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Applying critical pedagogies to human rights education

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ABSTRACT

The right to education is recognised in international human rights law, underpinned by guidance for human rights education to assure the goals of the UN Charter. While this vision for human rights education has been around since the 1948 Universal Declaration of Human Rights, recent developments at UN level have galvanised interdisciplinary scholarship, drawing pedagogical frameworks from education studies, sociology, development studies, psychology, and philosophy into the teaching of international human rights law generally situated within law schools in higher education. Yet scholarship on the pedagogy of human rights education is in its infancy. Recent trends point to the transformative potential of utilising radical and critical pedagogies in furtherance of human rights education. Adding to the toolkit, this article presents a conceptually oriented framework for application to human rights educational practice. It builds on critical human rights education scholarship, interrogating how human rights education can tackle structural injustice, elucidating ways to infuse classroom learning with horizontal human rights principles, and examining the psychosocial factors in this kind of learning. The application of critical pedagogies to human rights education will be of interest to human rights educators and students of human rights everywhere.

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Introduction

This article tracks the evolution of human rights education in international human rights law and offers novel pedagogical solutions for human rights education in the twenty-first century.¹ An expansion of human rights treaties and instruments since the latter half of the twentieth century has been accompanied by an increase of human rights training programmes in all corners of the globe. Meeting the structural aspirations of human rights education – its goals of strengthening world peace, fostering harmony amongst nations, and promoting a universal culture of human rights – requires a comprehensive package of strategic learning. Modern human rights have evolved through negotiated multilateral agreements codified in international law treaties, which may in part explain why human

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rights education has become established in the formal, positivist legal education tradition. In recent years, critical scholarship on human rights education that diverges from the positivist tradition has emerged in diverse disciplines such as education studies, sociology, psychology, and philosophy.² New pedagogical frameworks for human rights education have appeared, and two new academic journals on the subject have been launched.³ Applying critical pedagogical approaches to the human rights classroom is a recent development in the literature, to which this article makes a significant contribution.

While there is no agreed definition of critical pedagogy, as an approach to learning it comprises educational ideals for action orientated practice that challenges social injustice, and frameworks 'for teaching [...] focused on power, hegemony and social justice'.⁴ Though there are obvious overlaps between the structural goals of human rights education and the aspirations of critical pedagogy in terms of social consciousness and equality, there is a dearth of interdisciplinary scholarship fusing these domains. This article addresses the gap and adds to the growing sub-discipline of human rights education by setting out novel ways to apply theory and practice from critical pedagogy to the betterment of human rights education with a primary focus on higher education.

After World War II, the United Nations (UN) proclaimed the Universal Declaration of Human Rights (Universal Declaration) as a common standard of norms for all peoples and all nations.⁵ Specifically, these new standards were designed to help humanity overcome the catastrophic social, economic, cultural, and political consequences of World War II.⁶ Education was established as the vehicle for the dissemination of Universal Declaration norms; the latter stipulating that this common set of standards should be used by individuals and social institutions working to promote human rights through education and teaching.⁷

As outlined in Article 26 of the Universal Declaration, the right to education has several elements, two of which are relevant to the current analysis.⁸ First is the right to education itself which is considered a multiplier or empowerment right as it unlocks access to all other socio-economic, political, cultural rights and freedoms.⁹ A second important element of Article 26 relates to the spirit of education:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.¹⁰

Education should be directed towards the fullest development of the human person, strengthening respect for human rights and fundamental freedoms, as well as promoting tolerance between groups and nations. This paragraph was added to the original draft by a representative of the World Jewish Congress, who noted there was nothing about the spirit of education in the then text, and asserted that neglect of this principle in Germany had contributed to two catastrophic wars.¹¹ A UNESCO representative similarly observed the Nazi education system was founded on the right to education, but had produced 'disastrous results'.¹² Furthermore, if the Universal Declaration failed to define the spirit of education it would not be a valuable guide for humanity.¹³

Thus, the critical role of education in post-war rebuilding was evident and a specific pedagogical direction in accordance with human rights was seen as the bedrock to

fostering harmony and cooperation between nations. Arguably, there are two principles underpinning this initial formulation of human rights education; the first was to restrain or prevent ideologies such as fascism, racism, and anti-Semitism being promulgated through education.¹⁴ The second element consisted of the more positive aim for societal transformation occurring through education leading to a more peaceable international community of states, marked by the proliferation and enjoyment of rights for everyone.

Addressing these lofty social goals led to structural developments in the UN, as well as normative developments through various texts, treaties, and declarations. Grafting appropriate pedagogies onto a project to achieve peace, justice and freedom in the world is an ongoing concern in the realm of human rights education, particularly since the launch of the first UN Decade on Human Rights Education in 1995 and the UN Declaration on Human Rights Education and Training (Declaration on Human Rights Education) in 2011. The Declaration on Human Rights Education roughly defines human rights education as education *about* human rights, education *through* human rights, and education *for* human rights. The next section will explore these elements in greater detail, while the substantial paradigm introduced in the body of the article provides a roadmap for what education *through* human rights and to a lesser degree, what education *for* human rights, might resemble.

The article establishes that benefit can be gained by drawing in concepts and practice from critical and radical pedagogies and bringing these to bear on the human rights classroom in further education. As well as analysing the normative developments of human rights education for key social justice signposting, an extensive review of all current pedagogical frameworks for human rights education was conducted. Further research was performed in cognate disciplines (such as education studies and sociology) to systematically collate all empirical studies, review articles, and conceptual frameworks that provided clues for reaching some of the goals of human rights education. The primary question which motivated engagement with the literature was how could this knowledge and scholarship shape a new critical toolkit for human rights education? In the analyses, themes coalesced into a tripartite structure: human rights education & structural change; applying human rights values & principles to the learning environment; and the psychosocial factors of human rights education.

The next section will highlight some normative cornerstones of the right to human rights education by reference to international and regional human rights treaties, followed by consideration of soft law instruments, and associated commentary. This presentation is designed to elucidate the key social and educational problems which human rights education is supposed to tackle. To respond to these challenges, the article's interdisciplinary paradigm strengthens the nascent field by providing higher level human rights educators with a toolkit for critical reflection on practice. Furthermore, it significantly enriches critical human rights education literature with new conceptual materials not commonly associated with this domain.

Human rights education in international human rights law

Established in the aftermath of the Second World War, the UN emphasised the importance of education in its founding Charter, aiming to promote international, cultural, and educational cooperation.¹⁵ Subsequently, the UN Educational Scientific and Cultural

Organisation (UNESCO) was set up, which stressed that education for justice and peace is 'indispensable to the dignity of man' and a duty which all nations should fulfil.¹⁶ UNESCO calls for 'equality of educational opportunity' without regard to sex, race, economic or social distinction.¹⁷ The ideological function of education in these founding UN texts was to further respect for human rights and fundamental freedoms. Thus, human rights education featured from the outset.

Though not without critique, human rights discourse has become the lingua franca of modernity.¹⁸ At the 1993 UN World Conference on Human Rights, the UN Secretary General asserted that human rights are a 'common language of humanity'.¹⁹ The indivisibility and interdependence of all rights was reaffirmed in the Vienna Declaration and Program of Action, and education as the conduit for human rights universals restated.²⁰ In this view education would strengthen universal commitment to human rights, which was seen as essential to peace, development, and social justice.²¹ Moreover, human rights education should be a lifelong process supporting the emergence of mutual dignity and social respect.²² By this point the right to human rights education had already been codified in treaty law, which led to an explosion of human rights education and training programmes in most countries and regions of the world.

The essential features of human rights education under international human rights law are: first, the ideological framing of the right to education in international human rights law is for human rights education.²³ This type of education should allow for the full development of the human personality and its sense of dignity.²⁴ A third element incorporates both individual level and societal structural goals – to enable persons to participate in a free society.²⁵ To do this requires pedagogical actions to promote understanding, tolerance, mutual respect, and friendship among racial, ethnic, religious, indigenous, and tribal groups.²⁶ Non-discrimination and equality crosscut human rights education, specifically equality of the sexes, but neither is any distinction, exclusion, limitation or preference on grounds of race, colour, language, religion, political or other opinion, national or social origin, economic condition or birth permissible.²⁷ Discrimination on grounds of disability is precluded,²⁸ and non-discrimination on grounds of sexual orientation or LGBTQ+ status is also protected.²⁹ While it is clear that human rights education has always been linked to structural goals of peace, harmony, and justice, different regional systems stress different epistemologies as means to these ends. Respect for the natural environment is a newer addition,³⁰ but no existing human rights treaty really tackles the nexus between education and underlying distributive issues, though the San Salvador Protocol of the Inter-American Convention comes closest by advocating for education to enable people achieve a decent existence.³¹ These bare elements of human rights education have been fleshed out by soft law instruments and the activities of UNESCO.³²

Over the years, UNESCO has been working to unlock the potential of human rights education through the development of sets of standards and recommendations.³³ UNESCO has produced several innovative frameworks for rights educators. Its 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms elaborates on education for human rights and fundamental freedoms, restating Universal Declaration ideas about promoting international solidarity and cooperation through human rights education. The framework outlines how learning can advance the intellectual

and emotional development of the individual and a sense of solidarity with less privileged groups. Education can strengthen the struggle against colonialism, racism, fascism, and apartheid, and thus contribute to peace, social justice, and the eradication of all forms of injustice and inequalities. This recommendation has been supplemented by several others, one of which includes teaching techniques for human rights with global applicability.³⁴

Synthesising pedagogical and social theory to the already established tradition of human rights education intensified with the launch of the UN International Decade for Human Rights Education in 1995. At its launch, Upendra Baxi noted that human rights education is a means through which abstract norms may be transformed into the reality of learners' social, economic, political, and cultural traditions in their daily lives.³⁵ Baxi asserted that the pedagogical orientation of human rights education is dialogical, and meaningful dialogue only occurs in conditions of equality and dignity (see Cross-cutting Human Rights Principles below).³⁶ New insights about learning environments and categories of pedagogical activity started to emerge.³⁷ Equality within human rights education required learning spaces marked by respect, responsibility, and mutual understanding.³⁸ The UN Decade stimulated scholarship and empiricism in disciplines outside law, which were transposed to human rights education, resulting in new typologies, frameworks, ways of teaching and conceiving human rights education.³⁹ Several countries launched national action plans on human rights education as a result.⁴⁰ It was superseded by the UN World Programme for Human Rights Education (2005-ongoing). During the UN World Programme, the 2011 Declaration on Human Rights Education was launched.

Adopted by the UN General Assembly in December 2011, the Declaration on Human Rights Education provides member states with a framework for human rights education, affirming already established international human rights law norms. Human rights education is contextualised within the principles and purposes of the UN Charter. Article 26 (2) of the Universal Declaration is restated, and the link between human rights education and the promotion of peace, democracy, and social justice is confirmed. The risk of human rights violations may be reduced when education provides people with the 'knowledge, skills and understanding and developing their attitudes and behaviours'.⁴¹ The Declaration on Human Rights Education proposes that education should promote a universal human rights culture, a free, pluralistic and inclusive society, and combat forms of discrimination and causes of marginalisation.⁴² However, the instrument is largely silent on how to reach these goals, though maybe it was envisaged that such wide-ranging social objectives would be worked through national human rights education plans.⁴³ Applied pedagogy is signalled in Article 2(2), which states:

Human rights education and training encompasses:

- (a) Education *about* human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- (b) Education *through* human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;

(c) Education *for* human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.⁴⁴ [emphasis added]

The combination of these three approaches represents a holistic human rights education.⁴⁵ Education *about* human rights entails learning about human rights norms, instruments, and mechanisms for protection. It denotes the transmission of factual knowledge, such as the content and parameters of treaties, the historical and philosophical foundations of human rights, significant contemporary debates, and recourse to justice at a variety of levels should violations occur.⁴⁶ This element of human rights education is well established in human rights programmes within higher education around the world. Next is the focus on education *for* human rights, which Sarita Cargas has interpreted as applying human rights knowledge to advance social change by shaping values and teaching advocacy skills.⁴⁷ In the practical application dimension, education bridges theory and knowledge to empower learners to advocate for themselves or on behalf of others. Pedagogy designed to develop such practical skillsets in higher education may be supported by experiential learning through mechanisms such as student led human rights clinics, mootings, academic credit for campaigning/advocacy, applied research, or different forms of civic engagement. Likewise, this type of practical human rights education occurs at grassroots in NGO led training and initiatives.

Finally, education *through* human rights is often overlooked within formal education settings. Human rights education *through* human rights entails creating a learning environment where the rights both of learners and educators are respected. Alison Struthers suggests that human rights principles should be infused throughout the learning environment.⁴⁸ This involves teaching a ‘diversity of perspectives’ and ‘exposing students to non-dominant voices’.⁴⁹ Through participatory methodologies, facilitating classroom learning based on respect for diverse perspectives, and organising the syllabus to include non-dominant perspectives, teaching staff can demonstrate what it means to live by human rights.⁵⁰ The difficulty, however, is that human rights educators are incorporated into the academy based on their knowledge *about* human rights, and sometimes experience in human rights practice. Little time is available to consider how to draw horizontal human rights principles such as equality, respect, dignity, and non-discrimination into pedagogical practice.

The next section applies critical pedagogies and cross-cutting principles to human rights education – presenting a roadmap for what education *through* human rights might resemble. Cross-cutting human rights principles such as equality, non-discrimination, and inclusion have analogous concepts in radical and critical pedagogy, and these are strategically used to show how to incubate aspirations for progressive change and transformation. A starting assumption for this model is a solid knowledge base *about* human rights, which is already well established in higher human rights education. Education *through* human rights, and to a lesser extent education *for* human rights, offers a broad canvas to examine different criteria for a human rights compliant pedagogy.

Application of critical pedagogies to human rights education

Three critical pedagogical approaches to HRE are explored: human rights education and structural change; applying human rights principles as cross-cutting values to the

learning environment; and, finally, elucidating certain psychosocial factors of human rights education. The structural aspect to the paradigm questions whether human rights education perpetuates the status quo, or whether it might be transformative. This section examines how critical pedagogies can redress systematic societal issues, such as countering colonial oppression, preferential knowledge sets, and other inequalities. Ways to enhance transformative human rights education are explored: such as participatory pedagogies, key Bourdiean theories, tackling knowledge power centres, and offering alternative visions of the future to our students. Significantly, broader theoretical concepts from critical pedagogy are mapped onto human rights education, specifically with regard to the reproduction of societal domination, challenging or repositioning Eurocentric modes of thinking, and making human rights norms meaningful in vernacular contexts.

Next, the applied pedagogical paradigm explores a non-exhaustive list of autonomous human rights principles that could be applied to the learning environment to maximum effect. Equality is a vehicle for horizontal application, but equality in education is interrogated through a range of different perspectives. Finally, the applied paradigm examines key psychosocial elements that might enhance engagement in the human rights learning environment such as reflexivity, learner agency, and understanding the realm of affect.

While structured thematically for ease of access and readability, the paradigm unfolds as waves of ideas that provides the reader with a toolkit for reflection in how to apply critical pedagogies to human rights education at higher level.

Human rights education & structural change

Critical pedagogies can help connect core human rights issues and principles with key sociocultural, political, and economic factors that shape situations of oppression. An important question is about how human rights education addresses systemic social injustice in furtherance of the structural goals of human rights. One of these goals is to strengthen world peace through education that fosters ‘peace, international understanding and respect for human rights’, in accordance with the spirit of friendly relations between different peoples and states.⁵¹ The ‘strategic instrumentality’ of human rights education for the protection of peace was promoted by the Universal Declaration.⁵² Further, UNESCO’s education mandate aims to identify the causes and manifestations of racism, colonialism, and apartheid to further the rights of people still living under the yoke of colonial and racist oppression.⁵³ Shapers of this educational project realised that human rights education could fuel the ideological confrontation between resistance movements and reified power.⁵⁴ Education has to be orientated towards eradicating inequalities which threaten human well-being and survival.⁵⁵ David Shiman and William Fernekes argue that human rights and citizenship training must identify the social conditions that make human rights difficult to realise.⁵⁶

Perpetuating the status quo?

Despite human rights education gaining traction both in formal and informal settings around the world and achieving prominence in successive UN decades on human rights education and the 2011 UN Declaration on Human Rights Education, several commentators have critiqued the limitations of human rights education with respect to social

transformation. André Keet maintains that human rights education does not really challenge fundamental social inequalities,⁵⁷ while Joanne Coysh notes that whereas human rights education offers the potential for social change, it may also reproduce the status quo.⁵⁸ The reasons for this include the way human rights have been co-opted into a neo-liberal agenda and the longstanding focus of international human rights NGOs on civil and political rights rather than on social and economic rights.⁵⁹ A ‘declarationist’ model of positivistic legal training about human rights norms emerged in many law schools teaching would-be human rights lawyers how to pursue rights litigation often individualistic in nature.⁶⁰ Advocacy focusing on individual victims fails to address the systemic causes underlying human rights violations.⁶¹ Ratification of human rights treaties is a useful tool of statecraft on the international scene, but such law-making does not demand radical structural reforms, for example, through the redistribution of socio-economic goods or redressing power inequalities.⁶² These critiques interrogate possible ways in which human rights education perpetuates the status quo or, alternatively, acts as a conduit for social transformation.⁶³

Human rights education can engage discussions about power structures and how power circulates socially.⁶⁴ A ‘liberation agenda’ for social justice can equip students with the tools to transform the political domain.⁶⁵ Knowledge is a social construct linked to power, and knowledge and values are always ‘implicated in relations of power’.⁶⁶ The struggle over knowledge within educational institutions must be linked to wider struggles against abuses of power so as to create a more equitable public sphere outside education.⁶⁷ Inequality in education cannot be comprehended apart from other systems and social sectors.⁶⁸ Critical scholars have examined how education contributes to social reproduction, for example, through the transmission of cultural capital.⁶⁹ Cultural capital refers to a wide range of skills and resources acquired through learning such as cultural awareness, aesthetic appreciation, communication skills, and educational attainment.⁷⁰ In Pierre Bourdieu’s sociology of education, he argues that the intergroup reproduction and distribution of cultural capital in education reproduces power relations between classes.⁷¹ Human rights education is not immune to reproducing the social and cultural status quo.⁷²

Human rights discourse has become integrated into the sociocultural landscape as the language of our age.⁷³ Human rights education is a central conduit for the human rights movement.⁷⁴ The typical syllabi afforded by human rights training in higher education often consist of the following elements: historical foundations of international human rights law, knowledge about the content of treaties and norms, exposure to contemporary human rights debates, and technical guidance on methods to address violations at national, regional, and international levels.⁷⁵ While the most obvious pathway for pedagogy has been content knowledge (like education *about* human rights in Art 2(2)(a) of the Declaration on Human Rights Education), the risk of this approach is that the resulting human rights knowledge slips into the ‘banking’ mode of education.⁷⁶ Paulo Freire critiques education which demands rote memorisation of facts and instead calls for education to stimulate students’ questioning and curiosity.⁷⁷

The reproduction of human rights discourse through human rights education may be underpinned by a lack of critique, and the predominance of Eurocentric ideologies in human rights education has led to the declarationist and conservative strand of human rights education becoming dominant.⁷⁸ As a form of positivistic legal training,

such education teaches a ‘system of juridical norms’ that seems ‘totally independent of the power relations which such a system sustains and legitimizes’.⁷⁹ A transcendental basis is conferred on a body of knowledge that can reproduce social control in subtle ways through education that protects the interests of the dominant in society. Henry Giroux describes the legitimization of ideology through institutional arrangements as ‘cultural hegemony’ or ‘ideological hegemony’ that leaves little room for the development of oppositional consciousness and allows ruling elites to reproduce their power.⁸⁰ Furthermore, these arbitrary power relations may persist unchallenged, seeming natural in transmission from generation to generation through norms and imperatives that appear as universal and legitimate. Education is heavily implicated in the process of reproducing and maintaining cultural inequalities.⁸¹ Applying the notion of ideological hegemony to human rights education, Michalinos Zembylas asks whether Eurocentric approaches to human rights can challenge dominant power structures or whether such approaches perpetuate colonial modes of thinking.⁸² Likewise, Keet questions whether human rights education rooted in Eurocentric notions of progress serves ‘the ideological function of rationalizing and legitimizing contemporary forms of informal imperialism, neo-colonialism, and racism’.⁸³ Traditional human rights education generally does not challenge the potential ideological hegemony of its knowledge base. It is therefore incumbent on critical human rights educators to reflect on the socio-political interests being advanced by apparently value free content. One way of doing this reflection is by being self-conscious about the multifarious ways that pedagogy ‘works to inform its own cultural practices, legitimates its motivating questions, and secures particular modes of authority’.⁸⁴

Transformative education?

Baxi considers human rights education as a means to an end, the end being the attainment of peace, justice, and freedom in the world.⁸⁵ A universalistic discourse was drafted and it was envisaged that human rights education strategies could build common human solidarity. Of course, there is a distinction between education being transformative on an individual level leading to autonomous and critical thinking, and how individualistic transformation might pave the way for wider social change.⁸⁶ Radical and critical pedagogies can assist in conceiving these linkages. First is the acquisition of critical consciousness or Freire’s ‘conscientization’, by which the learner is encouraged into critical analyses, connecting personal experiences to wider social justice issues.⁸⁷ Transformative learning involves developing a ‘critical human rights consciousness’ that can translate into social action, especially if accompanied by participatory pedagogies.⁸⁸ Transformative human rights education can maximise its impact on individuals and collectives through explicit and implicit analyses of relationships of power.⁸⁹

Human rights discourses provide a site of contestation between dominance and resistance.⁹⁰ Transformative educators must be willing to navigate through conflicts and tensions in their learning community.⁹¹ In this environment taken for granted frames of reference may be challenged and assumptions contested.⁹² To mobilise ideas in the direction of human rights and social justice, the praxis of human rights education – its capacity to reflect on the social world and provide tools for social change – can form a ‘tool of resistance to challenge systematic inequality and injustice and reconstruct

social relations'.⁹³ Transformative human rights education can tackle power centres that perpetuate domination in the world, and in its most extreme form this could entail dismantling the knowledge apparatus and power structures of the UN, a key power base of the human rights epistemic community, according to Coysh.⁹⁴ The struggle against populism and neoliberalism needs to engage more inclusive ideologies of humanity in the public sphere, requiring education to be a radical interrupter. However, one must not overestimate the counterhegemonic potential of transformative education because that oversimplifies the nature of power relations within education.⁹⁵ Idealistic and radical educators may be completely hamstrung by their social location within an education system that silences those who would challenge entrenched privilege and power.⁹⁶ Consequently, this article settles on a more modest call for human rights educators to, at a minimum, identify and reflect on structural contexts, and to the extent possible, develop a toolkit for transformative education, such as by incorporating participatory pedagogies into their practice.

There are two final possibilities for transformative human rights education that merit mention. First is the transformative potential of Bourdieu's habitus; habitus being an individual's long term and stable set of dispositions that are internalised relations framing the subject's interactions with the world.⁹⁷ A difficulty occurs when there is a mismatch between the learner's primary habitus and different dispositions required in a new field. 'Explicit pedagogy' can bridge this divide by helping the learner develop a secondary habitus.⁹⁸ Explicit pedagogy pushes to the fore and makes conscious the 'methodical inculcation' of unfamiliar skills and knowledge, which can result in a new habitus.⁹⁹ Thus, Bourdieu's habitus can be repurposed into a change theory which is instrumental and strategic. Explicit pedagogy is not just about 'scholastic inculcation', but it also involves careful planning for the acquisition of a new habitus.¹⁰⁰ Strategic decision making requires deep awareness of the resources available and for both educator and learner to be reflexive throughout the process until the secondary habitus is acquired.¹⁰¹

A second more abstract possibility is regarding how educators could imagine a future which is different to the present.¹⁰² The Universal Declaration was born in a moment that demanded radical rethinking of the world, and the influence of science fiction writer and futurist H.G. Wells is notable in the final text.¹⁰³ Giroux describes 'militant hope' as a kind of antidote to the authoritarian discourses of hate we have today.¹⁰⁴ As educators we can incubate ideas that act as beacons for our students into the future.¹⁰⁵ Unless a flexible, inclusive and modern view of homo sapiens (one species amongst many on this planet) can be reinscribed in human rights discourses and formal human rights education, education will provide no resistance to the epistemological slide into authoritarian, fragmented, hateful, and self-interested ideologies.¹⁰⁶

Applying critical pedagogies

What aims or processes of critical pedagogy can be usefully applied to human rights education practice to meet some of these social structural goals? Weberian and neo-Marxist theories of education have focused on the way education affirms the 'status culture' of the dominant group, defining the system's insiders and outsiders.¹⁰⁷ By reproducing inequality, the education system can be utilised as a system of domination by the ruling class.¹⁰⁸ Domination manifests through symbolic and institutional forces that impact all corners

of society. Education structures may work to conceal the link between students' pre-existing cultural capital and their subsequent qualifications, enabling 'those who benefit most from the system to convince themselves of their own intrinsic worthiness, while preventing those who benefit least from grasping the basis of their deprivation'.¹⁰⁹ These are important reflections for the critical human rights educator. Furthermore, critical theorists demand that policy-makers take the perspective of those on the social fringes, as defined by the marginalised themselves.¹¹⁰ The acquisition of knowledge in the dispossessed can be a profoundly political act of insurrection resulting in the dissipation of imposed knowledge.¹¹¹ Fomenting critical thinking through this pedagogical approach can potentially result in social change when knowledge is unshackled from social relationships that sustain structural violence.¹¹² An examination of the education system as a social structure must also expose the way pedagogical relations are organised, as these cannot be divorced from educational outcomes.¹¹³

Keet argues that traditional human rights education has accepted the project of advancing human rights universals uncritically.¹¹⁴ The question of how to incorporate criticality into human rights education is pressing. Human rights education ought to critique and propose alternative arrangements and futures.¹¹⁵ Essential to reflection is consideration of the merits and demerits of positions and propositions. This calls for reflexivity from social justice or decolonial perspectives on the way in which human rights universals have been imported into the praxis of human rights education.¹¹⁶ The tendency to universalise Eurocentric norms requires decolonising human rights education to disrupt western epistemologies and the dominance of Eurocentric thinking, knowledge, and power structures.¹¹⁷ It is clear from the drafting histories of various human rights treaties the crucial role that non-European states' had on framing the norms we now call universal. Therefore, part of the critical project could be to excavate and reinstate the contribution of non-European, post-colonial, and newly independent states on the modern architecture of human rights. This would allow for the multilateralism underpinning the 'universals' to be properly explored, thus prising open the notion of 'pluriversality' which is a common language for humanity incorporating a multiplicity of epistemic traditions that also 'keeps the definition of what it means to be human open'.¹¹⁸

Human rights principles cannot be divorced from their particular historical or cultural contexts, and from a pedagogical perspective this means localising human rights or contextualising within human rights vernaculars.¹¹⁹ Fuad Al-Daraweesh and Dale Snauwaert suggest that critical human rights education focuses on the context of human rights, presents multiple perspectives on human rights, and accepts that conceptualisations of human rights are incomplete or partial.¹²⁰ If critical pedagogy and critical theory can help reframe human rights education, can human rights education help critical pedagogy to provide students with tools 'to fight deeply rooted injustices in a society and world founded on systemic, racial and gender inequalities'?¹²¹ The rest of the article outlines ways in which critical human rights education might empower students to such social justice projects, firstly by arguing that applying certain horizontal human rights principles, generally content taught as norms or legal rights, as praxes can enhance the learning environment to this end, especially when complemented by awareness about the psychosocial dynamics of the human rights classroom in higher education.

Cross-cutting human rights principles & values

Equality/non-discrimination

The UN Charter affirms the ‘equal rights of men and women’ and the purposes of the UN to include respect for human rights and fundamental freedoms without discrimination as to religion, sex, race or language.¹²² The Universal Declaration similarly prohibits discrimination on the grounds of ‘race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’.¹²³ Non-discrimination and equality are horizontal or autonomous principles that apply to the enjoyment of all other human rights, including the right to education and a human rights education.¹²⁴ William Schabas argues that the right to equality without discrimination on such as such grounds as race, colour, sex, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, disability, age, and sexual orientation, is now part of customary international law.¹²⁵ Next the analysis fleshes out the equality norm by reference to wider macro and meso level theories of equality.

Equality in education

Education as a ‘positional good’ signifies its instrumental value with regard to accessing certain social positions, as advantage is conferred on ‘individuals’ future income, health, life expectancy, the likelihood of being involved in crime, and even having satisfying relationships’.¹²⁶ Education as a multiplier right refers to its capacity to unlock the enjoyment of many other rights.¹²⁷ How to practically ensure equality and non-discrimination in human rights education is complex, but institutions could reference the UN High Commissioner for Human Rights’ comprehensive guide for the measurement and implementation of human rights through various indicators.¹²⁸ Illustrative indicators on equality and non-discrimination are whether equality before the law is protected, whether direct or indirect discrimination impairs access to education, and what special measures are in place to redress equality gaps in education.¹²⁹

In addition, theories of equality in education, such as basic equality, liberal equality, substantive equality, radical equality, and meritocracy, can help to frame equality and non-discrimination goals for human rights education. First is basic equality, which denotes all humans are equal in worth, concern, and respect.¹³⁰ This view of equality is rather minimalistic insofar as it is a negative positing, signifying a freedom from interference as the basis of equality rather than mandating the state to do something or provide something. Liberal equality accepts these precepts but goes further to espouse various civil and political rights to achieve egalitarianism. Kathleen Lynch suggests that liberal egalitarianism is the ideological underpinning of the Universal Declaration; this principle calls for equality of opportunity to enhance ‘various types of mobility (educational, occupational, clear, intergenerational etc.) within a stratified system’.¹³¹ However, a thin equality ideology is not the only basis for equality and non-discrimination in modern international human rights law. The Universal Declaration contains socio-economic rights, and fulfilment of those rights engages more substantive objectives requiring sustained participation and outcomes to reflect the goal of social equality. Thus, the normative development of education for various human rights constituencies (women, children, minorities) is sensitised to participation demographics and equality

of outcome.¹³² Special measures or affirmative action that target under-represented groups are not deemed discriminatory under international human rights law because these achieve a proportionate distribution of educational advantage across social groups.¹³³

There are a range of other more radical theories of equality in education, such as neo-Marxist views that link substantive equality within schools to wider economic conditions in stratified societies noting that education cannot ‘be egalitarian without radical changes in the social relations of production, distribution, and exchange’.¹³⁴ Within the distributive justice tradition, these critiques are appraised to the role of pedagogical practices and curricula in the perpetuation of inequalities. By such worldviews, education and the content of teaching are seen through the prism of wider structural societal injustices.¹³⁵ The recent trend to decolonise the human rights education curricula somewhat addresses the content issue but without addressing pedagogical or systemic societal issues this promise remains unfulfilled.

Many human rights educators in higher education operate in this ideology of equality: meritocracy. According to meritocracy, people exhibiting similar levels of merit should have similar chances of success.¹³⁶ There have been many challenges to meritocracy – the primary argument being that innate ability or talent is far from a static characteristic, it increases when children are nurtured and decreases when they are neglected.¹³⁷ In actuality, under this ‘fair system’ that is seemingly blind to sex, race, and class, children and individuals having access to resources that foster certain desirable characteristics are rewarded.¹³⁸ These ideological debates on egalitarianism are important because educators need to reflect on their equality goals for pedagogy and practice. If substantive equality is a guiding light, this may mean giving more to students who have less. Determining by what criteria this is assessed is another avenue to explore, but establishing non-hierarchical relations within the learning environment is a good starting place.¹³⁹

Egalitarian dialogue

Creative pedagogical approaches to human rights education can give meaning to values such as justice and equality and empower learners in the fight against systemic, deep rooted societal inequalities. As set out above, human rights education aims to foster a universal culture of human rights.¹⁴⁰ In practice, this could be achieved through the concerted application of certain human rights values and principles to the microcosm of the human rights classroom. Attempting equality as a code of everyday conduct can provide an ideological underpinning for human rights education *through* human rights.¹⁴¹ Tolerance and equality can be cultivated in ‘egalitarian dialogue’, which is facilitated dialogue supportive of multiple learner perspectives and an equal right to differences.¹⁴² On several levels – cognitive, attitudinal, and emotional – education can leave learners more disposed to recognising and respecting the rights of others. This signifies an empathetic orientation to the most marginalised and least powerful groups in society, essential to the process of transforming learners’ and educators’ realities, making them more consistent with human rights values.¹⁴³ Thus, a learning environment infused with equality and justice can be established.¹⁴⁴

Dialogue is the conduit for human rights education, which ideally occurs under conditions of equality and discursive respect.¹⁴⁵ For this practice to work successfully traditional relationships between students and instructors need to be transformed,

replaced by horizontal relationships of dialogue. In these changed relations, the availability of respect and the recognition of dignity becomes possible. Both students and teachers share and co-construct meaning on the basis of all contributions made.¹⁴⁶ New discourse is acquired through transformative education, when learners are ‘free from coercion’, are empathetic to other perspectives, can assume various roles in discourse production, and ‘become critically reflective of assumptions’.¹⁴⁷ Ramon Flecha, drawing on communicative action theory, describes non-hierarchical dialogue as where comments or contributions are treated equally and difference is accepted to promote equality of respect and solidarity in the learning environment.¹⁴⁸ Of course, pedagogical relationships marked by egalitarian dialogue and communicative fairness still occur in the context of institutional and social unevenness. So, to the extent possible, democratising classroom encounters need to be accompanied by the critical educator’s willingness to engage in standpoint analysis and reflexivity on social location vis-à-vis the community. It is not to suggest that this would result in the ends of eradicating systemic structural issues and social inequality, but just that it might create an opening for mutual respect and the intersubjective recognition of dignity.¹⁴⁹

Of course, the learning environment is not a hermeneutically sealed zone and students operate within concentric circles of power and dispossession in society.¹⁵⁰ Nonetheless, for conceptual clarity and precision on praxes, the argument is that these human rights principles can be applied as a starting point. Reflection on standpoint is an important element because this encourages educators to analyse their social location vis-à-vis learners.

Psycho-social factors of human rights education

Without doubt, human rights education is supposed to impact the learner’s personality; the Preamble to the UN Declaration on Human Rights Education flags the idea of education supporting the full development of the human personality.¹⁵¹ This requires a multifaceted approach, signalled in Article 4 of the UN Declaration on Human Rights Education (see Human Rights Education in International Human Rights Law above). Yet beyond some commentators advocating for participatory methodologies, designing learning environments that would foster the emergence of psychosocial competencies is under-explored in the literature. The analysis now turns to an exploration of human rights education *through* human rights and to a lesser extent human rights education *for* human rights by exploring the psychosocial factors that could enhance a rights respecting learning environment supportive of personality development and human flourishing.¹⁵² The Organisation for Security and Cooperation in Europe (OSCE) calls for approaches to empower students through active participation, while promoting solidarity and preventing discrimination.¹⁵³ But what exactly are the optimal conditions for the emergence of respect, dignity, and solidarity in these environments?

Reflexivity & HRE

This article has alluded to links in the construction of human rights discourses and social power through human rights education. For radical theorists, human rights knowledge may be used in the interests of domination or emancipation.¹⁵⁴ The likelihood that human rights education will illuminate power relations in society increases if critical

reflexivity infuses the learning environment – processes which require both teacher and learner reflexivity. Reflexivity has been defined as ‘the regular exercise of the mental ability, shared by all [...] people, to consider themselves in relation to their (social) contexts and vice versa’.¹⁵⁵ Sociologists and educationalists practice critical reflexivity in their research to investigate and critique the social relations of research production.¹⁵⁶ Similarly, the social relations of human rights knowledge production may be unpacked by critical educators. Critical reflection makes educators accountable and aware of the ethical and normative dimensions that structure classroom experience, and how the social order is given legitimacy and reproduced.¹⁵⁷ Students should never be required to accept a pedagogical experience without reflection because to do so would deny ‘the importance of their participation in the pedagogical process’.¹⁵⁸

The potential social impact of self-reflective practice is that it illuminates how classroom learning is entangled in power relations, which knowledge is prioritised, how learner agency is defined, and the future conceived.¹⁵⁹ Yet, thus far, these approaches to reflexivity in critical education are quite general, and more detail is needed to delineate praxes for deployment to the human rights classroom. With regard to how social classroom relations are structured, Gramsci advocates the repositioning of teacher as learner, so as to understand ‘their own role as public intellectuals located within specific cultural formations, and relations of power’.¹⁶⁰ This in turn would allow educators to help their students ‘appropriate their own histories’.¹⁶¹ For educators to be able to guide their students’ self-reflection, this first requires their own perspective transformation. The process may challenge taken for granted frames of reference to make them more open and inclusive.¹⁶² Jack Mezirow’s concept of ‘perspective transformation’ signifies a structural meaning transformation in the individual through rational discourse and reflection.¹⁶³

Returning to Bourdiean pedagogy and ideas about the transformative potential of habitus introduced above, it is important to note that consciousness about habitus encourages degrees of reflexivity on practice which can incorporate the cognitive and corporeal.¹⁶⁴ Essentially, this means that the automatic dispositions one brings to a field can be overridden by reflective modes of thought. These reflective modes can be instilled by teachers in an iterative process. Yang Yang argues that ‘measuring self reflexively against the habitus of the field and that of other social agents in the same context helps an individual to achieve the full transformation’.¹⁶⁵ This is achieved through ‘explicit pedagogy’, which brings into consciousness inculcation in a new field, mixing scholastic methods of tuition with everyday familiarisation. Through explicit and strategic pedagogy, it is possible to acquire a secondary habitus. The consequences for social mobility and challenging self-perpetuating and exclusionary social structures should be clear. For the critical human rights educator this requires some analytical ability in detecting a mismatch between the learner’s primary habitus and the new field that he or she seeks to enter through higher education. Then the reflective project of explicit pedagogy would allow for transformation and the birthing of a secondary habitus. Of course, there are massive resource implications for such a proposition.

Learner agency

Some technical processes in terms of self-reflexivity that underpin learner autonomy have already been explored. In the context of transformative education, student autonomy has been defined as the ‘understanding, skills, and disposition necessary to

become critically reflective of one's own assumptions and to engage effectively in discourse to validate one's beliefs through the experiences of others who share universal values'.¹⁶⁶ Also, being exposed to opposing and contradictory schema is essential for the emergence of critical agency. At an individual level, perhaps through the process of acquiring a secondary habitus, personal autonomy might increase. But surely, taking into account some of the structural goals of human rights education (world peace, harmony amongst nations), this is meaningless if not connected to forms of social or political self-determination? For critical educators social agency can be achieved by interrogating the link between knowledge and power, between 'pedagogical practices and social consequences, and authority and civic responsibility'.¹⁶⁷ Furthermore, exposing the nature of social power can reveal the mechanisms by which particular forms of agency are constrained or excluded, and how some people are prevented from speaking in particular ways, in particular spaces, at particular times.¹⁶⁸

Freire sought to encourage 'oppressed' learners to understand the socio-political forces that shaped their realities as the starting point for changing those realities. His concept of conscientization is 'the process in which men, not as recipients, but as knowing subjects, achieve a deepening awareness both of the sociocultural reality that shapes their lives and of their capacity to transform that reality'.¹⁶⁹ Society is organised through various pedagogical forms that create the 'social imaginary' or field of 'cultural and ideological representations through which social practices and institutional forms are endowed with meaning, generating certain ways of seeing the self and its possibilities in the world'.¹⁷⁰ The individual is constituted through such meanings, and acts within these constructs to effectuate social change. Forms of political and social autonomy are inextricably linked to civic education, which involves learning to deliberate, make judgements, and understand the social consequences of personal choices.¹⁷¹ Education is always potentially political because it involves the 'acquisition of agency' by inspiring the ability to engage in struggles with established power centres.¹⁷² While the link between critical pedagogy and learner agency seems well established, establishing a causal relationship between social agency and social change is another matter entirely.¹⁷³

Realm of affect

The final psychosocial factor to explore is the significance of the realm of affect in human rights education, which is receiving growing attention. Richard Rorty argues that it is incumbent on human rights educators to change moral proclivities, not by appealing to reason and rational knowledge, but by manipulating feelings through sad and sentimental stories. A 'sentimental education' proposes to break down barriers and encourage 'people to see others who are different than themselves as fully human'.¹⁷⁴ Critiquing the overemphasis on reason in education, Rorty posits that eliciting learners' compassion could help humans move beyond tribalism to membership of a common humanity.¹⁷⁵ A human rights curriculum could be designed with the goal of developing learners' empathetic response to human rights violations and sense of compassion.¹⁷⁶ In his work on decolonising human rights education, Zembylas outlines a critical emotional reorientation for human rights education.¹⁷⁷ To fully embrace the role of emotion in education involves engaging a wider range of affect than simply sympathetic or empathetic responses to the suffering of others. Great pedagogical theorists, such as Freire and bell hooks, already intuited the synchronicity between thinking and emotions; they could see

in their students that pedagogy was more than just the ‘transfer of received knowledge’, and the students’ emotional investment was crucial to the process.¹⁷⁸ According to Freire, a pedagogical theory needs to comprehend emotions, feelings, and desire as integral to the learning process.¹⁷⁹ The participatory approaches of engaged pedagogy that enhance learner voice and agency are designed to bolster learner self-worth and self-esteem.¹⁸⁰

But still a question remains as to whether the affective responses elicited by engaged pedagogy makes social action or acting on systemic human rights issues more likely or more predictable? Tibbitts and Peter Kirchsclaeger argue that stimulating emotional investment in human rights education makes it more likely that students will be galvanised to human rights actions.¹⁸¹ However, Zembylas is more sceptical about whether eliciting empathy in human rights education leads to genuine compassion and action oriented solidarity.¹⁸² He is critical of Rorty’s sentimental education because, in his view, it neglects the structural and systemic issues that gave rise to human rights violations in the first place. These feelings of sympathy, when ‘de-politicized from the economic and political circumstances, may in fact reinforce the very patterns of economic and political subordination responsible for such suffering’.¹⁸³ Thus, the focus becomes the alleviation of suffering rather than the elimination of root structural causes. Zembylas calls for ‘critical sentimental education’, in which affective engagement in education is accompanied by criticality around power relations to more reliably translate into ‘transformative action to dismantle these injustices’.¹⁸⁴ Likewise, this article encourages critical human rights educators to consider the realm of affect in pedagogy alongside the structural issues that education might challenge, while applying cross-cutting human rights principles and values to unlock the emancipatory potential of the human rights classroom in higher education.

Conclusion

This original approach to tertiary human rights education is presented as a series of considerations for innovative human rights educators. The main caveat is that educators and students approach the task of reflection on pedagogy with a sense of openness and curiosity. First, the research establishes the ideological shape given to the right to education as a direction for human rights education. The normative analysis of the evolution of human rights education reveals some interesting findings regarding the structural goals of human rights education, as codified in international human rights law. At a minimum, human rights education as mapped out in treaties, declarations, and other instruments is seen as a force for good and a possible conduit for social change. While largely in agreement with Keet’s argument that by becoming confined within a conservative law education tradition, human rights education missed its emancipatory potential, traditional human rights education and critical human rights education need not be mutually exclusive clubs. A huge amount of work has been done by the UN and UNESCO to marry human rights education norms to pedagogical practice, particularly since the mid-1990s.

Critical human rights educators may revisit the radical possibilities present in the normative development of human rights education in international human rights law. One reason for this approach is that international norms that become law are the expression

of human agreement on a topic (and dissensus can be scrutinised in the travaux préparatoires to a particular instrument). The collective conscience of mankind has clearly stated that human rights education is essential to the furtherance of human rights and freedoms, the development of the human personality and its sense of dignity, and tolerance, peace, and harmony amongst human rights constituencies.

A thorough understanding of how human rights legal systems function is a necessary precursor to critical education on international law texts, decisions, discourses, power centres, and performances. Such content knowledge and technical know-how can then be overlaid with incisive critical perspectives, empiricism and theory from different perspectives, such as feminist, critical race theory, third world approaches to international law, and decolonial scholarship. In applying critical and radical pedagogies to the human rights classroom, the author argues that the radical potential of human rights education can be enhanced when these factors are infused with critical reflection. These reflections indicate ways in which human rights education can tackle structural injustice and affect social change, practical guidance on how cross-cutting human rights values such as equality and non-discrimination can be given meaning in the human rights classroom, and finally, consideration regarding the psychosocial factors that could support transformative learning. These pedagogical elements can be applied in a mix and match manner, according to resonance and resources. A primary starting point is the willingness to engage in reflection on practice.

This article on formal human rights education advances interdisciplinary scholarship of the sub-discipline in three ways. First, applying these theories of learning and society to human rights education revealed important possibilities for progressive human rights education to impact social change and redress structural injustice. A specific gap in the human rights epistemic project and traditional human rights education was identified: the human rights tradition is lacking theories of power, and reflection on the contradictory relationship between neoliberalism and human rights is a much more recent epistemological trend.¹⁸⁵ Radical pedagogy can analyse the circulation of societal power so as to understand limiting factors for education and the enjoyment of rights. Analysis of systemic injustices in society is an appropriate remit for human rights education, and the preceding section fuses critical reflections on asymmetries of power and structural injustice to the human rights classroom.¹⁸⁶ Mapping the connection between transformation at an individual level to wider progressive social change is an interesting agenda both for realising the structural goals of human rights norms and for making human rights education radical beyond the individual. Critical pedagogies suggest that modes of critical consciousness central to the learner's evolving self, acquired through human rights education, have the potential to challenge structural inequalities. Linking these learning environments to their wider socio-economic, political, and cultural contexts enhances the transformative potential of human rights education.

The second consequence of applying theory to practice was to demonstrate how human rights values and principles could permeate the human rights classroom. Specifically, equality and non-discrimination were examined in detail. The article encourages critical human rights educators to consider their equality goals for human rights education, because those goals should shape their pedagogy. Furthermore, the nexus between available rights in the learning environment was deepened by interdisciplinary analyses of the psychosocial factors at play. The reason these dynamics are important is

because the domain of human rights and human rights education more specifically is inter-subjective and relational. For education to be transformative this third vehicle or mode of application is extremely relevant. Under psychosocial factors, the critical importance of teacher and learner positionality and reflexivity in the epistemological journey was elaborated. Other associated considerations, such as learner agency and the realm of affect, were creatively brought to life.

Equality, non-discrimination, inclusion, participation and relational human rights concepts of respect and dignity were selected as horizontal principles applicable to the learning environment. The reason for the incorporation of these values or principles (also human rights norms) is because they crosscut all human rights and arguably should infuse all rights respecting domains. However, there are other human rights that are relevant to the conversation, such as freedom of expression, freedom of conscience, freedom of thought, and certain language and collective rights. Notwithstanding the interdependence and indivisibility of all rights, there may be future avenues to explore the practical application of other specific rights to the human rights classroom.

Scholarship on critical human rights education aligns to analyses of social justice and power relations. This article connects education to the social justice project of tackling systemic inequalities and social justice. Critical human rights educators see the potential for human rights education to advance social fairness. Undoubtedly, a futurist approach to this education will have to address rampant wealth and economic inequalities. The human rights project will remain hamstrung without a fresh take on distributive justice fit for the twenty-first century.

Notes

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