

What Larger Conditions and Logics Are in Play?

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ABSTRACT

Accepting much of the internal logic of Lee's argument, I consider the wider conditions and logics in play such that education as a human right can be comprehended, debated, and ultimately defended and supported in the 21st century. I suggest that despite the idealist rhetoric of UN discourse that operated in Lee's conception of education as a human right, providing (Western) schooling to improve the lives of marginalized individuals in developing-world contexts should be understood as the consolation prize rather than represent an idealized/naturalized education that can innocently transcend the logic of underdevelopment and performativity shaping education's current manifestations in developing-world contexts.

This article is a response to:

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IN "EDUCATION AS a Human Right in the 21st Century," Lee (2012) made a compelling and coherent argument on the justifiability and value of conceiving education as a human right, or high-priority claim. She accepted the necessity and value of a multilateral legal framework of rights but argued that, additionally, individuals must be able to access and use rights to improve their lives. Accepting much of the internal logics of her argument, my orientation to responding was to consider the wider conditions and logics in play such that education as a human right can be comprehended, debated, and ultimately defended and supported in the 21st century. From this orientation, Lee's article underacknowledged the underlying conditions of economic inequality, the constructedness and constraining logic of underdevelopment, and the pressures of "performativity" (Lyotard, 1984) that tend to reduce the education within "education as a human right" to instrumental forms of Western schooling. I suggest that despite the idealist rhetoric of United Nations (UN) discourse that operated in Lee's conception of education as a human right, providing (Western) schooling to improve the lives of individuals who are marginalized in developing-world contexts should be understood, and strategically supported, as the consolation prize over an idealized/naturalized education that can innocently transcend the logics of underdevelopment and performativity shaping education's current manifestations in these contexts.

First I want to commend Lee on an informative and thoughtful paper. What I draw from Lee's text is that, indeed, education can

and should be defended as a human right. She argued that this claim is both philosophically defensible and practically useful to building and maintaining a more just society. She drew upon a Rawlsian (1971, 1996, 2001) conception of justice and extended it with interventions from Pogge (1988, 2002), and Sen (1993, 1999, 2003). Pogge emphasized the importance of actually existing moral sensibilities in relation to legal frameworks and the significance of interactions beyond the nation-state; Sen privileged individual capabilities such that the existence of legal or moral rights translates into the actual betterment of individuals' lives. Given the gap between the recognition and presence of a multilateral policy framework for education as a human right and the continued reality of millions of children still without access to primary schooling, Lee contended that education must be framed as a high-priority claim. For a child to have a fulfilling life and for

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societies to thrive, education is a necessity. Further, it is not only the legal or policy architecture that is vital toward making education available to all; such education requires cross-sector and multilevel mobilization.

In her article, “Education as a Human Right in the 21st Century,” Lee defined a *right* and a *human right* and situated the 21st century through a focus on millennium development goals, modern schooling, and the millions of children in nations considered developing still without access to public schooling. Perhaps the underexplicated term in this paper is the unwieldy category/phenomenon *education*. This underexplication seemed to allow for a covering up of certain tensions and connotations that from my perspective are in need of illumination and further discussion.

Lee’s general argument holds, and I resonate with its broad brushstrokes. Strategically, she offered a compelling and thorough account of the legitimacy of, rationale for, and usefulness of supporting education as a human right. Conceptually, I remain unsure whether the more idealist dimensions of education (read: child centered, autonomy) can be philosophically justified to be a human right given current geopolitical material realities of the 21st century that necessarily inflect the terms of the debate and the enactment of rights. Accordingly, I appreciate Lee’s use of Sen and Pogge, who encouraged a more materialist, grounded analysis that moves beyond the presence (and coherence) of a multilateral legal framework of rights to also consider the rights that individuals can actually access and use according to their own needs and wants and to preexisting moral imaginaries. If I have a criticism of Lee’s article, it is that the paper seemed to gloss a set of difficult tensions inherent to the conceptual-empirical terrain upon which her argument was built. More specifically, its ambitious mix of analytic reasoning, policy analysis, and interpretations of (social) context naturalize, at moments, social constructions like schooling. The purpose of my response is to illuminate such tensions toward gaining a better sense of what is in play and what is at stake in the discursive space of claiming education as a human right, of which Lee’s text is one good example.

The first kind of happy union that I trouble is the implied synergies between functionalist and idealist purposes and hopes of education embedded in Lee’s discussion as reflected in the UN/ Millennium Development Goals (MDG) discourses. Instrumental (and counting) approaches to schooling can be deeply conflicting with progressive conceptions. More generally, evolved neoliberal discourses of multilateral institutions and transnational corporations emphasizing social capital, socially responsible corporations, or doing good through making profits similarly blur distinctions between idealist and pragmatic agendas, producing outcomes that seem more corporate than progressive. In (post)development contexts, progressivism at the level of rhetoric or as externally imposed is likely to be interpreted more as a continuation of the liberally inflected colonial legacy.

Early in her introduction, Lee stated:

First, rights advocates endorse the right to education because they believe that if children receive basic primary education, they will likely be literate and numerate and will have the basic social and life skills

necessary to secure a job, to be an active member of a peaceful community, and to have a fulfilling life. (Lee, p. 1)

At the beginning of the quote, I can see the emphasis on a functional education, to “be literate and numerate,” to “have the basic social and life skills necessary to secure a job,” casting education largely as a tool to economic security. At the end, the more normative and idealist aims of being “an active member of a peaceful community” and of having “a fulfilling life” were included. These dual visions—developing the capacity to eke out a living and developing the child’s whole potential—were held together throughout the text. Lee, thus, was quite ambitious in her argument. She went beyond claiming that basic, free schooling is a human right in a fraught and interdependent assemblage of competitive modernizing states. In a sense it is the UN’s rhetoric that pinned Lee and education to higher goals and as beyond state schooling. At the same time, the UN’s idealist discourse seems somewhat inconsequential, not well aligned with its most famous Education for All movement (EFA), which effectively casts education as a tool for economic progress.

It’s worth highlighting the idealism found in the UN’s (and Lee’s) conception of education/schooling. Quoting from the International Covenant on Economic and Social Cultural Rights, Lee noted the UN’s progressive desires for education: “The States Parties . . . agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms” (p. 2). Another UN document Lee cited stipulated that children are “to develop their personalities, talents and abilities and to live a full and satisfying life within society” (p. 3). Further, stated Lee, children are to be provided “with a child-centered, child-friendly, and empowering educational environment” (p. 3). Nevertheless, the main policy being implemented—the MDG—is centered on providing basic primary schooling to all children. Thus, the energies and resources have been little focused on the ideals of progressive education and human dignity and very much focused on improving access to primary schooling in countries considered developing. I am arguing that the conditions that produce and demand the call for education as a human right are the stark global economic inequalities and the “67 million children” (p. 1) worldwide (read: in developing countries) without access to schooling. Any lack of a child-friendly environment in schools in Western nations, for example, is unlikely on the radar. Further, it is a neoliberal conception of education as human capital development (in contrast to a child-centered education) to be globally competitive that has most energized governments and multilateral institutions to promote and fund education in contexts of the developing world.

I want to be clear that I personally support the higher aims of education, over strictly instrumental ones. And, as an educator, I know that there can be multiple and even conflicting agendas in play in practices of schooling; thus, I’m not interested in conceptual purity for its own sake. My concern is that *education/schooling* was being taken as too innocent a term in Lee’s paper, and the impetus driving funding for Education for All is founded on the

more instrumental goals in a context where measurable outcomes (like numbers of children attending primary school) are demanded. This is spawning the more recent calls emphasizing quality education in the context of increasing access to schooling in developing countries. In drawing on the UN educational discourse, Lee explicitly included statements that recognize that education is more than state schooling. For example, she acknowledged the role of parents, the wider culture, and the media. Nevertheless, for much of the paper, particularly in reference to the motivations for and outcomes of the MDG, education was conflated with Western schooling. By almost exclusively using the term *education*, as with the UN discourse, Lee attempted to hold together the more idealist purposes of education alongside the instrumental ones. Nevertheless, there was an unacknowledged slippage when it came to the actual effects of making education a high-priority claim. The term *education* was ultimately standing in for Western schooling in a context of underdevelopment founded on the teleology of Western-referenced progress.

Broadening access to free, compulsory schooling needs to be understood as the consolation prize in development (and First Nation) contexts, not naturalized as some intrinsic, ideal institution that culturally marginalized groups are to envision as a way of recentering their spiritual lives or of reaching their human potentials. In this sense, the progressive and universalist rhetoric may do more to mystify what is at stake in pragmatically using schooling to increase children's capacities to survive in difficult conditions, than, say, guide local teachers to support their students as autonomous citizens in the making. To further explicate, I turn back to Lee's text to analyze three statements.

The naturally benevolent polarity of education (read: schooling) and its transformative wishes are subtly initiated early in Lee's article. She wrote:

Education is an institution that typically is established through a collective social desire to have civil and supportive societies. And if one considers the social dynamic found in many countries around the world, there is the suggestion that usually the more education people have, the better off they can be [emphasis added]. (p. 2)

The first sentence definitely brought a certain innocence to education (here defined as an institution). It is also the case that mass schooling emerges under moments of economic growth and is oriented to shaping loyal and obedient subjects and workers with the appropriate skills and comportments to support economic productivity of the nation. The second sentence is tentatively constructed and likely empirically supported. The more profound truth, however, is the converse: that the better off people are, the more (and better) education they (can) have. In this sense, perhaps economic inequality within and between nations is the fundamental problem for which schooling as a human right represents a form of bandaging.

Whatever the multiple fruits of state schooling, it is also true that schooling becomes a target for the projection of political and economic problems and social anxieties. Can better or more schooling really create new jobs and secure more liveable wages for

marginalized populations? Anyon (2005) lucidly critiqued such tenuous aims in the context of urban education. At a more (radically) philosophical level, Rancière (1991, 2004) argued that the dominant imaginary of schooling, including its social justice-oriented forms, is founded on the inherent inequality of intelligence of human beings and that processes of schooling can only widen inequality. Rancière conceived his thesis in the context of the ongoing inequalities of urban schooling in the world considered already developed. Nevertheless, it did offer a warning that the promise of Western schooling in developing-world contexts, at the least, comes with significant vulnerabilities, such as the apparent inability to transcend the social stratifying effects of schooling.

A second and related assumption from Lee's text that I trouble follows:

The need to elevate basic primary education to the status of a human right rests on the idea that we stand in a certain moral relationship to each other—a relation that is outside of any societal structure in which we may find ourselves – and that makes the claim to basic primary education unique and universal. (p. 4)

Here is an instance when Lee stepped too far with a universalizing move. I agree that we stand in a moral relationship to each other that transcends geopolitical boundaries and identity-forming institutions. But this relation cannot be outside of societal structures or institutions. Indeed, our moral relationship to each other is founded upon and built up in and through our social structures and institutions. *Child-centered education* as advocated within Lee's argument does not stand outside of the institutions of Western schooling and humanist ideologies that give meaning to the term. We may well support a nurturing education of a child whose own government is not investing in public schooling and even make a demand on that nation-state (understanding the tendency for rights discourse to conceive infractions in developing countries through a deficit lens), but these conversations across various boundaries do not represent any outside of sociality. Lee's claim to the universal here does not hold except perhaps in a very skeletal form, in the sense that the human has an innate capacity for learning and the child's education or coming into the adult world can transcend the dictates of any particular social institution.

Ultimately the UN's conception of a happy union between the educational agendas of the child's first educators (parents and community) and the state is also tenuous. Indeed, the tensions produced from these potentially divergent agendas are a major pressure that complicates the idea that education can be a human right. Given the lack of precision in defining education and its internal fault lines, it is no wonder that education as a human right becomes mostly reduced to schooling. If this is indeed the case, we must be vigilant not to idealize or universalize the institution of schooling. The relations between education and schooling for modernization/ development represent an undertheorized dimension of Lee's argument. She might have made more explicit the underlying development paradigm of the multilateral institutional visions and goals privileging the economic and the Western trajectory of modernization upon which schooling is founded. To be clear, I'm

not advancing an anticolonial or romantic lens to criticize the uses of Western schooling (including child-centered pedagogy) in the contemporary moment. I do agree with Lee in promoting schooling as a human right. In particular I agree with the individual-capabilities approach and a focus on actual effects on individuals' lives that she drew from Sen's scholarship. Nevertheless, the way she has pieced together her account has compelled my critical response.

Lee's concluding statement is worth repeating:

It is not enough simply to defend the child's right to access education—one must defend the child's right to an education, which is focused on the need to develop the child's own autonomy and potential for independence and individual action both within the immediate society to which the child belongs and within the global society in which the child will interact. (p. 8)

She was reiterating the challenge, as she said, “to establish a new human rights perspective from outside of the bowels of international law and governance” (p. 8). Again legal frameworks defending access are necessary but not sufficient. I agree wholeheartedly with Lee that education should develop the child's autonomy and potential to act in an interdependent world. However, it seems that making (primary) schooling a human right in the context of underdevelopment and under logics of “performativity” (Lyotard, 1984) effectively works as a very blunt intervention producing instrumental over progressive modes of schooling (and counting). And if, even still, such a blunt intervention offers some promise of the education for which Lee advocated in her conclusion, this potential promise lies not in idealizing or universalizing Western schooling but in a pragmatic, historically informed, and politically savvy operationalizing of these models with eyes wide open to the inherent dangers as well as to the progressive openings.

Can education “be considered a human rights issue on par with the right to food or the right to freedom” (Lee, p. 1), as Lee purported to have justified? As my response has suggested, I am skeptical. Enacting such a right seems to require an instrumental conception of education so as to produce measurable outcomes. Beyond the conflation of idealist and instrumental conceptions of schooling discussed above, there remain substantive tensions in need of examination where the conflicting and overlapping agendas of states, media, transnational actors, communities, and families interact in the education of children. I have argued that claiming education as a human right tends to dissolve to a claim for Western schooling in developing nations and the more idealist (Western) aims become empty rhetoric or become reconstituted by neoliberal market logics.

What is in play such that education as a human right in this 21st century can be comprehended, debated and ultimately defended and supported? To conclude, I draw upon a question-answer approach (Scott, 2005)—if Lee's “Education as a Human

Right in the 21st Century” represents an answer, what is the question? The question, I think, goes something like:

Given the existence of a liberal-inflected popular human rights discourse and the related weak but sometimes effective UN human rights legal framework and set of existing policies (as MDG) aimed at intervening in a globalizing world of stark, ongoing economic inequality and poverty, where survival of marginalized populations necessitates a level of access to (and participation in) Western models of schooling to garner some improved capacity to participate and eke out a living in the ecologically destructive global economy, how should state schooling be cast in terms of pressing states, multilaterals and civil societies to work with greater commitment to the well-being of these populations and their respective (interdependent) societies?

In coarse terms, this is the question to which Lee's account represented an answer for me. My intervention has attempted to temper and qualify certain confluences and essentialist/innocent inflections of education or human rights surfacing in the argument, lest they become absorbed into the dominant arcs of neoliberal or Eurocentric mentalities and thereby risk circumventing the normative motivations and commitments underlying the mobilization of education as a human right in the 21st century.

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