the question of whether and how HRE discourse could perpetuate some of these historical and preexisting inequalities by adopting an

unquestioning and dominant global discursive orientation? It should also be seriously troubling that there appears to be new contemporary forms of subjugation, operating through the imposition of structures of education, knowledge apparatus, and cultural impositions. In accepting the institutional discourse of HRE, the conclusion is that proponents of the international human rights framework could be underestimating the ways in which bureaucratic forms can disarm threats, and be supporting a global model for HRE that is ahistorical, apolitical, and decontextual (Keet 2010). This means that rather than widening the scope for social transformation, the pursuit of a technical, professionalized, and institutional approach to HRE could narrow the opportunities for this to take place.

The global discourse of HRE has become less about struggling communities and instead about a prescriptive and strategic political tool designed to shape the way people take about their struggles and the choices of action they take. This has been driven by two things. First, the acceptance and development of an institutional and bureaucratic framework of HRE, and second, the lack of reflexive engagement on the part of those involved in HRE on both the fundamental precepts of HRE and the changing nature of HRE in its relationship to the global setting. Taken together these gaps have enabled a dominant globally defined discourse of HRE to grow in spaces that should have been used to challenge oppression rather than sustain it, and instead create the conditions necessary to reproduce existing social relations.

## Notes

- 1 This chapter is an edited version of work published J. Coysh, *Human Rights Education and the Politics of Knowledge*. Routledge Research in Human Rights Law (Oxon: Routledge, 2017).
- 2 Resolution 1.341, 7th session of the UNESCO General Conference, 1952.
- 3 According to the 2009 Sustainability Index for Sub-Saharan Africa, there were 3755 registered NGOs operating in Tanzania (USAID 2009: 124). [www.usaid.gov/ourwork/democracy\\_and\\_governance/technical\\_areas/civil\\_society/angosi/ANGOSI\\_reports/2009/2009\\_African\\_NGO\\_Sustainability\\_Index\\_TZ.pdf](http://www.usaid.gov/ourwork/democracy_and_governance/technical_areas/civil_society/angosi/ANGOSI_reports/2009/2009_African_NGO_Sustainability_Index_TZ.pdf) [Accessed May 20, 2012].

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# The Critical Potential of Using Counternarratives in Human Rights Education

Rebecca Adami

## Introduction

As an educator I have often seen human rights education treated as a set of norms transposed onto others but rarely used as a critical and transformative framework that questions power relations, discriminatory structures, and political corruption within both Western and non-Western societies. Human rights education risks being both missionary and colonial in approaches with educational programs developed by NGOs targeted toward vulnerable groups. André Keet (2012) points to the main critique within studies of human rights education as an uncritical framework that excludes notions of the transformative and radical potential of human rights. This alleged uncritical framework of human rights education limits its pedagogical value while upholding the dominant notion of human rights as built on a diplomatic universal consensus on human rights (Keet 2012: 7). Critiques such as this are important to develop as they aim at the discrepancy between disparate testimonies of human suffering and a human rights discourse that excludes difference and normative conflicts. Earlier research on human rights education has pointed out that human rights need to be critically examined (Osler and Starkey 2010; Ferguson 2012) especially “in the context of everyday reality and their potential as tools for change and transformation explored” (Ferguson 2012: 140).

When the theoretical framework for human rights education is described as uncritical, it calls us to examine its prospective critical value. The “critical potential” of human rights education is approached by problematizing two legitimizing claims for universal human rights based on a notion of: (1) a presumed

consensus of the discourse on human rights that conceals the counternarratives of this supposed hegemonic consensus, and (2) a universal subject of human rights that excludes the otherness revealed through the multitude of unique life narratives of individuals in diverse contexts.

In order to challenge the bias that exists and is itself presumptuous in theoretical underpinnings of human rights education, this chapter explores the distinction between particular counternarratives that challenge master narratives on national level and counternarratives in the form of life narratives that challenge hegemonic notions of particular narratives on a societal level.

The critical potential of life narratives is being explored in relation to a legal discourse on testimonies and from feminist perspectives on identity politics. The use of life narratives as testimonies before the Inter-American Court not only serves therapeutic jurisprudence but works to enlarge the interpretation of what human rights can mean in the life span of individuals. In this widened interpretation through life narratives there is also an implicit critique of static notions of particular narratives, of what it means for example to be a woman, experiences that both bear similar traits of “womanhood” as well as unique aspects that cannot be reduced to stereotypes of women, as has been argued from feminist perspectives, such as The Latina Feminist Group.

Finally, the argument for an inclusion of counternarratives in human rights education is read through the notion of critical judgment (Arendt 1992) as rooted in the ability to distinguish the particular from the universal. Hannah Arendt’s notion of critical thinking is valuable for unraveling particular counternarratives that challenge hegemonic, national, master narratives. However, I delimit the extent to which we can understand critical thinking in human rights education through particular narratives by contrasting this argument with Patricia Williams’s notes on the need for safe space in oneself to strengthen individual life narratives that might question cultural narratives that uphold identity politics.

## The hegemony in human rights discourse

Characteristic to human rights is its appeal to universality, in that all human beings have rights. This does not, however, imply that human rights for all mean identical rights for all. A conflation between the notion of human rights and universality as sameness constructs exclusive discourses on human rights that affirms subjectivity, and hence the limits of rights, in hegemonic terms. For example, if we attempt to define and represent human rights in terms of “equal

rights for all,” then we risk being blind to the social, economic, cultural, and political power structures that hinder marginalized peoples from gaining recognition of the specific experiences that hold them back as rights subjects. By way of illustration, children are implicitly hindered by discourses that question their ability to exercise political agency, which excludes children as rights bearers of political freedoms. The notion of “equal rights for all” draws the political dimension of human rights toward reasonable justifications for neglect rather than to critical explorations of new interpretations of human rights that collide with structures and social patterns that uphold marginalization of difference.

If the notion of human rights violations is read through the understanding that rights violations only occur in the public (as human rights have been criticized for), between a political subject and representatives of the state, this notion is upheld by traditional social hierarchies in the relation between women and men. Neglect of human rights violations as equally occurring in the private has been under constant debate by feminist scholars who criticize the divide between the public/private, personal/official, social/political dualisms as not taking into account women’s lived experiences where child marriage of young girls is a direct violation of their political freedom. Women’s reproductive rights, right to education, and political freedom constitute each other in ways that privileged conceptualizations of rights and freedom risk neglecting. A critique raised by feminist scholars against the wording in UN conventions is hence how sexual violence, abuse, and economic inequalities within families and in the home become obscured through an exclusionary focus on protecting the individual from rights abuses by the state.

René Ferguson (2012) argues that human rights need to be examined in the manner that the language in international human rights conventions and declarations are being interpreted in everyday life (140). She is sensitive to the ways in which the human rights of women are being interpreted through patriarchal systems that disregard the actual differences between women’s and men’s opportunities to lead their lives based on their own free choices, where the lives of women are constantly constrained by traditions and stereotypes. Ferguson (2012) discusses how patriarchal structures can be challenged through narratives of young girls’ experiences on a community level to counter the notion of human rights as “the rights of man” while raising political and legal concerns in the realization of human rights as women’s rights. Ferguson pushes for researchers to engage young people’s narratives on how they interpret and negotiate traditions that circumscribe their freedom and violate their rights, as in the interviews she had conducted with young girls on female cutting.

On a similar note, but in discussing the work of the Committee on the Elimination of Discrimination against Women (CEDAW), Sandra Freedman (2015) argues that it is “necessary to recognise the distinctive nature of women’s experience of poverty and disadvantage” since it is not “sufficient simply to *extend* human rights to women” (Freedman 2015: 218; emphasis added). Freedman (2015) argues for substantial rather than formal equality in that treating women as men will not lead to a realization of women’s rights. The need exists for further measures than a more inclusive language of rights, such as transformative social, legal, and political actions. The focus here is not just upon granting equal access to education, work, and health care, but on acknowledging and transforming the social, cultural, and economic barriers that hinder women’s political participation in the public sphere. As Freedman (2015) argues, “formal conceptions of equality expect women to conform to male-oriented social structures. They do nothing to challenge the structures themselves” (224). Both gender and color-blindness ignore the very social and economic structures that uphold privilege based on the social construction of whiteness and maleness. According to Freedman (2015), substantive equality “moves beyond the need for a male norm”; “takes into account existing power structures and the role of gender within them”; and advances the rights of individuals instead of “ensuring consistency” (225).

This chapter does not further review how political, social, and economic structures need to be transformed in order to create substantial equality for women in relation to human rights. It focuses instead on the way in which the notion of human rights in itself is reclaimed through counternarratives that question dominant, colonial, and patriarchal notions of subjectivity by exposing stories that both challenge our conception of the other and our understanding of the history of a human rights consensus.

Voicing decolonized female subjects is one way of pushing the boundaries in the discourse on human rights by exploring these counternarratives through lived experiences that disrupts and opposes the social construction of whiteness and maleness. According to Peters and Lankshear (1996), counternarratives dispute the official and hegemonic narratives of everyday life: “Those legitimating stories propagated for specific political purposes to manipulate public consciousness by heralding a national set of common cultural ideals” (2). Counternarratives then, according to Peters and Lankshear, are the stories of “those individuals and groups whose knowledges and histories have been marginalized, excluded, subjugated or forgotten in the telling of official narratives” (2).



The discourse on human rights has been criticized as based on Western cultural values (Mutua 2002), as based on a Western line of thought (Hunt 2007), and as pushed for by the dominance of Western delegates to the UN at the drafting of the Universal Declaration of Human Rights (UDHR) in 1948 (Butler, Laclau, and Žižek 2000). I have questioned similar reifications of dominant historical narratives of human rights as Western by acknowledging the participation of female, non-Western delegates in the drafting of the UDHR (Adami 2015a, 2015b). It is important to note that the history of human rights is not one, but many; it contains multiple, conflicting narratives. Hence, referring to “the discourse on human rights” as such is also a referencing of the internal contestations within such a discourse and to the occurrence of agonistic standpoints on the notion of human rights. Does a protection of human rights, according to international UN conventions, ascribe a responsibility to states to protect the safety of women and children from abuse in the home? To what extent are states responsible for protecting the rights of noncitizens—does the universality of human rights mean that foreigners who face severe human rights violations in their country of origin have a right to safety in another country? Feminist and postcolonial readings within a human rights framework pose critical questions regarding the limits of rights, and they challenge national narratives of homogenous historical, political, and cultural accounts of belonging.

In Sweden, for example, historical narratives in education recall the Swedish kings and their individual conquests but describe, very briefly and without individual voices, the history of colonization of the Sami people and their land, Sapmi, which stretches over a huge territory of land encompassing parts of northern Sweden, Norway, Finland, and the Russian Kola Peninsula. The national, “official” story of a Swedish heritage fabricates a right to land of the indigenous people, who have not been recognized as such due to political agenda of continuing imperial exploitation of resources by the Swedish government. The counternarratives of Sami people would exhibit the oppression and undemocratic ways in which they as indigenous people in Sweden have historically lost their rights and influence in questions related to their lives and knowledges of their land. Unique life narratives have been marginalized that could testify to the multitude of ways in which Sami women have been discriminated against under laws passed by the Swedish government on rights connected to reindeer,<sup>1</sup> rendering the experience of female Sami subjugated. The laws enforced by the Swedish government explicitly mentioned Sami rights as “his” where women lost their right to herd reindeer when entering marriage to a man without those

rights, using a gendered language that discriminated against females and their reindeer herding rights.<sup>2</sup>

### Counternarratives in the Inter-American Court of Human Rights—on particularity

There are today regional interpretations of how the discourse on human rights is being interpreted in ways that challenge the imperialistic and paternalistic tendencies of a framework for human rights. Narratives have been used in testimonies before the Inter-American Court of Human Rights as a way for people whose voices have been silenced under different kinds of oppression, to give voice to their unique experiences of human rights violations. Narratives are used in this way to reconcile universal notions of human rights with the particular context and social belongings of an individual through the uniqueness of her life experiences. These testimonies bear witness to both the effects of structural discrimination and oppression, and the circumstances in an individual's life that cannot be reduced to particular notions of social belonging or of identity politics.

The Inter-American Court of Human Rights has, according to Cecilia M. Bailliet (2015), adopted a difference-oriented perspective toward women's rights. The regional court "offers an interpretation of human rights that is more inclusive of the women actually concerned" (Bailliet 2015: 159). Instead of focusing on formal equality, the court gives relevance to difference valuations. As such, human dignity is not read through paternalistic notions of what it means to be human but equally important is maternal identity to the manifestation of dignity. Bailliet (2015) examines how the Inter-American Court of Human Rights uses "narratives within its jurisprudence to elucidate the scope of women's right to a life's project, including maternity rights, as a means to guarantee human dignity" while at the same time contrasting this difference valuation with "academic criticism that seeks to underscore the duty to avoid wrongful gender stereotypes" (160). Bailliet argues that the concept of maternity has not received sufficient attention in feminist literature whereas feminist voices from Latin America have valued "recognition of difference over notions of equality" (163).

On June 11, 2003, the Inter-American Commission on Human Rights filed before the Inter-American Court of Human Rights an application against the State of Peru. "María Teresa De La Cruz-Flores, a physician by profession, was detained by police agents on March 27, 1996" (*De La Cruz-Flores v. Peru* 2004: 2). She was sentenced to 20 years in prison for terrorism by a "faceless" judge. In

her testimony, De La Cruz-Flores explains how the imprisonment and lack of communication with her three children has affected her life. She asks the court of “put an end to injustice, because her life has changed and been frustrated, and she has not been able to watch her children grow, which cannot be repaired. Her situation and her anguish have affected her whole family—her mother, her children and her siblings—who suffer as if they had been imprisoned with her and, for many years, with the threat of being associated with her and losing their liberty” (15–16). The court declares unanimously that the state violated the rights to personal liberty and to a fair trial, and the right to humane treatment. The court ordered the state of Peru to reincorporate María Teresa De La Cruz-Flores into her medical profession, to provide her with a grant to allow her to update her professional training, and to publish the facts from the Inter-American Court in their official gazette.<sup>3</sup>

The Inter-American Commission on Human Rights views “harm” as the denial of recognition of a human being’s dignity and worth. For women, this can include harm in the violation of the “ability to pursue the development of one’s personality and aspirations, determine one’s identity, and define one’s personal relationships” (Bailliet 2015: 166). According to Bailliet, narratives enable a “holistic analysis of the protection interest of human rights victims” (165) and narratives are used in the Inter-American Court of Justice to “flesh out our understanding of non-discrimination and the scope of harm to marginalized groups, such as indigenous people and women” (166).

Nondiscrimination, which is one of the core components in the Convention on the Elimination of Discrimination against Women (CEDAW) is not the same as equal treatment, or equal rights. We need to distinguish here between substantial equality and formal equality. When feminist voices have valued recognition of difference above equality, the critique may be one of formal equality that does not recognize difference, which ultimately does not lead to substantive equality. If the different biological circumstances of female experience are not recognized, we miss the actual structures that be met in order to create substantial equality for women and men. Just granting women (formal) equal opportunity to vote will not lead to women having the (substantial) equality to use that right since they may be deprived in other areas of their private life, which hinder active participation in political life.

This differentiation between nondiscrimination and equal treatment or equal rights was recognized by Indian and Pakistani female delegates to the UN in the Commission on the Status of Women and in the Third Committee during the drafting of the Universal Declaration of Human Rights (UDHR) in 1946–1948.

The Indian delegate Hansa Mehta raised the concern that if the article on the rights of marriage (Article 16) did not include a paragraph on the protection against child marriage, then young girls would lose their right to education and become restricted in making choices for their own lives, and in their right to vote. This was a special concern for women in India at the time of independence, since the first level of suffrage was gained only for women who owned property and had attained a certain level of education, which hindered all women and girls who lost their property and right to an education, when entering (or when forced) into marriage (cf. Basu and Ray 1990).

Whereas female life narratives in the Inter-American Court of Human Rights take on an essentialist feminist approach in rights claims, to counter the hegemonic notion of “man” as inclusive of all human beings in discourses on human rights and human rights violations, the *testimonio* by the Latina Feminist Group has been used to disrupt static notions of identity through the argument that lives cannot be covered through any particular story of collective otherness, but is only narratable through the uniqueness shared in relations.

The critical use of counternarrative in human rights education is not only coupled with the potential of questioning a patriarchal and hegemonic notion of a universal subject as male and white from a feminist and postcolonial position but equally to explore life narratives as a way to critically examine hegemonic particular narratives of what it means to be “woman” or “minority.” The use of counternarratives as life narratives can be found in the work of the Latina Feminist Group that collect through their writings relationally shared *testimonio* that interrupt static notions of identity and subjectivity—of what it means to be “Latina.” Through their life narratives they unfold what cannot be grasped through labeling of otherness in relation to certain collective experiences of subjugation, but only revealed in the uniqueness of the life story. The Latina Feminist Group (2001) rightly points out in their collection of personal narratives of women of color who oppose “masculinist or white feminist frameworks” (9) that through the act of relational narrativity their life stories “expand traditional notions of ethnicity and nationalism, question Eurocentric feminist frameworks, and situate” (2) the narrators in relation to activism and writings by other women of color. As such, the Latina Feminist Group base their work on the notion that second feminist movement has put forth that “personal experience contains larger political meaning” (3).

I want to draw a connection here between the notion of narrating experiences of human rights and *testimonios* that The Latina Feminist Group use, since experiences of human rights violations when narrated can be read as testimonies;

“a form of expression that comes out of intense repression or struggle” (13). In narrativity, the prescribed identity of “woman” is being questioned through the uniqueness of the life narrative. The fluidity of identity is also stressed by The Latina Feminist Group with the words of how, through autobiographical narratives, they flesh out their “multiple geographies of origin” and “various mixed inheritances” (6). Their contribution is important in that it values the politics of the relational process of narrativity, or of “collaborative *testimonio*” (6) and how they stress that individuals are not reducible to social labeling or collective identities. Human rights as narrated through life experiences are equally irreducible into narrow readings of existing articles in international documents as these rights can be claimed in a multitude of ways that encompass experiences that carry potential for political change.

In human rights education, what can counternarratives here in the form of both particular and life narratives bring to the ongoing debate on a presumed hegemonic consensus of universality challenged by partial cultural expressions? A debate that seems to erode the whole basis of human rights—not the least from a postmodern perspective that risk relativizing claims for social justice in a one-sided critique of what may be perceived as liberal and Western.

As we have seen, particular counternarratives may challenge patriarchal hegemonic notions of identity that victimize and silence alternative ways of expressing and living one’s identity in nontraditional and heteronormative ways. Life narratives serve as testimonies on personal experiences of human rights violations and enable a holistic analysis of human rights protection. Life narratives can be used to flesh out our understanding of justice through a broadened definition of human rights based on the notion of human dignity.

When pushing the discourse in human rights education, narratives of women and migrants on human rights abuses should not serve to create victimhood or to expose the vulnerability of individuals, but to create broader understandings of the structures in which these abuses occur, exposing the vulnerability of human interrelatedness and the weaknesses of borders, societies, and jurisdictional protection.

## Critical judgment at the margins of a legal discourse

What constitutes critical judgment is explored at the margins of the legal discourse on human rights. The notion of critical judgment in human rights education is developed here by drawing on Arendt’s (1992) reading of Emmanuel

Kant in *Lectures on Kant's Political Philosophy*. The use of counternarratives on ethics and morals to test critical reflection through narration extends Keet's (2012) critical point of human rights education as losing its pedagogical potential.

Arendt's conceptualization of judgment builds on the work of Kant, who defines judging "as an activity of subsuming particulars under a universal" (Beiner 1992: 119). He calls judgment "the faculty of thinking the particular," which means bringing it under a general concept a universal rule (119). In relation to human rights education this could mean thinking in terms of particular instances of legal cases and bringing these under the general concept of human rights in order to think the particular through the universal and judge instances as human rights violations. The critical potential of a human rights theory risks being lost in prevailing exclusionary definitions of a subject that neglects alternative valid claims for knowledge and "truth." No matter how complete a theory (of justice) may be, however, it requires—according to Kant—a middle term to provide a link and transition between theory and practice (Kant 1970: 61). For a concept that contains a general rule "must be supplemented by an act of judgement" to distinguish where the rule applies and where it does not (61). Accordingly, the concept of human rights, containing a general rule of relational ethics, must be supplemented by acts of critical judgment to distinguish instances beyond current laws, policies, and regulations of human rights violations.

And since rules cannot in turn be provided on every occasion to direct the judgement in subsuming each instance under the previous rule (for this would involve an infinite regress), theoreticians will be found who can never in all their lives become practical, since they lack judgement. (Kant 1970: 61)

Lawyers, social workers, educators, and others who in their daily practice are involved in ethical situations concerning individual's human rights need a critical theory of human rights that in turn needs to be practically tested through individual judgment. Therefore, critical judgment is at the core of understanding what human rights (and justice) mean through personal experiences. For this, we may need a more socially and relationally sensitive theory on human rights, beyond the limits of legal discourse. In Arendt's writings on judgment that I read as a critical reflection on the immorality of the acts under the Nazi regime, Arendt struggles with the question of what happens to critical judgment when the former values that we thought were universal no longer function as a pre-set of values against which our actions can be judged?

In Arendt's reading of Kant, reflective judgment is actualized when a particular calls for judgment. Kant describes judging as inherently social "because our aesthetic judgments make reference to a common or shared world, to what appears in public to all judging subjects, and thus not merely to the private whims of subjective preferences of individuals" (Beiner 1992: 119). For Arendt, this understanding becomes problematic in a society where what was formerly deemed good is now illegal (freedom of speech and press) and what was formerly deemed evil (to kill innocent people) is now legal (in occupied Polish territories where the rights of the citizen no longer prevail).

Hence, what happens to our individual judgment when the social reference framework no longer upholds justice, but injustice? How do we then conceptualize critical judgment in a relational way? Arendt writes that under totalitarian rule, under Nazi rule, she feared that one could appeal to nobody, as people were so ready to exchange their set of values for a new set of values. There were no traditional values to which one could hold others responsible, because they neither believed nor followed any common values socially deemed right before the Nazi regime took over. The political climate had rendered the German constitution superfluous since the letter of the law laid in the orders given by the leader, Hitler, whether or not these new orders contradicted the constitution or not.

Before Hitler's party came to power, a German lawyer, Hans Litten, summoned Hitler himself to the witness stand to testify on the illegality of the Storm Troops (the SA) and thus of the illegal means used by the Nazi Party itself, of their use of violence and false propaganda (cf. Hett 2008). As a consequence for his courage to raise the question of "responsibility of the Party's leadership for violence" Litten was one of the first to be sent to the concentration camp Dachau when the Nazi Party seized power and he died in the camp on February 5, 1938. With the new regime, guided by anti-Semitism, racism, and fascism, there was no longer a "secured set of ultimate values to guide" (Beiner 1992: 115) thought or people's actions against one another. According to Arendt, judgment is the most important activity in which the sharing of the world with others becomes crucial. In contrast to philosophy, an individual endeavor, judgment is like politics: it contains a hope of coming to agreement with others. Philosophical argument is a method of persuasion but judgment is constantly reclaimed through the moral dilemmas of others.

Regardless of the strength within personal narratives to raise issues of morals in the lives and experiences of individuals, the use of narratives in legal theory has been met with skepticism due to the belief in both "neutrality" in courts and the faith in "a standardized process" rather than in subjective claims for

justice. The matter of one's ability to judge the truthfulness of narratives has been raised in law literature as an obstacle to the usefulness of personal narratives in courts. In "Defending the Use of Narrative," Alex M. Johnson Jr. (1994) explores the critique raised against the methodological use of narrative in Critical Race Theory. Such critiques challenge legal scholarship on its flawed assumption of being a-contextual. Acknowledging race and gender through narratives moves scholars from phrasing legal issues in the abstract to the "real." Johnson exemplifies the meaning of race and gender through the Benetton story in which Patricia J. Williams, professor of law at Harvard University, raises the importance of her identity as black in the experience of not being let into a Benetton shop at an hour when there were many white customers in the store. From just one look, through the window, the shopkeeper decided that Williams was not to be allowed into the shop. The experience of color here is stressed as forming the basis for understanding how to apply the law in relation to discrimination as "it juxtaposes the issue of formal equality, ostensibly provided by the law, against the practical reality of a society in which race is a powerful historical and currently viable social construct" (826).

Legal systems use narrative all the time; for example, when a witness is giving testimony. Narrative has been criticized in legal theory for not adhering to any universalizing norms, for its focus on personal experience instead of the "neutrality" gained through adhering to due standards in process theory and for not being typical or familiar to the ones who are supposed to judge the accuracy of the narrative.

According to Goodmark, "critics of narrative scholarship have noted a number of concerns about this type of work: that the stories told by narrative scholars lack normative legal content; are not persuasive; are not trustworthy; are not typical" and curtail further discussion" (2005: 733). In November 2002, a report was released with narratives of 40 battered women who argued that the family courts in Massachusetts had violated the human rights of the battered mothers and their children. Their rights had been violated through the courts' failure to protect the women and children from abuse, in discrimination and gender bias, and failure to respect the economic rights of the women and children involved. The report released was entitled *Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts* (Goodmark 2005). The battered women raised a critique against how the courts let perpetrators initiate custody battles repeatedly as a way to continue emotional violence, amounting to high costs for the mothers who additionally did not receive alimony that caused the kids to suffer from economic scarcity.



The courts dismissed the accusations that there was something systematically flawed with the family courts by noting that these narratives in the report were from women who had not won their cases in court and not countered by the accused men. Goodmark (2005) questions whether the arguments raised against the report from the court were actually founded, or if there are “larger problems within the court system tied to a tendency to discount women’s voices” (712).

Another critique against the use of personal narratives in legal theory has been raised against the atypical nature of narrative and its rejection of sameness. “An implicit value in storytelling is the rejection of universality and typicality in exchange for the personalization impressing that if one life is lost or one event occurs, as described in the story, that is one too many” (Johnson 1994: 817). Part of the strength of narrative results from its atypical nature, in that the use of narrative can be a way to critically examine “previously unquestioned assumptions and theories” as has been done by feminist scholars and scholars of color (821).

Goodmark (2005) argues that there is a need to listen to women’s narratives in courts instead of deciding that other “evidence” is more objective, since the view of credibility in relation to women’s stories needs to be strengthened in the court system. This is especially needed in human rights investigations in the collection of narratives, which provide people who have suffered violations an opportunity to share their experience and have their narratives validated through the discourse on human rights (756). Even though the law appears neutral, it is nonetheless created by dominant narratives of social justice, equality, and moral principles in which some voices have been neglected on the behalf of the interests and needs of those who have had the opportunity to draft and implement the letters of the law.

### Narrativity at the intersection of identity and the self

Williams (1991) criticizes how the presumed neutrality of standard processes in law omits difference; as if taking away racial words in our language and dictionaries would omit racial discrimination and segregation from reality; as if not listening to the unique life narratives of women of color would omit their experiences from a uniformity set up for what it means to be a human being in this world. Lawyers are supposed to be nonprejudiced, nondiscriminatory individuals in order to uphold the rule of law—the law being equally applicable to all without distinction. Williams’s experience of being a black female law student

at Harvard was not one in which she felt herself in a neutral context; instead, there existed a homogeneity within the student body that alienated her from her costudents. “The school created a dense atmosphere that muted my voice to inaudibility” (55).

In order to develop an understanding of what critical thinking could mean in relation to the inclusion of counternarratives in human rights education, I have drawn on Arendt’s reading of Kant. Critical thinking is possible only in relation to others, by contrasting our own arguments and political convictions to others’ standpoints. Without that reflexive thinking through the sharing of narratives, we will not, as I read Arendt, develop the critical ability to make ethical judgments. Judgment—being able to distinguish what is morally correct in a particular situation by relating the particular to the universal (a set of values that can be deemed as universally ethically acceptable)—is hence a relational act.

By contrast, Williams (1991) warns that in societies of racial and gendered violence, domination, and discrimination, “relinquishing the power of individual ethical judgment to a collective ideal risks psychic violence, an obliteration of the self through domination by an all-powerful other” (63). Williams argues that in a society where racism, sexism, and prejudice against children are prevalent, the colored and gendered self is socialized into “a way of being that relinquishes the power of independent ethical choice” (62–63) which enforces some narratives over others, even in the name of law and justice. Therefore, according to Williams, “it is essential at some state that the self be permitted to retreat into itself and make its own decisions with self-love and self-confidence” (63).

This resonates with the actual writing of Arendt herself, as she could retreat from the madness of the anti-Semitic social environment of Nazi Germany and to continue develop her own thoughts on judgment and rights. Arendt’s focus on the need for relationality, for dependency on others to develop critical thinking, was coupled with her experience that, in totalitarian regimes, the freedom of expression and opinion was cut through censorship. According to Arendt, what totalitarian regimes do to the minds of their people is limiting not simply the freedom of expression but also the individual’s freedom of thought. Without the right to express your own opinions, without the possibility to share your political opinions with others, one will not have the opportunity to contrast and judge your arguments with other people’s perspectives, which may clash, develop, or strengthen yours through contrasting.

Responding in a dissonant voice in a social context that is oppressive with widespread corruption and moral decadency can be discouraging for the self as

principles of justice may not be reified relationally but questioned or ignored; however these claims of unique postcolonial and female voices still point to a regained critical potential in human rights education.

Relating our life narrative to the universal discourse on human rights (a set of principles deemed as universally ethically acceptable) is a way to distinguish what can be justified as upholding justice rather than what can be seen as correct according to the law. What is legally right and notions of social justice are not necessarily correlated. In Arendt's writings on the totalitarianism of the Nazi regime, she obscures any clear connection between what was deemed "right" before the law and what would be deemed morally right in another social context. Individuals who were the most law-abiding citizens were complicit in human rights atrocities beyond our imagination. Even the constitutional court in Germany and the lawyers did not during the Nazi regime use the constitutional rights against the government. Hence, human rights education holds the potential for testing critical abilities, not least important for law students, to critically examine laws through the discourse of human rights and through different counternarratives on human rights violations, both through particular counternarratives that may question the boundaries of who is deemed as citizen in nation states and hence a rights-bearer, as well as unique counternarratives of life stories that may challenge collective claims of group rights that circumscribes the freedom and opportunities of individuals within any patriarchal and postcolonial context.

What links child abuse, the mistreatment of women, and racism is the massive external intrusion into psyche that dominating powers impose to keep the self from ever fully seeing itself. Since the self's power resides in another, little faith is placed in the true self, in one's own experiential knowledge. (Williams 1991: 63)

As Williams identifies, justifications for truth lie outside of the individual's own experiences, as what is deemed just in any given society or context as socially and relationally dependent. The risk is that life narratives are deemed questionable in a social context ingrained by racist and sexist discourses or as atypical if an individual's experiences challenge oppressive social, cultural, and economic power structures. As legal and political protection systems for human rights are under constant criticism and development, the use of counternarratives on local and personal levels may help us see beyond the present by using our judgment to critically examine the status quo through the enhancement of notions of justice that the sharing of life narratives may lead to. I have in this chapter argued for the need to differentiate between particular narratives that counter the hegemonic master narratives (which uphold so-called universal or national notions

of sameness—of “humanity” that excludes some peoples and of “the citizen” to exclude those not defined as belonging) and unique life narratives that counter hegemonic particular narratives (particular narratives that uphold identity politics in defining what it means to belong to and identify with being “woman” “transsexual” “colored”). In this sense, life narratives are personal descriptions of how to traverse through predefined notions of identities, of how one’s life opportunities are circumscribed through stereotyping and prejudice, how one’s life choices are dependent on a social relationality where everything we say and do comprises a larger web of social interactions and of how individuals negotiate, contest, and transform the socially defined notions of what it means to be human in a social and political world. Counternarratives on human rights that question both static notions of universality as sameness, as well as static notions of particularity in identity politics asks of us to develop our ability for making critical judgments on justice that may go beyond the current letter of the law, the present political system of rules and regulations, and social oppressive structures of discrimination and prejudice. Developing critical judgment is hence fundamental in new noncolonial, nonmissionary teachings of human rights education.

## Notes

- 1 1928 *Years Reindeer Grazing Law* (1928: 309) on the *Right of Swedish Lapp to Reindeer Grazing in Sweden*. The first paragraph of the law states that he who has parents or grandparents working with reindeer has the right to reindeer care (*renskötsel*) and he who is of Lapp origin. A woman with this right who marries a man without it loses her own right to reindeer. This law also defined for the first time that one had to belong to a Lapp village in order to be deined as Lapp. This law had immense consequences for Same people: dividing them into two groups —those with and those without the right to land and water. The law limited the influence and rights of Sami women as the wording in the law stressed legal responsibilities within the Lapp village through a male-centered language. (Lapp is a dated term for the Sami people).
- 2 1928 *Renbeteslag* (Reindeer Grazing Law), 1928:309.
- 3 Inter-American Court of Human Rights, *Case of De La Cruz-Florez v. Peru*, Judgment of November 18, 2004.

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# The Hermeneutics of Human Rights Education for Deliberative Democratic Citizenship

Fuad Al-Daraweesh and Dale T. Snauwaert

## Introduction

Democracy is simultaneously an integrated system of human rights *and* a process of public deliberation and public reason. Human rights constitute the core normative content of democracy; rights constitute not only guaranteed moral and legal protections for citizens as matters of justice, but they form mutually recognized terms of reference and justification that are necessary for public deliberation and the exercise of public reason. Citizens' understanding of human rights and participation in public deliberation are, however, complicated by the social fact of cultural and religious pluralism. Citizens must be able to understand and be able to articulate the normative justification of human rights as the content of public reason from within a moral point of view defined by core elements of moral discourse as well as their value-based cultural perspective. The development of the capability to engage in these processes of justification constitutes a core aim of human rights education. It is argued that the fulfillment of this aim requires a morally discursive *and* hermeneutic approach to human rights education and thereby to the education of democratic citizens. The purpose of this chapter is to make the case for a morally and ethically discursive hermeneutic approach to human rights education for deliberative democratic citizenship.

## Pedagogical orientation to human rights education

The following pedagogical orientation to human rights education is grounded in an approach that understands the primary teaching focus as the logical structure

of the subject matter. It places the teaching emphasis on understanding the structure of the subject matter in two basic ways: the fundamental ideas and the nature of inquiry characteristic of the subject matter (Bruner 1965; Dewey 1995 [1910]; Oakeshott [1965] 2007; Scheffler 1992 [1973]).

*Fundamental ideas:* The student should learn the underlying principles that give structure to the discipline. Understanding the fundamental ideas of discipline is necessary for understanding the details of the subject matter, using knowledge, for recognizing problems, and for understanding the relationships between ideas.

*Reflective grasp of the forms of thought characteristic of the discipline:* The student should develop an analytic understanding of the forms of thought, including the methods of inquiry that are characteristic of the discipline. The teacher *and* student should embrace disciplinary thought itself, entailing a general conceptual grasp of the methods of inquiry and the development of the capacity to formulate and explain its workings.

As discussed below, given that human rights are urgent matters of justice and form the moral core of democracy, from this perspective, the pedagogical approach to human rights education should follow from the fundamental ideas and forms of thought that define the logical structure of moral and ethical-political discourse, including methodologies of normative justification and hermeneutics.

From the perspective of the logical structure of the subject matter as the primary teaching focus, the methods of moral and ethic discourse as grounded in the nature of democracy as a system of rights that are rationally justifiable and affirmable by a pluralistic citizenry should be mirrored in the pedagogy of human rights. To attain an understanding of the logical structure of moral and ethical reasoning pertinent to human rights within a democratic context, and thus the approach to human rights education, we need to examine the nature of democracy and democratic justice and their logical relation to human rights.

## Human rights, justice, and deliberative democracy

Human rights serve to protect participation in democratic deliberation *as well as* constituting the common moral and ethical terms of that deliberation, in the sense of providing a mutually accepted and recognizable point of view (Habermas 1996; Rawls 1993; Rawls and Kelly 2001). A human right “provides (1) the rational basis for a justified demand (2) that the actual enjoyment of a



substance be (3) socially guaranteed against standard threats” (Shue 1980: 13). A right provides a compelling reason(s) for the demand being met; it is the rational basis for the justification of the demand. In this sense a right’s fulfillment does not require gratitude; a right’s neglect requires indignation. In terms of content, a right is not a right to enjoy the right as such; a right is the justified demand to enjoy the content of the right. Rights are importantly socially guaranteed in the sense that as urgent matters of justice they require collective, governmental protection. Rights are not something an individual alone can guarantee another person. Rights are a matter of what we owe each other collectively (Shue 1980).

Furthermore, human rights form the core of democratic political conceptions of justice. As Norberto Bobbio suggests: “‘Right’ is a deontic concept and therefore a normative term, in other words, part of a language which deals with norms. The existence of a right ... always implies the existence of a normative system” (Bobbio [1990] 1996: 57). Human rights are also “moral claims upon the organization of society” (Pogge 2001: 200), and the organization of society is founded upon a conception of justice that comprises its basic structure (Rawls 1971, 1993). As noted above, rights have to do with the activity of claiming and claiming is a rule-governed activity: “To have a claim ... is to have a case meriting consideration ... to have reason or grounds that put one in a position to engage in performative and propositional claiming (Feinberg 2001: 185). The validity of the rights claim is contingent upon justification within a system of rules, which are derived from the basic standards of normative justification discussed below. Therefore, there exists an intimate interconnection between rights and justice; rights are matters of justice and provide the core of a democratic conception of justice. Rights are a matter of right defined by and constitutive of justice.

It is well established that democracy is government by consent—that is, democracy constitutes a form of social and political organization between free and equal citizens that gains its legitimacy from the reasonable affirmation of those citizens. Democratic legitimacy is grounded in and follows from the acceptance of the citizenry based in the justifiable acceptability of a political conception of justice, including, as discussed above, a scheme of basic human rights, which regulates the basic structure of society, the legal constitution, the legislative process, and enacted law and public policy (Habermas 1996; Rawls 1993; Rawls and Kelly 2001).

At its core democracy is based upon a fundamental normative assertion that citizens conceive of themselves and each other as free and equal (Habermas 1996; Rawls 1971). If citizens identify each other as morally equal, then a system

of human rights should constitute the core of a political conception of justice the terms of which should function to regulate the social and political cooperation of free and equal citizens. From this perspective, *democracy is a system of human rights* premised upon the *logic of equality* (Dahl 2000). The two basic rights that follow from this egalitarian logic of democracy are: personal freedom (also referred to as individual self-determination, negative liberty, private autonomy) and political self-determination (also referred to as positive liberty, civic autonomy).

If all citizens are conceived as equal, then they should have the right to personal freedom—the right to decide their own interests, to define and pursue their own conception of the good life. This is the case because if they conceive each other as equal, there exists no higher moral authority above them that they would be obligated to defer to, and thus they are justifiably free to pursue their own reasonable (i.e., consistent with the equal rights of others) conception of the good life (Shue 1980; Dahl 2000; Snauwaert 1992).

In turn, a right to political self-determination or positive liberty follows. The right to define and pursue one's own conception of the good life is contingent upon being able to participate in the formulation of the political and legal structure within the regulatory boundaries of which that conception is pursued. As Hannah Arendt put it: "A body politic which is the result of covenant and 'combination' becomes the very source of power for each individual person who outside the constitutional political realm remains impotent" (Arendt 1963: 171). In order for the right of personal freedom to be realized, a "body politic" must be formed, wherein a public space is created for the exercise of political self-determination. In turn, political self-determination is contingent upon the right to exercise freedom of conscience, expression, and association, among other components of personal freedom (without which political self-determination is baseless and hollow). As Habermas suggests: "The system of rights [that constitutes the basic structure of a democracy] calls for the simultaneous and complementary realization of private and civic autonomy. From a normative standpoint, these two forms of autonomy are co-original and reciprocally presuppose each other, because one would remain incomplete without the other" (Habermas 1995: 314). Neither a right to personal freedom nor a right to political self-determination can effectively be actualized without the other; these two basic human rights presuppose each other and thus are designed to guarantee each other.

In turn, rights to personal freedom and political self-determination are also contingent upon a guarantee of their fair value (Nussbaum 2006; Rawls 1971;

Sen 2009). The fair value of these rights to liberties is contingent upon the existence of substantive social opportunities (education, health, employment, among others) for real personal choice and the exercise of political freedom. These social and economic rights are “necessary conditions for the implementation of libertarian rights” (Bobbio 1996: 66). Social and economic rights are necessary for the fair value and thus the actual enjoyment of the rights to personal and political liberty. Civil and political rights as well as social and economic rights are necessary for the enjoyment of a free and equal life as a citizen of a democracy. They are the justified demands that follow from the recognition of citizens as free and equal and they serve to protect and guarantee that status.

In addition to the protection of rights, democracy also requires public deliberation. Normative justification, rather than coercive force and/or power, is the source of political legitimacy in a democracy. A basic way to understand political consent is that it refers to mutually recognized agreements whose acceptability is justifiable and therefore politically legitimate. As John Dewey put it: “Democracy . . . means a way of living together in which mutual and free consultation rule instead of force . . .” (cited in Tozer 1993: 125). Such consultation is mandated by the status of citizens as free and equal and thus the bearers of fundamental rights. In order to be consistent with the imperatives of free and equal citizenship, the business of the people must be determined in terms of mutual and free deliberation, not the exercise of force.

Democratic deliberation, entailing normative justification and legitimation, involves at least two interpenetrating modes of discourse: moral and ethical-political discourse as identified by Habermas (1996).<sup>1</sup> The strength of normative justification is a function of the degree of congruence between the conclusions and their justifications across the two modes of discourse. In what follows below is a discussion of these discourses that uncovers the importance of hermeneutic interpretation as a significant element of public reason and deliberation and thus human rights education.

### **Moral discourse**

Moral discourse refers to a mode of discursive argumentation that seeks to provide reasonable justification for the basic principles and norms, centrally including human rights, of a political conception of justice as justifying reasons. In other words, moral discourse pertains to the justifiable acceptability of normative claims, including human rights claims. Its reference points are the widely shared and established basic deontological principles of normative justification.

From this perspective, there is a rational component to public deliberation for mutual understanding and agreement, in the sense that deliberative agreement is justified by what is right. This leads to the fundamental question of whether the claim that there is a reasonable and rational basis for the justification of human rights? (Or is justification a matter of sentiment, power, etc.?) If valid, what is that basis?

It is well established that impartiality is the basis of normative justification. There are at least four standards of impartiality. First, justification is a demand for reasons that can be accepted by one's social group (whatever that group may be); therefore it must be disinterested relative to the claim makers' interests, that is, it must be impartial. To gain legitimate social acceptance the claim must be impartial. "Bare-faced appeal to self-interest will not do" (Singer 2011: 93). As John Rawls demonstrates, justice has to be understood in terms of the demands of fairness, and fairness entails impartiality (Rawls 1971; Rawls and Kelly 2001). "A man whose moral judgments always coincided with his interests could be suspect of having no morality at all" (Rawls and Freeman 1999: 54). Commenting on this basic idea, Amartya Sen writes:

This foundational idea [fairness] can be given shape in various ways, but central to it must be a demand to avoid bias in our evaluations, taking note of the interests and concerns of others as well, and in particular the need to avoid being influenced by our respective vested interests or by personal priorities or eccentricities or prejudices. It can be broadly seen as a demand for impartiality. (Sen 2009: 54)

At a basic level of understanding, to be fair is to be unbiased; fairness demands that we impartially justify our claims as well as consider the claims and interests of others.

Second, in turn at the core of impartiality is reciprocity. Reciprocity requires that the terms that regulate the ethical and political relationship between citizens must be acceptable to all affected. The terms must be such that no reasonable person would have grounds to reject them (Forst 2013; Habermas 1996; Rawls 1993; Rawls and Freeman 1999; Rawls and Kelly 2001; Scanlon 2002). Rawls uncovers reciprocity in Rousseau's concept of *amour-propre* (Rawls and Freeman 2007). *Amour-propre* expresses a basic need for equal standing among others. This standing justifies a right to make claims that are endorsed by others as imposing justifiable limits on their conduct as well as expressing our willingness to grant the same standing to others. Reciprocity therefore requires that we "arrange our common political life on terms that others cannot reasonably

reject” (Rawls 1993: 124). As Thomas Scanlon suggests: “Thinking about right and wrong is, at the most basic level, thinking about what could be justified to others on grounds that they, if appropriately motivated, could not reasonably reject” (cited in Sen 2009: 197). Habermas articulates reciprocity in terms of a basic discourse principle: “D: Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses” (Habermas 1996: 107). The discourse principle is further elaborated in terms of a “moral principle”: “Norms that can be justified if and *only* if equal consideration is given to the interests of all those who are possibly involved” (Habermas 1996: 108).

Third, impartiality can be conceived as critical scrutiny: scrutinizing the justifiability of moral and political claims from multiple perspectives, from within as well as outside of one’s social group; such scrutiny requires the exercise of public reason. Fourth, a claim is impartial and this justifiable if it survives open public reasoning. As Sen (2009) suggests, ethical choice counts as “rational only if it would be sustainable had a reasoned critical scrutiny been undertaken” (181). A choice is reasonable if can be sustained under open, public, critical scrutiny (Rawls 1999). As free and equal, democratic citizens have a civic duty to each other, a duty of civility, to explain and justify their political preferences and opinions to one another in the terms of the publically recognized and accepted principles of the political ethic. It is a duty to appeal to the principles of a mutually agreed upon political conception of justice, of which human right is the moral core, in the course of public deliberation; the duty of civility in fact structures a particular form of a public deliberation that is grounded in public reason.

However, in modern democratic societies the exercise of moral discourse in the context of public deliberation is complicated by the social fact of pluralism (cultural, religious, ethnic, intellectual, moral diversity). It can be argued, following Habermas, Nussbaum, Rawls, Sen, among others, that a conception of human rights under these conditions must be *free-standing* from particular comprehensive doctrines, philosophical, metaphysical, religious. Since there is no agreement possible on a common *Truth* that provides moral grounding for the justification of a shared conception of rights, a postmetaphysical, political conception is required. The conception should be political in the sense that it is acceptable to citizens with diverse comprehensive perspectives. A political conception of human rights requires that a diversity of citizens come to a mutual, impartial, reciprocal understanding, and agreement, of human rights; this mutual acceptance constitutes what Rawls refers to as an “overlapping

consensus.” The individual citizen understands and accepts rights claims to herself from within her own perspective, for her own reasons. To make this overlapping consensus possible rights as such must be free of any claims to a common truth and/or view of reality, while being acceptable from within the perspectives of a variety of reasonable doctrines (Rawls 1993).

The achievement of an overlapping consensus, the object of which is a political conception of justice, including a system of human rights, requires that the citizen is capable of achieving a reflective coherence between political principles of human rights and justice and the interpretive meaning of their comprehensive perspective (Rawls 1993). The achievement of this reflective coherence is an interpretive process from within the horizon of the citizen’s particular doctrine, thus requiring a deep understanding of the meaning of that doctrine. Furthermore, it requires that citizens understand the cultural horizons of other citizens. These requirements suggest a need for an interpretive methodology that complements moral discourse (Al-Daraweesh and Snauwaert 2013; Al-Daraweesh and Snauwaert 2015; Al-Daraweesh 2010). This interpretative methodology employs hermeneutics.

Hermeneutics is a method of interpretation. It has been practiced historically as a methodology for the interpretation of the meaning of written texts. Its basic approach is to interpret the meaning of the text from within the context, and thus in terms, of the text itself. Hermeneutics derives the interpretation of the meaning of a text from understanding the *rules* that constitute the text as a whole. The fundamental task of interpretation is to discover the meaning of the rules of the text (Rosenberg 2008). This approach follows from the nature of linguistic communication; the communication of meaning through language presupposes particular rules and conventions, which structure language use and thus the linguistic communication of meaning (Wittgenstein 1922, 1953).

Its basic principles have subsequently been applied to the interpretation of social phenomena, including the meaning of knowledge claims as well as moral and ethical claims. It is not a method of justification *per se*; it is a method of interpretation that complements justification. It follows that in the context of moral discourse the interpretation of the meaning of human rights is contingent upon understanding the rules that give them meaning. These rules include the basic normative imperatives of equality, impartiality, and reciprocity *and* the basic values of the citizen’s particular comprehensive moral doctrine.

There are a number of hermeneutic principles that are relevant for moral and ethical-political discourse: interpretation of parts within the whole; cultural horizons; fusion of horizons; and distanciation.

One principle of hermeneutics is reciprocity between elements, which renders the relation between part and whole the center of the interpretive process. Gadamer maintains that there is a situational limitation to understanding. He defines a situation as representing “a standpoint that limits the possibility of vision. Hence an essential part of the concept of situation is the concept of ‘horizon.’ The horizon is the range of vision that includes everything that can be seen from a particular vantage point” (Gadamer 1976: 117). Thus, “to acquire a horizon means that one learns to look beyond what is close at hand—not to look away from it, but to see it better with a larger whole and truer proportion” (Gadamer 1976: 128). To have a historical horizon means to understand the relationship between part and whole, and to be capable of placing this understanding within a cultural framework. This means that the interpreter must think within the culture’s ideas, thoughts, and structure, that is, its constitutive rules. To reach an adequate understanding of human rights one needs to place oneself within the historical horizon of the society constituted by its basic rules and norms.

Within a horizon harmony is the criterion whereby authentic understanding is validated; “the harmony of the details with the whole is the criterion of correct understanding. The failure to achieve this harmony means that understanding has failed” (Gadamer 1976: 117). This harmony consists of reflective coherence. It is achieved through a process involving the movement of understanding from the whole to the part and part to the whole. The movement is crucial to a valid interpretation.

For Gadamer, placing oneself in a historical horizon involves “the attainment of higher universality that overcomes not only our own particularity, but also that of the other” (Gadamer 1976: 131). This universality is based on what Gadamer refers to as a “fusion of horizons.” For Gadamer, drawing on only one horizon is not adequate since this causes a dependence on the horizon and consequently treats this horizon as the criterion for validity. Hermeneutics is focused on the expansion of one’s horizon by opening up the possibilities of learning and understanding new horizons. Thus, in this fusion of horizons, all forms of understanding are open to critical challenge, which is facilitated by the engagement with other horizons. It is contingent upon transcending positionality within one’s horizon. The idea of the fusion of horizons bears significant similarity to Rawls’s idea of an overlapping consensus grounded in reflective equilibrium and Sen’s idea of open impartial scrutiny. In this sense, it achieves open impartiality.

Central to this hermeneutical process is the concept of “distanciation” (Gadamer 1976; Ricoeur 1981). Distanciation entails the process of distancing

oneself from one's tradition and experience that is necessary to critically reflect on and question one's epistemological and ethical understanding within one's own tradition as well as other traditions. Distanciation is contingent upon abstaining from prejudice and predisposition; it thereby is a necessary element of *impartiality* (Ricoeur 1981).

Hermeneutics is a method of interpretation that is essential for the process of moral discourse both in terms of interpreting the meaning of particular citizens' comprehensive cultural doctrines and their potential reflective coherence/equilibrium with a political conception of justice and system of rights foundational to deliberative democracy. It is a core methodology of moral discourse, for it complements the moral justification of human rights in terms of impartiality, reciprocity, and public reason by providing a methodology of interpretation of the cultural horizons of a diverse citizenry as well as the possibility of a fusion of horizons necessary for the exercise of public deliberation.

### **Ethical-political discourse**

Ethical-political discourse refers to normative justification in terms of consistency with and *realization* of the values that define collective self-understanding and identity of the social group (cultural, national, international, global) (Habermas 1996). Within ethical discourse, justification is based upon whether the policy in question is consistent with and/or realizes the collective self-understanding of the values of those affected. Do our moral principles and policy choices realize our values, our self-understanding of who we are and want we to be? One can ask: does the rights claim offer a means to the realization of a core value? Is the claim a means to the fulfillment of the core values of the democratic ethic? If yes, then the right is ethically justifiable. If not, then the proposal can be rejected as unjustifiable. In this case the argument would seek to demonstrate that the right is a necessary or at least a viable means to the realization of core democratic values.

Ethical-political discourse therefore also rests upon the hermeneutic interpretation of the meaning of the values that define a social groups collective self-identity. It is essential for ethical-political discourse, in that it rests upon interpretation of the meaning of the values that defined a social group's collective self-identity necessary for a determination of the justifiability and legitimacy of human rights in terms of consistency with shared values. In other words, ethical-political discourse requires the interpretation of values-based collective identities situated within diverse cultural horizons *as well as* the fusion of horizons.



Both moral discourse and ethical-political discourse are necessary for public deliberation and public reason, and thus, the achievement of the right to political self-determination. As noted above, democracy as government by consent is contingent upon legitimacy, and legitimacy is contingent upon justification. Citizens' acceptance of human rights as matters of justice depends upon the recognition of their justifiability. Under the conditions of pluralism such justification and in turn legitimacy is significantly, perhaps necessarily, facilitated by citizens' capability of hermeneutic interpretation.

### Deliberative democracy and human rights education

As discussed at the beginning of this chapter, the pedagogical orientation to human rights education we propose is grounded in an approach that views the primary teaching focus as the logical structure of the subject matter being taught. The discussion above suggests that the education of democratic citizens focus on the development of the capacities of public reasoning, including the capacity to engage in moral discourses of deontological normative justification and values realization, both which are complemented by fluency in hermeneutic interpretation.

Moral discourse seeks coherence between ethical judgments and the requirements of fairness understood in terms of impartiality, reciprocity, and public reason. From the perspective of the logical structure of the subject matter as a primary teaching focus, the methods of moral and ethical discourse should be mirrored in the pedagogy of human rights education. Human rights education is situated within the broader issue of democratic citizenship, and it thereby should be fundamentally concerned with the development of the *political efficacy* of future democratic citizens. Political efficacy, especially in its normative dimension, is not necessarily a matter per se of *what* to think; it is more fundamentally about *how* to think (Reardon and Snauwaert 2011, 2015). In other words, political efficacy is dependent upon sound normative reasoning. Learning how to think entails competence in the various methods of inquiry and forms of thought characteristic of moral and ethical discourse as delineated above.

The following outline of a moral, ethical, and hermeneutic inquiry is illustrative of how a pedagogy of reflective inquiry grounded in moral and ethical discourse and hermeneutics might be enacted.

The inquiry begins with a query posed to the students: *Is a human right to freedom of conscience (any particular right can be substituted) normatively justifiable?*

The first step in the pedagogical process *employs moral discourse* in that the students are asked to explore the normative justifiability of the right to freedom of conscience in terms of the nature of impartiality, reciprocity, and open public scrutiny as standards of practical reason; the question of the coherence between these standards and the right are considered by the students reflectively. The degree of coherence determines the degree of the justifiability of the right as a justified demand/claim. Students reflect on and construct an argument concerning the degree of justifiability of the right in terms of coherence between the right and the standards of normative justification. This process of moral discourse established whether or not the right achieves justifiable acceptability.

The second step *employs a pedagogy of discursive hermeneutic ethical reflective inquiry*. With the moral justifiability of the right established the inquiry moves to whether or not the right is coherent with their basic values. Students are asked to identify their basic values grounded in their own comprehensive philosophical and/or religious doctrines and to engage in a hermeneutic interpretation of their meaning from within their cultural horizon and comparatively across a fusion of horizons. “Values” constitute the defining elements of who we understand ourselves to be and who we want to be/become. “Values” also constitute what we have reason to want to realize. They are also asked to hermeneutically interpret the meaning of the right to freedom of conscience itself from within their cultural horizon and comparatively across a fusion of horizons. From within the perspective of the hermeneutically interpreted meaning of their values and the interpreted meaning of the right, the following questions are explored by the students and they are asked to articulate their reasoning: Does the claim of the human right in question serve to realize or protect these values? Is the right consistent with the identified values? Or does the affirmation of the right impede the realization of these values? Is it inconsistent with the identified values?

The third step is the pedagogical enactment of public reason. Students are asked to engage in a model process of public reason, entailing both moral and ethical-political discourse in the classroom among themselves; students are asked to articulate, debate, deliberate, and publicly justify recommendations regarding the human right of freedom of conscience utilizing the arguments and reflections articulated in the first two steps. Students test their arguments for the moral and ethical justifiability of the right by opening them to the critical scrutiny of their peers.

This discursive, hermeneutic pedagogical process mirrors the logical structure of hermeneutic inquiry and moral and ethical discourse. The inclusion of hermeneutic inquiry significantly strengthens ethical discourse and its pedagogical

application. The central considerations are how learners construct human rights understanding and how learners interpret the consistency between that understanding and the cultural values. Human rights education has to be consistent with the rights bearer's cultural values. Therefore, the hermeneutic method constitutes an interpretive human rights pedagogy. It includes the following.

A hermeneutic approach focuses on interpretation as a central component of moral reasoning. It offers learners the cultural tools needed to understand the concept of human rights and their legitimacy as both justifiable and coherent with their cultural values. Hermeneutics employs the multiple perspectives of the fusion of horizons. Learning occurs as the student compares divergent ways of understanding human rights. The approach is motivated by a strong ethical concern for the respect for diverse values.

Hermeneutics contributes to a culturally sensitive approach to human rights education. Such an approach recognizes the possibility of achieving an impartial normative perspective that is justifiable from within and across diverse cultures (Al-Daraweesh and Snauwaert 2013, 2015). It entails the capacity to interpretive values and to discern whether justifiable human rights claims are consistent with and will lead to the realization of the values that shape the students' collective self-identity.

## Conclusion

It has been argued that democratic citizens must be able to articulate the justification and accept the legitimacy of human rights from within a moral point of view defined by core standards of normative justification as well as their value-based cultural perspective; the development of the capability to engage in these processes of justification constitutes a core aim of human rights education. It has been argued that the fulfillment of this aim requires a morally discursive *and* hermeneutic approach to human rights education and thereby to the education of democratic citizens. The argument points to a morally discursive and hermeneutic approach to human rights education for deliberative democratic citizenship.

## Note

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# Contested Universalism and Human Rights Education: Can There Be a Deliberative Hybrid Solution for Schooling?<sup>1</sup>

Felisa L. Tibbitts

## Introduction

Do universal values exist? The United Nations (UN) was founded on the humanistic vision that it is possible for representatives of member states and other experts, through political processes of deliberation, to establish common values and legal norms. Do we need to revisit the legacy and nature of these political processes? Since its inception, but particularly in recent years, philosophical and political debates have ensued regarding the claim of universality in relation to UN-espoused values and associated legal human rights frameworks.

The educational efforts of United Nations Educational Scientific and Cultural Organization (UNESCO) and other UN agencies such as United Nations Children's Fund (UNICEF) and the Office of the UN High Commissioner for Human Rights (UNHCR) operate in close connection with core UN values. On the UNESCO website, the specific UN values that are identified are nondiscrimination, equality, respect, and dialogue. Other values associated with UN activities include human rights and fundamental freedoms. These are linked with the Charter of the United Nations, the Constitution of UNESCO, the Universal Declaration of Human Rights (UDHR), and other UN treaties and declarations.

These values are self-referential and aspirational, reflecting the overall aim of the UN to promote a culture of peace, protect human rights, and prevent war. In the spirit of this idealism, these values are presented as universal, though with acknowledgment of the particularities within member States.

This reflection chapter presents the key arguments both for and against the existence of universal values, with the goal of providing guidance for the treatment of this debate in relation to values within education. Values are part and parcel of the experiences of learners in schools, both through the intended curriculum (including content and teaching and learning processes) and the socializing effects of the “hidden curriculum” (including classroom climate, relationships within the school, opportunities for participation, and other noncurricular features of the classroom and school that influence learners’ values, attitudes, and behaviors). In this chapter, I propose a hybrid approach that is both philosophically based and educationally pragmatic in recognizing the universality as well as the particularities of values; such a hybrid position may be referred to as “qualified universalism.” I also explore the ways in which human rights education theory has responded to cultural debates around universalism through its embrace of critical and transformative approaches. The chapter ultimately recommends ongoing, dynamic processes for deliberation on how such qualified universalism can take place at multiple levels of education—from the national to the school—and the imperative for such deliberations in cross-national forums.

## Definitions

A discussion about the existence of universal values first requires an understanding of key terms. Definitions of “*values*” have highlighted different facets and generally have not contradicted one another. Across various definitions, “values” are viewed as standards that apply to beliefs and actions, with implications for the well-being of the individual, especially in regard to relations with others. Elaborations by Halsted and Taylor (1996) and Schwartz (1994) are particularly relevant. Halsted and Taylor (1996) recognized the following definition of values:

Things that are considered “good” in themselves, such as love, and are considered personal and social preferences;

Beliefs, attitudes or feelings that have been chosen thoughtfully from alternatives and is acted upon;

Emotional commitments and ideas about worth;

Things (objects, activities, experiences, etc.) which on balance promote human well-being. (5)



Schwartz (1994), who studied values in cross-cultural contexts, noted that the literature shows widespread agreement on five features of the conceptual definition of values: “A value is a (1) belief (2) pertaining to desirable end states or modes of conduct, that (3) transcends specific situations, (4) guides selection or evaluation of behavior, people, and events, and (5) is ordered by importance relative to other values to form a system of values priorities” (20).

The specific category of values relating to human rights principles is *moral* or *ethical* (which I will treat as synonymous). We can view moral values as principles to help people develop, live their lives, relate to one another, and organize their societies. Clusters of values associated with one another can be considered a “values framework.”

*Education* can be defined as “a deliberate and systematic attempt to transmit skills and understandings, habits of thought and behavior required by the group of which the learner is a novice member” (Hansen 1979, as quoted in Lee 2001: 30). The following is Halstead and Taylor’s (1996: 5) operational definition of values for the purposes of schooling:

Principles, fundamental convictions, ideals, standards of life stances which act as general guides to behavior or as points of reference in decision-making or the evaluation of beliefs or action and which are closely connected to personal integrity and personal identity.

Constantinides (2008) highlighted the lack of conceptual clarity regarding the term of “*universality*,” noting that scholars have defined the term on the basis of “all-inclusiveness, formal acceptance and adherence, historical origin, formal origin and norm creation, to anthropological and philosophical acceptance, uniformity, indivisibility and legitimacy” (51).

One can define “universal” as applying to all persons, regardless of time, location and personal characteristics and background. The term “universal values” therefore refers to values that are—or ought to be—common to all people. Another way of viewing universal values, then, is as “common values.”

Whether or not values associated with the human rights framework are shared cross-culturally has bearing on the premise of the international human rights system, a framework that incorporates both values as well as “rights” codified in international treaties. Debates on the universality of human rights have centered on the Western philosophical and historical origins of human rights. These debates are now presented drawing on empirical evidence provided by cultural anthropologists and psychologists.

## Philosophers speak out on universalism versus relativism

The arguments for and against universalism are complex and often sharp, emanating from the fields of moral philosophy, psychology, anthropology, sociology, and political science. Those who resist the notion of the existence and desirability of universal moral values are associated with the “moral relativist” or “particularist” approach; whereas those supporting the principle of universal moral values are known as “universalists.”

The debate over universal values can be divided into two key questions:

1. *Should* universal values exist or be treated as an ideal? (normative, theoretical, and/or prescriptive in orientation)
2. *Do* universal values exist? (treated as an empirical question)

A relativist point of view contends that no set of values can be considered superior to another. Relativists contend that cultural norms govern values, and that values are intrinsic to specific cultures because they are passed on through such cultural mechanisms as language, custom, education, and the like (Thomas, as cited in Gardner, Cairns and Lawton 2000: 259–260). Moral relativists argue that cultures are varied and historically specific, and that universal values are therefore not relevant. Positivists make a companion argument against universalism by arguing that there is no empirical way to objectively verify value judgments since they are merely an expression of personal opinion (Halstead 1996: 6).

Cultural relativists are specifically critical about the claim of universality of human rights values, pointing out that they are based on Western notions of individualism (Baehr 2000). Some not only see human rights as a Western construct but also see the claim of universality as one of hubris and “cultural hegemony in disguise” (Constantinides 2008: 52). A related argument would be that any notion of a universal values system is an undesirable one, as it is more likely to be promoted by individuals and institutions holding power and influencing cultural processes, whether inside or outside of any country.

At the other end of this continuum are those who consider values as absolute and able to be applied universally. According to this view, certain human actions are always right or wrong, regardless of circumstances (Halstead 1996: 6).

The postulation of the universality of values has historically been associated with the ideas of the Enlightenment and is therefore seen as a Western construct. The fact that this conception of universality has culturally rooted Western

origins is one of the critiques that people have leveled against the concept of universal values as well as against UN claims about the universality of human rights.

Falling between universalism and relativism are several positions. One is that an acceptance of the plurality of values does not necessarily invite relativism. There can be a “significant moral horizon shared by all human beings” within which there is room for personal autonomy and choice (Crowder 2003: 10). This view is consistent with a view of liberalism but without a strict claim of universality. Others propose that certain essential values may have cross-cultural relevance. Such core values promote human well-being, although they are still socially constructed and may vary over time and from one group or society to another (Halstead 1996: 6). Scholars have explored this concept empirically and it is discussed in the next section.

### Evidence for cross-national ethical values

Universalists and relativists do not appear to disagree about the function of moral values. Both agree that such values are necessary for helping individuals to live in society and for societies to be organized.<sup>2</sup> We can see laws, religious doctrines, professional codes of conduct, and other ethical codes as contributing to societies’ (various) ethical frameworks. These value systems may operate in parallel, with or without apparent contradiction. Religions include moral values and principles in their creeds, and two religions specifically espouse universality: the Bahai faith and the Unitarian Universalist Church (Kinnier, Kernes, and Dautheribes 2000: 2). Some who support the idea of universal values point to the widely agreed upon value of the Golden Rule—“do unto others as you would have them do unto you”—which we find in all of the world’s major religions (Kinnier, Kernes, and Dautheribes 2000: 214). One can also see certain values from non-Western contexts—such as “ubuntu” (humanity to others) in South Africa and “uhuru” (freedom) in East and Central Africa—as a cultural manifestation of universal values.

One may recognize moral values as necessary and valuable for human society, thus supporting their codification, application, replication, and even monitoring and enforcement systems that help to ensure that they are known and adhered to. We may also see moral values and their frameworks as normative. It is the study of culture and human behavior that sheds light on how individuals and groups interpret and apply such values.

The basis of the assertion of universal values is that there exist values that everyone treasures. Isaiah Berlin argued that “universal values ... are values that a great many human beings in the vast majority of places and situations, at almost all times, do in fact hold common, whether consciously and explicitly or as expressed in their behavior” (Jahanbegloo 1991: 37).

Universalists argue that the condition of being human and the associated needs for survival, thriving, and living in community have created compelling conditions for the development of universal values. Appiah argues that universalism can be seen as “essentialist humanism” (Appiah 2005 as cited in Enslin and Tjiattas 2009: 4). This condition of common need has fostered common characteristics and predispositions, specifically empathy, solidarity, and identity. On the basis of these characteristics, common-values frameworks can be elaborated.

Moral theorists (Graham, Haidt, and Nosek 2009) subscribe to the view of intuitive ethics; that is, that morality largely bypasses cognitive processing and is based on intuitions of what is right and wrong. They propose five basic moral foundations: harm/care, fairness/cheating, authority/subversion, loyalty/betrayal, and purity/degradation.

Schwartz and Bilsky (1987) and Schwartz (1994) address the possibility of universal values from a psychological perspective. They see values as “cognitive representations of three universal requirements: biological needs, interactional requirements for interpersonal coordination, and societal demands for group welfare and survival” (Schwartz 1994: 21). Schwartz (1992, 1994) carried out empirical research on whether evidence exists for shared values across cultures. He hypothesized that universal values would relate to different human needs: biological, social coordination, and those having to do with group welfare and survival. In some ways, one can see these needs as related to a definition of human dignity (both at the individual level and in relation to being part of a group) and linked with the content of human rights. As a result of Schwartz’s studies across 44 countries, he made a case for the existence of universal values: 10 universal value domains (some described below) broken into 56 more specific ones (1994: 26).<sup>3</sup>

The Schwartz categories directly linked with the values system promoted within the UN human rights system are:

*Self-direction*, including freedom, independence, and choosing your own goals

*Universalism*, including understanding, appreciation, tolerance, social justice, equality, a world at peace, and protection for the welfare of all people and of nature

*Tradition*, including respect, commitment, and acceptance of the customs and ideas that traditional culture or religion provides

*Security*, incorporating family security, national security, stability of social order, health, and a sense of belonging.

## Global ethics in the twenty-first century

The above debate is made more pressing and contemporary when placed within the context of globalization. Globalization can be defined in many ways, but is here treated as interconnectedness within and across processes at the local, national, and international levels. Such processes can relate to peace and security; trade and markets; and social and cultural attitudes.

Our interconnectedness—both visible and hidden—suggests many potential results, which are only briefly summarized here. First, we might view universal values as particularly necessary given the context of globalization. We could also argue that there is a pressing mandate to develop approaches that accommodate different cultural beliefs and practices based on recognized common values so as to reduce destructive conflict. Empirically speaking, one might expect a greater convergence in values through processes of globalization. At the same time, such confluences are not necessarily taking place in a democratic space. Critics of universal values as reflected in human rights codes sometimes refer to the inordinate influence of certain global powers in the elaboration of such norms.

On the part of the United Nations, people have expressed concern that inequalities of wealth and power within and across societies, despite efforts to overcome extreme poverty, undermine the potential to recognize shared values (see Jones 2015).

We have allowed [globalization] to drive us further apart, increasing the disparities in wealth and power both between societies and within them. This makes a mockery of universal values. It is not surprising that, in the backlash, those values have come under attack at the very moment when we need them most.<sup>7</sup> (United Nations 2003)

A discussion of globalization in relation to universal values therefore raises the questions of who influences the (re)creation of values and of the ways in which this can take place at multiple levels. Criticisms of globalization include the undue influence of exporters of culture (e.g., the United States) and promotion of consumerism, and so on. Some point to the failure of universal values

to assure rights across borders (migrant workers, asylum seekers, brain drain) (Saith 2006: 1193). Globalization and neoliberalist forces in particular have been criticized as having undue influence within UN processes. (According to the *Encyclopedia Britannica*, “neoliberalism” is commonly associated with laissez-faire economics, sustained economic growth for achieving human progress, and confidence in the free market. Supporters of neoliberalism emphasize minimal government intervention in economic and social affairs.) Saith criticized the Millennium Development Goals (MDGs) that promoted positive values such as fighting extreme poverty, which applied to the Global South, yet omitted goals related to inequality within countries (1194).

The apparent lack of a public deliberative space for discussing and negotiating such commonalities makes it more likely that those with greater power will ultimately disproportionately influence such decisions. Fraser (2005) has proposed inserting “democratic procedures” and fair representation among those entities influencing what gets defined as “universal values,” and how universal values are operationalized, for example, in global policies such as the MDGs (now the SDGs), but also within countries (see Enslin and Tjiattas 2009: 16). Benhabib contends that “democratic deliberation is at the very heart of ‘interactive universalism’” and that it is possible for countries to negotiate their interdependency by “re-situating the universal in concrete contexts” (Benhabib 2002: 19, as quoted in Enslin and Tjiattas 2009: 5).

This is a complex area related not only to larger questions about the positionality of countries within the international system but also the positionality of persons and groups within these societies, their exposure to any (re)creation of values changes, and their benefits from them. The many arguments found in relation to globalization and global ethics seem to call for a renewed and inclusive process of deliberation regarding the content of common values. Is it possible to organize processes of democratic deliberation at multiple levels—not only the international but also the school level? This chapter will conclude with some proposed solutions for education systems. However the question of how to create cross-national spaces for democratic dialogue on values and human rights remains an outstanding one.

### Quasiuniversalism: a middle position?

Recent scholarship has pointed toward a potential solution to this complex debate by accepting the tenets of both universalism and particularism/relativism.

Philosophical arguments exist for the desirability of common values (based on humanism), as does some evidence that such values can be found across key religious, secular, and political texts. These are normative arguments validated in part by empirical psychosocial research about the values cherished by individuals in cross-national studies. As presented earlier, opponents of universalism point to the variations within and across cultures, reflecting particularities and suggesting that the basis for values will inevitably be subjective (relativistic).

The bridge between absolutist and relativistic positions is the coexistence of universality and diversity, also known as “qualified universalism” (Enslin and Tjiattas 2009: 3). Qualified universalists are found among moral philosophers, sociologists, and pragmatists. They hold that there are common values, also known as universals, but that these are not absolute. These universal values manifest as minor variations across cultures; for this reason, we also label them as “variform universals” (Segal, Lonner, and Berry 1998: 4).

This reassuring proposition nevertheless raises two new questions. The first is how one can judge whether a value in question is a variation of a universal value or an entirely different kind of value. However, we may be able to relegate this question to categorization. Perhaps the more pressing question is how to appraise whether we might consider any such variation unacceptable, and whose judgments on this matter are definitive. In principle, if a variation were considered “minor,” would we then understand it to be a matter of the local group’s acceptance and therefore not subject it to interrogation? Or might there be certain variations that would be ethically unacceptable? Where does variation end and a violation against human dignity begin? Within the international human rights system, such interpretive judgments are made through the recommendations of treaty body committees. Such committees interpreted and apply international human rights law in relation to specific cases. For example, the Committee on the Rights of the Child—in reviewing countries’ self-monitoring treaty reports—continues to issue guidelines clarifying what is intended by a child’s right to life, survival or development as referred to in the Convention on the Rights of the Child. As with other international human rights standards, these interpretations are issued but member states and other state actors will decide if and how they will accept such judgments.

Nussbaum (2002) argues that we need to analyze evidence of intolerance within cultures on the basis of universal norms, an extension of her philosophical work on an international system of distributive justice. Perhaps we also need principles upon which to assess the contributions of culture against the harm that they do to individuals and their human dignity? On the one hand is the

need to resist the tyranny of the universals, while on the other there is a concurrent need to reject the tyranny of relativism. This answer is partly, though not entirely, provided by looking at the specifics of each situation and by the principle of flexibility.

Decades ago scholars and religious leaders attempted to develop global ethics, based on the universal values espoused by the United Nations. The result was the Universal Declaration of a Global Ethic (1993), which built on the UDHR and the Golden Rule. An excerpt from this declaration provides a refreshing presentation of quasiuniversalism:

Our position in the values education controversy is that we oppose the authoritarian promulgation of any one group's values as being above all others, but we also oppose the presentation of all values as equally valid. A short list of universal moral values may offer a bridge between the absolutist and relativistic positions, as well as between the character education and values education perspectives. Diversity and universality can coexist. (Kinnier, Kernes, and Dautheribes 2000: 7)

The next section takes up how the human rights education theory has responded to the challenges posed by the universal values debate within the historical context of the post-UN world.

### Human rights education as a response to the universal values debate

Human rights education (HRE) is one approach in non-faith-based education that has had to grapple with the concept of universal values. A traditional HRE approach promotes the universal values of the United Nations and the position that human rights are “universal, interrelated, indivisible and interdependent” (United Nations 1993; OHCHR 2016). Numerous HRE resources are explicitly oriented toward the transmission of human rights values and standards. The intention is that the human rights framework will be used as a lens for analyzing human and government behavior and as a basis for improving the realization of human rights in the everyday lives of people.

Some HRE scholars have critiqued a “declarationist” approach to HRE as promoting the values embodied in international human rights standards as absolutist, negating the possibility of genuine “dialogue” with learners with regard to their existing value systems (see Keet 2012). However, HRE lessons



and curriculums aligned with this traditional approach draw on some of the techniques associated with the psychological theory of intuitive ethics presented earlier in this chapter as well as the values-clarification approach, a pedagogy that provides learners with opportunities to explore and develop their own value system (Lee 2001: 33). HRE activities such as “New Planet” and “What does it mean to be human?,” which have been used for decades in a range of national contexts, elicit from the learner her or his own values. These are then compared with rights contained in the UDHR, the Convention on the Rights of the Child, or other treaties. Activities such as these elicit the preexisting values of the learner and foster a critical analysis and understanding of the content of the UDHR or relevant human rights treaty.

At their core, such activities presume that the learners will already possess values that are consistent with human rights standards and respect for human dignity. From this perspective, we can see that HRE indirectly endorses the proposal that there are “common values” that operate cross-culturally. In practice, these kinds of HRE activities are also able to bring out some complexity, such as the potential tension between human rights (e.g., freedom of expression in a situation where hate speech is being used).

However, a values-clarification approach to HRE does not address some relativist concerns about the universal claims of the human rights framework. In recent years, and particularly in the Global South and postcolonial environments, the wider critiques of universalism within the human rights movement have found their way into HRE theory and practice.

Some scholars have identified HRE teaching and learning processes that do not allow for a genuine critique of the human rights system as a whole and have therefore promoted political correctness (see Baxi 2008; Keet 2014). One may use even values-clarification techniques instrumentally for validating the preordained universal values of human rights. Such concerns build on those presented by relativists that the human rights framework reflects an overly dominant Western influence in relation to the ideas of the Enlightenment and the historical context of the immediate post-World War II period. Critics of a traditional “transmission” approach to HRE argue that it does not allow learners to consider these concerns and is therefore contributing to a nonreflective socialization process. At best, such an HRE approach fails to fully foster the critical capacities of learners; at worst, this form of HRE promotes a hegemonic, Western-centered values system. These concerns are also amplified in environments where there is political sensitivity to the term “human rights” for reasons related to local political dynamics.

People have proposed solutions that are primarily pedagogical. Some now promote the critical pedagogy approach—established by Paolo Freire and foundational to the popular education version of HRE—for analyzing not only the structures in which learners live and work but also the human rights framework as a whole. This approach can explicitly reveal and examine the Western origins and potential hegemonic influences of the human rights system, while in a learning context dedicated to applying teaching and learning systems to promote and protect human dignity. The focus then becomes not whether the human rights framework is the preferable value system to apply, but “what is to be done”—using the value system and language indigenous to and embraced by the learner (and presumably consistent with humanistic values).

The literature calls this approach “critical human rights education” (CHRE) in order to emphasize that the critique extends internally to the human rights system itself, as well as to society (Keet 2015; Bajaj 2011). A more recent development is the use of the term “transformative human rights education” (THRED) (Bajaj, Cislighi, and Mackie 2015), emphasizing the role of pedagogy in promoting social change and consistent with the transformative model of HRE (Tibbitts 2002, 2017). Some scholar-practitioners have moved away from use of the term “HRE” altogether and instead promote the concept of “humanizing pedagogy” or the “pedagogy of mutual vulnerabilities” (Salazar 2013; Keet, Zinn, and Porteus 2009). Some view such approaches as helping to ensure the emancipatory and liberating potential of HRE.

Counterarguments about the universality of the human rights framework and its presentation within HRE mirror those presented earlier in this chapter. Adami (2014) asserts that the universal values promoted in traditional HRE are based on people’s lived experiences and are therefore always subject to inspection (301). Adami’s solution is not one of radical pedagogy that brings a fully developed relativistic perspective to HRE teaching and learning processes. As with the “quasiuniversalists” and the hybrid approach presented in the previous section, she supports a version of HRE that draws on its universal values but looks for “particularistic” aspects in relation to people’s lived experiences (303).

Given that the radical HRE approach proposed by critical theorists is more easily implemented in a nonformal education setting, Adami’s outlook points toward a pragmatic solution. Adami believes that HRE can be “a relational space where human rights come alive and take on different forms and colours” (2014: 301). We note that a critical or transformative HRE approach does not necessarily undermine the principle of common values or the role of HRE in promoting changes in behaviors that protect and ensure human dignity. However, this approach does not necessarily have an attachment to the human

rights framework as the vehicle for change. The strength of such an approach is its integrity toward the learner's existing value system and the ability of the learner to articulate and (re)formulate this value system in his or her own language and according to his or her conceptual framework. A clear weakness to this approach is that it undermines the potential of linking HRE with advocacy based on treaties and the international human rights legal system.

The ongoing discussions within academic circles around HRE reflect those that the schooling sector needs to address. Here we have the added challenge of education's taking place in a system that wants both to foster common values and to allow for variation in the development of individual and group identities.

### Quasiuniversalism, critical pedagogy and deliberative decision making in schools

Scholarship on diverse approaches to values in education show how these reflect, in part, the debate between universalism and relativism, with the added consideration of schools' role in promoting values in differing national and local contexts and across age groups. It is possible to consider a hybrid approach to values education that incorporates elements of both universal and particularist positions, moving from a socializing influence with younger students to increasingly critical and reflective approaches with older students, reflecting the approach of critical pedagogy affirmed by many within human rights education.

It is worth noting that within this educational frame the primary change in dynamic is one of pedagogy. Secular and religious values are both eligible to be identified as the core common values when socializing young children. The question is, then, whether common values across different cultures can also be addressed at this stage. Eventually, a more reflective and critical pedagogy with older students will naturally raise questions of the origin of the values, according to the proposed hybrid approach.

National policymakers, curriculum developers, educators, and school communities have a quite complex challenge to work through. They must identify, model, and facilitate the internalization of shared values for their school communities that

- enable pupils to actively and respectfully participate in their school community and society
- cultivate a senses of belonging, while recognizing the diversity of identities and background among educators, students, and their families

- link the values of the school with wider, shared “universal” values across cultures and faiths
- promote awareness and critical reflection on the nature of values, including the particularities and changeableness of some over time
- encourage “common humanity,” interconnectedness, and empathy as a disposition (and not merely a value)
- ultimately encourage students to experience choice in accepting the values that are consistent with their worldview and life experiences.

Specific suggestions for supporting quasiuniversalism in values include conducting a values audit, developing a values statement, and implementing a curriculum across the students’ school lifecycle that moves from a more socializing approach to one that promotes multiperspectivity and critical reflection on values, accommodating students’ evolving age and maturity.

All this is easier said than done, as school systems would have to align many people and policies at the national, subnational, and school levels in order to foster coherent values-education policy and practices. Every system and school is already imbued with values. For this reason, community members might participate in a review of practices and inclusive discussions about which values the school system should embrace and how the system might promote them.

Here we return to a suggestion made by Fraser (2005) and Benhabib (2007) for democratic procedures and deliberation. Such processes might take place at multiple levels: the school, national education decision-makers, and perhaps even in international settings. Such an ambitious undertaking is perhaps easier to envision at the school level but is required for all levels.

Up for discussion in such a democratic deliberation would be many difficult questions:

What is the universe of our treasured values, across all groups?

Which of these can be considered to be shared values?

Which can be considered to be variations of the common values?

Are there any variations that can be considered to be in contradiction to common values?

How should and can schools and educational systems accommodate the answers to these questions?

These conversations may reveal differences of opinion. There may not be agreement concerning the core common values of the school, or on the strategies for promoting such values—for example, through religious education,

citizenship education, and/or other means. Educational leaders—at the national and subnational levels—might have to provide guidance on how to accommodate such differences, consistent with the norms promoted by agencies such as UNESCO. Teachers will be part of these conversations and will also require a clear framework to work with. The role of the teacher is crucial and cannot be overemphasized.

## Conclusion

This chapter presented some of the philosophical and empirical arguments supporting and refuting the existence of universal values and concluded with the proposal that a hybrid approach of “qualified universalism” was possible based on philosophical and sociopsychological arguments for common values across cultures. The most basic of these is the Golden Rule, but there are others as well. This qualified universalism embraces cultural plurality while recognizing that common values are possible. Regarding the specific critiques of the human rights value system as being intrinsically Western-centered and hegemonic in application, we best locate the solution within the field of education through the use of critical pedagogy. This chapter argues that ongoing, dynamic processes for deliberation on qualified universalism can take place at multiple levels of education—from the national to the school—as well as in cross-national forums and that such discussions are highly relevant for human rights education.

Of course, one cannot do full justice to this complicated and contested topic in a single chapter. Moral philosophers, psychologists, political scientists, educators, and others might prefer to expand, make more complex, or disagree with the ways that this chapter treats values and education. Moreover, this chapter was developed on the basis of only English-language materials, and it overviews only key ideas in order to facilitate discussions that will point a way forward in identifying practical solutions for addressing values in education. In lieu of such solutions, this chapter is intended, at the least, to foster fruitful disagreements that—in the spirit of democratic debate—may lead us to a deeper understanding of the perspectives and issues at stake.

As our understanding of globalization and its effects continue to evolve, it would be unwise to be sidetracked for too long in education by theoretical debates about the existence of universal values. Rather, we should move forward in deliberative processes that identify common values across cultures, as well as variations, mindful of the boundaries on particularities suggested by the

human rights standards. Authentic dialogue in a spirit of cooperation and tolerance carried out at the system level—and the school level—will then very likely reflect the promising results of the 1993 Declaration of a Global Ethic, in which both universality and diversity coexist.

## Notes

- 1 This chapter is based on a discussion paper developed by the author for UNESCO's International Bureau of Education (IBE) for the series Current and Critical Issues in Curriculum and Learning.
- 2 Sociologists have defined "society" in different ways, with some conceptions emphasizing a shared culture of ideas and values and others focusing on an interrelated set of institutions. In this chapter, the idea that society is constructed and reconstructed through social interaction is foundational.
- 3 A core survey included the 56 specific values, both as nouns [values] and as adjectives, each with an explanatory phrase. Respondents rated each value on a 9-point importance scale as "a guiding principle in my life," from 7 [of supreme importance] to 6 [very important] to 3 [important] to 1 [not important] to -1 [opposed to my values]. Before rating the values, respondents chose and rated their most and least important values. For each of 44 countries, 97 samples participated, totaling more than 25,000 respondents. See also World Values Survey (2016).

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Part Two

Case Studies



# Fostering Harmony and Dealing with Difference in Education: A Critical Review of Perspectives on Intergroup Relations

Joanne Hughes, Rebecca Loader, and James Nelson

## Introduction

The purpose of this chapter is to consider theoretical perspectives on intergroup relations with respect to human rights, democracy, and citizenship education. The first part of the chapter therefore provides an overview of four major theoretical frameworks that have emerged within the discipline of social psychology to explain the development of intergroup inequality, prejudice, and conflict. Noting that research into human rights, democracy, and citizenship education has not engaged substantially with these theories, we argue for their more extensive application in this field. The second part of the chapter focuses on intergroup contact theory, which has received more substantial attention in education as a model for fostering intercultural understanding and dialogue. Following an outline of the contact hypothesis and its influence in educational settings, particularly in Northern Ireland, we discuss recent work that raises queries about the contribution of contact-based approaches to equality and social justice. In particular, we will focus on the apparent tension between fostering harmony and exploring difference (and associated issues of conflict, discrimination, and inequality) during intergroup encounters: while contact theory tends to prioritize the former, critical educationalists have stressed the importance of the latter to enhance democratic capability, promote respect for diversity and human rights, and transform social relations. Drawing on our own research, we consider how this tension has been manifest in education in Northern Ireland, and reflect on a potential way forward offered by a model for shared education.

## Intergroup theory

The field of social psychology has made a major contribution to the theoretical understanding of intergroup conflict and prejudice. Of theories emerging in this field, perhaps the most enduring is social identity theory (SIT) (Tajfel and Turner 1979). Positing membership of social groups (such as one's religious group, gender or sports team) as central to self-concept and self-esteem, SIT states that it is psychologically important that the groups to which one belongs are "positively differentiated or distinct from the relevant outgroups" (Tajfel and Turner 1979: 40). To ensure this distinctiveness, individuals employ a range of strategies to enhance or maintain their group's status relative to others: favoring the ingroup, denigrating or discriminating against the outgroup, and engaging in intergroup competition or even conflict (van Oord 2008; Tajfel and Turner 1979; Wolfe and Spencer 1996).

While SIT has been influential in the field of intergroup relations, a number of researchers have criticized its neglect of group power and outgroup favoritism and advanced two further accounts: social dominance theory (SDT) and system justification theory (SJT) (Jost, Banaji, and Nosek 2004; Sidanius et al. 2004). According to SDT, discrimination is made possible by the existence of shared ideologies that legitimize the inequitable distribution of power and resources by individuals and institutions. The extent to which individuals endorse these ideologies depends, in part, on the strength of their "social dominance orientation" (SDO), that is, their desire for group-based dominance (Sidanius et al. 2004). Proponents of SJT similarly posit the existence of legitimating social ideologies, but argue further that unequal systems benefit from "the social and psychological needs" of individuals, including members of disadvantaged groups, to legitimize the status quo "as good, fair, natural, desirable, and even inevitable" (Jost, Banaji, and Nosek 2004: 887).

A fourth framework for the analysis of hostilities between groups, intergroup threat theory (ITT) (Stephan, Ybarra, and Rios 2015), brings together theories of realistic group conflict and symbolic racism (Riek, Mania, and Gaertner 2006). According to ITT, negative intergroup attitudes can arise from the perception that an outgroup poses a threat to the physical and material well-being of group members ("realistic threat") or to their culture and way of life ("symbolic threat") (Stephan, Ybarra, and Rios 2015). Perceptions of such threats can provoke negative emotions and behaviors, including fear, prejudice, avoidance, and aggression. Individuals most apt to perceive intergroup threats include those

who identify strongly with the ingroup, hold negative views of the outgroup, or have limited experience of intergroup contact (Stephan, Ybarra, and Rios 2015).

Seeking a deeper understanding of intergroup conflict, inequality, and discrimination, these theories have considerable consonance with, and relevance to, education for democracy, citizenship, and human rights. They may inform the content and delivery of educational programs or provide a lens through which to evaluate existing curriculums, resources, and pedagogies. Research in this vein might consider, for example, to what extent citizenship education endorses or challenges system justification and its underpinning ideologies, or how human rights education addresses contemporary discourses regarding the “threat” posed by ethnic others. To date, however, educational research and practice that engages directly with these social psychological theories has been limited—a situation that deserves redress, not least because what exists has generated valuable insights. Studies informed by SIT have found, for example, that identity strength may influence teachers’ willingness to collaborate across ethnoreligious lines (Donnelly 2012) and inform their teaching on citizenship and identity in ways that reproduce conflict (Korostelina 2015). Moreover, research informed by ITT has found that perceptions of threat can negatively influence young people’s experiences of day-to-day encounters with outgroup members (van Acker 2014), while social dominance researchers report that those high in SDO are more likely to oppose inclusive educational practices (Crowson and Brandes 2010).

### Intergroup contact theory

While research and practice in citizenship and democracy education has not engaged extensively with social psychological theories of inequality and prejudice development, there has been greater interest in theories of prejudice reduction. Particularly notable within this work has been the use of intergroup contact theory, which has informed both research and practice in improving relations in educational settings. As set out by Allport (1954), the contact hypothesis states that a positive encounter with a member of a negatively stereotyped group should improve an individual’s attitudes to the group as a whole, providing four facilitating conditions are present: equal status between group members, cooperation, common or superordinate goals, and support from relevant authorities. Subsequently, researchers have proposed a fifth “condition” of contact: that the

encounter should provide opportunities for participants to become acquainted—what Pettigrew (1998) terms “friendship potential.”

Since its formulation, the contact hypothesis has received considerable attention from researchers seeking to test whether and under what circumstances contact can improve attitudes. A significant milestone in this research was Pettigrew and Tropp’s (2006) meta-analysis of 515 studies which provided strong empirical support for the effects of contact across different countries, populations, and settings, including education. Since then research has increasingly focused on the process by which contact reduces prejudice. This has identified key mediators of contact, including anxiety and empathy (Pettigrew and Tropp 2008), and numerous moderators, such as prior outgroup attitudes, identity strength, and relative group status (Graham, Frame, and Kenworthy 2014; Tausch et al. 2007). Research also suggests that the salience of separate identities and the perceived typicality of outgroup members during the encounter can help ensure that changes in attitude generalize to the outgroup as a whole (Brown et al. 2007). Recent work has examined the impact of negative contact, suggesting that adverse encounters have a more substantial and consistent effect on intergroup attitudes than do positive experiences (Barlow et al. 2012; Graf, Paolini, and Rubin 2014). While the greater prevalence of favorable encounters (at least in peaceful societies) ensures a net positive impact of contact (Graf, Paolini, and Rubin 2014), this underlines that contact per se is no guarantee of successful outcomes.

## Intergroup contact and its application in educational settings

The provision of opportunities for contact within schools and colleges has been advocated on both civic and educational grounds (Williams 1998): first, as preparation for living and working alongside those from different religious and cultural backgrounds as adults, and second, as crucial for learning about diversity and developing respect for difference. Contact has also been recognized as a precursor to intergroup dialogue, which aims to promote “understanding of social identities and of social inequalities and conflicts...and to build individual and collaborative capacity for change” (Nagda et al. 2013: 211–212). To these ends, measures facilitating contact have taken a number of forms, from short-term “encounter” programs to the wholesale desegregation of schools (Maoz 2011; Schofield 1991). In our own context of Northern Ireland, where more than 90 percent of pupils attend separate Catholic or Protestant schools (Department



of Education 2017), both contact schemes and integrated schools have been notable features of the education landscape over the past 35 years. While the former have typically brought together pupils from separate schools for short-term activities or excursions (O'Connor, Hartop, and McCully 2002), the latter have aimed to provide more sustained contact in institutions with an explicitly integrated ethos (Northern Ireland Council for Integrated Education 2012). Since 2007, a third initiative has been developed to promote contact through interschool collaboration. In this approach, known as "shared education," schools form partnerships across denominational lines to provide lessons and activities for mixed groups of students (Gallagher 2016). Pupils move between the schools to attend these shared classes, which are delivered regularly for a period of a year or more.

Research into school-based contact in Northern Ireland has identified generally positive outcomes, providing contact is of sufficient duration. While one-off meetings through school contact schemes have had limited impact (O'Connor, Hartop, and McCully 2002), the frequent, sustained contact offered by integrated and shared education appears more effective. Relative to peers attending denominational schools, current or former pupils of integrated schools report more positive attitudes toward the other group, more moderate positions on political issues, and greater respect for the other group's culture and religion (Hughes et al. 2013; Hayes, McAllister, and Dowds 2013; Stringer et al. 2009). Statistical analysis suggests that these differences are attributable to the regular and positive contact experienced by pupils at mixed schools (Hughes et al. 2013; Stringer et al. 2009). Moreover, pupils attending schools involved in shared education report higher numbers of cross-group friendships than those at nonparticipating schools, which in turn is associated with less anxiety about interaction and more positive intergroup attitudes (Hughes et al. 2010, 2012).

### Critique of intergroup contact theory

The examples above showing successful outcomes from contact research suggest a natural fit between contact theory and those working in citizenship, democracy, and human rights education, especially in programs that engage learners in meetings and encounters across boundaries. Yet, the relevance of contact theory as an interpretive lens for such encounters in educational contexts is contested. Notions of plurality, multiculturalism, and diversity have varied significantly from Allport's time (Kincheloe and Steinberg 1997) and so too have

the justifications for education for human rights, democracy, and citizenship (Roth and Burbules 2007). Significant among these has been the work of critical education theorists who have been forthright in challenging a taken-for-granted neutralist-tolerant framework (Strandbrink 2014) that ignores issues of power in group relations (Apple 2015). Critics assert that contact theorists have not kept pace with research areas of overlapping interest such as critical antiracism (Erasmus 2010) and that their work has become “self-referential” (Connolly 2000: 171).

In exploring the nature of the particular challenges presented to intergroup contact theory by critical education, it is possible to highlight four significant tensions. First is the difference in aims between contact approaches and critical education—that is, whether the primary purpose in bringing learners together is to foster harmony or explore differences. Contact theory is premised on the improvement of relations and the implied assumption that, as a result of meeting under certain conditions, outgroup prejudice and ingroup bias will be reduced among participants. Arguably, it is a view aligned with liberal multiculturalism (Kincheloe and Steinberg 1997) and a coexistence model that emphasizes universal values and common needs as the grounds for sharing and mutual understanding. The difficulty is that where the promotion of harmony is the goal, encounters can produce silence and avoidance or even the suppression of difference. In the context of encounters between Israeli Jews and Palestinians, Maoz (2011) asserts that contact characterized by a desire for coexistence can be counterproductive to the improvement of relations, and Helman (2002) found evidence that even sustained contact in the same context can reproduce group inequalities when issues of power are ignored. Similarly, in a study of integrated schools in Northern Ireland, Donnelly (2008) found that teachers who emphasized same-ness in intergroup encounters, adopted a nonconfrontational approach with students and avoided dealing with difference were likely to impede intercommunity relations. The resistance to dealing directly with conflict-related issues among teachers arose, in part, from a public sector culture of accountability and performativity, which meant the teachers understood their role in more instrumentalist terms.

By contrast, critical education is concerned with exploring difference in multi-layered and explicit ways. From a critical multiculturalist perspective, dealing with difference must begin with the recognition that power is unequally shared (Nieto 2000) and that education is not neutral (Kincheloe and Steinberg 1997), including education that has the intention of developing mutual understanding through intergroup contact activities. Further, a critical approach requires

learners to become aware of the labels used to identify differences between their groups and to question their validity. To fail to do so, from the critical educator's perspective, provides tacit approval and legitimizes the labels or categories (Erasmus 2010; Gillespie, Howarth, and Cornish 2012). Thus contact theorists are accused of essentialism and adopting uncritical assumptions about categories that they presume to be fixed.

Second is a difference of emphasis between the individual and the structural. Contact theory stands accused of theoretical individualism (Connolly 2000; Dixon, Durrheim, and Tredoux 2005) on the grounds of its internal logic: if the solution to the sources of societal division (racism, sectarianism, etc.) lies in changing attitudes and behaviors at the individual level, then its causes must also lie there in the prejudices and stereotypes that individuals hold. In other words, the impact of structural and government level interventions is minimized. McEvoy, McEvoy, and McConnachie (2006) suggest this was the case in Northern Ireland during the 1970s and 1980s when contact schemes between Catholic and Protestant young people were promoted and generously funded by the British government but failed to meet the expectations placed upon them because of a blindness to wider issues of justice and equality. Similarly, in studies of contact programs in Israel, Maoz (2011) identified the prevalence of a "co-existence model" that tended to reproduce structural inequalities between the groups of Israeli Jews and Palestinians.

By contrast, critical educators emphasize the need for the distribution of justice at a structural level. Where there is unequal access to justice and equality within the state or the education system more specifically, an emphasis upon the individual may, at best, be ineffective and, at worst, reinforce the unjust structures. Education must, therefore, proceed in a way that raises learners' awareness of the reality of power and the political nature of education. Choices made by educators around encounters between divided groups should be understood not as technical arrangements but as pedagogical events that are inevitably imbued with issues of equality, identity, and agency (Giroux and Giroux 2006). Learners must be equipped with the tools and skills to deal with differences beyond the individual level, "to prepare themselves for what it means to be critical, active citizens in the interrelated local, national, and global public spheres" (Giroux and Giroux 2006: 48).

A third tension can be seen in differing perspectives on processes of change when groups come into contact with one another, that is, between reform and revolution. Within research informed by contact theory, there is a general tendency toward gradual change and reform, reflected in recommendations for

adjustments to the nature of contact and the environment in which it takes place. In particular, researchers typically demand more attention be given to Allport's conditions of contact noted above. This points to an inherent conservatism at the heart of contact theory that draws boundaries around the limits of change. For a critical educator like Erasmus (2010), however, minor adjustments are insufficient; what is needed is a fundamental challenge to the status quo. In the context of race relations in South Africa, she brands contact approaches as "timid" and questions their ability to offer a critique of systemic racism. Critical education, in contrast to contact theory, aspires to be transformative (Freire 1996). Transformation arises, first, out of awareness of injustice and/or inequality and in turn demands a response. The response is likely to be disruptive as it challenges dominant hegemonies such as taken-for-granted market forces in education (Howe 1992) or unexamined, crude concepts of identity (Gillborn 2006).

Fourth, and finally, there is a tension between the normative and the descriptive with respect to contact theory and critical education. Dixon, Durrheim, and Tredoux (2005) have identified an idealist tendency in the methodological approach of contact researchers, who employ experimental methods to explore optimal forms of contact in highly controlled settings. Dixon and colleagues contest, however, that such approaches neglect two important elements: the participants' own constructions of the meaning of contact and the real life, mundane and often more subtle contact that occurs in everyday interactions. Critical education, by contrast, emphasizes the learners' lived realities. According to Apple (2015: 178), a primary task of the critical educator as researcher is to "critically examine current realities with a conceptual/political framework that emphasizes the spaces in which more progressive and counter-hegemonic actions can, or do, go on." This was the work carried out by Freire (1996), for example, in his *Pedagogy of the Oppressed*. Critical researchers argue for a reorientation of the field, away from a preoccupation with contact under "optimal conditions" toward the "stark realities of intergroup relations in everyday settings" (Dixon, Durrheim, and Tredoux 2005: 709).

To conclude, the four tensions highlighted here indicate that educators should beware of making naive assumptions about the inherent good of intergroup contact and take care to consider issues of context, power, and identity when bringing learners into contact through citizenship and human rights education. Where encounters between individual learners happen, they should accompany initiatives at a wider structural level; where intergroup power differentials may impact on relations between group members, they should be

acknowledged and attempts made to mitigate them; where pedagogical aims for contact are constrained to “getting along” and reconciling around commonalities, the potential power of education to deal with controversial issues should be exploited and opportunities for transformative action harnessed. In what follows, we explore how “shared education” in Northern Ireland has sought to develop in these ways.

## Implications for interventions in education

Northern Ireland presents an interesting context for reflection on the implications of the tensions noted above for interventions in education that aim to build intergroup relations. As we highlight, approaches adopted in the early years of the conflict, and based on the type of contact that valorizes more harmonious relations between Catholics and Protestants, have had limited effect. Short-term contact schemes, while perhaps symbolically important, sometimes reinforced stereotypes and were generally characterized by avoidance norms, with teachers adopting a “light touch” approach to dealing with controversial issues (O’Connor, Hartop, and McCully 2002). Integrated education has had a positive impact in respect of enabling cross-group friendships and prejudice reduction (Stringer et al. 2009), but, despite considerable capital support from Government, it accounts for only 7 percent of the overall provision in Northern Ireland. Moreover, no Catholic school has ever transformed to integrated status, despite the legal option to do so. Speculation as to why integrated education remains only a niche sector, despite regular public surveys finding that a considerable majority of adults support the approach and profess it as a desirable option for their children, centers on arguments that resonate with tenets of critical education. Primarily, in a divided society, where historical inequalities between Catholics and Protestants were arguably somewhat leveled through an education system that offered Catholics in particular a route out of poverty and disadvantage, and where cultural and religious identities are protected through distinctive school ethos and practices, schools are likely to be cherished sources of cultural empowerment. The disparity in survey findings, where the expressed intention toward integrated education is inconsistent with schools ultimately selected, may therefore reflect tension between perceived pressure to respond positively to an educational approach that promotes social harmony, and an understanding of the political, cultural, and power relations that are embedded in separate education (Hughes and Loader 2015).

Although the tensions between critical education and contact theory are hardly likely to be reconcilable through any single intervention, we believe the model of school collaboration through “shared education,” introduced in Northern Ireland in 2007, has much to offer, not just in Northern Ireland but also in other divided societies that seek to promote social cohesion through schools. Based on evidence emerging over the past decade, we propose the following as justification for this position.

Unlike previous contact initiatives which foreground contact as a means of reducing prejudice and promoting more positive intergroup relations, the shared education initiative offers a range of educational opportunities for participating pupils and teachers. These include: extending the range of curriculum-based subject choices for pupils, who can avail of the options on offer not just in their own school, but in partner schools; sharing of resources and expertise between partner schools; teacher exchanges that extend opportunities for teachers who might otherwise be limited to working within one denominational sector; and access to additional resources for smaller schools on the edge of viability due to low enrolment—particularly important in Northern Ireland, where the continued existence of small Catholic and Protestant communities within particular villages or towns may depend on the accessibility of denominational schools.

While educational opportunities created by shared education may contribute to the mitigation of disadvantage experienced by one community or the other, the approach also potentially meets social cohesion objectives by engaging pupils and teachers in extended interaction with those from a different community background. For many participants, such opportunities may not otherwise have been available, and as noted above there are benefits, including prejudice reduction, increased outgroup trust, and reduced levels of outgroup anxiety. Relatedly, shared education creates a space for the exploration of group differences and critical intergroup dialogue, as advocated by Giroux and Giroux (2006) and others. Duffy and Gallagher (2017), for example, highlight how shared education has facilitated the exploration of contested territory in Northern Ireland’s second largest city, with pupils in partner schools engaging in dialogue on the origins and implications of Catholic preference to refer to the city as Derry and Protestant proclivity for the title Londonderry. They also demonstrate how shared education in the same city has helped promote more positive engagement between schools and statutory agencies, highlighting, in particular, the evolving relationship between the partnership’s Catholic schools and the Police Service of Northern Ireland (PSNI). This represents a significant development in a context where the relationship between the police and the Catholic/nationalist community

has historically been poor. In a similar qualitative study of shared education partnerships, Hughes (2014) reports the significant benefits of schools' engagement on a cross-community basis with "local community elites," including clergy, local councilors, and political representatives, and the facilitation of intercommunity dialogue events, including a political forum hosted by one of the schools that brought representatives from rival parties together for a Q&A session with pupils.

Ultimately, shared education represents systemic change in Northern Ireland education. In making the boundaries between separate schools more porous, the approach generates a new space for creating cross-group relationships, and interrogating the historical and current differences that underpin inequality, disadvantage, and conflict. Importantly, while there is recognition that shared education can lead to the development of new and cross-cutting identities, the model is seen as respectful of existing identity positions and the interpretive frameworks that underpin them, concurrently challenging crude and essentialist identity concepts. The extent to which the education system ultimately becomes more integrated will depend on the willingness of schools and their stakeholders to continue participation and/or to sustain the cross-sectoral partnerships when and if the funding for shared education expires. The model may be more slow burn than the arguably transformative advent of integrated schools more than 30 years ago, but it is no less a fundamental challenge to the status quo (see Erasmus 2010), in that the shared education approach is normalizing cross-group education in Northern Ireland and giving agency to schools and their communities in respect of how far they are willing to embrace the model and its consequences.

In foregrounding access to educational opportunity over reconciliation outcomes, and by respecting the will of groups to retain a largely separate school structure, the shared education approach has generated nearly universal support in Northern Ireland, and a comprehensive mainstreaming program is underway, supported by a Shared Education Bill (2016) and an associated policy framework. The model has also shown to be attractive in other conflict societies. Shared education initiatives inspired by the Northern Ireland model are currently being piloted in the former Yugoslav Republic of Macedonia and Israel, and there are proposals for projects in Cyprus, Bosnia, and Croatia. Although there are some well-documented challenges associated with shared education, not least of which is the risk that the relationship-building focus might be subverted by the neo-liberal priorities of performance measurement and league tables that typify Western education (Hughes et al. 2016), shared education, to some extent at least, bridges the gap between an essentialist and individualistic model of contact, and one that resonates with the aims of critical education to

challenge dominant hegemonies and support the development of critical, active citizens. This is aptly demonstrated in Payes's (2017) assessment of the shared education project in Israel,

*Examining the programme in light of the contact hypothesis and its conditions, clearly, the programme operates in conditions of unequal status: the supervisor is a Jew; the Jewish population is stronger in socioeconomic terms; Hebrew-speaking schools are higher achievers, and the common language of contact is Hebrew, the dominant language in Israel, which is spoken by Arabs as a second language and by Jews as a first language. However, the focus on common educational goals, promoted by shared learning, provided some degree of balance over these difficulties. Similarly to Northern Ireland, adopting the approach of shared education creates better conditions for meeting the provisions for effective intergroup contact. Thanks to the focus on educational goals, the programme enjoys the institutional support of the supervisor, involves Arab and Jewish principals and teachers equally in designing the shared learning, and gives a strong weight to the Arabic language as a carrier of culture, even if not as a common spoken language. Many of the school principals, who form the core group of the programme, also report the development of close personal relations as a result of the shared work. (13)*

In summarizing the value of the shared education model, which is predicated on the need for intergroup contact, against the tension that is held to exist between fostering harmony and exploring difference (and associated issues of conflict, discrimination and inequality), we propose the following: intergroup contact through schools need not be “soft”—the model has been shown to effect systemic and structural change in respect of how education is delivered to create opportunities for all, while at the same time acknowledging and respecting the differences that underpin separate schooling and presenting opportunity for engagement with the difficult and controversial issues that manifest in sectarianism and intergroup conflict. To this end, the approach has the potential to build the “individual and collaborative capacity for change” (Nagda et al. 2013) that is deemed central in human rights, democracy, and citizenship discourses.

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# Children's Rights in India: Critical Insights on Policy and Practice

Monisha Bajaj

## Introduction

The 1989 United Nations Convention on the Rights of the Child and the 2009 Right to Education Act in India outline the basic rights of children, with an emphasis on access to schooling in the latter. These documents emphasize protection in all its forms, and adults namely, parents and teachers, are presented as the main agents of protection. This chapter explores how teachers in Indian government schools—assumed to be representatives of the state and responsible for ensuring the well-being of students—regularly violate children's rights in myriad ways. Schooling in India today is seen by many marginalized children and their families as the sole mechanism for social mobility. Even so, it often instead becomes a site for rights violations ranging from caste and gender discrimination to corruption, negligence, and violence. Human rights education interventions seeking to interrupt these practices have suggested possible ways ahead for scholars, activists, and educators concerned with ensuring that the rights of all children are promoted in postcolonial India.

In order to further elucidate the promise and peril of schooling for Indian children in government schools, this chapter is organized into three sections. First, I provide an overview of the development of educational rights in India, with particular emphasis on recent gains, such as the Right to Education Act (2009). Second, I discuss the shift in international literature toward looking at “push out” as opposed to “drop out” factors since many (not all) teachers who are supposed agents of child protection instead routinely participate in, or are complicit in, injustices occurring in their schools against children despite policy provisions that outlaw such practices. Third, I discuss curricular and

pedagogical innovations, such as the introduction of human rights education at the upper primary levels in government schools or the establishment of safe educational spaces by nongovernmental organizations (NGOs), both of which offer examples of programs that might be scaled up for the greater protection and promotion of children's rights.

The information and perspectives contained in this chapter come from my engagement as a scholar and practitioner in the fields of international development, human rights, and comparative education for over two decades. Specific data that include children's experiences and NGO-run initiatives come from a cumulative 18 months of fieldwork carried out from 2008 to 2012 that examined the nexus between human rights and education in India at the levels of policy, pedagogy, and practice. The primary methods utilized for data collection were interviews, focus groups, observations, document review, and visits to more than 90 schools in seven Indian states including Andhra Pradesh, Assam, Gujarat, Karnataka, Orissa, Tamil Nadu, and West Bengal. Respondents included over 700 children between the ages of 12 and 21; approximately 125 teachers of all education levels; and nearly 100 activists, scholars, and government officials in local, state, and national roles relating to education and/or human rights.<sup>1</sup>

## Theoretical orientations

At the outset of this chapter, it is also useful to situate the data and analyses presented subsequently within global debates around children's rights. While critiques have been leveled about the lack of cultural specificity in the universalizing discourses of 'children's rights' (Hartas 2008; Kendall 2008), this chapter adheres to the principles—namely, nondiscrimination, dignity, protection from harm, and children's right to participation—that undergird the spirit of establishing policies specifically concerning children's welfare. The landscape of locally relevant children's rights activism and advocacy has become vibrant in India with the establishment of: the National Commission for the Protection of Child Rights (NCPCR) through an act of parliament in 2005; the encouragement for states to institute counterpart commissions; and the aforementioned 2009 Right to Education Act, which contains many guidelines and legally binding guarantees for children's access to quality schooling and equitable conditions therein. Thus, while some still critique the relevance of children's rights discourses and laws in India today, rights-based approaches to access, quality,

equity, and accountability permeate the policy terrain as well as the monitoring bodies charged with ensuring compliance concerning school education.

Similarly, this chapter situates itself in “critical” (Keet 2010), “transformative” (Bajaj, Cislighi, and Mackie 2016), and “decolonial” (Zembylas 2017) approaches to human rights and democratic education that have been discussed throughout this volume. Moving beyond simple notions of rights awareness and corresponding adherence, the data that follow attend to issues of social location, power and privilege, contested notions of rights, and differential forms of agency of educators, students, and community members from different gender, ethnic, caste, religious, and other backgrounds. By highlighting grassroots efforts to make policy meaningful for children at the local level, this chapter seeks to reframe discussions of children’s rights away from legalistic and policy-based norms to the active and transformative praxes of activists and youth in marginalized communities.

## Postindependence education in India

Education has figured prominently in discussions of growth, progress, and national development since India’s independence in 1947 as influenced by Mahatma Gandhi’s vision for schooling in a sovereign India. The first prime minister, Jawaharlal Nehru, was faced with a largely illiterate populace: only 16.7 percent of all Indians, including 7.9 percent of women, could read or write basic texts at the time. As such, he promoted education significantly, resulting in massive school construction, village enrollment drives, free basic education for children, and the development of vocational education and literacy campaigns for adults. Inspired by the belief that an educated citizenry would drive economic growth, national cohesion, and self-reliance, Nehru’s emphasis on primary, secondary, tertiary, and adult education resonated with global discourses of schooling as an integral factor in human capital development (Becker 1964).

In the 1970s, a constitutional amendment made education a “concurrent” responsibility of the states and the central or national government. Since then, there have been increasing amounts of resources allocated toward school education, childhood nutrition, and related priorities in and around schools. In 1974, India adopted a “National Policy for Children,” which later provided for the establishment of the Department of Women and Child Development within the Ministry of Human Resource Development that coordinated a variety of pre- and post-natal, as well as early childhood nutrition, schemes. Some states

in India had been providing “mid-day meals” to children at schools since the 1960s, although the nation-wide adoption of the program commenced only after a landmark 2001 Supreme Court decision that provided a legal entitlement to the right to food in primary schools (Asia-Pacific Human Rights Network 2002).

The right to education was referenced globally in United Nations (UN) documents as early as 1948 and was initially discussed as a basic human right in international meetings and conferences in the 1990s and 2000s, which complemented the extensive framework for child protection offered in the 1989 International Convention on the Rights of the Child. In India, subsequent to the development of a National Plan of Action for Children, building on previous policies related to childhood nutrition and education, the Government of India ratified the United Nations Convention on the Rights of the Child at the end of 1992.

Drawing on the international agreement around children’s rights and the need to accomplish universal primary enrollment, notably the consensus achieved in the Millennium and later Sustainable Development Goals (2000 and 2015) and Education for All conferences (1990 and 2000), India’s domestic Sarva Shiksha Abhiyan program, first announced in 2000, has sought to eradicate all obstacles to primary school access (Iyengar 2010). Significant activities under this campaign have included teacher training, district resource centers, free materials and supplies to marginalized children, construction of new classrooms, and in some states, the recruitment of para-professional teachers (UNESCO 2006). In 2010, the Right to Education (RTE) Act came into force, shifting education from a nonbinding “directive principle” to an enforceable “fundamental right” in Indian constitutional law. RTE has provided all children aged 6 to 14 years the right to a free and compulsory education in a school within one to three kilometers of their home. In 2012, the Supreme Court upheld the provision of RTE related to ensuring access to private schools for children from low-income backgrounds, although many institutions are seeking exception to this rule.

Despite these advances in educational enrollment and attainment in India, problems continue to persist with regard to access to schools, quality of education, and equal treatment within the school system for all children. While the net enrollment ratio at the primary level is approximately 98 percent (District Information System for Education 2009), the official drop out (or push out) rate nationally before the fifth standard (or grade) is 9.1 percent. This rate ranges from 0 to 25 percent across states, although NGOs and intergovernmental organizations have calculated a much higher rate (approximately 48 percent nation-wide) before the eighth standard (UNICEF 2010). India leads the world



in the number of illiterate adults at 270 million and has nearly 18 million out-of-school adolescents (UNICEF 2010). Even when children attend schools, as they are in increasing numbers, it is not a given that a teacher will be present due to widespread absentee rates (Kremer et al. 2005), nor that quality education will be offered. Perhaps unsurprisingly, a recent study found that just 48.2 percent of fifth standard students across India could read only second standard texts (ASER 2011).

Nation-wide literacy rates differ significantly by gender. According to India's most recent census (Census of India 2011), the male literacy rate is 82.1 percent, while for women it is 65.5 percent nationally. The high dropout rate of young women, especially as they reach secondary school, may contribute to this sizeable differential between male and female literacy rates. Insufficient or non-existent latrines within the school structure themselves, particularly critical to the girl child's privacy as they reach puberty, is a significant cause of the decision to drop out from school by this age. In fact, UNICEF reports that just 54 percent of schools across India had a separate girls' toilet that was usable for children in standards one through eight (UNICEF 2010). In order to understand why so many children discontinue their schooling despite 3.1 percent of India's gross domestic product going toward education and considerable gains in recent years (UNESCO 2006), it is important to examine the micropolitics of everyday schooling and how the "transaction" of rights occurs in education institutions.

## Paradoxes of child protection

While Indian and international law offers an idyllic version of how children should engage with schools and be treated once there, many children and youth face inequitable and abusive conditions in their day-to-day lives within institutions of learning. School-based human rights issues include the still-common practices of corporal punishment; discrimination based on caste, religion, or gender; and corruption in schools (Nambissan 1995; Nambissan and Sedwal 2002; National Commission for the Protection of Child Rights 2008). Corporal punishment was outlawed at the national level under the National Policy on Education (1986) and the Right to Education Act (2010), but not all states have abided by these laws despite considerable efforts, such as those by the National Commission for Protection of Child Rights, to seek their compliance. Further violating children's rights, students repeatedly mentioned forms of corruption, such as the extraction of money by teachers and headmasters, or

bribes; the siphoning off of government-allotted funds intended for students' mid-day meals and/or uniforms by headmasters and teachers; and sexual abuse in schools without report or sanction.

Of India's total population, Dalits,<sup>2</sup> or members of "scheduled castes," constitute approximately 16 percent of India's 1.2 billion inhabitants and, in school settings, scholars have found a considerably strong "hidden curriculum of discrimination" (Nambissan and Sedwal 2002: 84) that includes teacher involvement in or unwillingness to condemn incidents where Dalit children are forced to sit and/or eat separately (sometimes outside of the classroom), are denied access to school materials, and/or are beaten up by their higher-caste peers.

My research found several instances of caste discrimination reported by students related to separation, being singled out for punishment, as well as being forced to clean toilets or other school premises while higher caste peers were in class learning. In one severe case discussed by respondents in this study, a teacher in Tamil Nadu threw hot tea at a Dalit child because he had touched the cup the teacher was to drink out of, an act believed to cause the higher caste teacher to become "polluted." Such instances were especially found in rural areas and in states such as Karnataka, Tamil Nadu, and Gujarat where caste discrimination has been well documented by human rights groups (Human Rights Watch 2007; Navsarjan Trust and RFK Center for Justice and Human Rights 2010). The following account by a Dalit student from Tamil Nadu, Shyam,<sup>3</sup> conveys his discouragement related to his experiences at school:

In my school, the teachers make us [Dalit children] eat the food that was left over by them on their plate and then wash their plates. There were ten teachers and if we didn't wash all the plates, they would yell at us and hit us. My teacher also asks the Dalit children to wash all the toilets in the school. They give us some bleaching powder and some brooms and we have to clean up the toilets. They never make the higher caste children do this. We don't want to be on the bad side of the teacher since they are powerful, so we can't say anything . . . I am too small to do anything about it. (Interview, May 2009, as cited in Bajaj 2012a: 84)

Perhaps as a result of the incidences such as the one noted by Shyam, the dropout rate for Dalit children before class eight is 55.2 percent as opposed to the national average of 48.8 percent (UNICEF 2010). While the types of discrimination faced by Dalit students in schools largely relate to their treatment by students and teachers of higher castes, Adivasi or tribal students attend remote schools and face distinct challenges to educational and social participation.

"Scheduled tribes" or Adivasis,<sup>4</sup> translated as "original inhabitants," of India comprise roughly 8 percent of India's total population. The Government of India

recognizes 533 tribes, 62 of them located in the eastern state of Orissa, under this grouping. Efforts to promote education have been hampered by low literacy rates among Adivasi communities (47.1 percent), which contributes to a lack of schooling for successive generations, and the 62.9 percent dropout rate before completion of eight years of schooling as compared to 48.8 percent nation-wide (UNICEF 2010). Adivasis represent a higher proportion of the population in the northeastern states as well as in Orissa, and Madhya Pradesh; however, almost all Indian states (and all of those from which data were collected) have some Adivasi presence.

Teachers posted to schools for Adivasi children often view this as a punishment, and, in turn, view these communities with a lack of regard. This is evidenced, for example, in the high rate of teacher absenteeism in rural schools for Adivasi children. Although this absenteeism may be because teachers often have to commute far to school, even when teachers did show up they were complicit in various forms of mistreatment and violation of children's rights. Many children noted that teachers were often "beating us with the brooms and the sticks" or other implements (Orissa student focus group, July 6, 2009, as cited in Bajaj 2016: 54), and that when they reported such abuse it was not taken seriously or dismissed. At one school, a girl noted that her teacher had been sexually abusing her and that after many months of trying to have him terminated, he was simply transferred to another school with no other reprimand (Focus group, January 20, 2009, as cited in Bajaj 2016). At one rural school for Adivasi students in Orissa I visited during my research, a teacher quietly took me aside to share that the headmaster and other teachers had been conspiring and selling off some of the foodstuffs that came from the government for the mid-day meals. Instead of receiving this food, children were instead served watered down rice and lentils, and the superiors were pocketing the surplus for themselves.

Headmasters in remote schools—whether for Adivasi or Dalit children—were often complicit in the negligence of the students in their charge. One educational official from an NGO charged with these visiting schools noted the following about a visit to a residential school for "tribal" students in Tamil Nadu:

When I reached the school, I was so surprised because the headmaster was sleeping on a cot under a tree in the schoolyard. It was during the school hours and he was sleeping in his *lungi*.<sup>5</sup> When I arrived, he woke up and said, "No problem, sir. Welcome." He then got up, pushed the cot away, and showed me into his office. (Interview, February 2009, as cited in Bajaj 2012a: 67)

While teachers not performing on the job is often cited as a product of strong unions and the difficulty in firing teachers, it seems more likely to be a product

of the sociocultural mismatch between teachers and students. The teachers who are instructing underprivileged children are themselves earning significantly higher middle-class salaries and, most often, at least in the case of the over 120 teachers interviewed across all states, sending their own children to private, English-medium schools. This causes a socioeconomic barrier between themselves and what they view as the “other people’s children” they teach, utilizing the term from scholar Lisa Delpit referring to a similar phenomenon in urban US schools (2005).

Whether in schools that are government- or privately run or located in rural or urban spaces, instances of violent punishment abound in Indian schools. Even in some private schools, corporal punishment was seen as a key tool in securing high scores on exams, which in turn would make these schools competitive to enter, seemingly to offer a better academic curriculum, and able to recruit more (and perhaps even better caliber) future students. Yet this corporal punishment caused psychological damage to children. For example, in 2010, a class eight student of an elite private school in West Bengal committed suicide after harsh beatings from the headmaster and teachers (National Commission for the Protection of Child Rights 2010). A national study found that despite the outlawing of corporal punishment in India through a Supreme Court order in 2000, 65 percent of children reported still being beaten in schools, not to mention other forms of punishment (Bunsha 2007). In 2009, Indian news outlets widely reported the case of Shanno, a class two student, who was made to stand with bricks on her shoulders in the searing Delhi summer heat as a punishment and died later that day after collapsing from exhaustion (Bhowmick 2009). Nearly all students in this study reported witnessing or being the victim of the outlawed, but still common, practice of corporal punishment. One 11-year-old respondent noted that he switched schools after a teacher’s punishment left him with a broken arm. Corporal punishment as a form of “push out” from Indian schools has been acknowledged, and some movement toward accountability for teachers still engaging the practice has been noted (British Broadcasting Corporation 2010); greater progress, however, is needed to ensure the mental, emotional, and physical well-being of children in schools.

Examples where children’s rights are violated in schools were abundant in this research study and more representative data could be provided to support these violations. Yet critical to this exploration is how NGOs are working to interrupt practices that push children out of schools and violate their rights.

## Possibilities for children's rights

While social movements have been historically strong in India (Shah 2004), organizations have increasingly used the human rights framework to chart their goals from the 1980s forward, and children's rights have figured prominently in this development. Children's rights advocacy and activist groups have focused on a diverse range of activities, ranging from the development of hotlines to report abuses of children's rights, teacher trainings, curricular reform, advocacy and lobbying, "rescuing" children from child labor (an activity that has been critiqued by scholars such as Miriam Thangaraj 2010), bridge programs, and incentives for children to return to school, among many others.

An extensive review of the work of the many hundreds of NGOs and state/national agencies in the promotion and protection of children's rights is beyond the scope of this chapter. As such, the section that follows reviews two school-based programs seeking to advance children's rights, particularly for those from marginalized groups. The first is the educational wing—the Institute of Human Rights Education—of the larger human rights organization, People's Watch, which based in Madurai, Tamil Nadu, but operating across India. Their education program trains teachers in rights concepts and pedagogies to offer a three-year course in human rights education (twice a week) for students in classes six, seven, and eight in several thousand schools across most Indian states. The second program is the education program of the Gujarat-based NGO Navsarjan, particularly their creation and operation of three schools (from classes 5 to 8) that focus on human rights throughout the school structure, curriculum, pedagogy, and cocurricular activities. Each program will be discussed vis-à-vis students' responses to the innovative models and the lessons they offer for those interested in promoting and advancing children's rights in Indian schools.

### The Institute of Human Rights Education

The Institute of Human Rights Education (IHRE), the educational wing of the Indian human rights organization People's Watch, began operating in 1997 when teachers in Tamil Nadu asked activists at the organization how they might incorporate human rights principles in the classroom. Starting as an experiment with a handful of schools, the organization developed a curriculum, delivered training programs for teachers, and attempted to translate and expand their

human rights work (initially primarily on caste discrimination and police abuse) into a broad-based educational program. As connections were made with the United Nations Decade for Human Rights Education (1995–2004), IHRE was able to gain support by aligning with international efforts to promote human rights and translating these interests into funding for their work (Bajaj 2012a and 2016). IHRE operates in nearly 4000 schools in over 20 Indian states. Textbooks have been developed in multiple regional languages, and more than 300,000 Indian students have participated in the three-year course in human rights. Year one introduces students to human rights; year two focuses on children's rights; and year three deals with discrimination and inequality.

IHRE's model attempts to offer breadth and depth to human rights education in the schools in which it works. By securing permission from the government, IHRE has been able to enter into thousands of schools, mainly those serving Dalit and Adivasi children, both groups comprising the most marginalized sections of Indian society. IHRE aims to secure two hour-long periods per week in which students in the sixth, seventh, and eighth standards are taught by teachers who are trained by IHRE staff, and who use textbooks developed by affiliated curriculum experts. Textbooks and training programs include concepts related to general human rights; children's rights; and issues of

**Table 9.1** Frequency of Topics and Methods Utilized in IHRE Textbooks<sup>a</sup>

<b>Topics</b> <i>(In order of frequency, from highest)</i>	<b>Methods</b> <i>(In order of frequency, from highest)</i>
1. Poverty/underdevelopment/class inequalities	1. Reflective/participatory in-class exercise
2. Gender discrimination/need for equal treatment	2. Illustrated dialogue or story
3. Child labor/children's rights	3. Community interviews and/or investigation and research
4. Caste discrimination/untouchability/need for equality	4. Small group work and discussion
5. Social movements/examples of leaders and activists	5. Creative artistic expression (drawing, poetry, etc.)
6. Religious intolerance/need for harmony and pluralism	6. Class presentation
7. Rights of tribal/Adivasi communities	7. Inquiry questions and essay writing
8. Rights of the disabled and mentally ill	8. Role play, dramatization, song-writing
9. Democracy	9. Letter writing to officials
10. Environmental rights	10. School or community campaign

<sup>a</sup> Topics and methods were analyzed from an English translation of IHRE's textbooks utilized in Tamil Nadu. This table first appeared in Bajaj (2012a: 79).

discrimination based on caste, gender, religion, ability, skin color, and ethnicity, among others (see Table 9.1).

IHRE's approach to educational reform vis-à-vis human rights differs greatly from conventional Indian education. Students' responses to the alternative instruction suggest that they are becoming *agents* rather than just *objects* of protection as posited in policy documents. This horizontal approach to children's rights and child protection is a unique model that IHRE has developed and expanded given the organization's role as official state partners in Tamil Nadu of the National Commission for the Protection of Children's Rights. Traditional vertical relationships of protection privilege teacher (in)action in situations where they may in fact be the perpetrators of abuse, often rendering possibilities for intervention and corrective action invisible.

After learning about human rights, students often attempted to act upon their new learnings to protect the rights of other children. For example, the following incident related by a non-Dalit eighth standard student, Elangovan, from Tamil Nadu is illustrative of solidarity acts across caste lines related to caste violence:

We were all eating our lunch and one of our classmates went to wash his plate in that water tap near the street. A woman from the village, who is from a higher subcaste, started yelling at him and beating him saying, "Why are you washing your plate here? You will pollute this tap!" So I went over and raised my voice to her saying, "Why are you doing this? He has a right to wash in this tap. This is a common tap. He is a kid in this school and everyone is equal here. You can keep your caste outside, don't bring it inside here." (Student focus group, February 2009, as cited in Bajaj [2012a: 109])

Several other students throughout this study, especially in Tamil Nadu—but also in Karnataka, Gujarat, and some parts of Orissa—discussed taking action when their classmates were targeted for transgressing caste norms. In some cases, individual acts of solidarity sometimes interrupted the instance of discrimination as in the case of Elangovan noted; at other times, however, it only increased children's (both those targeted and those acting as allies) risk for backlash and retaliation, often through violence—several young people noted being physically beaten by community members when seeking to intervene in situations of abuse [I discuss the issue of backlash more extensively elsewhere (Bajaj 2012a: 153)]. While students used instruction in human rights to confront abuses—such as corruption, mismanagement of government schemes intended for their benefit, and discrimination by teachers that they saw in their schools—they had more impact collectively than when acting alone in such endeavors.

By acting together and wherever possible, students of IHRE's program still faced the possibility of backlash, but they often had notable successes in addressing human rights violations. For example, a group of human rights education students related the following incident that occurred the first year they were learning about human rights in class six:

In the school mid-day meal scheme, the food was not good—there were insects, flies, and stones in the food. Before reading HRE, we used to take those insects out and then eat since we are not getting any food from home. The teacher also didn't care about the noon meal scheme, what's going on, he did not bother about that. But after going to the training, after teaching this HRE to us, we learnt about the basic right to food, right to clothing, right to have clean water. What we did one day in sixth [standard], we got the food from the cook. We brought the food to her and said, "See this food, insects and stones are there, how can one eat this food? We won't have this food; we also have rights. We should have clean food and water. But you are not providing clean or good food for us." Then, what she told us was, "I am working for the past 27 years. No one has ever asked me any single question. You children are asking me like this?" We told her, "Yes, we have. the right. See this book." We also complained to the headmaster. She had to realize the mistake she was doing. Now we are getting noon meal from her and we are having good meals. (Focus group, February 2009, as cited in Bajaj 2012a: 89)

Whether for fear of losing her job or a genuine belief in students' right to clean food, the cook changed her behavior. In this case, student success was predicated on a responsive and supportive headmaster, not a given factor in every school. In another case, the headmaster, rather than supporting the students' demands against the cook, beat the children who were complaining and threatened to expel them. At the time this research was being carried out, the students were seeking to file a complaint against the headmaster through the District Education Office, though it was unclear whether the district officers would respond to the students' concerns.

While teachers are often discussed in human rights education literature as agents who simply transmit human rights instruction, IHRE focuses on teachers as equally important subjects of human rights education who can go through transformative processes as well as take action, rooted in knowledge and skills, in their own lives as well as those of students and community members. Many of the human rights abuses noted earlier in this chapter that take place in Indian schools—primarily gender discrimination, caste discrimination, and corporal punishment—are often perpetuated by teachers. More than half of the examples



of impact listed in a lengthy report commemorating IHRE's ten-year anniversary are dedicated to the transformation of teachers who, given their relatively respected status in rural areas as part of a minority of literate professionals, can result in effective interventions on behalf of victims, whether the victims are their students or not (Bajaj 2011: 505). While IHRE operates through a twice-weekly course in many schools, Navsarjan has designed its *own* schools to embed the protection of children's rights into the very fabric of educational life for students.

## Navsarjan

Private schools run by NGOs and serving extremely marginalized groups in society are also innovating with promoting children's rights through their curriculum and pedagogy. Navsarjan is a human rights and advocacy organization founded in 1988 and focused on the rights of Dalits. One of their primary areas of work is on "Human Rights Value Education," under which Navsarjan operates three schools and hundreds of afterschool clubs in the various districts of Gujarat where the organization works.

In response to widespread caste discrimination in schools and the high dropout rate for Dalit students, Navsarjan has set up independently run boarding schools in rural areas that are of minimal cost. These schools draw on children from the poorest communities and most excluded caste groups in the state of Gujarat. Children reported that prior to joining these schools, they were forced to sit separately, beaten, and mistreated in other ways by teachers in government schools. The basic provision of an education that does not discriminate against these children is the first element of human rights education in Navsarjan's schools.

Navsarjan schools also seek to disrupt conventional educational practice through the curriculum and structure of its schools. For example, Navsarjan's curriculum includes greater participatory activities, such as children performing skits and sitting in a circle in class to facilitate interaction. Classes and assemblies reiterate messages about caste equality and eradicating the notion that Dalit children are less valuable than their higher caste peers. In terms of structure, the schools use eco-sanitation toilets that all students and teachers are required to learn about and empty once they are full—a significant intervention given common discriminatory practices of making Dalit children clean toilets while other children are in class (Bajaj 2012a; Nambissan and Sedwal 2002). Eco-sanitation toilets are latrines that collect fecal matter, sanitize it,

and then make it useable as fertilizer for farming. Eco-sanitation latrines have been introduced in all of Navsarjan's educational spaces (schools, offices, and vocational training center) as a way to propose and ensure alternative and more equal social relationships that counter Dalit disempowerment (interview with Navsarjan founded Martin Macwan as cited in Bajaj 2016).

Children in Navsarjan schools are not only introduced to innovative sanitation practices but also to distinct practices around gender. Both boys and girls take part in cooking school meals, with boys often learning to make *chapattis* for the first time. One male student in the fifth standard narrated the following experience with the alternative instruction received from his school:

When I went home for the holidays, I wanted to help make *chapattis* at home like we do at school. At first, my mom protested and did not want me to help her since I'm a boy, but after insisting, she let me do it and I helped her and my sister with the cooking. Even my father came in and helped us do the cooking. I was encouraging them so that they would see we can all do this equally like at school. (Focus group, December 2009, as cited in Bajaj 2012b: 10)

Boys and girls wear the same uniforms, unlike government and other schools where girls wear skirts and boys trousers, thereby highlighting their gender differences. Children's books written by the organization's founder noted Dalit activist Martin Macwan, focusing on caste and gender equity, are also utilized in the classroom. The impact of the alternative norms related to caste and gender equity in Navsarjan educational programs are more extensively discussed elsewhere (Kropac 2007), but several of the deliberate practices and initial responses explored by this study suggest promising results for the comprehensive promotion of children's rights in school contexts.<sup>6</sup>

## Conclusion

This chapter has presented perspectives on the limits and possibilities for the inclusive and sustained protection of the rights of all children in Indian schools. The need for alternative models and approaches was highlighted by charting the move toward rights-based frameworks in Indian education that recognize the rights of children and by comparing the ground realities in many schools where such guarantees are routinely ignored and violated. Two such models—one working inside government schools across a variety of contexts and the other creating entirely new model schools outside the government's purview—were

presented with an eye toward how children are understanding, experiencing, and becoming agents of rights protections. Alternative conceptions reposition children as integrally involved in protection and, thereby, enhance their agency and create opportunities to hold abusive adults, such as teachers in some schools, accountable.

Children's rights will continue to be an important frame in policy discourse and the praxis of Indian social movements and NGOs. Schools as sites of simultaneous social integration and critical reimagination are opportune locations in which to examine how rights are being taught, enacted, and "transacted" in multiple ways. As the Indian government—at national, state, and local levels—seeks to make the promises of its recent Right to Education Act real in the lives of all children, especially those from the most marginalized communities, greater attention needs to be paid to the gaps between policy and practice. Those initiatives that emerge in this space to speak back to social exclusion and the forces of subordination offer insights into possible models, strategies, and approaches that might be scaled up in the pursuit of greater equity and social justice. Those interested in human rights in postcolonial India would do well to give primacy to the experiences of children in school decisions, in policy discussions, and in program development. Children are citizens in the present, not in some distant future, and are central to the Indian human rights project.

## Notes

- 1 This chapter draws heavily from a previously published piece: "The Paradox and Promise of Children's Rights in Indian Schools (Bajaj 2016). Sections of this chapter also draw and build upon previous work published on this research, namely, *Schooling for Social Change: The Rise and Impact of Human Rights Education in India* (Bajaj 2012a), and two articles entitled "Human Rights Education in Small Schools in India" (Bajaj 2012b) and "Human Rights Education: Ideology, Location, and Approaches" (Bajaj 2011). Any data already presented elsewhere have been cited to acknowledge the original source.
- 2 Dalits [literally translated as "broken people"] live in all Indian states and treatment varies regionally and in urban versus rural settings. Human Rights Watch (2007) finds that "Entrenched discrimination violates Dalits' rights to education, health, housing, property, freedom of religion, free choice of employment, and equal treatment before the law. Dalits also suffer routine violations of their right to life and security of person through state-sponsored or -sanctioned acts of violence, including torture" (1).
- 3 All respondents have been assigned pseudonyms to ensure confidentiality.

- 4 I choose to use the term “Adivasi” for this group, despite the Indian government’s use of the term “tribal” or “scheduled tribe,” in accordance with what scholar Gail Omvedt (2000) suggests in her article “Call Us Adivasis, Please.” For Omvedt, the term is one of greater respect and acknowledgment of the ways that development projects have often disadvantaged these original inhabitants of India. In certain instances, the word “tribal” is utilized synonymously because of respondents’ and officials’ common use of the term.
- 5 A *lungi* is a fabric men commonly wear around the lower half of their body. It is typically worn as a nighttime dress to sleep in.
- 6 This data collected from 2008 to 2012 noted the powerful work being carried out by Navsarjan. In early 2017, the organization—after organizing protests against caste violence in Gujarat (the home state of the current Indian prime minister)—had its registration cancelled prohibiting it from receiving foreign donor funding for its work. This resulted in most of the staff being laid off and the schools being closed for the present. This highlights the potentially adverse consequences of engaging in critical and transformative human rights education for marginalized communities who may be advocating for rights against the state.

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# Toward a Multiplicity: Human Rights and Other Vocabularies of Justice in Pakistan

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## Introduction

In recent decades, the language of human rights has become the dominant idiom in and through which injustices are articulated and redresses sought (Benhabib 2007). In the context of Pakistan, too, the language of rights has gradually attained the status of common sense. Local and transnational organizations as well as activists deploy this language to advance the welfare of Pakistani women and girls. Studies show that some activists find that its use helps them appeal to a supranational community and reprimand a patriarchal state (Grewal 2005; Khoja-Moolji 2014). In other cases, activists who are cautious of the Western lineage of the language of rights try to figure out ways to lay claim to the same ideals of dignity and protection of women by vernacularizing and Islamizing the rhetoric of rights (see Abu-Lughod 2013). Yet others simultaneously call out the hegemony of the discourse of human rights, and continue to use it in strategic ways locally. In short, human rights have become the dominant vocabulary of human dignity and empowerment (Santos 2013).

Transnational feminist and postcolonial scholars, however, are wary of this celebratory uptake of human rights discourse and direct attention toward the kinds of subjects and objects that are produced in and through it, as well as its function in naming and consolidating distinctions between the human and the subhuman, the free and the oppressed, the secular and the religious, the developed and the undeveloped. Abu-Lughod (2013), for instance, argues that efforts of Islamizing and vernacularizing human rights retain a common referent—human rights laws and documents—and, hence, do little to contest the assumptions of this discourse. Likewise, Grewal (2005) views human rights

as a system of truth and an “ethical regime that put(s) into play a whole range of instrumentalizations of governance” (122). She elaborates that human rights discourses have enabled the indexing of the welfare of populations and, hence, facilitate the convergence of geo- and biopolitics. Similarly, the first author’s work in Pakistan explores the disciplinary effects of United Nations (UN)-centric human rights discourses as they valorize particular forms of belongings and erase others (Khoja-Moolji 2014). Undergirding these critiques is a recognition and contestation of the humanist philosophies and Eurocentric assumptions that inform human rights discourses (Merry 2005; Mignolo 2006; Benhabib 2007). Within the doctrine of humanism, only particular kinds of subjects are recognizable as human, and all else is constituted as the other or the repressed other through practices of racialization, sexualization, and naturalization (Wynter 2003; Yeğenoğlu 1998). Therefore, to explore the politics of human rights advocacy we have to examine the constitution of the (non)(sub)(in)human and the process of dehumanization. Indeed, Wendy Brown (2004) insists that we interrogate the self-articulation of human rights as an antipolitical project, and ask questions not only about its political functioning but also about the processes of politicization that it sets in motion. Several scholars have, hence, taken on this task and illuminated politics of human rights (Charania 2015; Esmeir 2011; Fregoso 2014; Keet 2015; Khoja-Moolji 2017).

Furthermore, in the field of education, scholars such as André Keet (2014, 2015) have observed that human rights education is increasingly becoming a legitimating arm of human rights universals. This trend is deeply problematic, which is also evident in the contestation of human rights in many developing countries. Keen (2015), hence, calls for a *critical* approach to human rights education that is transformative and emancipatory. Likewise, Michalinos Zembylas (2017) sets out to decolonize the theory and pedagogical practices of human rights education by attending to the histories of coloniality and its consequences for social justice projects.

Alongside such critiques, it is also imperative to excavate alternate idioms and vocabularies of social justice and human dignity. This endeavor does not entail simply redefining human rights by including additional kinds of rights because that has the danger of making this discourse more expansive and in some ways, increase its regulatory impulse. Rather, the effort should be to point to alternate knowledge systems and modes of living where different conceptualizations of justice, human, and empowerment prevail. Such moves might be termed as pluriversalizing human rights. Decolonial scholar Walter Mignolo (2013) uses the term “pluriversality” to denote the existence of universalizing principles



across all civilizations rather than only the Western ones. That Western epistemology and hermeneutics were able to universalize their own concepts is then seen as part of the larger imperial project. This does not mean that these universalisms exist in harmony—histories of colonialisms clearly show the relations of power that structure epistemologies. To disrupt the hierarchies entails dwelling in the border spaces across epistemologies, and to rewrite dominant discourses by introducing multiplicities. Said differently, it is critical to contest the hegemonic terms in and through which societies make sense of their present to recognize their Eurocentric origins and, simultaneously, to attempt a retrieval of indigenous concepts to pluralize knowledge fields (Mignolo and Tlostanova 2006; Santos 2012; Mignolo 2013).

It is with this intention that this chapter seeks to amplify a few communal codes and norms of living operative in a small Shi'i Muslim community in Pakistan to signal the multiple vocabularies of justice that circulate in non-Western contexts. We use insights from human rights summer camps conducted by the first author as a platform to highlight participants' conceptualizations of responsibility and help, which we argue should be situated within a broader set of faith-inspired ethics that they prescribed to as members of a tightly knit Shi'a Muslim community. We give our readers a glimpse into some of these ethics by drawing on the public speeches of the community's spiritual leader, His Highness the Aga Khan, and conclude by reflecting on the affordances of tracing alternate knowledge ecologies for building a cross-class and transnational alliance for social justice.

### “Madad” and “Farz” / Help and Responsibility

In 2011, the first author along with a colleague organized a series of human rights education camps called “Women Leaders of Tomorrow” in the province of Sindh in Pakistan. The camps were attended by over 120 girls between the ages of 16 and 21. Participants belonged to the same faith tradition that also has strong social governance institutions. The aim of the camps was to introduce students to the history of human rights, its documents/declarations, and what they might afford in relation to women's and children's rights in Pakistan. The first author has written elsewhere about the curriculum and pedagogy of the camps, critiquing the ways in which it rearticulated oriental assumptions about Muslims and placed the responsibility of welfare on individuals, without a robust critique of the state (Khoja-Moolji 2014). In this chapter, we center a

particular set of writings by the participants that call attention to the impulse to improve the quality of life for self and others by alluding to idioms other than human rights. These writings are part of an anthology (Khoja-Moolji and Jaffer 2011) that was published at the conclusion of the camp. The explicit guidance for these writing assignments was that it should connect with the broader theme of the camp—human rights—but could take up any topic of the participants' and any language (Sindhi, Urdu, or English). Participants also had the choice of format (prose, poetry, images, etc.). While the first author has written about the many themes that emerged from the students' writings (Khoja-Moolji 2015a), here we reproduce one theme in particular that points to alternate idioms of human dignity.

As can be expected, many students chose to write about the UN-centric human rights documents that were taught. However, reading students' work against the grain also pointed to subterranean assumptions about self and others. This method has been employed by the first author to listen for excesses and codes that evade reduction to dominant ideas (Khoja-Moolji 2015a). Indeed, discourses of rights were often tempered by discourses of help and responsibility. Whenever a marginal population was identified, one whose rights were violated, an alternate population was also described that had the responsibility to attend to the needs of marginalized peoples. For example, Komal and Anza in their essay, entitled "Women and their Rights," began by reproaching village women for not being aware of their rights, and reprimanding their broader communities for not permitting women to participate in decision-making in their households. They noted that even though women in the villages "worked hard not only taking care of children and their homes but also working alongside their husbands in the fields, if they ever serve food late to their husbands, they would be beaten up." In their formulation, women in the villages appear as passive victims of communal traditions and male violence. However, Komal and Anza quickly moved on to argue that it is "city women's" (a euphemism for upper/middle class women living in cities) responsibility to help women in the villages. The ethic of *madad* (help) appeared as a critical way for the privileged to attend to the needs of the less privileged. This notion was present across several other essays as well. For example, Sunita noted that, "God has created men and women so they can help (madad) each other." This statement is, in fact, a rearticulation of a verse from the Quran in which Allah notes that he created men and women as helpmeets. Sunita explained that the purpose of marriage was so that men and women could support each other in the "difficult journey of life." Likewise, Machael and Saba, in their essay entitled "The Story of an Orphan

Child,” highlighted the notion of *farz* (responsibility) that adults and government agencies had toward orphaned children. The practices of *madad* and *farz* then emerged as critical ethics of how one must engage with those who are less fortunate. Said differently, marginalized people were to be helped not only because they had the right to a certain standard of living but primarily because the privileged had the responsibility to do so. This sense of responsibility was often linked to Muslim ethics, signaled by the myriad citations from the Quran that the girls used to elaborate their thoughts. Qurat, for instance, in her essay, “Men and Women Are Equal,” cited directives of Prophet Muhammad to propose that “society should not differentiate between boys and girls.” Similarly, several other students included the directives of the Shi’a Imams (spiritual leaders) that called for respecting women and other marginalized groups, such as the orphans, and providing them with opportunities. Hence, the language of help and responsibility layered the students’ understanding and use of the language of rights.

It is against this background that we believe that it is critical to explore the different ecologies of knowledge in any given spatiality in order to understand how the language of human rights informs, and is informed by, other idioms of justice. Here, we draw on Akerá’s (2007) use of the metaphor of “ecology” to conceptualize circulations and spatialities of knowledge, in order to avoid creating disjunctures and disconnections across of bodies of knowledges. Rather, it is more useful to think about knowledges as interconnected, much like natural ecological systems. That Western canons of knowledge have come to dominate does not mean that these bodies of knowledge are disconnected or not constructed relationally. In fact, it is precisely through practices of silencing and erasure that epistemic privilege is acquired (Grosfoguel 2007; Mignolo 2000). The theorization of knowledges as ecologies then makes space for considering the relationship of knowledges to their contexts as well as the heterogeneous complexity of knowledge production (Akerá 2007). Attending to these complex intersections of knowledges would mean that we would be attentive to the religious practices and traditions that informed participants and in doing so mediated their engagement with the discourse of rights.

While in dominant media cultures, religion—Islam, in particular—is often portrayed as a source of exclusion and violence, in the life of many practitioners it is a source of knowledge and guidance. Participants frequently pointed to the guidance of His Highness the Aga Khan, the forty-ninth hereditary Imam of the Ismaili Muslims, as playing an important role in how they understood the meaning of rights and justice. It is, therefore, critical to understand the role of religious interpretative authority and how it provides a discursive context

within which the discourse of rights is taken up. Non-Western, nonliberal epistemologies, indeed, provide a potent source of alternate framings of care for the self, community, and others. Hence, in the remaining chapter we outline some critical ethics inspired by Muslim scriptures and Shi'i Imams' directives that we see playing a constitutive role in how religious communities engage with the discourse of rights. We are mindful that calling out a body of knowledge as Shi'i might further the already-prevalent assumptions about Islamic/Muslim exceptionalism, which, is often deployed to constitute Muslims as the "other" and uncivilized/barbaric. Yet, at the same time, scholars working with/about Muslims argue that there are distinct ontological, ethical, and epistemological assumptions that circulate in Muslim societies that deserve attention (see Abu-Lughod 2013; Jamal 2015). Hence, even as we delineate the ways in which Muslim scriptures and Shi'i Imams' directives play a constitutive role, we urge readers to not assume that these ideas are delinked or abstracted from their wider discursive contexts.

### Human relationality inspired by faith

As mentioned earlier, the participants belonged to the Shi'a Ismaili tradition of Islam and often noted that their ethics were informed by the prescriptions of their faith. In this section, we draw on the public narratives of the spiritual leader of this community, His Highness the Aga Khan, to point to the deep sense of responsibility toward the *other* that pervades his directives. We highlight this particular theme (for more see Khoja-Moolji 2015b) in order to give readers a sense of how members of this community in Pakistan strike a delicate balance between their understanding of self- and collective empowerment. In other words, their faith-inspired approach to living calls on them to invest their time and knowledge not only on their personal welfare but also for the welfare of others. Indeed, privileging personal empowerment to the detriment of others would be read as not in keeping with the faith of Islam.

Karim al-Husseini Aga Khan IV traces direct decent from the Prophet of Islam, Muhammad (peace be upon him), through the Prophet's daughter, Fatima, and cousin and son-in-law, Ali ibn Abi Talib, the first Shia Imam (spiritual leader). This makes the Aga Khan the forty-ninth hereditary Imam of the Ismaili Muslims, who number approximately 15 million and reside in 25 different countries. The Ismailis are the second largest Shi'i interpretative community of Islam, following the Ithna'ashari.<sup>1</sup> As the Imam, the Aga Khan interprets the Quran and

provides directives to his followers to enhance their spiritual and material well-being. His mandate includes working toward improving the quality of life of his followers and the communities among whom they live. The Aga Khan provides formal as well as informal guidance to his followers. Formal guidance often takes the form of *farmans* (directives), which the Aga Khan delivers himself to his followers as well as guidance delivered via members of his social governance bodies (called, councils); the Aga Khan's public endeavors in the field of international development become informal ways in which he directs his followers.<sup>2</sup> One of the ways in which the Aga Khan has enacted his religious mandate is by establishing a vast network of development agencies, the Aga Khan Development Network (AKDN), which addresses wide-ranging issues from healthcare, education, infrastructure development, and tourism promotion to housing development and cultural revitalization. It is critical to remember that as the Imam it is the Aga Khan's role to interpret the Quran in accordance with changing times and contexts. A key tenet of the Shi'i Ismaili theology, hence, is the belief that the Quran is not a static text but becomes alive and responds to societal needs and concerns in and through its active (re)interpretation by the Imam of the time. The Aga Khan's narrative, thus, makes for a productive object of inquiry as it offers a glimpse into shifting knowledge ecologies of this particular group of Muslims.

## Unity

In the following sections, we take up the theme of one-ness (or unity) of humanity, a foundation normative principle that is outlined not only in the Quran but also in the Aga Khan's guidance. We focus on this particular principle not only because the participants repeatedly alluded to it during the summer camps, but also because it is one of the most contested ideals to engage with, in light of the everyday state-sanctioned practices—such as police brutality and war crimes—that seem some human lives as less worthy than others. Significantly, scholars have also pointed to conceptualizations of “human” predicated on assumptions of in/sub/human others that informed the historical project of human rights laws and practices (see Benhabib 2007; Khoja-Moolji 2017; Wynter 2003; Yeğenoğlu 1998). Viewing this principle from the perspective of a faith tradition sheds light on alternate ways in which we might engage with conceptualizations of human. It is with this intention that we explore His Highness' theorization of one-ness/unity of humanity.

As previously mentioned, participants often pointed to the Quranic verse (4:1): “O mankind! Be careful of your duty to your Lord who created you from one single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women,” to note the imperative of one-ness of humanity. We highlight three instances in which the Aga Khan quoted this verse of the Quran during public speeches to discuss unity, which we argue hints at a foundational element of the Ismaili interpretations of what it means to be human. The speeches quoted in this section were all delivered between 2008 and 2010, and each speech was made readily accessible to Ismaili Muslims worldwide through websites and informal circulation within community centers. The three dimensions of unity we highlight as part of an Ismaili epistemology are: unity (one-ness of humanity) as a divine imperative, an emphasis of pluralism within unity, and finally, striving for a pluralistic unity despite its impossible nature. We note that these three dimensions of unity, in their specificity and religious rootedness, point to conceptualizations of being human that include a sense of interdependency, community, and struggle.

The first dimension of unity is discussed in a seminal speech delivered by the His Highness at the annual meeting of the International Baccalaureate in 2008, where he framed the need for engagement with diversity as a destiny charted by humanity’s innate divine nature. After quoting the verse from the Quran noted above he commented, “These words reflect a deeply spiritual insight—a divine imperative if you will—which, in my view, should undergird our educational commitments. It is because we see humankind, despite our differences, as children of God and born from one soul, that we insist on reaching beyond traditional boundaries as we deliberate, communicate, and educate internationally” (Aga Khan 2008: para. 18). In this excerpt, there are at least two ways in which unity is positioned as a divine imperative—first, unity is theorized as intrinsically bound with the divine creation of mankind and second, a deep engagement with all of humankind is viewed an act of worship. Difference, too, is by divine design. Humankind is noted to have “spread abroad a multitude of men and women,” and yet, the point of origin of diversity is still the universal soul. It is the inherent, primordial unity that then provides a “divine imperative” for a deep engagement across humanity. Working across difference then does not just become an exercise that one should engage in because it is good for safety and security, but one that is a constitutive element of being a Muslim. Indeed, by using the language of “divine imperative,” the Aga Khan, as a spiritual leader, echoes the ethic of *farz*, which embeds the concept of responsibility to humankind, as bolstered by one’s ultimate responsibility to the Divine. In this way,

service to humanity is in itself an act of worship. The spiritual calling of unity demands more than a simple recognition of diversity. Instead, the ethic of unity is realized through an engagement with diversity, one that focuses on serving all of humanity regardless of social boundaries.

The connection between worship and service are intimately linked in contemporary Ismaili epistemology. The ethical framework of the AKDN clarifies the religious underpinning of the development agency: “Service of God is not only worship, but also service to humanity, and abiding by the duty of trust towards the rest of creation” (The Institute of Ismaili Studies 2000: para. 2). Improving the quality of life of the most vulnerable goes well beyond charitable giving, and instead, focuses on sustainable development in various facets of life. This is illustrated by the multiple projects of AKDN spanning across educational development, health infrastructure, and arts, among other aspects of human life. Consider the example of the restoration of the Great Mosque of Mopti in Mali undertaken by the Aga Khan Historic Cities Programme and the Aga Khan Trust for Culture. The restoration spurred various other development projects in surrounding areas. To this end, His Highness remarked at the inauguration of the restored Great Mosque, “How wonderfully symbolic it is that the outcome of efforts to restore the mosques should be to improve the quality of life of the people whose lives follow the same rhythm as theirs!” (Aga Khan 2008: para. 5). This example illustrates the connection between worship and service to humanity where the work of restoring the religious center, a disappearing indigenous structure (mud brick buildings), would provide jobs, encourage the tourism industry, and revitalize the local culture of traditional artisans thereby improving the general quality of life of a vulnerable population. Toward the end of his speech, His Highness once again emphasized how service to humanity (*madad*) was a spiritual debt (*farz*) to the Divine, when he said, “It is our duty as Muslims to contribute to and to encourage this effort, as the Holy Qu’ran reminds us by commanding us to leave the world in a better condition than that in which we received it, and instructing us to help one another in the performance of good works” (para. 13).

### Pluralism within unity

Elsewhere, the Aga Khan has theorized unity as a critical concept, which transgresses naïve notions of unity as sameness, and instead, wrestles with the Divine imperative of living together while critically engaging with difference.

We see this as the second dimension of unity within Ismaili epistemology. By focusing on unity, while encouraging critical dialogue around difference, the Aga Khan calls upon his adherents to think of a democratic aspiration of cooperation even, and especially, when it is difficult. Speaking at the University of Alberta in 2009, he remarked that “pluralism means reconciling what is unique in our individual traditions with a profound sense of what connects us to all of humankind” (para. 27). The Aga Khan’s focus on pluralism as a negotiation between the particular and the universal reflects the interplay between the inherent divine duality of diversity and unity. For this reason, maintaining diversity and particularity is a central and fundamental aspect of an Ismaili conceptualization of human dignity. This, we might contrast to a UN-centric human rights discourse employed by nation-states and transnational bodies where a recognition of individual rights often erases collective rights. Likewise, culture is often taken up as a knowledge ecology to be enjoyed and religion as a site of personal practice but not as authoritative sources of guidance. For instance, the Universal Declaration of Human Rights (1948) addresses cultural rights in only 1 of the 30 articles by stating thus, “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits” (article 27). What we have then is an active desire to create a common denominator across human societies, rather than engage with these societies on terms that do not seek to erase difference but engage with differences. These differences, as this chapter shows, actually are the basis of different ontological and epistemologies that must be seriously engaged with if we desire peace. Indeed, distinct cultural trajectories are a source of pride and knowledge for societies. That is precisely why the AKDN places equal effort on cultural revitalization as it does on healthcare and education. Indeed, within the context of a postcolonial, poverty-ridden nation state, centering the restoration of mosque and preserving indigenous techniques of architecture might seem like a luxury. However, the Aga Khan calls attention to how cultural differences are significant sites of pride and notes that the drive toward modernization that may lead to homogenization is a threat to be reckoned with:

My fear is that urban modernisation will lead to an increase in property speculation and the uncontrolled development of tourist infrastructures which will eventually swallow up the mosques within the urban fabric. . . My hope is that the regeneration of the areas around the mosques will mean the preservation and protection of the heritage of our glorious past which deserves our respect and admiration. (Aga Khan 2008: para. 12)



Raising the quality of life for the most vulnerable, within an Ismaili epistemology, then goes well beyond meeting the “basic needs.” It includes nurturing cultural identities and a sense of belonging, while also enabling communities to work across differences and agree on common public projects/goods. This brings us to the third dimension of unity within Ismaili epistemology, which centers on enacting pluralism.

A critical premise of pluralism is the recognition that diversity of race, gender, ethnicity, or religion, and the like are a fact of existence. Pluralism, then, is the intellectual exertion and engagement with this human diversity. In this regard, the Aga Khan has proposed a conceptualization of “cosmopolitan ethic” that might unpack what pluralism looks like in practice. Before delving into that, however, it is important to remember that the notion of “cosmopolitan ethics” has been popular in calling people to conceive themselves as participants in a single moral world (Hansen 2009: 154). Focusing on universal cosmopolitanism, however, tends to deprioritize the local, in favor of the universal. This becomes problematic, particularly when one considers colonial legacies and its epistemic violence. To protect against the homogenization of culture within cosmopolitanism, we have to arrive at understandings of this ethic that straddles the local and global (Hansen 2009). During a lecture at Harvard University in 2015, the Aga Khan noted that “the road to a more cooperative world does not require us to erase our differences, but to understand them. A responsible, thoughtful process of globalization, in my view, is one that is truly cosmopolitan, respecting both what we have in common and what makes us different.” Cosmopolitan ethics, according to the Aga Khan, entails an engagement that keeps taut the commonality that humans share as humans as well as identitarian differences. This ethic dictates that individuals try to understand and learn about other individuals’ and communities’ beliefs, cultural and social norms, histories, and knowledge systems. It also requires a reflection about one’s own situated knowledges—the partiality of one’s truths—and complicity in others’ marginalization. A cosmopolitan ethic, thus, moves from a world in which only a single truth, knowledge system, or philosophy prevails to a world of multiplicity. It is a society in which, as the Aga Khan noted, “diversity is not a burden to be endured, but an opportunity to be welcomed.”

Elsewhere, in his speech at the Tenth Annual LaFontaine-Baldwin Lecture in 2010, the Aga Khan connected cosmopolitan ethics to the spiritual dimensions of life. He explained that striving for pluralism will continue to be an aspirational process, always a work-in-progress. This, he explained, was due to the Divine nature of diversity where the “‘immensity of The Divine’ [as evidenced

in the diversity of creation] ultimately exposes the ‘incomplete nature of human understanding’” (para. 96). In other words, the tension of reconciling difference in itself is a reminder of God’s omniscient nature, which humankind will always strive to understand, but by its nature can never actually achieve. The impossibility of a truly balanced pluralism, which honors unity and diversity, is characterized in notions of cultural cosmopolitanism, where the inherent tension does not detract from the necessity of practicing a cosmopolitan ethos. Similarly, cosmopolitanism as a faith-based disposition presents the reality of impossibility in achieving a full understanding of the mysterious divine reality. This striving for understanding diversity and unity, within its infinite nature, is once again a *farz*, which is compelled not by its ambitions of worldly success, but exists as a way to understand and ultimately connect with God.

We have explained the complex theorization of unity as proposed by the Shi’i Imam to signal the discursive fields within which our participants find themselves. This knowledge resides side-by-side conceptualizations of human rights, and inflects how students think of the individual and community, as well as rights, duties, and responsibilities. Human rights discourses, hence, are one among many possible epistemological stances on human dignity. As noted earlier, these other idioms of justice also inform how individuals choose to live out their lives.

## Discussion and future research

While in this chapter we have centered the case from Pakistan and Shi’i Muslim traditions, our key argument is about the conceptual interventions that are needed to understand and disrupt the hegemony of the discourse on human rights as the only possible language for social justice. There are, indeed, other ideas and conceptions that, too, can be highlighted. Decolonial scholars, such as Boaventura de Sousa Santos (2012 and 2013), present viable alternates. What is critical to note is that such philosophies provide alternative ways of thinking about self and others that can serve as counterdiscourses to the increasing dominance of neoliberal rationalities and individualization—both tendencies have been noted in human rights discourses. Excavating other items of social justice is not intended to replace one hegemonic discourse with another, nor is this an effort to apologetically vernacularize or Islamize liberal humanism and its ideals of freedom and rights. Instead, this effort aims to signal plural visions that

already circulate but are often made nonexistent and invisible in the context of contemporary relations of power.

Significantly, making space for non-Eurocentric idioms of justice can enrich our politics, afford the possibility of multiple life-scripts, and delineate the complexity of projects for social justice. In the context of Pakistan, for instance, it might entail centering the teaching of Islam to compel the state to address wide-ranging issues such as rural poverty, exploitation of workers, or animal cruelty. These ethics of *farz* and *madad*, for instance, are powerful alternate framings of care for the self, community, and others. These ethics also function as social norms compelling those who are privileged to consider their complicity in the marginalization of others, and to act to reduce suffering. This is clearly visible in the recent (May 2017) boycotts in Pakistan against a multinational—Khaadi—which was exploiting its workers. A number of people in Pakistan have taken to the streets calling for the corporation to meet the demands of its workers. Nowhere, however, is the language of rights used. Rather, there is emphasis on human dignity, violation of labor laws, as well as that these exploitations are taking place during the month of Ramzan, which is considered a holy month by Muslims. Paying attention to these vocabularies helps us to observe how different societies make meaning across multiple knowledge systems. It, thus, behooves researchers to amplify alternate framings of justice and dignity in order to both address the undercurrents of resentments against human rights found in many contexts and to open up possibilities for imagining different ways of being and living.

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## Notes

Some sections of this chapter have appeared in S. Khoja-Moolji. 2017. “The Making of ‘Humans’ and their Others in/through Human Rights Advocacy.” *Signs: Journal of Women in Culture and Society* 42 (2).

- 1 Readers are reminded that the Shi’a are a minority interpretation within Islam, the majority being Sunni.
- 2 For more details about the Ismaili tradition of Islam see Daftary (2011); for more details about the work of the Aga Khan Development Network see Karim (2014) and

Kassam (2003); and for details about the global Ismaili community and its activities, see the website: [theismaili.org](http://theismaili.org).

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# Bridging the “Values Gap”: Human Rights Education, Ideology, and the Global-Local Nexus

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## Introduction

The underlying premise of human rights education (HRE) is that it promotes a culture of human rights. This premise is captured in documents such as the United Nations (UN) World Program for Human Rights Education, which argues that HRE “fosters the attitudes and behaviours needed to uphold human rights for all members of society” (UN 2014: 2). While the UN statement expresses the ideal outcome of HRE, the extent to which HRE programs can foster the attitudes and behaviors that uphold human rights is not often empirically tested.

Drawing on the results of a quantitative study of 71 participants across three HRE programs in South Africa, this study aims to show that HRE programs are not always effective in bridging the values gap between the personal values held by human rights advocates and the human rights values they are meant to promote. Using Monisha Bajaj’s (2011) categorization of three ideological approaches to HRE, participants in the following South African HRE programs were selected for assessment:

- (i) HRE for Global Citizenship: The Centre for Human Rights (26 participants)
- (ii) HRE for Coexistence: The South African Human Rights Commission (19 participants)
- (iii) HRE for Transformative Action: Equal Education (26 participants)

Since most HRE studies focus on participants of HRE programs at schools, or participants who are disempowered or lack understanding of human rights (Struthers 2016; Tibbitts and Kirchsclaeger 2010; Finkel and Ernst 2005; Bajaj

2004; Tibbitts 2005; Stellmacher and Sommer 2008), this study adds to the literature on HRE by assessing the extent to which Masters degree students in human rights law (Centre for Human Rights), human rights lawyers (South African Human Rights Commission), and social justice activists (Equal Education) personally subscribe to the human rights values contained in South Africa's human rights based Constitution. While it is often assumed that individuals involved in the human rights field are more likely to fully embrace all the human rights values enshrined in the Constitution's Bill of Rights, this is not necessarily the case. This study reveals that a values gap exists between the personal values held by human rights advocates and the human rights values enshrined in the Bill of Rights. Based on the responses to questionnaires administered to the 71 human rights advocates, this study found that a substantial number of participants exhibited attitudes and behaviors that conflict with human rights values *after* having completed HRE training.

This chapter considers how the values gap between personal values and human rights values manifest among three groups of human rights advocates that have participated in ideologically varied HRE programs. In addition, this study examines how theoretical frameworks developed to explain approaches to HRE, and, more particularly, Bajaj's (2011) ideological approaches to HRE, assist in making sense of the values gap.

HRE is broadly defined by the UN World Programme for Human Rights Education (2014) as all forms of learning, education, training, or information that is directed toward developing a universal human rights culture. The definition comprises seven elements ranging from strengthening respect for human rights to promoting social justice. In addition, the UN definition encompasses three components, namely, (1) knowledge and skills; (2) values, attitudes and behavior; and (3) action. HRE is centered primarily on educating individuals and communities about human rights issues rather than focusing on the broader right to education.

In order to explore the values gap across three HRE programs, this chapter will firstly consider some critiques of human rights discourses; second, examine the influence of global discourses on local contexts; third, consider the postapartheid South African human rights context; and fourth, evaluate a theoretical framework on HRE that distinguishes between three ideological approaches.

## The universal nature of human rights

Using the metaphor of savages-victims-saviors, Mutua (2004) sets out a compelling argument suggesting that the human rights movement is part of a broader



Western construct aimed at transforming savages (non-Western governments) and helping victims (marginalized individuals) through the human rights framework designed by the saviors (United Nations, Western governments, and international nongovernmental organizations). Despite Mutua's (2004: 12) recognition that the human rights framework designed by Western powers is “well-meaning” he goes on to critique the human rights movement by arguing that it is premised on the idea of displacing non-Western values with a monolithic Western universal set of human rights values.

The contestation about the universal applicability of human rights inevitably impacts on HRE. The Universal Declaration of Human Rights' (UDHR) preamble (1948) compels states through “teaching and education to promote respect for these rights and freedoms...” contained in the Declaration. At the time of adopting the UDHR, the General Assembly called on states to ensure that the Declaration was “disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories” (General Assembly 1948).

Andreopoulos and Claude (1997) argue that the framers of the UDHR recognized that education is not value-neutral. HRE can therefore be seen as a deliberate tool to shift local attitudes and behaviors by adopting universal values of human rights set out in the UDHR. This shift in values necessitates the modification or replacement of one set of values with another. While the modification/replacement objective is not expressly stated, it is nevertheless implied in the UN World Programme for Human Rights Education (2014) documents that state that HRE encompasses three elements: first, acquiring knowledge and skills about human rights in order to apply them in practice. Second, to develop values, attitudes, and behavior that reinforce human rights. Third, to take action to defend and promote human rights. The underlying premise of HRE is to therefore promote a culture of human rights. Consequently, HRE can be seen as a deliberate attempt to bridge the gap between personal values and universal human rights principles through education.

## Global-local discourses

Recognizing the universal origins of human rights as well as the value-laden global discourses on HRE, it is important to consider how these universal origins and global discourses manifest at the local level. This consideration draws on Ramirez, Suarez, and Meyer's (2007) idea that local discourses on human rights

are more reflective of global as opposed to national developments. Relying on institutional theory, Ramirez, Suarez, and Meyer (2007) argue that the rise of HRE is connected to the period of globalization after World War II. The idea advanced by Ramirez, Suarez, and Meyer (2007) is challenged by Carney (2009) who recognizes the importance of agency, power, and politics at the local level. He therefore argues that local studies of education systems must be informed by recognizing and understanding the nature of universal discourses as well as the global institutions and systems that make it possible. Educational phenomena in one country should therefore be understood in continuous relation to what takes place at the global level.

Anderson-Levitt suggests that local and global are “two ends of a more complex continuum” (2012: 442). Her paper considers two elements: first, the role of power in defining culture, and second, an examination of how power influences the dissemination of ideas. In order to expand on these two elements, Anderson-Levitt distinguishes between local and global defining “local” as the regular interaction of individuals in particular places, and “global” as “ideas or norms that people successfully present as widespread across the world, whether they truly are or not” (2012: 442). She argues that those with power are ultimately the ones who define culture and determine its universal applicability.

Mutua’s (2004) argument that the global human rights movement is inherently political can therefore be extended to local human rights discourses using Anderson-Levitt’s reasoning. Local expressions of human rights at the national level will invariably reflect global human rights discourses developed through power-political struggles at the international level. Keet (2012) supports this argument and warns that if advocates of HRE are unaware of its political and transformative nature, HRE will inevitably be implemented in a manner that simply reproduces the list of rights contained in human rights declarations and the bill of rights without meaningfully engaging with its actual content. The warning posed by Keet (2012) is critical to ensuring a more complete understanding of HRE and also recognizing its limitations.

However, Keet’s (2012) warning must be understood in relation to the limited knowledge South Africans have about the Bill of Rights. Based on the results of the Foundation for Human Rights (2015) study, it found that only 46 percent of respondents were aware of the existence of either the Constitution or, more specifically, the Bill of Rights. When broken down by geographical location, a sizable majority of those living in rural areas (63 percent), farm workers (60 percent), and refugees/migrants (74 percent) were not aware of these two documents. Further, less than 10 percent of respondents had read the Bill of Rights, or had

the Bill of Rights read to them. While Keet (2012) raises an important point about HRE's potential transformative role, he fails to fully recognize the fact that very few South Africans possess the basic human rights knowledge that is regarded as a prerequisite for political awareness and transformative action.

## Human rights in postapartheid South Africa

Mutua (2004: 126) suggests that in the "Age of Rights" following World War II, South Africa "is the first state that is the virtual product of that age and the norms it represents." He argues that "the construction of the post-apartheid state represents the first deliberate and calculated effort in history to craft a human rights state—a polity that is primarily animated by human rights norms" (126). South Africa's enthusiastic adoption of human rights norms and values after the end of apartheid therefore make it an interesting case study. Mutua (128), however, finds that South Africa's incorporation of human rights discourses into its Constitution was a "mistake." Citing Ibrahim Gassama, Mutua (2004) believes that South Africa's mistake was failing to recognize that human rights can be used by the privileged white minority to protect their economic status as the holder of significant private property rights.

Despite Mutua's (2004) critique, South Africa's government further entrenches the idea of a human rights state by providing that the national school curriculum is built on the human rights values reflected in the Constitution and that education should be used as a mechanism to shape societal values (DBE 2011). Ramirez, Suarez, and Meyer (2007) argue that human rights infused national curriculums is directly attributable to the growth of the global HRE movement and connections between the global and the local. Furthermore, they cite empirical evidence to support the idea that the development of education systems has less to do with the "needs of local society than to produce standardized progress legitimated by transnational authorities" (Ramirez, Suarez, and Meyer 2007: 41).

The idea that South Africa's human rights based Constitution and education system was primarily influenced by global discourses on human rights is given further weight when one considers the results of a study conducted by the Human Sciences Research Council (HSRC). In the HSRC study of social attitudes, the researchers state thus: "The findings of the survey reveal that the 'progressive' policies of the African National Congress (ANC) government differ significantly from the 'traditional' attitudes towards moral issues that are held amongst the population of South Africa" (Pillay, Roberts, and Rule 2006: 259).

South Africa therefore offers an interesting social space for study and exploration given the inherent tension between societal norms and values on the one hand, and constitutional values on the other. Given the continued importance of racial identity in the political and economic landscape on the one hand, and the tension between promoting human rights values that conflict with societal values on the other, South Africa offers an opportune local context for examining these issues.

## Ideological approaches to HRE

Various models for understanding and classifying types of HRE have emerged over the past 40 years (Flowers 2004; Tarrow 1992; Keet 2015; Bajaj 2011; Tibbitts 2002, 2017). In order to identify the three HRE programs for assessment, this study relies on Bajaj's (2011) categorization of ideological approaches to HRE namely, (1) HRE for Global Citizenship, (2) HRE for Coexistence, and (3) HRE for Transformative Action. According to Bajaj (2011), "HRE for Global Citizenship" aims to provide participants with knowledge and information about universal human rights values and international standards. This first approach emphasizes international standards of human rights as the ideal and therefore focuses heavily on international treaties and conventions.

"HRE for Coexistence" focuses on the "inter-personal and inter-group aspects of rights and is usually a strategy utilized where conflict emerges not from absolute deprivation, but from ethnic or civil strife" (Bajaj 2011: 490). This ideological approach aims to put in place mechanisms to ensure that historically marginalized or excluded groups are provided with opportunities to fully participate in a postconflict society.

"HRE for Transformative Action" "usually involves learners who are marginalized from economic and political power" (Bajaj 2011: 490). This approach, according to Bajaj (2011), "is most akin to Paulo Freire's process of developing a critical consciousness and what Meintjes terms a 'critical human rights consciousness'" (Bajaj 2011: 490). Protest is often a key component of this approach that aims to empower victims of human rights violations to take action.

## Responses to HRE programs

This study adopts a nonexperimental survey research design. This type of research design involves the use of questionnaires administered at the end of

each HRE program to ascertain the extent to which participants reflect or adopt human rights values contained in the Constitution.

### **Participant selection**

Using Bajaj’s (2011) ideological approaches to HRE, participants from three South African human rights organizations that conduct HRE training were identified for this study:

- (i) *HRE for Global Citizenship*: The Centre for Human Rights, based at the Faculty of Law at the University of Pretoria, is both an academic department and a nongovernmental organization, and fits neatly into the HRE for Global Citizenship model. The Centre for Human Rights was awarded the UNESCO Prize for Human Rights Education in 2006, most notably because of the African Human Rights Moot Court Competition and the Master of Laws (LLM) degree in Human Rights and Democratisation in Africa. This study focuses on the attitudes of the 26 LLM students (n=26) enrolled in the Human Rights and Democratisation in Africa program for 2014 at the Centre for Human Rights. The LLM program consists of eight modules including international and comparative human rights, human rights in Africa, and the South African legal system and Bill of Rights.
- (ii) *HRE for Coexistence*: The South African Human Rights Commission (SAHRC) is the national human rights institution established to support constitutional democracy. It is committed to promote respect for, observance of and protection of human rights for everyone without fear or favor (SAHRC no date). The Commission is an independent constitutional body responsible for promoting coexistence between historically marginalized black South Africans and white South Africans. The SAHRC’s mandate of facilitating the transformation of postapartheid society therefore falls within the HRE for Coexistence model. The study focuses on 19 legal practitioners (n=19) working at the SAHRC who underwent extensive training in human rights complaints management and are responsible for facilitating dialogue between perpetrators and victims of human rights violations. The complaints management training includes an overview of the Bill of Rights and the categorization of complaints received by the Commission into specific rights violations.

(iii) *HRE for Transformative Action*: Equal Education (EE) is a community and membership-based organization established in 2008. This civil society organization “advocates for quality and equality in the South African education system and engages in evidence-based activism for improving the nation’s schools. EE fits into the HRE for Transformative Action model since it “promotes the rights to equality and education, with the firm belief that these will enable the poor and working classes to an equal opportunity in life.” This study focuses on 26 EE facilitators (n=26) that have been trained to lead campaigns and facilitate dialogue and discussion among high school students to instill a sense of active citizenship. The training for facilitators focuses on accessing rights such as equality, freedom of expression, and the right to assembly, demonstration, picket and petition all contained in the Bill of Rights.

The three organizations were selected by applying Bajaj’s (2011) ideological approaches to HRE to the characteristics of each organization as described in their respective mission and vision statements as well as their human rights programs. Given the small number of participants in each HRE program, the entire population was included resulting in a census (N=71).

### **Data collection procedures**

Questionnaires were administered electronically for the Centre for Human Rights and Human Rights Commission participants since these participants have regular access to computers. Paper-based surveys were provided to participants from Equal Education because they often work and operate in areas where there is limited internet access. Response options were formulated using the following five-level Likert scale: Strongly disagree; Disagree; Neither agree nor disagree; Agree; Strongly agree. The questions were constructed as follows:

Question 1: The Constitution provides for the right to equality and prohibits discrimination on the basis of sexual orientation. How do you personally feel about the following statement: gay people should have the right to marry.

Question 2: The Constitution states that everyone has the right to life. How do you personally feel about the following statement: if someone commits a murder, I believe that the murderer should receive the death penalty.

Question 3: The Constitution states that everyone has the right to make decisions concerning reproduction. How do you personally feel about the following statement: a woman should have the right to choose if she wants an abortion.

Question 4: How do you personally feel about the following statement: my personal values are the same as the values in the Bill of Rights.

In order to avoid any potential ambiguity, the questions first set out the constitutional provision relating to a particular human rights principle and second, is preceded by: “how do you *personally* feel about the following statements?.” The construction of each question aims to ensure that participants are familiar with the constitutional provisions and that their responses reflect their personal view as opposed to their professional or organizational perspective.

Despite all the participants completing the questionnaires, a small number of participants from the Centre for Human Rights skipped certain questions (see Table 11.1 below). The results were adjusted accordingly to take these missing responses into account. In order to determine the statistical significance of the data collected from the questionnaires, a quantitative analytical software tool, STATA, was used to analyze the results by conducting an analysis of variance (ANOVA) test.

A one-way ANOVA test was used to compare participant responses to the questions among the three HRE programs. The ANOVA test allows one to determine whether there is a significant difference in participant responses between HRE programs. The quantitative analysis component of this study focuses only on those participants who “strongly agreed,” “agreed,” “strongly disagreed,” or “disagreed.” Participants who answered “neither agree nor disagree” were removed from the statistical significance analysis but remain part of the qualitative dimensions of this study. Consequently, the number of ANOVA observations for each question differs depending on the number of participants

**Table 11.1** Number of Responses to Various Questions and Number of Observations in ANOVA Analysis (N=71)

Question number	Centre for Human Rights (n=26)	Human Rights Commission (n=19)	Equal Education (n=26)	Total number of responses (N=71)	Number of observations used in ANOVA analysis <sup>a</sup>
1	23	19	26	68	56
2	24	19	26	69	66
3	24	19	26	69	61
4	24	19	26	69	62

Note: <sup>a</sup> Observations exclude participants who answered “neither agree nor disagree.”

who answered “neither agree nor disagree.” Furthermore, in order to determine where this difference exists and which groups differ significantly from one another, a post-hoc Sidak test was used.

## Results and discussion

At the Centre for Human Rights, 16.67 percent of the Masters degree students surveyed agreed or strongly agreed with the use of the death penalty as an appropriate form of punishment for murder, compared with 75 percent of students who were opposed to the death penalty. The remainder (8.33 percent) indicated that they neither agreed or disagreed. Responses from Equal Education survey participants indicated that 61.54 percent were in favor of the death penalty, while only 10.53 percent of South African Human Rights Commission respondents supported the death penalty. Most Human Rights Commission respondents (84.22 percent) were opposed (42.11 percent) or strongly opposed (42.11 percent) to the death penalty with 5.26 percent indicating that they were uncertain.

To compare the responses between HRE programs, an ANOVA test was conducted. The results of the ANOVA test pertaining to the death penalty can be tabulated as follows:

**Table 11.2** Comparison of Responses to Question 8 (Death Penalty) using ANOVA (n=66<sup>a</sup>)

Source	df	SS	MS	F	p
Between groups	2	16.60	8.30	9.35	<.001
Within groups	63	55.89	.89		
Total	65	72.48	1.16		

Note: <sup>a</sup> Results exclude participants who answered “neither agree nor disagree.”

**Table 11.3** Post-Hoc Sidak Test for Differences between Groups

	Human Rights Commission		Equal Education		Centre for Human Rights		Post Hoc
	Mean	SD	Mean	SD	Mean	SD	
Question 8 (Death penalty)	.67	.69	1.77	.99	.82	1.05	1 > 2* > 3*

Note: \*p<0.05.



The ANOVA results indicate that there is a significant difference in participant responses to the death penalty between groups ( $F = 9.34$ ,  $DF = 2$ ,  $p < .001$ ). These differences were further analyzed using the Sidak test that revealed that Equal Education ( $M = 1.77$ ,  $S = .99$ ) participants were significantly more likely to support the death penalty when compared to both participants from the South African Human Rights Commission ( $M = .67$ ,  $S = .69$ ) as well as participants from the Centre for Human Rights ( $M = .82$ ,  $S = 1.05$ ).

The significant difference between the Equal Education participants and the Human Rights Commission and Centre for Human Rights participants suggests that HRE for Transformative Action participants are least likely to support the death penalty. Programs linked to HRE for Global Citizenship and HRE for Coexistence tend to adopt a more universal approach to human rights, whereas programs associated with HRE for Transformative Action are more context specific. Consequently, it could be argued that participants in the HRE for Transformative Action program are more likely to mirror the values of the society in which they are located.

It is interesting to note that 61.54 percent of Equal Education survey participants supported the death penalty. The higher levels of support for the death penalty among Equal Education survey participants raises some questions about the HRE for Transformative Action model. Given that the underlying premise of this model is to help participants develop a "critical consciousness," the high levels of support for the death penalty suggest that local conditions may influence participants and may also displace certain values that the model attempts to cultivate.

When participants were asked about a woman's right to an abortion, 41.67 percent of the Centre for Human Rights class agreed or strongly agreed with a woman's right to choose, while 50 percent of the students were opposed to abortion and the remainder (8.33 percent) were unsure. Participants from Equal Education indicated that 50 percent were in favor of abortion, 26.92 percent opposed abortion, and 23.08 percent were uncertain. The Human Rights Commission participants showed strong support for the right to choose an abortion with 94.63 percent of those surveyed in favor and 5.26 percent disagreeing with abortion.

Given that issues of gender equality are not necessarily a primary part of the HRE programs at the South African Human Rights Commission and that gender related complaints are referred to the Commission for Gender Equality, the high levels of support for abortion are noteworthy. The levels of uncertainty

**Table 11.4** Comparison of Responses to Question 9 (Abortion) using ANOVA (n=61<sup>a</sup>)

Source	df	SS	MS	F	p
Between groups	2	8.23	4.12	4.38	<.05
Within groups	58	54.56	.94		
Total	60	62.79	1.05		

Note: <sup>a</sup> Results exclude participants who answered “neither agree nor disagree.”

**Table 11.5** Post-Hoc Sidak Test for Differences between Groups

	Human Rights Commission		Equal Education		Centre for Human Rights		Post Hoc
	Mean	SD	Mean	SD	Mean	SD	
Question 9 (Abortion)	2.32	.58	1.55	.94	1.50	1.22	1 > 2* > 3*

Note: \*p<0.05.

(23.08 percent) of Equal Education participants toward abortion may be reflective of an internal struggle for some participants with this issue.

Based on the results of the ANOVA (F = 4.38, DF = 2, p<.05) and Sidak tests, Equal Education (M = 1.55, S = .94) and the Centre for Human Rights (M = 1.50, S = 1.22) participants were significantly less likely to support abortion compared to participants from the Human Rights Commission (M = 2.32, S = .58).

On the question of whether gay people should have the right to marry, 56.52 percent of the Centre for Human Rights participants agreed that same-sex couples should have this right, 21.74 percent strongly disagreed, and 21.74 percent stated that they were uncertain. For Equal Education participants, 38.46 percent agreed or strongly agreed that gay people should have the right to marry, while 38.46 percent disagreed or strongly disagreed and 23.08 percent of participants were unsure. Participants from the Human Rights Commission showed the strongest support for gay marriage with 89.47 percent agreeing or strongly agreeing; 5.26 percent of participants disagreed and 5.26 percent remained uncertain.

The ANOVA (F = 4.50, DF = 2, p<.05) and Sidak results again indicate significant differences pertaining to support for same-sex marriage between participants from Equal Education (M = 1.60, SD 1.14) and the Human Rights Commission (M = 2.56, SD = .62). No significant differences were noted between other HRE program participants.

**Table 11.6** Comparison of Responses to Question 7 (Same-Sex Marriage) Using ANOVA (n=56<sup>a</sup>)

Source	df	SS	MS	F	P
Between groups	2	9.57	4.79	4.50	<.05
Within groups	53	56.36	1.06		
Total	55	65.93	1.20		

Note: <sup>a</sup> Results exclude participants who answered “neither agree nor disagree.”

**Table 11.7** Post-Hoc Sidak Test for Differences between Groups

	Human Rights Commission		Equal Education		Centre for Human Rights		Post Hoc
	Mean	SD	Mean	SD	Mean	SD	
Question 7 (Same-sex marriage)	2.56	.62	1.60	1.14	1.78	1.21	1 > 2* > 3*

Note: \*p<0.05.

When engaging Masters degree students in human rights law, there may be certain assumptions that most if not all students would fully support the values enshrined in the Constitution. However, only 62.5 percent agreed or strongly agreed with the following statement: “my personal values are the same as the values in the Bill of Rights.” Of the total students, 16.67 percent disagreed and 8.33 percent strongly disagreed with this statement while 12.5 percent were uncertain.

Interestingly, Equal Education participants were more likely to agree with the values in the Constitution (73.08 percent) compared with the 15.38 percent of fellow Equal Education participants who were uncertain or 11.54 percent who disagreed. The high levels of acceptance of constitutional values by Equal Education participants can be contrasted with the lower percentages of Equal Education participants who agreed that gay people should have the right to marry (38.46 percent) and who supported the death penalty (61.54 percent). Assumptions are often made that if an individual’s personal values are aligned to the values enshrined in the Constitution, they are more likely to support gay marriage and oppose the death penalty. However, these assumptions require further consideration given the results of this study.

The highest levels of acceptance of the values enshrined in the constitution came from Human Rights Commission participants (89.48 percent). Only

**Table 11.8** Comparison of Responses to Question 10 (Constitutional Values) using ANOVA (n=61<sup>a</sup>)

Source	df	SS	MS	F	p
Between groups	2	2.18	1.09	1.25	>.05
Within groups	59	51.56	.87		
Total	61	53.74	.88		

Note: <sup>a</sup> Results exclude participants who answered “neither agree nor disagree.”

10.53 percent of participants disagreed with the statement comparing their personal values with constitutional values. Despite these differences in opinion between participants of HRE programs, the ANOVA results indicated that these differences were not statistically significant ( $F = 1.25$ ,  $DF = 2$ ,  $p > .05$ ).

### Reflections on HRE and ideological approaches

There are several conclusions that can be drawn from the results of this study. First, individuals involved in human rights advocacy do not always personally subscribe to the human rights values contained in the Bill of Rights. This conclusion does not necessarily imply that a human rights advocate who is opposed to gay marriage, for example, would be reluctant to advocate for gay rights. Human rights advocates may in fact be able to separate their personal values from their professional responsibilities. However, there may be instances when human rights advocates are unable to navigate between their personal values and the human rights values they are expected to support and protect. This may pose significant challenges for human rights organizations.

Second, while the ideological approaches to HRE developed by Bajaj (2011) are not meant to be hierarchical, there is a definite sense that the expected outcomes associated with HRE for Transformative Action is seen as the ultimate embodiment of HRE. This argument is based on the assertion that HRE for Transformative Action meets both the knowledge sharing and activism components of the UN definition of HRE. It is therefore difficult to reconcile the lower levels of support for gay marriage (38.46 percent) and abortion (50 percent), and the significantly higher levels of support for the death penalty (61.54 percent) among participants from Equal Education when compared to participants from other HRE programs. The only time participants from Equal Education indicated higher levels of support for human rights values compared

to other HRE programs was in relation to abortion: 41.67 percent of participants from the Centre for Human Rights supported abortion compared to 50 percent of participants from Equal Education.

Furthermore, it remains difficult to reconcile the support for constitutional values generally shown by participants from Equal Education (73.08 percent) when compared to their lack of similar levels of support for specific human rights values reflected in the Bill of Rights. Speculating on these results, a possible explanation may be that the HRE program developed by Equal Education emphasizes the general value and importance of the Constitution in protecting and advocating for rights but does not necessarily focus on the specific rights to equality or dignity.

Third, the argument made by Ramirez, Suarez, and Meyer (2007) that local discourses on human rights are more reflective of global as opposed to national developments cannot be entirely confirmed by the results of this study. Levels of support for human rights values among individuals involved in human rights advocacy vary significantly. This may suggest that the Bill of Rights is more reflective of global discourses since support for constitutional values at the local level seem ambiguous. The values gap between personal and constitutional values identified by the Foundation for Human Rights (2015) study may be further evidence of Ramirez, Suarez, and Meyer's (2007) contention. However, the significant levels of support by most participants for the statement that their personal values are the same as the values in the Bill of Rights, seem to contradict Ramirez, Suarez, and Meyer's (2007) assertion. National developments may therefore play an important role in the evolution of local human rights discourses.

Fourth, based on the results of this study, it is argued that while Bajaj's (2011) ideological approaches are useful in identifying the desired outcome of HRE programs, the "social change" dimension of her HRE for Transformative Action approach does not consistently manifest among Equal Education participants. Bajaj's (2011) model therefore cannot fully explain the significant difference in support for constitutional values generally, compared to the lower levels of support for specific human rights values enshrined in the Constitution.

Consequently, this study offers evidence of a values gap between the personal values held by human rights advocates and the human rights values they are meant to promote and protect. Based on the responses to questionnaires, a substantial number of activists and scholars continue to exhibit attitudes and behaviors that conflict with human rights values despite having participated in a HRE training program. Further research is therefore required on the

effectiveness of HRE training and the potential challenges posed by a values gap between the personal values of human rights advocates and the human rights values they are expected to advance.

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# Rights-based Schooling: The Hampshire Experience

Katherine Covell and R. Brian Howe

## Introduction

Human rights education is of fundamental importance to democracy, social justice, and global citizenship. To build and sustain cultures that respect human rights, individuals need knowledge of human rights instruments and standards, and the motivation and skills to promote and sustain human rights and social justice. Despite widespread agreement that schools are the ideal providers of human rights education, they generally have failed to do so in ways that provide sufficient knowledge, motivate action, or develop the necessary skills. The purpose of this chapter is to describe a case study—the Hampshire County *Rights, Respect and Responsibility* (RRR) initiative—as an example of how schools can, and arguably should, provide human rights education. The RRR is based on the rights of children as described in the United Nations (UN) Convention on the Rights of the Child. The outcomes of the RRR demonstrate the benefits of starting human rights education in the early years of schooling with a focus on the rights of the child as described in the UN Convention on the Rights of the Child.

## The goals of human rights education

There is widespread agreement among scholars, practitioners, and international bodies, such as the United Nations, on the goals of human rights education. Human rights education should comprise education about human rights (knowledge), education through human rights (skills), and education for human

rights (values) (Bajaj 2011; United Nations 2011). Education about human rights describes the provision of comprehensive information about the rights afforded to the individual as well as about the values that underpin those rights and the mechanisms for their protection (United Nations 2011). Most frequently this component of human rights education has been provided through the teaching of human rights instruments (Tibbitts 2002). Education through human rights describes the necessary teaching methods. It means teaching in a democratic setting that respects the rights of the learner and provides opportunities for freedom of expression, thought, conscience, and religion (Tibbitts 2005; United Nations 2011). Education for human rights describes an overt attempt to raise social consciousness in order to motivate action for social justice (Bajaj 2011; Brabeck and Rogers 2000; Print et al. 2008).

### The practice of human rights education in schools

There is wide variation in the practice of human rights education. Much is provided by members of nongovernmental organizations, individual teachers or academics, and small initiatives or foundations (Mihir 2009). Where it does exist in schools, most often the teaching is limited to education about human rights. However, for human rights education to be comprehensive and effective, it should be systematically provided in schools, with all three components present (UN Commission on Human Rights 2004). As called for by the UN World Programme for Human Rights Education (2006), human rights education should be fully integrated into primary and secondary school systems in a school environment that fully respects and models respect for human rights. Such systematic and comprehensive provision of human rights education in schools is infrequent (Covell 2014). As a result much human rights education has failed to meet its goals.

A major problem is seen in school practices. Effective human rights education (about, through, and for human rights) requires school culture and practices that are infused with and guided by human rights values and beliefs. A key requirement of this is supportive teachers. Yet research in areas such as North America, South Africa, Hong Kong, and the United Kingdom suggests that many teachers are ambivalent about, or even opposed to, human rights education in schools (Covell 2007; Howe and Covell 2005, 2010; Leung 2008; Petersen 2010). Teachers express concerns about a loss of authority and control if students learn they have rights. Such attitudes are understandable given the

lack of preparation teachers receive for human rights education. Human rights generally are not part of teacher training (Akengin 2008; Bajaj 2011; Covell 2007; Flowers, 2015; Petersen 2010). In addition, teachers have little training in the appropriate rights-consistent classroom management strategies or pedagogy. As a result, traditional practices continue. The teaching styles needed for rights education tend to be perceived as impractical and a means of providing students with entertainment and opportunities to socialize (Howe and Covell 2005; Petersen 2010). And the traditional hierarchical structure of many schools runs counter to allowing student participation (Gaynor 2007). Yet meaningful participation in a rights-consistent school culture is fundamental to the effective teaching of human rights. As Murray Print and his colleagues assert, a culture of human rights—the ultimate aim of human rights education—is possible only when rights are a daily and meaningful educational experience for children (Print et al. 2008).

A second problem is seen in the status accorded to human rights education in schools (Print et al. 2008). Rights education tends to be subsumed under other disciplines such as history or social studies, or in citizenship education, where the tendency is to have a nationalistic rather than global focus (e.g., Bromley 2011; Bron and Thijs 2011). In Canada, for example, citizenship education curriculums tend to focus on the national Canadian Charter of Rights and Freedoms at the expense of attention to international human rights agreements (Bromley 2011). Moreover, there is an important distinction between human rights and citizenship that underscores the inappropriateness of subsuming human rights education under citizenship education. Human rights are universal and inalienable; citizenship is a conferred legal status that is exclusionary (Hung 2012).

An alternate common method of human rights education is to provide it as an addendum to real learning in the classroom. For example, to make children aware of their human rights, the government of Morocco undertook educational reforms that obligated schools to have a human rights club (Polak 2010). The aim of the clubs was to spread a culture of human rights, but they were organized to meet separately from regular school lessons. And in Australia, a new interactive website, RightsED, has been added to the list of the Australian Human Rights Commission's educational resources (Henebery 2016). Its intent is to promote among school students a critical understanding of human rights as well as to the attitudes, behaviors, and skills needed to respect and promote human rights and to help children develop morally and ethically. Such initiatives are well intentioned and may be helpful, but are unlikely to be successful in achieving the full aims of human rights education.

## Children's human rights education in schools

Human rights education is most effective when it is comprehensive (included in all curriculums and in classroom and school practices), starts in primary school, and is focused on the rights that are accorded to all children as described in the UN Convention on the Rights of the Child (hereinafter the Convention). There are both political and educational reasons for this. From a political perspective, the global legitimacy of the Convention is important. The Convention has been ratified by virtually all governments of the world, governments representing very different political parties, religions, and cultures. It is the most quickly ratified and most widely ratified convention in modern world history. Only the United States has not yet ratified the Convention (though it has signed the treaty), claiming that Convention threatens its sovereignty and conflicts with the rights of parents. It is remarkable that so many different countries, with a wide diversity of political views, would get together and agree with the principle that children have basic rights that need to be respected and put into effect. Such a consensus means that, officially if not in practice, virtually all countries have agreed on some basic principles of what childhood should be, how children should be treated, and how children should be educated in schools. In turn, this requires all governments, authoritarian and democratic alike, to put into effect the educational provisions of the Convention, if not immediately, then over time. The aims of education, and the underlying pedagogy, actions, and interventions needed to achieve them, are clearly specified in the Convention, and together provide a comprehensive rights-based values framework for all school teaching and practices. The values framework is based on the agreement that children have inherent rights that optimize their development and potential.

With its global ratification, the Convention's legitimacy is unquestionable. This is of critical importance to its use as a values framework for education in schools. With the exception of faith-based schools, it has been difficult for schools to adopt a values framework. Particularly in multicultural societies, it is hard to obtain consensus on what values should be given dominance (Howe and Covell 2005). In response, and with the intent of enhancing respect for diversity, some educators have tried to operate value-free schools. Their intent was to avoid having to select from a variety of values in a pluralistic society. Unfortunately what happened was antithetical to their hopes. The value-free schools inadvertently encouraged judgmental attitudes and behaviors among the children (Howe and Covell 2005). The Convention avoids the difficulties associated with value-free schools, and of imposing values that may be culturally relative, or

at least not shared by all members of the community (Howe and Covell 2005). The legitimacy of the Convention is important also because, in addition to describing the rights of the child, it identifies the responsibilities of the duty bearers. This avoids the perennial and ever-present problem of children's poor achievement being attributed to parents, or children's socioeconomic status, by school personnel (Howe and Covell 2013). State parties, and through them education authorities and schools, have primary responsibility for children's education (Lundy and McEvoy 2009).

The Convention affirms that children (defined as all persons up to the age of 18) are full citizens with fundamental human rights that they should be aware of and experience in schools. With regard to education, these rights include the following. First, under article 12, teaching and school management should be democratic with systematic opportunities for participation in all aspects of school life. Second, under article 2, all children have the right to be treated fairly and protected from all forms of discrimination based on characteristics such as religious, social, or ethnic status. Third, school discipline practices must respect the dignity of every child, as per article 28, and children must be protected from all forms of abuse and violence, as per article 19. Fourth, and of key importance, are the aims of education in schools. Article 29 of the Convention requires that education be directed not only to the development of the individual child's potential, but also to the development of "respect for human rights and fundamental freedoms... for civilizations different from his or her own ...[and for] the preparation of the child for responsible life in a free society in the spirit of understanding, peace, tolerance, equality." Finally, as described in article 42, all children (and their teachers) have the right to know their rights (Howe and Covell 2005).

Children's human rights education, then, is itself a fundamental right to which all children are legally entitled. Since the Convention describes the pedagogy as well as the content, such education should comprise education about rights, through rights and for rights. In essence, the Convention requires the establishment of a school culture that is based on and reflects the shared value of the rights of the child (Howe and Covell 2013). This cannot be achieved through the teaching of rights as part of another subject, through after school clubs, websites, or sporadic efforts such as special assemblies or days. Instead, children's human rights education requires full integration of rights into all school functioning, and a reculturing of the school as a rights-upholding and rights-promoting environment. It is noteworthy that the UN Committee on the Rights of the Child, the body that oversees implementation of the Convention,

repeatedly has urged states to incorporate education on the Convention on the Rights of the Child into schools, and to have a national strategy for rights education in all primary and secondary schools (Covell 2014). As the Committee has stressed, “Children do not lose their human rights by virtue of passing through the school gates” (UN Committee on the Rights of the Child 2001: 8).

From an educational perspective, there are three key advantages to teaching children about their rights in a rights-consistent school environment. First, rights-based teaching is particularly engaging and relevant to children because it appeals to their self-interest (Howe and Covell 2005). Self-interest facilitates understanding and empathy (Goodman 2000). Curriculums that are infused with the rights of the Convention, then, are of interest and relevance to children from preschool through school completion since it is *their* rights they are learning about. Rather than learning about historic rights violations in their social studies classes, or the rights they will assume as adults in their citizenship education classes, children are recognized as contemporaneous citizens with their own rights—rights that apply to their everyday lives and to those of their peers.

Second, the participation that the Convention requires is consistent with best educational practices and outcomes. Meaningful participation enhances children’s engagement in school; this is reflected in their commitment to learning, achievement, academic aspirations, enjoyment in school, self-esteem, and optimism for the future (Fredricks and Eccles 2006, 2008; Jennings 2003; Martin and Marsh 2006; Pancer et al. 2007; Peck et al. 2008). In addition, participation is found to promote resilience in children having difficulties by allowing them to develop skills, discipline, and motivation, to exercise developmentally appropriate autonomy, and to explore educational opportunities (Finn and Rock 1997; Peck et al. 2008). Participation also contributes to building self-worth and confidence (Lundy 2007). When children participate in human rights-based schools, they are more likely to develop a conception of themselves as rights-respecting citizens—as autonomous persons with rights and responsibilities and the capacity and motivation to make socially responsible, rights-respecting and rights-promoting choices. As Helwig et al. (2003) have noted, it is a conception of self that forms the basis of democratic society.

Third, children’s rights education is more appropriate for children than traditional human rights education because children can actually experience many of the rights they are learning they have. When concepts such as rights are linked with children’s daily realities they are understood better, they are more readily generalized, and they are more engaging (Howe and Covell 2005). Although it

would be nearly impossible for schools to ensure the respect for all children's rights, they can demonstrate the importance of rights and facilitate the children's experience of rights in many ways. For example, the right to nutritious food, (article 24 of the Convention) can be respected through the provision of fruit or milk or through healthy school meal programs; freedom of information (articles 13 and 17) can be respected with access to library books and computers; freedom of association (article 15) can be respected through allowing children to choose their work or play groupings; the right to play and recreation can be respected through free time and the provision of recreational activities. And importantly, the right to participation (article 12) can be effected throughout the school by allowing the children a voice in classroom and school functioning. Rights can be a meaningful daily educational experience.

### Children's rights education in action: the RRR initiative

The development of the RRR was impelled among senior administrators of the Hampshire Education Authority in England, by the recognition of the need for a shared values framework and positive school climate for improved learning and educational outcomes. Hampshire County, comprising both urban and rural areas, is the third most populous county in England, with a population of almost two million (Hampshire County Council 2015). Although somewhat prosperous, there are pockets of extreme deprivation and welfare dependency. The population largely self-identifies as white British. Diversity is, however, increasing with growing immigration primarily from Europe, the Middle East, Asia, and Africa. Schools within the Hampshire Education Authority reflect the diversity of the sociodemographic composition of the area. There are 530 schools under the governance of the Authority with approximately 136,000 students.

Building on a children rights education initiative in Cape Breton, Canada, and with financial support from the UK Department of Education, the Hampshire education officials developed a three-year strategic plan of restructuring schools to use the Convention as their operating framework (Howe 2005).<sup>1</sup> The aim of the initiative was to improve educational outcomes for children by building positive school cultures based on the Convention, and by ensuring school practices consistent with the Convention. Knowledge and understanding of rights, respect, and social responsibility were to provide the values framework for all school policies, classroom practices, codes of conduct, mission statements, school regulations, and school curriculums. The framework was to be put into effect

across the whole school—across classrooms, across grade levels, across curriculums, and across school practices. Of particular importance, consistent with children's participation rights as described in article 12 of the Convention, is the fact that behavior codes, rules, and regulations were to be developed in collaboration with the children; classroom teaching was to be democratic; and children were to be provided with numerous meaningful opportunities to participate in all aspects of school functioning.

After ensuring teacher training in children's rights and rights-consistent pedagogy, development of resources, and the monitoring of developments, RRR was introduced first to infant, primary, and junior schools and then, as children went into higher grades, into secondary schools. Starting in 2002 with 18 schools, by 2006, 360 schools had adopted RRR, and by 2011, at varying degrees of implementation, over 400 Hampshire schools were involved (Covell and Howe 2011).<sup>2</sup> To date, the RRR remains the exemplar of a holistic approach that is consistent with the three components of human rights education.

RRR schools educate children *about* their human rights through the integration of substantive articles of the Convention across the curriculum. For example, the right to clean water and its necessity to health is discussed as part of the science unit on microorganisms, and the right to nutritious food is taught in mathematics by graphing distances between food supply and access. In social studies, students role-play the daily lives of children living in conflict situations to identify how war affects rights and family life. And in English, children critically reflect on stories from a rights perspective. One example that is illustrative of the latter was reported in the Hampshire media (Lightfoot 2005). After reading the classic fairy tale Cinderella, the children are asked to comment on her life. Daniel, aged 10, answers: "The stepmother and her sisters were horrible to Cinderella. They kept her in a cellar and made her work like a slave which infringed article 19 the right to be protected from being hurt or badly treated." Grace, aged 11, adds: "Her stepmother was very cruel and denied her right to be protected from abuse and it infringed article 31 when they didn't let her go to the ball, because children have a right to play."

Students also learn about their rights through posters around the school. For example, posters in the library explain the right to access information, posters in the playground describe the right to play and leisure, and posters in the cafeteria highlight the right to nutritious food. In addition, at the beginning of each year, with the Convention as their guide, students and teachers collaboratively develop and display classroom charters of rights and corresponding responsibilities as a guide to behavior (Howe and Covell 2013). These may include such



statements as “we have the right to be treated fairly and the responsibility to treat each other fairly”; “we have the right to be heard and the responsibility to listen to and respect other people’s ideas.” And in a school with a high preponderance of children with serious behavior disorders, “we all have the right to be safe at school and the responsibility to have kind hands and feet.” Similar charters are across the school. In the playground, for example, one charter stated: “We all have the right to play so we will not bully anyone.” And in the library: “We have the right to get information, so we will be careful with books and share computers.” These charters are used throughout the year as reminders of expected behaviors. Interestingly they are used not only by school staff but also by the children. In one class, an eight-year-old girl stopped another child who was being very noisy and said: “Excuse me, but you are interfering with my right to an education and I think you need a time-out.” “Oops,” said the offender and sat down quietly (Howe and Covell 2013).

Education *through* human rights is achieved primarily through the systematic provision of opportunities for meaningful participation in the classroom and throughout the school. Teaching in the RRR classroom is participatory with the teacher playing the role of guide or facilitator. Meaningful participation is evident in self-directed and cooperative group learning, critical thinking, social issues discussion, role-play, and project-based learning. This approach has an added benefit of allowing for different learning styles. An example may be helpful. To learn about World War II—a required curriculum outcome for social studies—one class decided to put together a war museum. The children, 10 and 11 year-olds, decided which aspects were of interest to them and then formed small groups. One group built replicas of battlefields that a second group filmed. A third group, interested in fashions of the time, researched, drew, and found examples for display. One child brought in his grandfather’s uniform and medals, while others contributed information about what soldiers wore and what kinds of medals they received. Another group role-played children who were separated from their parents, and wrote diaries and letters about how they felt, some noting how their right to family was being compromised.

At the level of the school, education through human rights is seen in children’s democratic participation in school functioning. Children are democratically elected by their peers to represent the student body on issues of budgetary allocations, spending, and hiring, disciplinary practices, and, where undertaken, school renovation plans in addition to the more common practice of participation on school councils and newspapers (Howe and Covell 2013). The framework for their work is the Convention. Respect for the rights of every child

becomes the standard within which discussion can occur and against which possibilities can be assessed. In learning, children use the standard of children's rights as a framework for understanding and critical thinking. Teachers play subsidiary roles only, and councils are not limited in their choice of issues for discussion. Similarly with school newspapers, the children who run them are provided full autonomy but with support as requested. Participation is not tokenistic. Children on budgetary committees, for example, have requested and obtained funding for things such as an aquarium for a hallway, and for an outdoor classroom. And when student requests are not funded, full explanations are provided to the children. Even in hiring decisions, input is solicited and the children's perspectives are taken seriously.

Education *for* human rights takes a number of forms. First, and importantly, respect for the rights of others is modeled by all teachers and staff. As indicated above, the rights of each child are respected as are the children's various capacities, learning styles, and opinions. Behavioral infractions are handled through the discourse of rights violations, and through discussion of the importance of respecting the rights of all. Second, role-play is used to raise children's consciousness of issues such as the effects of discrimination on children, being an immigrant with limited language skills, and having physical limitations. Third, special projects are undertaken to connect the children with students in other countries or living circumstances. These may involve activities such as visits, letter writing, the sending of artwork or photographs, social networking, food drives, or raising funds. In addition, there may be overt political activism such as writing letters to community newspapers and contacting members of parliament about particular rights-relevant issues. Fourth, children are encouraged to ensure the rights of their peers are respected. This is achieved through the establishment of peer support activities such as tutoring those who need help, and befriending those new to the school or in need of social support. Respecting the rights of peers is also motivated by asking children to identify the corresponding responsibilities to their rights. As described in the articulation of the classroom charters described above, for example, children identify the right to play as requiring inclusion and no bullying as its corollary.

### The success of the RRR

The effects of the RRR with children ages 4 to 14 years were evaluated over a decade from 2002 to 2012. Details regarding participants, methodology, and

findings of the individual studies are provided elsewhere (Covell 2010; 2011; Covell, Howe, and McNeil 2008; 2010; Covell, McNeil, and Howe 2009; Covell, Howe, and Polegato 2011). In brief, the core evaluation study involved 18 schools of which 5 were infant schools (children ages 4 to 7 years), 5 primary schools (children ages 7 to 11 years) and 8 junior schools (children ages 11 +). The schools were selected to be representative of the sociodemographic composition of the area. In addition, for some comparisons, most notably school engagement and educational resilience, other schools that either had or had not adopted the RRR were added (Covell 2010; Howe and Covell 2013). A multimethod approach was used that comprised individual annual interviews with children, their teachers, principals, and administrators; focus groups with children; self-report questionnaires with teachers and children; and archival data collection from school records. The latter were used to monitor patterns of absentee rates, expulsions, family demographics, number of special needs students, stability of teaching staff, and student performance on national academic achievement tests. The full study took place from 2002 to 2012. Overall the data provided compelling evidence that the initiative has been successful in each of the three components of human rights described above.

That education about human rights was successful was evidenced in children's understanding of the nature of rights, their corresponding responsibilities, and the importance of rights. Even children as young as four years demonstrated this. When interviewed, they did not talk, like older children did, about abstract concepts such as equality and justice, but their answers indicated that they had grasped the fundamental meanings (Covell, Howe, and McNeil 2008). Rights, they said, mean you "have clean water and healthy food," "play nicely," "stay safe" and get "treated properly." Further understanding was reflected in answers to why rights might be important for children and whether all children should have rights. "It [rights] allows children to have a good life and not be hurt," "if they don't have water, they will dehydrate," and "my friend was very naughty before we learned about rights and responsibilities but now he behaves." And whereas children not in RRR schools described responsibilities in terms of objects, for example, being careful with books, children in RRR schools talked about their responsibilities in terms of people. Examples included the following: "The most important responsibility is to make sure everyone has their rights" and "You have a responsibility not to hurt others and if someone's hurt to help them."

Children's understanding of rights was also evident in their spontaneous use of rights discourse with their peers, the staff, and teachers. They complained of rights violations—"stop that, you are interfering with my right to learn"; they

used rights to explain behavior,—“[I am working harder because] knowing that I had a *right* to education—I thought I’d better take it,” and they appealed to teachers for fair treatment based on rights—“Can I tell you my side of the story since I have a right to be heard.”

Attitudinal and behavioral changes of the students in the RRR schools demonstrated that education through human rights had been effective in developing the skills needed for effective democratic citizenship (Howe and Covell 2013). Engagement in school and participation rates increased significantly and exponentially. Teachers reported more effective problem-solving, use of persuasive argument, decision-making, collaborative learning, and critical thinking over time. They commented also on increased levels of self-regulation, confidence, effort, and motivation, and the improved learning styles they had observed among the children. The improvements were described as a change from passive thinking to active questioning. Underpinning these improvements in learning style was the children’s use of rights as a values framework for their critical thinking and decision-making.

These improvements were reflected in marked and steady increases in children’s achievement scores on the national standardized assessment tests (SATs) since the implementation of the RRR. In fact, over time, the RRR was found to significantly reduce the achievement gap between socioeconomically disadvantaged children and their more advantaged peers. As detailed elsewhere (Howe and Covell 2013), the most marked improvements in behavior and academic achievement were evidenced at the most disadvantaged of the schools in which the RRR was fully implemented. When the RRR was introduced, absentee rates were very high, behavior problems were endemic, and school failure was common. Over the first six years of the initiative, behavioral incidents and absentee rates exponentially lessened, and the children’s aggregate SATs scores almost doubled. It is noteworthy that, over this time period, there was stability of principal, classroom teachers, and family profiles.

The evaluation data also demonstrated that the RRR had raised the children’s social consciousness; they successfully had been educated for human rights. Likely as a result of the use of rights as a values framework, the children were reported to be more cooperative with each other, more inclusive, more sensitive to the needs of children with learning difficulties, and more respectful of others in general. Incidents of teasing, bullying, and other inappropriate behaviors decreased significantly and were fully eliminated in some schools, and children reported a respectful, fair, and safe school climate (Howe and Covell 2013). In essence, the children in the RRR schools increasingly displayed moral and

socially responsible behaviors, and they appeared confident in their ability to act to promote and support the rights of others (Covell, McNeil, and Howe 2009).

The children's actions and rights-supportive attitudes and behaviors have not been restricted to their classmates and friends. Many have written letters to their members of parliament to advocate for greater respect for the rights of all children; others have invited politicians into their schools to be interviewed; and still others have made rights-based presentations at city council meetings and to school boards of governors. And in response to news of international conflicts or environmental disasters, the children have considered how these events might affect the realization of the rights of children, and have taken action to help (Howe and Covell 2013). In addition, consistent with Tibbitts' (2002) notion of empowerment, the rights-culture of the school was found to affect the community (Faretra 2011). Having seen the improvements in the children's social behavior and respect for others, officials in one community readily agreed to establish a charter that would declare their town to be a rights-respecting community—one in which children's rights, including the right to participate in matters that affect them, would be supported. The movement gained endorsements from local community churches, other schools in the area, local newspapers, local councils, the police, a nearby university and college, and the Children's Commissioner for England (Howe and Covell 2013).

In summary, the RRR provides a model of rights education that meets the three goals of human rights education and can promote global citizenship and social justice (Covell 2013). The RRR demonstrated that when human rights education is fully and appropriately integrated into schools, children acquire the skills to promote and protect the rights of others. And as they come to realize the importance of rights to all children, they are motivated to learn more about rights for others as well as to take action for social justice. As such children's rights education provides a strong foundation for subsequent more broad-based human rights education. Students are much more likely to be receptive to broader rights education if they have already learned that they themselves have rights, and if they have experienced the value of having those rights respected. Because they learn that all children have the same rights, they quickly learn that if they disrespect the rights of others, then their own rights may be at risk (Howe and Covell 2005). Even very young children who learn about their own rights come to learn the nature of rights, the importance of respecting rights, and the link between having rights and the responsibility to protect and promote the rights of others (Covell, Howe, and McNeil 2008). This learning provides a powerful

basis for, and facilitates rather than supersedes, all successive human rights education. And importantly, it suggests the possibility of a widespread culture of human rights. In the words of article 4B of the UN Declaration of Human Rights Education and Training, the RRR is successful in developing “a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society” (United Nations 2011). Whether that culture of human rights will continue to be evident during adulthood among those whose schooling is rights-consistent is the subject of future research.

## Notes

- 1 The research findings reported here were drawn from a longitudinal independent study by the authors that was funded by general research grants from the Social Sciences and Humanities Research Council of Canada.
- 2 The discussion here is limited to schools with successful implementation of the RRR. For details on failures, see Howe and Covell (2010).

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# From Transforming Human Rights Education to Transformative Human Rights Education: Context, Critique, and Change

Carol Anne Spreen, Chrissie Monaghan, and Anna Hillary

## Introduction

The day after the election results were announced and Donald Trump had been named President of the United States, our undergraduate human rights education course met at its regularly scheduled time. We departed sharply from what had been assigned in the syllabus and instead gave the students the floor to share their thoughts, feelings, and fears. Students spoke poignantly about how they could not understand the election results, felt at a loss regarding how to take action, and feared what the election would mean for rights—theirs and millions of others in the United States and throughout the world. One student shared that she expressed a similar sentiment in another class and, when she mentioned fear over loss of rights, other students dismissed her and even went as far as to call her overly ideological. “When did discussing rights and expressing concern for the rights of others become ideological or radical?” she asked sincerely.

This is a question that deeply concerns us as well, and one that begs an answer, particularly as it has seemingly become part of the context in which human rights work is undertaken, including human rights education (HRE) broadly and approaches to teaching our undergraduate HRE course more specifically. We do not endeavor to directly do so within the scope of this chapter, but instead seek to answer two interdependent questions: (1) What constitutes transformative HRE? and (2) How can transformative HRE help to address the challenges of this historical moment? We focus on transformative HRE, as there has been much written in recent years that indicates consensus has been reached among HRE scholars and practitioners regarding elements that inhere in transformative HRE.

While we discuss these elements in detail in subsequent sections of this chapter, in short scholars and practitioners seem to suggest that transformative HRE goes beyond content (i.e., knowledge regarding rights) and includes reflection and participation through an experiential or service component to the course. However, in contrast, we suggest that what has been widely described as “transformative HRE” is still largely composed of content limited in critical reflection and analysis and more limited still in facilitating changes in students’ consciousness (intellectual and emotional) and providing them with the necessary tools to make meaningful changes in the communities in which they belong and take part (Sprenen and Monaghan 2016). Like Zembylas (2017), we wish to offer an analysis of the HRE regime that illuminates both the distinctiveness and promise of HRE *and* the ways in which it is linked with other social justice projects.

We proceed by providing a brief overview of existing literature that lays out current understandings of HRE and its critiques, and how these understandings and critiques have changed over time. As we have previously argued, the development of different and at times divergent global discourses around the transformative potential for HRE has been substantively tied to shifts in the changing nature of armed conflict in the post–Cold War era and the opportunities and limits of HRE to “transformatively” mitigate conflict and conduce peace (Monaghan and Sprenen 2015). This particular moment is no exception, yet we suggest there exists at present comparatively expansive opportunities for a truly transformative HRE to help build a socially just society and importantly protect the rights of the most vulnerable communities. We then examine literature related to social justice and activist education, as well as different theories and strategies related to youth activism. When considered alongside HRE literature, these bodies of scholarship help to recontextualize HRE and notions of “transformative HRE.” We next suggest how these strategies might be translated into a social justice pedagogy and curriculum that could promote a transformative orientation toward HRE. Components of this approach to HRE include readings and activities that provide students with content related to human rights and violations of rights contextualized such that these are not abstract, but made immediate, real, and promote students’ emotional (as well as intellectual) engagement. We suggest that critical engagement with human rights, HRE, and the reaches and limits of both can facilitate change on multiple levels, including in students’ views of themselves, their own agency, and the ways in which they demonstrate that agency. In emphasizing action and critical perspectives, this integrated approach enables HRE to reposition the theoretical frame of mainstream HRE with change at the core. In the final and concluding sections of this

chapter, we briefly discuss the approaches we have taken in our undergraduate HRE courses. We do not suggest the examples included are “best practices” per se, but rather a set of strategies and ideas for ways to enact a critical and truly transformative approach to HRE curriculum and pedagogy that can be adapted and applied in essence to reflect different institutional contexts and educators’ skillsets and backgrounds.

## Literature review

### **Human rights education**

At the same time as discourses attacking human rights implicitly and explicitly have surfaced, the field of HRE continues to grow, and the number of academic and practitioner-oriented titles devoted to the subject has kept pace. The fact that HRE is necessary and necessarily able “to address the human rights problems with which every society struggles” (Bajaj 2011) seems self-evident to many HRE scholars and practitioners. However, for many others, not all models and definitions of HRE are up to the task; their efforts to draw distinctions between emergent approaches allow for critical engagement with HRE programming and potential analytic frameworks for what does and does not “work” (i.e., what is and is not transformative) and why.

Bajaj (2011), for example, distinguishes three different outcomes-based models of HRE that differ in content, approach, and action. According to Bajaj, HRE for Global Citizenship emphasizes “individual rights as part of an international community [that] may or may not be perceived as a direct challenge to the state” (492) while HRE for Coexistence, most often implemented in post-conflict settings emphasizes “minority rights and pluralism as part of a larger human rights framework” (492). Finally, HRE for Transformative Action seeks to alter unequal power relations between individuals, groups, society, and/or the state by making learners aware of injustices that they and others experience. Echoing Tibbitts, Bajaj maintains that diversity in HRE approaches can be interpreted as both a testament to HRE’s relevance and its promise as a lasting educational reform.

Writing half a decade later and updating her previous typologies of HRW (Tibbitts 2002, Fernekies 2011), Tibbitts identifies three predominant models that are linked with different pedagogy and teaching methods, but which share the same goal of “the elimination of rights violations” (73). These include the Values and Awareness/Socialization model, which focuses on the delivery of

content around human rights laws and treaties and does not encourage critique; the Accountability/Professional model, which provides students (particularly adult professionals) with opportunities to apply content knowledge (e.g., through in-class activities such as developing a “rights-based constitution”); and the Activism/Transformation model, which draws upon critical pedagogy (Freire 1970, 1973) as well as the other HRE models and specific rights violations to invite critical reflection on power and oppression in one’s local environment. For Tibbitts, the Activism/Transformation model is the “gold standard” of HRE programming. However the other two models remain predominant because many governments or organizations sponsoring HRE programming refrain from encouraging critical engagement among participants for fear of fomenting too much change to the status quo.

The transformational models of HRE identified by both Tibbitts and Bajaj implicitly posit that student empowerment and awareness (through students’ recognition of what constitutes human rights abuses) are sufficient to catalyze change. However, in these models, empowerment and awareness are still gained through content knowledge (even if acquired through experience); in addition, the ways in which students might facilitate changes (to human rights abuses they have experienced or communities in which they belong or with whom they work might experience) once they acquire this content knowledge are unclear.

Alternately, Flowers (2003) takes a different starting point when critically examining variance in HRE models, arguing that “human rights education lacks not only a clear definition, but also an agreed theoretical basis” (2). Her analysis outlines both the subtle and overt definitional and theoretical nuances of HRE held by United Nations (UN) agencies, nongovernmental organizations (NGOs), and academics and educational thinkers—the three groups that are primarily responsible for developing and implementing HRE programming. While governmental definitions are “characterized by their devotion to goals and outcomes, especially those that preserve the order of the state itself” (3), NGOs regard HRE as a tool for social change designed to limit state power and, in some cases, seize state power. Academics and educational thinkers “tend to shift the emphasis from outcomes to the values that create and inform those outcomes” (8). Perhaps most significantly, Flowers warns of the potential pitfalls of HRE’s competing and divergent definitions, concluding that “we can never be unaware that HRE will always create conflict—clashes of values and cultures, struggles between individuals and the state, disputes among individuals with conflicting rights claims—[and yet] be able to address such conflicts in ways that respect human rights” (17).

Keet's critiques of HRE (2010) expound substantially upon the conceptual assumptions that underline the many ways in which typologies were ideationally and institutionally constructed and reified overtime. Keet's historical-conceptual analysis periodizes the development of HRE approaches into three broad phases, and across each of these he notes how conceptual incongruities serve to further the "declarationist" stance taken by states who choose to adopt HRE while still committing, by omission or commission, rights violations. Keet explicitly references the increase in human rights violations over time, noting with irony that this "'age of rights' also witnessed 169,202,000 government inspired murders...a worldwide incapacity for peace; an escalation of wars...and the exposure of a widespread human rights hypocrisy in 'western democracies'...as far as world peace [is] concerned" (45).

In response to the dearth of scholarship and theorizing in HRE literature on *how* and *whether* change happens *as a result of HRE* (i.e., transforming knowledge about rights into action), we turn to other bodies of literature, including critical consciousness literature, sociopolitical development literature, and learning youth activism to provide an integrated framework for approaches to HRE that leverage for change through facilitating students' content knowledge and understanding of context, providing students with skills to critically engage with content and context, and opportunities to directly apply their knowledge and skills in ways that seek to make change.

### **Critical consciousness literature**

Paulo Freire (1970, 1973) developed the concept of critical consciousness to facilitate Brazilian peasants' understanding about the injustices they faced and to foster their action against those injustices. To facilitate critical consciousness, Freire emphasized nonhierarchical classroom organization that cultivated student agency through dialogic learning. Owing to this worthy objective, researchers from a multitude of disciplines, in addition to education, such as political science, psychology, and youth development, have sought to understand how education can indeed facilitate such learning, empowerment, and action.

Relatedly, Giroux (2006: 209–10) recognizes critical pedagogy as a political pedagogy aiming to connect "understanding and critical engagement with the issue of social responsibility and what it would mean to educate students to not only critically [seek] to change the world but also be responsible enough to fight for those political and economic conditions that make its democratic possibilities viable."

These concepts and approaches are implicit in HRE literature related to “transformative” HRE, yet critical consciousness literature usefully makes them explicit and unpacks them, as well as directly links them to change. However, we note that the cultivation of critical consciousness in decolonizing pedagogy is entangled with educators’ and learners’ emotional investments (Zembylas 2013, 2014, 2016). According to Zembylas, a fundamental challenge then is: How does an educator deal pedagogically with the learner who resists or rejects critical perspectives and who openly expresses racist, colonialist, or nationalist views because his or her privileges are being threatened or lost; or the learner who is so traumatized from racism, colonialism, or nationalism that he or she feels that nothing can be done to rectify the situation? Here too is a gap in HRE literature (and practice), but also a disjuncture in critical consciousness literature and practice. As Jansen (2009) maintains, critical theory and critical pedagogy receives and constructs the world as divided (e.g., black/white, oppressors/oppressed) and then takes sides to free the oppressed. However, the rhetoric of critical pedagogy as we know it might prove inadequate, because it remains too firmly grounded in such binary pairings as oppressor/oppressed, master/slave, and power/freedom (Albrecht-Crane 2005; Worsham 2001; Yoon 2005). Sociopolitical development literature helps to address gaps in both HRE and critical consciousness literatures.

### **Sociopolitical development literature**

From developmental psychology, Godfrey and Grayman (2014) call upon critical consciousness literature to investigate one of Freire’s central claims: that an open classroom environment can lead to critical consciousness. The authors found that open classroom climate, defined as “promot[ing] the discussion of controversial issues and respect for diverse opinions,” was a significant predictor of students’ educational success and political efficacy in their communities (Godfrey and Grayman 2014: 1803).<sup>1</sup> Educational philosopher Meira Levinson (2012) also looks at classroom openness and concludes that it strongly predicts students’ likelihood to participate in political debates both in and outside of school. Relatedly, developmental psychology researchers Flanagan and Christens (2011) demonstrate that “interest in political issues tends to be generated by controversy, contestation, discussion, and the perception that it matters to take a stand” (2). Watts, Diemer, and Voight (2011) also support that learning critical reflection, critical action, and political efficacy comprise the



most salient predictors of critical consciousness. Yet few studies examine the potential of HRE to support and promote critical consciousness.

Diemer and Li (2011) examine the influence of teachers, parents, and peers on youth critical consciousness. While the authors found that support from parents and peers “facilitates marginalized youth’s perceived capacity to effect sociopolitical change, sociopolitical control, and self-reported social action participation,” they did not find evidence that teachers shaped youth’s critical consciousness (Diemer and Li 2011: 1828). A previous study conducted by Diemer and colleagues (2006) also found that urban adolescents’ perceived support for challenging injustices from parents and peers corresponded with greater critical reflection. They suggest that their findings support previous research conducted by O’Connor (1997) and Zubrow (1993) about the salience of parent, peer, and community support in challenging injustice (as cited in Diemer and Blustein 2006: 454). Current literature that characterizes HRE as transformative assumes, rather than explicitly addresses, each of these processes, particularly with regard to changes in students’ consciousness.

Sociopolitical development scholars (Watts and Guessous 2006; Watts and Flanagan 2007) also bridge education and developmental psychology to build upon critical consciousness literature,<sup>2</sup> and have much to offer HRE scholarship and practice. They emphasize that in order for students to engage in ongoing sociopolitical activism, learning must help students (1) achieve critical consciousness; (2) access feelings of agency vis-à-vis the self, the collective, and the political; and (3) perceive structures of opportunity for action. This literature proves relevant to HRE because it draws attention to schools as socializing agents that shape students’ social theories as they progress through adolescence.

Overall, from the literature surveyed so far across HRE, critical consciousness, and sociopolitical development, it is clear that myriad factors shape youth’s critical reflection and decisions to participate in collective action, but the processes of how the factors exert their influence remain contested.

### Learning youth activism (distinct from youth civic engagement)

Research about how K-12 students become civically engaged traditionally overlooks forms of extra-institutional actions, or political activism (Hahn 2013; Levinson 2010; Torney-Purta et al. 2010). Indeed, scholars have understudied how middle and high school students begin to engage in forms of protest and

social movements—due to a long-running focus on university students (Taft 2010) and subcultural studies or actions taking place within schools (Gordon 2009). Social movement literature, with its extensive documentation of protest mobilization, notably overlooks middle and high school students, despite widespread documentation of a resurgence of youth protests in recent years (Giroux 2013, 2014). As many Youth Participatory Action Research (YPAR) scholars acknowledge (e.g., Cammarota and Fine 2008; Ginwright 2008; Mirra et al. 2013; Fine and Torre 2006), supporting the agency of youth provides benefits for their own individual lives and also for greater society.

Choudry (2015: 67, 86) seeks to problematize the concept that “education is the key to changing the world.” He calls upon Gramsci’s (1985) conception of education and praxis, claiming that education must provide space for action and also individual and collective reflection, horizontal dialogue, and critical historical learning about the state as well as social movements (Choudry 2015: 102). Learning youth activism literature offers much to HRE, by allowing us to consider the ways in which change is facilitated in and through formal and nonformal education, including HRE.

In sum, the different literatures surveyed make explicit the processes and outcomes that HRE literature generally, and specifically literature related to transformative HRE, assumes and challenges notions regarding what consensus deems as constitutive of “transformative HRE.” These literatures challenge such predominate notions and render “transformative HRE” as instead HRE for maintaining the status quo. However, they are neither individually nor collectively offered as an alternative to HRE. Indeed, we believe that the promise of HRE is that it endeavors to uphold rights put forth in recognized treaties and conventions by building or strengthening of “rights-respecting cultures.” In this way, each of the literatures (and related practical approaches) discussed can actually be strengthened by explicitly engaging with human rights and HRE. To summarize Nussbaum (2003), human rights are an “important part of getting a hearing for urgent moral concerns.” Our task then, in what remains of this chapter, is to outline an integrated approach to transformative HRE that makes clear how to transform HRE.

### From transforming HRE to transformative HRE

Taken together the above dimensions expand and stretch current approaches to HRE. Hence, the project of transforming HRE is inevitably part of the wider

task of social justice education and knowledge. Drawing on Nussbaum's and Sen's theories of justice to examine the potential of narratives in teaching and researching for social justice, Keet and Carrim (2006: 12) suggest that "human rights can be presented as powerful ethical claims that can be critically examined by learners to consider their rights and responsibilities to others, at scales from the local to the global."

Freire also poses the praxis of ethics as a particular way of understanding morality. He speaks of the "ethics of universal human aspiration" that he considers the "ethics of solidarity" (Freire 1998: 116). In his book, *Education in Hope: Critical Pedagogies and the Ethic of Care*, Monchinski (2010) uses the arguments of Dewey, Freire, and feminist-identifying scholars to show that critical pedagogy must reflect an ethic of care that is fundamentally at odds with conservative and narrow morality.

Both of these approaches allude to the emotional or affective dimension of HRE and indeed what we suggest is a radically transformative HRE that changes students' consciousness (and promotes students' acquisition of critical consciousness) and propels them to take direct action through advocacy and activism. We turn now to a discussion of the HRE courses we taught at New York University (NYU) to provide an example of the application of these approaches to strategies for designing content and implementing a pedagogy of transformative HRE. While these approaches reflect our own skills and backgrounds as educators, they can be adapted and applied in essence in ways that reflect other educators' own backgrounds. We do not endeavor here to empirically evaluate the impact of transformative HRE, but instead to offer anecdotes indicative of changes to students' critical consciousness and capacities to facilitate change in their communities.

## Pedagogy and practice: human rights education at NYU

At NYU, we utilized many of the same readings and in-class activities for an HRE course we had previously taught at the University of Virginia (see Spreen and Monaghan 2016, 2017; Monaghan and Spreen 2016). The course included both undergraduate and graduate students. We began the semester by laying out literature, typologies, conceptual tools that form an HRE approach, and introduced students to several activities that helped them consider their own assumptions and perspectives on human rights. We led the group through our own activities, familiarized them with several existing models, and

then presented them with placement options for implementing HRE curriculum. Students had weekly placements at different human rights programs for youth offered throughout New York City. For example, some students worked with the Education Video Center (EVC), an organization that works with high school students to produce documentary films that capture human rights violations in their own communities. Other students volunteered each week at 826NYC in Brooklyn, an afterschool writing program for elementary through high school students that, while not explicitly focused on human rights, allowed undergraduate and graduate students to provide one-on-one tutoring to students who were often not receiving the help they needed in school, build relationships with students, and subsequently consider not only why these students were not getting the help and resources they needed, but also how they could help advocate for those resources. Others designed and implemented a human rights curriculum with two local middle school teachers, which integrated Black Lives Matters and other social justice themes. Through these and other programs including Facing History and Ourselves, TeachUNICEF, Oxfam, Rethinking Schools, and Street Law, undergraduate and graduate students were challenged to think concretely about change and opportunities for helping facilitate change.

While the “success” of the course did not hinge upon the election of President Trump—students had reflected throughout the course about their increased understanding of advocating for changes to different social justice issues, as well as their capacity and interest in doing so—we believe the imperative became even more real and immediate with the election of President Trump. In the days, weeks, and months following the election, students mobilized on-campus protests in an effort to designate NYU as a sanctuary campus, led student walkouts, and continued to volunteer at 826NYC and EVC after the semester had ended. As one student remarked, “with the election, I realized that the students I work with at 826 are at risk—of losing health care, of being deported, or simply of having less access to social programs we all need. I also realized I could do something to try and prevent this from happening.”

## Conclusion

The recent death of historian Howard Zinn reminds us of the consequences of the omissions of alternate perspectives and the limitation of focusing on content, “facts,” and truths when teaching young people about the world. Ignoring

important political history and removing human rights from the current cultural, economic, and social struggles (particularly the continued struggles against oppression and structural inequality that many students face today) has been one of the shortcomings of current approaches to HRE. Teaching HRE by declaring as a policy act what values citizens should hold, or by celebrating the impressive compendium of laws and rights in various international conventions and Constitutions, is woefully inadequate and illusory given the increasing number of people who live in oppressively violent and unequal conditions throughout the world (Spreeen and Vally 2010).

What is required are new models and approaches to citizenship, social justice, and HRE that help students to “speak truth to power” and analyze rights critically and understand the relevance of human rights in their own lives. In this way, notions of “active citizenship” and “democratic participation” borne out of the civil rights movements of the past and revived into current movements—such as Black Lives Matter, Hands Up, or the most recent Women’s Marches—can build a coherent critical stance that would meaningfully embrace and recognize cultural or class differences, focus on continued struggle for equality, and highlight the contestation over differential access to rights and resources.

We suggest that the “gold standard” of HRE ought not only to be informative and individually empowering, but also explicitly oriented toward social transformation and aimed at change. In this chapter we explored how critical transformative human rights is not just a matter of teaching the laws, rights and “good values and behaviors”—in a vastly unequal world it is always difficult to arrive at a consensus regarding what issues and whose values to prioritize.

In a very real and immediate sense, examples from the continued global struggles led by the majority of the world’s population over growing social inequities and power hierarchies provide important lessons that can inform the teaching of human rights. Youth disaffection has to do with lack of political process, governmental abuse of power, and the general lack of regard for the working poor by governments and corporations worldwide. Identifying with popular struggles as they are currently spreading throughout the world could be instrumental in mobilizing different forms of active citizenship and engagement for students. The current local protests in the United States against President Trump, placed alongside global protests against totalitarianism, inequality, global capitalism, youth disenfranchisement, and unemployment starting with the Arab Spring and spreading throughout Europe and Latin America present another opportunity for teaching transformative human rights in real time. Our courses at NYU and the University of Virginia were designed and implemented

well before Trump was elected into office, yet his election and subsequent policies and promotion of racial and religious intolerance brought home human rights issues even more clearly for students during the semester of his election. Students felt a new cause and need to engage outside of the classroom with various existing movements (e.g., #BlackLivesMatter, Muslim Student Alliance, Immigrant rights groups) but also formed some of their own groups. Given that the class ended before Trump took office, it is too early to determine the long-term impact of the HRE class on the students, but all continuing communication with students indicates that their engagement (buoyed by their learning in our class) has persisted.

Our challenge for building transformative HRE in the current context lies in facilitating meaningful ways of supporting learning that arms young people with critical consciousness and diverse perspectives, of directly engaging with what is increasingly vitriolic and divisive political and popular discourse around respect for rights, of understanding what democratic participation means, and ultimately providing students with skills to act on this knowledge.

Transformative HRE pedagogy must focus on relating the context to critique and then to social change, with various opportunities for students to learn about, deeply reflect on, and then transform their lived experiences. In this chapter we briefly illustrated how HRE can go further to create ways for students to support social transformation and take action to challenge inequality. Part and parcel of this model of transformative HRE are notions of reconciliation, social solidarity, social cohesion, inclusivity, and antidiscrimination which provided the basis for the rationale, purpose, and structure of (what we argue) is a more socially just HRE curriculum. Our classroom also emphasized developing critical consciousness and sociopolitical awareness in youth and the links with building skills for youth activism.

Transformative HRE would, by necessity, view rights as part of a continued struggle to build solidarity and a sense of belonging for those who comprise a given society, regardless of status, origin, language, culture, gender or “race.” Through understanding the context (culture and history as well as political movements and migrations in and through American society), schools can become sustainable community institutions that can promote and protect human rights through active citizenship. What is required is reenvisioning and reclaiming schools as public spaces for reflection, deliberation, debate, and social development. In the United States today this seems more important than ever. Considering the challenges brought about by the new administration, along

with the continued social, economic, and political inequities that persist across the country today, transformative HRE has the potential to play a significant role in building a more just, equitable, tolerant, and open society.

## Notes

- 1 Open classroom climate shaped students' critical action in the community setting, however it did not influence their actions within school (Godfrey and Grayman 2014: 1811).
- 2 Sociopolitical development integrates developmental psychology and liberation psychology. Liberation psychology, developed by Ignacio Martin-Baró, originated as a more fitting approach for Latin America in response to the dominance of "Western" psychology, which lacked proper inclusion of power dynamics (Martin-Baró 1989).

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# Afterword: Yet Another Reading

Lis Lange

*Por “teoría crítica” entiendo aquella que no reduce la realidad a lo que existe. La realidad, como quiera que se la conciba, es considerada por la “teoría crítica” como un campo de posibilidades, siendo precisamente la tarea de la teoría crítica definir y ponderar el grado de variación que existe más allá de lo empíricamente dado. El análisis crítico de lo que existe reposa en el presupuesto de que los hechos de la realidad no agotan las posibilidades de la existencia, y que, por tanto, también hay alternativas capaces de superar aquello que resulta criticable en lo que existe.*

Boaventura de Sousa Santos, *El milenio huérfano* (2011: 35)

## Introduction

In the epigraph to this chapter, De Sousa Santos reminds us that critique is not only a matter of clarification of what is, but it also requires a conception of what is possible. In other words, critique is incomplete unless it can produce alternatives. Nonconformity, indignation, and hope constitute, therefore, the other side of critique (36). Put differently, critique does not end with the analysis of what is wrong with the present but has a responsibility to imagine and construct possible utopias and modes of action to achieve them. This caution, it seems to me, applies to all areas of our world, both natural and social, and requires that the horizon of critique be enlarged beyond the issue at stake, be it climate change, human rights, biodiversity, or democracy, to encompass the systems within which these issues arise and the interpretive frameworks we have at our disposal to understand them.

This is the understanding of critique from which I will try to offer yet another reading of the problem this edited collection poses: citizenship education (CE), human rights education (HRE), and democratic education (DE) have a limited

emancipatory capacity as they fail to engage with their own political, philosophical, and systemic origins. The reading I propose does not come from within the field. I am not a “practitioner” in any of the fields covered by this book. I am an outsider as far as the debates between CE, HRE, and DE go. My interest in the problem at hand comes from wrestling with the notion of education as a political act and what this entails in our time (Lange 2012). To make this clearer, I am concerned about the role that education has to play in the critique *and* transformation of a political project that has failed to deliver in its promises of equality, freedom, and solidarity for all at a global scale.

I have organized my reading under three headings: retrieving history, retrieving theory, and retrieving politics. Before I enter into the argument, a clarification is needed. For the purpose of this reading, I do not distinguish between CE, HRE, and DE in as far as democracy, citizenship, and human rights are all constitutive parts of the discourse of (European/Western) modernity and are equally tied to the history of capitalism. I am not concerned here with possible pedagogies, but with the understanding of the concepts of democracy, citizenship, and human rights and their limits to bring about substantive change in the world.

### Retrieving history

The break with the ancient régime introduced by the Enlightenment movement, the French Revolution, and the Napoleonic expansion in Europe and, across the Atlantic, American Independence as well as the succession of Latin American independences, brought the notions of liberty, equality, and citizenship as organizing principles of society that informed the liberation of serfs, eventually the end of slavery, the codification of rights, and the separation between church and state. An overall change in culture allowed not only the birth of the public sphere but also the understanding of liberty, equality, and citizenship as emancipatory principles. In this context, as De Sousa Santos (2011: 133) argues, socially speaking inequality and exclusion had to be explained as illegitimate exceptions to social progress.

However, in the context of the development of capitalism starting with the nineteenth-century Industrial Revolution, liberty, equality, and citizenship became in contradiction to the needs of capitalist development itself. The nature and extent of these contradictions changed over two centuries as did the strategies followed by capital, labor, and the state in solving them. It is my contention

that unless this historical process is understood in all its complexity and in its many ramifications outside the economy sphere per se, it is not possible to think critically about rights. Thus, in this section, I will focus on the history of capitalist development (which will be per force sketchy) to remind us how the logic of capitalist accumulation is intrinsically contradictory to human rights, citizenship, and democracy especially in its current phase. I would also argue that contemporary Western notions of rights, citizenship, and democracy, critical or otherwise, are not engaging in the role that the latest stage of capitalist development has in the collapse of the natural world and its threat for human existence, which in itself undermines their critical reach.

From the nineteenth century onwards, the same state that in Western-type democracies acted as the guarantor of the newly acquired rights of the man and the citizen also mediated in the struggle between labor and capital to maintain capitalist accumulation. Burawoy (2013: 39–40) distinguishes three phases of marketization that have characterized capitalist development. The first phase from 1834 to World War I was characterized by the commodification of labor and its subsequent protection; the second phase, from World War I to the mid-1970s, corresponds to the commodification of money and a renewed commodification of labor. This process had as its countermovement an attempt to regulate national economies. The third phase starts with the oil crisis in 1973, its major characteristic being the commodification of nature together with yet further recommodification of labor and money. This last and current phase marks, especially since the 2008 financial crisis, the consolidation of the power of financial capital and the dramatic loss or at least diminution of the rights acquired through workers' struggles in the previous phases. The commodification of nature has two fundamental forms, one being the dependence of the capitalist economy on fossil fuel, a feature that predates this present phase, but whose effects in terms of climate change have escalated in this century. The other feature is the predatory exploitation of nature with disregard for the future existence of the world or the impact that specific forms of exploitation, for example in relation to biodiversity, have on indigenous people across the world. If capitalist development was never characterized for its conservationist tendencies, the past 60 years have seen maximum disregard for people (workers, poor communities, indigenous people) as health, safety, and sustainability of entire communities have been thrown away to support oil production, the exploitation of biodiversity, or the increase of the land surface dedicated to the commercial production (see De Sousa Santos 2007, 2008, 2011; Klein 2014; Meyer 2016).

To this sketch must be added the impact that the globalization of the economy, also a characteristic of the latest phase of capitalist development, has had on both capital and labor:

- Transnational capitalism turns national economies into local economies; and sites of production within national states became part of an international/global net of production hubs. This arrangement requires ever-increasing deregulation of labor.
- There is a diminution of the need of active labor in production that allows for the phenomenon of jobless growth that characterizes many economies.
- Structural unemployment becomes the norm and workers lose the social net provided by the collapsed welfare state. This situation gives origin to the precariat, a twenty-first century manifestation of Marx's labor reserve army, that carries the burden of labor in specific industries in a context of complete social insecurity.
- There is a growing segmentation of the labor market that ensures that people doing the same work in different places earn disproportionately different (lower) salaries.
- There is a dominance of financial over productive capital (De Sousa Santos 2011: 139–140).

Added to this, ecological disaster, political turmoil, and war increase the number of displaced populations in search of work, social, and political security thus diminishing the cost of labor through exploitation and creating political and social catastrophes (human rights crises) based on the (non) assimilation of floating refugee populations into a system of rights.

In all three phases of capitalist development, there has been resistance to the processes of marketization of labor and money and their specific consequences in each context and period. I am emphasizing resistance here because it is precisely in the space of resistance where the struggle for democracy and rights originates, its nature becomes clearer and its limits more apparent. As Clover (2016) shows in his analysis of the new uprisings in the twenty-first century, “the new era of riots expresses capital's global transformations and thus bears capital's objective conditions, it becomes an occasion to peer more deeply into those transformations” (7). Thus Clover's analysis of the sequence riot, strike, riot from the late eighteenth century to our time provides another periodization of capitalist development, this time in relation to social struggles that superimposed on Burawoy's provide a sharp sense of the structural limits within which notions of rights, democracy, and citizenship operate.

Not unlike Burawoy, Clover argues, following Arrighi's and Brennan's analyses of the phases of capitalist development (2016: 16–18), that the mercantile period characterized by the circulations of good gave way to a period dominated by industrial production, which goes from the Industrial Revolution until the mid-twentieth century. This period is followed by the contraction of industrial production and the dominance of circulation of a new type (financialization) which he calls circulation prime" (17).

To each of these stages corresponds a particular form of workers' struggle. The riot was the form of protest characteristic of the eighteenth century and it was centered on laborers' discontent about the set price of market goods. In this sense, riots were about laborers' access to goods. As capitalism forces the full commodification of labor and workers are employed in factories and organized in unions, the mode of protest is the strike and it is centered on wages (the price of labor) or on labor conditions. With the progressive deindustrialization that followed the oil crisis and capitalism's movement to realize value through "circulation prime," the mode of protest moves from strikes based on the factory floors to "riot prime," a form of action focused on access to market goods by the unemployed, the underemployed and generally the surplus population created by capitalist development.

Clover (2016: 28–29) points to three specific features of "riot prime." First, unlike the strike, the riot prime takes place at considerable distance from the actual economy and, unlike proto-capitalist riots, they take place in close proximity to the state represented by its repressive forces: riot prime is characterized by direct confrontation with the police and the army. The second feature is its racial character; the process of racialization is connected with the production of surplus populations that experience different forms of exclusion derived from their basic exclusion from employment as they move from country to country. The third feature is that, unlike the strike, riot prime takes place outside the law. To quote Clover directly:

This operates in turn at the level of the contemporary riot, a surplus rebellion that is both marked by and marks out race. Hence a final distinction from the strike, which in modern form exists within a legal framework (...). Here, we begin to understand the kind of ideological work being done by the insistence of the peculiar illegitimacy of the riot. The illegality of riot prime is among other things the illegitimacy of the racialized body. (27)

Neither its illegal character nor the fact that riot prime takes place closer to the state than to the production site should be taken to mean that riot prime is political

instead of economic. According to Clover (2016: 29–30), not unlike previous riots, riot prime is also about reproduction and therefore about access to goods.

Marx was mistaken in his prediction of the end of capitalism and had no way of thinking of the impact of capitalist development on the natural world and much less on “pre- or proto-capitalist” communities that he could not care less about (Burawoy 2013). Yet what remains consistently useful in understanding capitalism is Marx’s formulation of the “absolute law of capitalist accumulation” that in search of value inevitably produces surplus populations. These people may not be needed in the economy but they still need to work; they are forced into untold forms of exploitation and insecurity in formal and informal markets (Clover 2016: 26).

This section has presented a sketchy history of capitalist development from a Marxist perspective as a reminder of the need to think in terms of the limits that capitalist development puts to individual and collective rights, to notions of equality, to the functioning of democracies and the exercise of citizenship. No critique of these concepts can take place outside a rigorous analysis of the manner in which capitalism structurally has to create inequality and exclusion and the manner in which these take place historically. In the next section, I try to explore the same problem from the point of view of the theoretical development of the social sciences and the humanities.

## Retrieving theory

One of the problems that this book raises is, as the editors put it in the introduction, that most education programs in human rights, citizenship, and democracy “are incapable of critiquing the categories they work with and struggle to create conditions to advance new understandings of their knowledge base.” This is both an epistemological and a political problem that affects most disciplines and fields of study in our time. Particularly in relation to human rights, I would like to argue that, together with a need for their relocation within a much more grounded understanding of the limits that capitalism puts to their realization, there is a need to locate the theoretical discussion about human rights, democracy, and citizenship within the broader problem of social transformation and its possible directions.

There is little doubt that postmodern critique has represented a setback for a notion of critique such as the one that opens this afterword. The postmodern critique of the grand narratives as well as the relativization of truth that resulted from



it have produced a social science that it is self-absorbed and shy (or incapable) of offering alternatives to the status quo. This is what De Sousa Santos calls celebratory postmodernism, a kind of thinking for which there is no alternative politically or epistemologically and that functions well in the neoliberal context (2011: 35–51).

It seems that the response to postmodernism's apposite critique of teleological grand narratives has resulted in the flourishing of studies in a multiplicity of fields that are focused on the microlevel of society or general interpretations of the present that, like Castells's network society (1996, 1997, 1998), are devoid of alternatives to think about and act on in our time. Although more and more social scientists are "taking sides" in the critique of what there is, there is little in the way of what could be outside the current parameters: take, for example, most literature on development and its reincarnation into sustainable development. Human rights do not seem different in this regard; more rights are being identified in relation to different subjects (indigenous people, women, the poor, refugees, etc.) or issues (development, education, racism, sexuality) but the notion of rights or the manner in which they are embraced by different national governments are not being engaged with (Keet 2010).

Reinterpreting what De Sousa Santos calls an oppositional postmodernism (2011: 35), it seems to me that there are a number of elements in the history of the past 100 years that have become clearer and that need to constitute the bases from which we think about society:

- (i) There is not only one principle of social transformation, neither is there a single agent of change in history.
- (ii) Oppression has multifaceted manifestations that result from the combination of inequality and exclusion in different contexts.
- (iii) "Industrialisation is not the engine of progress or the midwife of development" and in fact it has often created misery for entire populations.
- (iv) Capitalist crises are solved through processes of financialization that do not undermine the fulfillment of the absolute law of capitalist accumulation.
- (v) The commodification of the natural world represents a threat to the future of society and its impact is felt particularly in the poorest and most oppressed regions of the world.

From the point of view of the development of the social sciences and humanities, different disciplines and schools of thought have helped to establish with sufficient clarity a number of important ideas without which any theorization of

social change and oppression would be incomplete; for the purpose of this afterword I would like to mention three:

- (i) Within the “regime of truth” of Western disciplines, most attempts at resistance have been turned into disciplinary powers. This requires a permanent attitude of mistrust and suspicion and an analytical caution in the face of the opacity of universal principles and their reproduction at microlevels.
- (ii) Inequality and exclusion have an epistemological dimension in which the knowledge of the oppressed as much as their existence as subjects have been obliterated in interpretive schemes and in notions of development. This is especially pervasive in colonial relations and in the state of coloniality, which follows colonialism.
- (iii) Subaltern groups and intersectional subjects have a variety of modes of resistance all of which are context dependant.

What theoretical devices do we need to use to bring this together to build a critique of our time that meets the conditions of self-reflection and transformation? It seems to me that De Sousa Santos’s *oeuvre* provides one of the most cogent responses available to this problem (see especially de Sousa Santos 2014). Here, I would like to repurpose only one element of his much more complex thinking. In relation to the multiplicity of social agents, he proposes a theory of translation “capable of making mutually intelligible different kinds of struggles” (de Sousa Santos 2011: 41). I would like to suggest that this notion of translation between social struggles needs to be extended to the interpretive schemes used for their understanding as a way of breaking theoretical and disciplinary isolation. What I am proposing is the recovery of a common narrative constructed on the bases of the fundamental things that we accept we know about society and without which we cannot make sense of the world—a narrative permanently open to revision and close to the ground where struggles take place. This should constitute the lens for the first component of a critical theory: self-reflection, and the necessary condition for its second component: the proposition of possible utopias. In the third and final part of this afterword, I turn to the political sphere where the utopias are deployed.

### Retrieving politics: in the way of conclusion

Since the 1980s there has been a progressive depoliticization of politics at the level of the state brought about by conservative governments implementing

neoliberal policies. This was perfected by the centre-left governments that followed similar policies in the next two decades. Politics became an issue of government, and governments became more “neutral,” more technical in their discourses if not in their actions (Harvey 2007; Giroux 2008).

Against this backdrop, human rights in democratic countries are not a plan of action for the realization of equality and recognition but an instrument of the law that may or may not be used depending on people’s capability to access the courts. In the South African context, Keet (2010) talks about the juridification of rights to explain the distance and contradiction between the codified rights and ordinary people’s understanding of the values underpinning those rights. It seems to me that the distance and contradiction that Keet’s notion of “juridification” denotes also exists, not only in South Africa, between the law and the actualization of those rights; the codification and proclamation of rights has worked in inverse proportion to the reduction of inequality and exclusion in most modern democracies. The rights that were at the origin of political mobilizations and struggles for democracy for all in different parts of the world have lost their power “in victory.” The juridification of rights becomes a demobilizing ideology.

In the two previous sections, I tried to show how necessary it is to relocate thinking and theorization about rights within a frame that sees the structural limits to the realization of those rights if the intention is to deal in practice with the different manifestations of exclusion and inequality in our world. This from my perspective implies a repoliticization of rights.

This repoliticization is all the more urgent if we look at the state of “insurgency” of our societies. Clover argues that twenty-first century riots are about access to consumption. The inventory of social upheavals the world over suggests that there is anger about unfulfilled access to rights (wages, food, health, education, security, dignity, freedom) and about the curtailing of existing rights (land, water, roads). Unless the causes of this are substantially engaged with and challenged, human rights run the risk of becoming a small ideological component of neoliberal democracies or, worse, becoming complicit with injustice.

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