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## **Teaching British values in our schools: But why not human rights values?**

### **Abstract**

Determining exactly what ‘British values’ are is a problem with which successive governments have grappled. This article considers in detail the most recent attempt to explicate the meaning of the term through the 2014 fundamental British values (FBV) curriculum guidance for English schools. It suggests that the articulation of FBV included in the guidance conflicts with the UK’s existing international obligations concerning the teaching of human rights values in schools, arguing that the guidance is a threat to such teaching on two levels: (i) it counters the ethical aims of educating about human rights by facilitating potentially subversive or discriminatory interpretation of the values it promotes; and (ii) it is likely to perpetuate anti-human rights sentiment by entrenching, or at least doing nothing to challenge, existing misconceptions and misunderstandings of human rights. Human rights values, by contrast, are rooted in universality and the idea of a common humanity. Couching British values in the broader framework of human rights would therefore not only address much of the current anti-human rights sentiment, but would also be likely to contribute to societal cohesion and harmony to a far greater extent than the vague and potentially discriminatory FBV guidance.

### **Key Words**

Fundamental British values, British values, human rights, Human Rights Education, international law, educational practice.

## **Introduction**

It has been observed that '[t]he British have long been distinguished by having no clear idea about who they are, where they are, or what they are' (Wright and Gamble, 2000: 1). Whilst this is of course a somewhat tongue-in-cheek remark, there is indeed unmistakable reticence in the UK to pinpoint what it is that actually makes its inhabitants 'British'. Instead, there seems to be a tendency to assume that there is *something* that unites 'us' as a society, and it is not in fact all that necessary to identify exactly what that is or who the 'us' may be.

Despite this, successive governments have attempted, largely without success, to identify and label those values which define 'us'. This article considers in detail the most recent attempt to explicate the meaning of the term through the 2014 fundamental British values (FBV) curriculum guidance for English schools. Whilst the guidance provides the most detailed governmental explanation yet of what the term 'British values' actually means, there are fundamental problems with the exposition. Its definition is not only vague and incomplete, but also arguably conflicts with a number of key human rights values that the UK has accepted through international legal obligations. Because the guidance was drafted as a direct response to an alleged Islamist plot to take over a number of Birmingham schools, commentators and teachers alike have argued that these so-called FBV are susceptible to subversive and discriminatory interpretation, and that the guidance is thus likely to incite or perpetuate intolerance towards minority groups. And due to the

nature and context of its introduction, it is furthermore unlikely to address or challenge existing anti-human rights sentiment.

This article argues that the best way to ensure that the teaching of FBV is used to promote values that would be likely to bring people in the UK ‘together as a diverse, unified nation’ (Cameron, 2014) is to understand these values in the context of the broader human rights framework. Human rights values stem from notions of universality and common humanity, and are therefore not subject to the same concerns regarding potentially subversive interpretation. Furthermore, as the UK is already subject to existing international Human Rights Education (HRE) obligations mandating the teaching of values, such as dignity, justice and freedom, it would seem reasonable to argue that our definition of the values to be taught in schools should reflect this. If FBV denote those values considered to be important to people living in this country, then any satisfactory interpretation of this term ought to reflect the framework of human rights values already accepted by the UK.

This article is divided into four parts. It begins by providing an outline of the UK’s international obligations concerning the teaching of human rights values, and suggests that a reasonable interpretation of the nature of these values can be gleaned from this framework. The second part provides an overview of the competing definitions of British values that have been proposed over the past few decades and outlines the conception of FBV included within the 2011 Prevent Strategy. It then analyses the translation of FBV into an educational concept through the 2014 curriculum guidance and offers some

comparative contextualisation of this development. In the third part, it is argued that the current FBV guidance is a threat to the teaching of human rights values on two levels: (i) firstly, it counters the ethical aims of educating about human rights by facilitating potentially subversive or discriminatory interpretation of the values it promotes; and (ii) secondly, it is likely to perpetuate anti-human rights sentiment by entrenching, or at least doing nothing to challenge, existing misconceptions and misunderstandings of human rights. A number of justifications in support of the proposition that the FBV guidance would be more effective if it complemented rather than conflicted with the international HRE framework is then presented in the final part. It is argued that understanding FBV in the broader context of human rights would not only ensure that the UK is fulfilling its international obligations regarding the teaching of human rights values, but would also be likely to eliminate the potential for subversive interpretation of the guidance and alleviate some of the practical problems currently plaguing values education in England.

### **The UK's international Human Rights Education obligations**

The obligation to teach FBV has ostensibly been introduced in England as a means of ensuring that learners are exposed to the values necessary to 'participate fully in and contribute positively to life in modern Britain' (Ofsted, 2015: 36 at para 135), thus reinforcing the idea that there is a set of values that should be adhered to in order to live successfully as a British citizen. What this overlooks, however, is that the UK is already

subject to international obligations concerning teaching about values in schools, with these obligations stemming largely from the international HRE framework.

So, what then is HRE? According to Article 2(1) of the most recent UN document to exclusively address the subject, the UN Declaration on HRE and Training (2011) (UN Declaration), it ‘comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, *inter alia*, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights’.

The provision of HRE enables people to recognise and understand that human rights are applicable not only to those suffering in distant war-ravaged or hunger-ridden countries, but are equal and inalienable standards that belong to everyone, simply by virtue of being human. It allows people to identify rights violations in their own lives, and equips them with the knowledge, values and skills required to accept, defend and promote human rights more broadly. HRE is therefore vital for building a universal culture in which human rights values are central (Council of Europe, 2010: 7 at para 2; UNDHRET, 2011: Article 4(c)).

A number of key international human rights instruments have enshrined the right to HRE, including *inter alia*: the Universal Declaration of Human Rights (1948), Article 26(2); the International Covenant on Economic, Social and Cultural Rights (1966)

(ICESCR), Article 13(1); and the Convention on the Rights of the Child (1989) (UNCRC), Article 29(1). The latter Article in particular represents the strongest assertion within the legally binding instruments of the obligation to provide HRE distinct from the right to education more generally. For this reason, it has been deemed to provide ‘a foundation stone for the various programmes of HRE called for by the World Conference on Human Rights...and promoted by international agencies’ (UN Committee on the Rights of the Child, 2001: 5-6 at para 15).

Each of these documents represents an expression ‘not only of a moral stand but also of a legal agreement and obligation’ (Howe and Covell, 2005: 25), and signatory states are obligated to ensure that their laws, policies, and practices conform to the standards within them. There is, therefore, a comprehensive and persuasive international framework underpinning any justifications in support of HRE provision. The UK has signed and ratified all of the UN instruments discussed above,<sup>1</sup> and explicitly supported a number of key international soft law HRE initiatives, including the UN Declaration (Ministry of Justice, 2011). By doing so, it has intimated its commitment to complying with their requirements, and has accepted the obligation to provide effective and age-appropriate HRE at all stages of formal education. The UK *should*, therefore, provide HRE because it enables learners to recognise and understand their rights and it contributes to a culture that upholds human rights values. The UK *must*, however, provide HRE in order to comply with its international obligations.

With this international framework in mind, it is important to consider what these obligations entail vis-à-vis the teaching of values. When the important role of HRE in contributing to the building of a culture that is respectful of human rights is taken into consideration, it seems reasonable to suggest that teaching about human rights values must lie at the heart of the HRE framework. And indeed, such teaching is an express requirement of the provision of holistic HRE within the UN Declaration, with Article 2(2)(a) advising that HRE includes 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’.<sup>2</sup>

The provision of education *about* human rights thus mandates that learners are equipped with an understanding of the values that lie at their root. What the instrument does not do, however, is explain the nature of these underlying values, and this is in fact a rather difficult task. The international framework provides little guidance: the instruments do not explicate what constitutes a human rights value, and scant further guidance can be gleaned from accompanying explanatory documents.

A plausible and reasonable interpretation based upon the content of these documents can be offered, however. Through analysis of their prevalence within relevant human rights instruments, it is reasonable to suggest that equality, justice, non-discrimination, dignity, freedom, fairness, tolerance, respect for others and solidarity all constitute human rights values (Struthers, 2015: 332-334). Solidarity is included to a lesser extent in the instruments,<sup>3</sup> but is frequently referenced in the literature as an important



human rights value (Brabeck and Rogers, 2000: 173; Osler, 2013: 75; UNESCO, 1995: 5 at para 3.2). Article 29(1) of the UNCRC promotes the values of respect, tolerance and equality; Article 13(1) of the ICESCR mandates education addressing dignity, respect, freedom and tolerance; and Article 4 of the UN Declaration emphasises the importance of respect, freedom, tolerance, non-discrimination and equality. The World Programme also emphasises the importance of tolerance and equality (UN General Assembly, 2005: para 3). Audrey Osler identifies non-discrimination, mutual respect and tolerance as the principles ‘of the UN, as specified in the UN Charter and UDHR’ (2000: 56), and François Audigier suggests that human rights values are centred on freedom, equality and solidarity (2000: 22).

These values have also been identified within explanatory documents accompanying the instruments. In General Comment No. 1, for example, the Committee on the Rights of the Child elaborates upon the requirements of Article 29(1) of the UNCRC by emphasising that education should promote a culture infused with appropriate human rights values (2001: 2 at para 2). Whilst the document does not clarify the nature of these values, it does state that the Article protects ‘the core value of the Convention: the human dignity innate in every child’ (2001: 2 at para 1), and further refers to the importance of promoting respect for differences, non-discrimination and tolerance (2001: 3 at para 4 and 5 at para 11).

Other explanatory documents similarly restate and emphasise the importance of the values included within the main instruments, without further discussion of their meanings.

In General Comment No. 13: Implementation of the ICESCR, for example, the UN Committee on Economic, Social and Cultural Rights highlights the importance of dignity and freedom when discussing the aims of education (1999: 2 at para 4), but provides no further clarification on the nature of the values underpinning human rights. And whilst the draft documents preceding the UN Declaration's adoption in 2011 discussed various aspects of the scope and application of HRE (UN Human Rights Council, 2009: 9-11), they did not elucidate the meaning of 'the values that underpin' human rights as expressed within the final wording regarding education *about* human rights.

Whilst the international framework is thus somewhat vague on values, enough information can be gleaned from the instruments and accompanying guidance to offer a reasonable interpretation of the meaning and nature of human rights values. Human rights arguably have at their root values that stem from notions of universality and the equality and dignity of every human being. As the UK has signed up to instruments that require the provision of HRE, the teaching of human rights values, such as dignity, tolerance, justice and equality, should be included within English education. The important question then becomes whether educating about FBV meets these requirements by complementing the international obligations regarding the teaching of values, or whether the guidance in fact promotes a conflicting agenda that undermines the teaching of these human rights values rooted in universality and common humanity.

### **A concept in search of a definition: a short history of British values**

The rather elusive concept of ‘British values’ has been a shifting feature of our political landscape for a number of years. When Tony Blair first came to power in 1997, he proclaimed that such values included ‘fighting poverty and unemployment’, ‘securing justice and opportunity’ and being a ‘compassionate society’ (Blair, 1997). In 2000, his formulation of ‘core British values’ had changed to ‘fair play, creativity, tolerance and an outward-looking approach to the world’ (Blair, 2000). And by 2006, Blair’s British values denoted ‘the belief in democracy, the rule of law, tolerance, equal treatment for all, respect for this country and its shared heritage’ (Johnston, 2006). As Chancellor of the Exchequer, Gordon Brown, too, attempted to explain what it means to be British in terms of shared values. In 2004, he identified these values as comprising *inter alia* ‘a strong sense of national identity’, ‘a passion for liberty anchored in a sense of duty and an intrinsic commitment to tolerance and fair play’ and ‘the idea of duty as the virtue that reinforces neighbourliness and enshrines the idea of a public realm and public service’ (Brown, 2004).

These are just samples of a wide range of conceptions of British values that have surfaced over the years. Some such definitions have been included within official government documents, lending them an air of authority that could be interpreted as factual accuracy. In the Home Office report ‘Life in the UK: A Journey to Citizenship’, for example, a definition is provided for what it means to be British:

To be British seems to us to mean that we respect the laws, the elected parliamentary and democratic political structures, traditional values of mutual

tolerance, respect for equal rights and mutual concern; and that we give our allegiance to the state...in return for its protection. To be British is to respect those over-arching specific institutions, values, beliefs and traditions that bind us all, the different nations and cultures, together in peace and in legal order. For we are all subject to the laws of the land including Human Rights and Equal Rights legislation, and so our diversities of practice must adhere to these frameworks (2003: 2.7).

However, it was in the wake of the 2005 terrorist attacks on London that there appeared to be a concerted – and arguably somewhat frantic – attempt by the Government to define and emphasise what it truly means to be British. The bombers were radicalised British citizens, and thus there was a perceived urgent need to define and promote the values that unify rather than divide the inhabitants of this country. As part of this process, the Government commissioned Sir Keith Ajegbo to lead the Diversity and Citizenship Curriculum Review Panel with the remit of reviewing ethnic, religious and racial diversity throughout the English secondary school curriculum (Department for Education and Skills, 2007). According to Audrey Osler, ‘in commissioning the Ajegbo report, the government made a direct link between the need to counter terrorist activity and to strengthen national identity and British values through the curriculum’ (Osler, 2008: 12). Whilst the resulting report did not expressly discuss the concept of ‘British values’, it did recognise that ‘public debates relating to values, diversity and ‘Britishness’ have been

imbued with an increased sense of urgency in the wake of international events such as 9/11 and 7/7' (Department for Education and Skills, 2007: 77). In light of this, the report recommended the inclusion of a fourth strand to citizenship education for secondary learners:<sup>4</sup> 'identity and diversity: living together in the UK', ostensibly emphasising diversity over any notion that British values are nationalistic and exclusionary.

Whilst this provides merely a flavour of the discussions around British values through the late 1990s and early 2000s, it is clear that the concept remained amorphous. Its meaning was vague and elusive, and the broad and varied rhetoric around what it actually meant to be British provided scope for any value to be included in the definition without question. Indeed, a number of 'values' included under the British values label are arguably not values at all based upon an understanding of the concept as individual characteristics to which society as a whole attaches importance.<sup>5</sup> Because nobody really understood what British values were, to be critical of attempts to define them was to engage in a somewhat pointless exercise.

This picture changed somewhat in 2011, however, with the Coalition Government's review of the Prevent Framework. The Prevent Strategy's objectives were to:

- respond to the ideological challenge of terrorism and the threat we face from those who promote it;

- prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- work with sectors and institutions where there are risks of radicalization which we need to address (HM Government, 2011: 7).

As part of this remit, it provided the first serious attempt to define British values within a strategically important official document. Perhaps unsurprisingly given the fluctuating definitions that had preceded it, the Prevent Strategy betrayed a somewhat confused understanding of the values falling within the ambit of ‘British values’. In its Glossary of terms, ‘extremism’ is defined as ‘vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs’ (HM Government, 2011: 107), whilst in the body of the document, mainstream British values are additionally stated to include ‘equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind’ (2011: 34 at para 6.60).

It is particularly noteworthy too that elsewhere in the Strategy reference is made to British values being linked to human rights. In the foreword, for example, the Home Secretary articulates that the Government ‘will not work with extremist organisations that oppose our values of universal human rights, equality before the law, democracy and full participation in our society’ (we are not told to whom the ‘our’ refers, though it seems reasonable to assume that ‘our values’ are synonymous with British values) (2011: 1), and

later in the document, ‘our core values’ are stated to include ‘our belief in human rights, democracy and the rule of law’ (2011: 53 at para 8.68). ‘British values’ is not included in the Glossary, thus no clarification is provided regarding which definition is authoritative and whether the link to human rights is central to the Government’s conception of the term.

Following these revisions to the Prevent Strategy, therefore, ‘British values’ became a rather more visible and identifiable concept. This, in turn, made it easier to extend the governmental understanding of the idea into other areas of society, including formal education.

### ***The translation of British values into an educational concept***

The most recent – and arguably the most controversial – explication of the meaning of British values came in the summer of 2014, when the then Education Secretary, Michael Gove, announced that schools should not only respect FBV but should also actively promote them (Gove, 2014). His announcement came in the wake of a report into the so-called Trojan Horse affair, in which hard-line Islamists had allegedly plotted to take over three Birmingham schools (Clark, 2014; see also House of Commons Education Committee, 2015: 24 at para 64). The report detailed that Birmingham City Council had received an anonymous letter, ‘describing a strategy to take over a number of schools in Birmingham and run them on strict Islamic principles’ (Clark, 2014: 5). Whilst the letter that triggered the scandal was reportedly a forgery (Richardson, 2015a), the allegedly

apocryphal story nevertheless gained momentum. It was against this contentious background that the proposals were introduced, with the stated aims of ‘keeping our children safe and ensuring that schools prepare them for life in modern Britain’ (Department for Education, 2015: 36 at para 135).

The introduction of the FBV guidance can be interpreted in one of two ways however. Either it can be viewed as an instrumental response to the malaise surrounding schools identifying and tackling extremism, or it can be understood more broadly in the context of government interference in education based on a nationalist agenda (Galston, 1991; Will, 1983: 19-20). There is an existing body of literature that would suggest that the FBV agenda may represent an expression of nationalistic sentiment and a desire to retain exclusivity in the face of ever-greater multiculturalism (Soutphommasane, 2012; Cole, 2000; Glazer, 1997). Such commentators would be likely to argue, therefore, that the FBV guidance is a symptom of a broader policy driven process, rather than being itself the catalyst for this process. It would not be inconceivable, therefore, that the Government deliberately avoided couching the guidance in a broader values framework, such as human rights, owing to the fact that entrenching patriotic sentiment can be a powerful political tool (Soutphommasane, 2012: 30-31 and 59-61).

With this in mind, and with the above acknowledgement that ‘British values’ has had something of a long and convoluted history, it is reasonable to submit that the FBV guidance did not simply appear out of thin air. This article, however, focuses on the more



instrumental issue of the specific relationship between the FBV rhetoric, as embodied within the 2014 guidance, and its relationship to human rights and HRE.

Gove did not explain what FBV actually were in his statement to Parliament, advising simply that all schools must ‘actively promote’ them (Gove, 2014). Following his speech, media commentators were left to provide their own interpretations of the term, with some commentators adopting the Prevent Strategy definition (Easton, 2014; Vaughn, 2014), and others adding their own interpretation, such as ‘the primacy of British civil and criminal law, religious tolerance and opposition to gender segregation’ (Adams, 2014).

In a subsequent article in a mass-circulation newspaper, David Cameron elaborated upon, and clarified to a certain extent, how FBV were to be understood in the context of formal education. He articulated that the term comprised ‘a belief in freedom, tolerance of others, accepting personal and social responsibility [and] respecting and upholding the rule of law’ (Cameron, 2014), and reiterated that it is not enough simply to respect these values in schools, but that teachers should actively promote them. In justification of promoting the specific values identified, Cameron emphasised that they are the values that unite people, and that they ‘should help to ensure that Britain not only brings together people from different countries, cultures and ethnicities, but also ensures that, together, we build a common home’ (Cameron, 2014).

The subsequent non-statutory guidance for maintained schools,<sup>6</sup> published in November 2014, cemented the Government’s interpretation of FBV by adopting verbatim the wording included within the Prevent Strategy’s definition of ‘extremism’.<sup>7</sup> FBV thus

comprises ‘democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs’ (Department for Education, 2014b: 5), with schools instructed to:

- enable students to develop their self-knowledge, self-esteem and self-confidence;
- enable students to distinguish right from wrong and to respect the civil and criminal law of England;
- encourage students to accept responsibility for their behaviour, show initiative, and to understand how they can contribute positively to the lives of those living and working in the locality of the school and to society more widely;
- enable students to acquire a broad general knowledge of and respect for public institutions and services in England;
- further tolerance and harmony between different cultural traditions by enabling students to acquire an appreciation of and respect for their own and other cultures;
- encourage respect for other people; and
- encourage respect for democracy and support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England.<sup>8</sup>

It then identifies the understanding and knowledge expected of pupils as a result of teaching in this area, including:

- an understanding of how citizens can influence decision-making through the democratic process;
- an understanding that living under the rule of law protects individual citizens and is essential for their wellbeing and safety;
- an understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army can be held to account through Parliament, others such as the courts maintain independence;
- an understanding that the freedom to choose and hold other faiths and beliefs is protected in law;
- an acceptance that other people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour; and
- an understanding of the importance of identifying and combatting discrimination (Department for Education, 2014b: 6).

Comparable guidance covers independent schools, free schools and academies (Department for Education, 2014c),<sup>9</sup> including schools with a religious character. The

obligation on all schools to respect and promote FBV is thus unlikely to be affected by the current Government's push for schools to convert to academies. Whilst some school officials, scholars and politicians have expressed concern that the FBV guidance unfairly disadvantages schools with a faith-based ethos (Goodwin, 2014; The Christian Institute, 2015), the Government's position is that equal standards must be imposed on all schools, regardless of their religious affiliations (Tran, 2014).

It is significant that this educational development in England is one of a number of initiatives across Europe that seeks to address extremism through values-based teaching. In France, for example, a mandatory course addressing civic and moral issues has been introduced to ensure that learners discuss current events in a way that promotes inclusion and respect for diverse opinions (Frej, 2016). And further measures are being introduced to emphasise to learners that the principle of secularism should protect all citizens, irrespective of their faith, rather than stigmatise and isolate particular minority groups (Chrisafis, 2016). In Norway and the Netherlands, too, formal education has been identified as an important site for targeting radicalisation and violent extremism through the promotion of active citizenship and social integration (Norwegian Ministry of Justice and Public Security; Ministry of Security and Justice, 2014). And at a more general level, in some countries, including Germany, citizenship tests in schools are now common, thus indicating ever-increasing moves towards promoting and reinforcing national values and culture (see e.g. Huddleston, 2015).

Whilst the values and outcomes identified within the FBV guidance are ostensibly unobjectionable, there followed a backlash from both the education sector and the broader media. Though much of this criticism related to deeper concerns about the potentially discriminatory undertones of the FBV agenda,<sup>10</sup> a number of commentators took issue at a fundamental level with the inadequacy of the definition. Some pointed out that these so-called ‘British values’ are not in fact values at all, but are instead quite simply ‘the basic qualifications for not being a failed state’ (Boyce, 2014). According to one well-known writer, British values cannot be taught, for they comprise the laws and ethics that have become part of the wider culture and, in this regard, one cannot simply ‘Ofsted them into existence’ (Boyce, 2014; see also Ward, 2015).

Others considered the ostensibly incomplete nature of the list to be problematic. Hugh Starkey highlighted, for example, that none of the values listed are absolute; each has to be ‘complemented, balanced, and qualified by another value: ‘rule of law’ by justice, for example, and ‘tolerance’ by inclusion and belonging’ (Richardson 2015b quoting Starkey, 2015). This contrasts with the HRE framework, discussed above, where the values have been unpacked and clarified over a number of decades. The FBV guidance appears both hasty and simplistic by comparison. Reservation was also raised concerning the appropriateness of teaching students to respect public institutions and the laws of the England when a key element of critical and empowering education should arguably be that they are equipped with the capacities to *challenge* the state and its actions (Goodwin, 2014).

Furthermore, though the list of FBV may appear to be complete and unequivocal, as with the preceding Prevent Strategy formulation of British values there is confusion and uncertainty regarding what the term *actually* means. Indeed, the Government itself seems somewhat unclear, with David Cameron adding ‘peace’ to the list during an appearance on the Today programme on Radio 4 on 29 June 2015, despite no reference being made to peace in the guidance. Similarly, before the Select Committee on Education, Nicky Morgan added ‘equality between girls and boys’ to the list when the guidance makes no reference to gender equality (White, 2014).

Despite confusion regarding the nature and meaning of FBV, the educational guidance reinforces the Prevent Strategy’s formulation of the concept and suggests how schools are to interpret and implement these values. Unlike some of the broader definitions of British values included within the preceding Prevent Strategy, however, no reference is made within the FBV guidance to human rights, or to the relationship between British values and human rights. It therefore fails to reinforce, or even to acknowledge, the UK’s existing international obligations regarding the teaching of human rights values in schools. More problematically, however, it also arguably directly conflicts with these obligations.

### **British values as a threat to human rights values**

As previously mentioned, the values identified within the FBV guidance are ostensibly unobjectionable: indeed, a number of them are plausible human rights values, including

respect, tolerance, non-discrimination, freedom and liberty.<sup>11</sup> Whilst on the surface, therefore, it may seem reasonable to suggest that the guidance complements the HRE framework, when the detail and packaging of the former is investigated further, it can be argued that the guidance does not simply undermine the UK's HRE obligations but actually directly conflicts with them. In support of this proposition, this section argues that the guidance is a threat to the teaching of human rights values on two levels: (i) it counters the ethical aims of educating about human rights by facilitating potentially subversive or discriminatory interpretation of the values it promotes; and (ii) it is likely to perpetuate anti-human rights sentiment by entrenching, or at least doing nothing to challenge, existing misconceptions and misunderstandings of human rights. Each of these will be considered in turn.

***FBV: facilitating potentially subversive or discriminatory interpretation***

Despite the link between British values and human rights being recognised to a certain extent within the preceding Prevent Strategy,<sup>12</sup> it is wholly overlooked within the 2014 FBV guidance. No mention of human rights is made within the guidance itself, nor has any of the corresponding official commentary suggested that the teaching of FBV could, or should, relate to broader human rights values.

This is problematic, however, when the potential for subversive or prejudiced interpretation of the guidance is taken into account. Indeed, it was apprehension surrounding the potentially discriminatory undertones of the FBV agenda that truly

exercised commentators at the time of its release (Burns, 2015; Daley, 2014; Jones, 2014; Vaugh, 2014). This negative commentary stemmed largely from the fact that, as discussed above, the Government explicitly acknowledged that the FBV guidance was drafted in response to the so-called Trojan Horse affair (House of Commons Education Committee, 2015: 24 at para 64). Against this background and context, it is a reasonable assumption to make that the guidance is likely to be interpreted by some as encouraging, or certainly doing nothing to discourage, differential treatment of certain minority groups.

This potential for the FBV guidance to exacerbate racial and cultural tensions, and foster discrimination and subversive treatment of minority groups, has been recognised not only by journalists and academic commentators, but also by teachers and teaching unions (Richardson, 2015b: 42-43; Thomas and Cante, 2014; Webber, 2015).<sup>13</sup> Robin Richardson, for example, observes that students from minority ethnic, and particularly Muslim, backgrounds are likely to feel increasingly alienated by the rhetoric around FBV, particularly in light of the fact that ‘the discourse of politicians and some of the media implies that a central purpose of teaching British values is to control and regulate young Muslims rather than to empower them’ (Richardson, 2015b: 45). Paul Thomas and Ted Cante further identify the potential for these measures to deepen ‘Muslim perceptions of stigmatisation’ (2014), and according to the Association of Teachers and Lecturers:

[T]he Government’s narrative on FBV is ill-considered, ill-defined and counterproductive. This kneejerk national policy ‘solution’ to localised governance



issues risks becoming the source of wider conflict rather than a means of resolving it (2015).

When the guidance itself has been drafted in response to a perceived threat relating to a particular minority group – and given the scant nature of available instruction and training on the teaching of FBV – it is difficult to refute any suggestion that it stems not from the foundation of equality, non-discrimination and respect for human dignity, but rather from fear, suspicion and prejudice (Spalek, 2013: chapter 4). This reinforces the importance of the FBV guidance being aligned to a greater extent with HRE, where the values to be taught stem instead from ideas of universality and common humanity.

***FBV: perpetuating anti-human rights sentiment***

Through its absence of reference to the broader human rights framework, the FBV guidance is arguably a threat to the teaching of human rights values on another level. Because the guidance demands teaching only on the specific governmental interpretation of what British values are, current teaching practice regarding human rights is arguably likely to deteriorate further. In particular, the narrow remit of the FBV guidance increases the likelihood of some negative teacher presumptions regarding both values education and HRE continuing unchallenged.

This proposition is supported by existing research in this area. For example, the empirical research for the author's doctoral research project indicated that teachers tend to

conflate the provision of HRE with general values education, thus leading to the situation where they consider themselves to be educating about human rights when teaching only about particular values with which they are comfortable. Teachers are thus able to pick and choose the values that they consider to be relevant and appropriate for a formal school setting, with the potential result that certain values are prioritised, including fairness, tolerance and equality, and others are addressed infrequently or overlooked completely, such as freedom, dignity and justice (Struthers, 2015: 152-165). The more complex and abstract values associated with the human rights framework thus tend to be insufficiently addressed (if at all), yet teachers are likely to feel that any obligation to teach in this area has been fulfilled.

This position is arguably only likely to worsen under the FBV guidance, for it is ostensibly not detailed or specific enough to direct teachers to alter their existing teaching practices to any significant degree. Indeed, some commentary has suggested that schools are interpreting the requirements ‘in a fairly benign way’ (Ward, 2015), indicating that the guidance is failing to achieve genuine and widespread changes in educational practice. This is problematic when existing practice is seemingly not currently equipping learners with the values necessary for creating a broader culture that is fair, tolerant and respectful. Worse still, the FBV guidance arguably opens up the possibility for teachers to avoid teaching about values completely. As much of the academic commentary observed, some of the so-called values within the guidance are not values at all, and there is suggestion that some

teachers are interpreting their obligations in this area as necessitating teaching about British cultural symbols, such as tea, pubs and cricket.<sup>14</sup>

This lack of direction within the guidance becomes even more problematic when the existing attitudes of some teachers towards human rights and values are taken into consideration. The author has argued elsewhere, for example, that some teacher attitudes towards educating about values-based topics are especially worrying, and are unlikely to be addressed without stronger, and more constructive, direction from the Government (Struthers, 2016). Empirical research has revealed that many teachers are apprehensive about educating on human rights and their underlying values because: (i) they view these ideas as controversial and antagonistic; (ii) they consider young learners unable to understand abstract values, such as freedom or justice; and (iii) they worry about influencing the attitudes and opinions of their learners (Struthers, 2016). Still others reveal hostility towards the very idea of human rights, and express viewpoints more commonly associated with the front pages of certain sections of the tabloid press.

These views, in turn, result in some deeply concerning classroom practices. To provide examples of some of the more extreme instances of these troubling attitudes, the author's empirical research revealed the following teacher opinions (Struthers, 2016):

You end up teaching that democracy is the right way, and I've started to feel a bit uncomfortable about that, because...I don't want to influence. I just want to open their eyes, so therefore who I am to say that democracy is the right way?

There was this big thing about...Belsen, and I found it very difficult to tell the children what had happened without actually saying 'this is the most heinous crime ever imagined'...and you can't do that. So it's very difficult.

So let's say that someone says that racism isn't wrong. Okay, so what would happen is that 'racism is wrong. You have to learn it'. That's the way it would be taught...Actually, I think a debate around that is needed, because I don't think you can say that intrinsically racism is wrong. You can say that as a society, we've formed a set of values that have concluded that racism is wrong...

The first two comments suggest that some teachers are reticent to discuss topics that involve value judgements, and the last betrays a rather worrying attitude towards teaching about racism. The FBV guidance facilitates the continuation of these attitudes, for it places no clear obligations on teachers to educate about specific values. The lack of direction in the guidance, coupled with the existing misunderstandings and misconceptions of human rights and their underlying values revealed through this empirical research, serves only to increase the likelihood that FBV will be interpreted in a subversive manner. Teachers with existing negative presumptions about the nature of human rights would arguably be more likely to dismiss the idea that they should be teaching universal values of tolerance, dignity, equality and so forth, based on the fact that they are now under an obligation to teach FBV

which can, as already emphasised, be interpreted in a manner prejudicial to minority groups. In this way, the FBV guidance is likely to perpetuate existing anti-human rights sentiment and, once again, this problem is only likely to be alleviated through better alignment between the guidance and the international HRE framework.

### **Concluding remarks: a human rights solution?**

Despite years of competing definitions and conceptions, both the 2011 Prevent Strategy and the 2014 FBV guidance clarified and reinforced to a certain extent what the Government means when it talks about British values. The core definition that transcends both documents is ‘democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs’ (Department for Education, 2014b: 5; HM Government, 2011: 107), though both include additional definitions that differ from this core. In particular, the Prevent Strategy alludes to the fact that British values are related to broader human rights frameworks, whereas this aspect is overlooked completely in the educational guidance.

More problematically, whilst some human rights values, such as freedom and non-discrimination, appear on the surface to be included within the FBV guidance, when the packaging and detail of the guidance is considered, the values arguably not only undermine the UK’s international obligations but actually directly conflict with them. It has been suggested above, for example, that the FBV guidance has the potential not only to perpetuate anti-human rights sentiment, but also to facilitate potentially subversive or

discriminatory interpretation of the values it promotes. In this regard, the guidance arguably directly counters the ethical aims of the human rights framework. The issue is not therefore simply one of an absence of compliance with the UK's international obligations, but is rather one that strikes at the heart of the values that are being taught in schools and the potential for such teaching to do more harm than good.

Interpreting FBV within the broader context of human rights values, such as universality, equality and common humanity, would arguably provide a solution to the threats identified in this article. It would, for example, be likely to address the potential for discriminatory treatment of minority groups. The ethical aims of educating about human rights include promoting the idea that the values at their root stem from the idea of a common humanity where the rights of everyone are respected and upheld. In this regard, they 'are essentially cosmopolitan, promoting solidarity with our fellow human beings, regardless of such factors as race, nationality, or religion' (Osler, 2015: 246). Understanding British values in the broader context of human rights would therefore ensure that the ostensible human rights values included within the FBV guidance are construed as stemming from the foundation of universality and common humanity, thus countering any possible interpretation that these values are to be applied differently to majority and minority ethnic groups. Such an interpretation would also serve to counter suggestion that schools with a religious character are unfairly disadvantaged by the FBV guidance, for teaching in faith-based schools is unlikely to fundamentally conflict with universal human rights values.

Construing FBV in the context of the broader human rights framework would furthermore not necessitate strained linguistic interpretation, for the ‘British’ in British values can be understood with a broader or narrower meaning. It can either mean values that are deemed to be unique to the citizens of Britain, or it can refer more broadly to the values with which people in this country are considered to identify. The latter interpretation, which Richardson suggests would have been more appropriately defined as ‘the fundamental values and principles which underlie public life in the UK’ (2015b: 41), is preferred by a number of commentators. One advised, for example, that the fact that the values are not unique to Britain is immaterial, for ‘a country’s values do not have to be unique in the world: the purpose is to bind a population, not define it against others’ (Ganesh, 2014). Similarly, in the Ajegbo report, it is emphasised that references to British values are appropriate only to denote the situation where the UK has ‘decided to commit to these values and in this sense takes ownership of them’ (Department for Education and Skills, 2007: 93).

Understanding British values in this wider sense opens up the possibility for these values to relate to broader frameworks such as human rights (for a similar argument see Osler, 2008: 20-21). As discussed above, the UK has signed up to and accepted a number of international instruments that mandate the teaching of human rights values, and in this regard, an obligation for teachers to educate about the values respected and recognised by the UK leads naturally to an interpretation that the teaching of FBV provides a natural home for educating about human rights values. Indeed, some rather more progressive

educators seem to have taken this approach.<sup>15</sup> Such an interpretation would also have the added benefit of alleviating the instability associated with changing partisan understandings of the meaning of ‘British values’, for the teaching of values in English schools would be linked to an internationally recognised, and largely consistent, definition of HRE.

Interpreting FBV in a human rights context is also likely to alleviate the other potential threat identified in this article: the perpetuation of anti-human rights sentiment. At a fundamental level, the provision of HRE is an obligation that has existed for more than half a century, but has gained significant momentum over the past few decades (Cardenas, 2005: 366; Georgi and Seberich, 2004: 13). This growth in the prominence of HRE and recognition of its importance as a standalone human right is likely to be the result of the recent promulgation of UN initiatives encouraging states to take stock of their legal obligations in this area ((UNESCO, 2006: 8 at para 25; Cardenas, 2005: 363; UN General Assembly, 1997: 7 at para 16). The framework is comprehensive in its requirements, and is accompanied by *inter alia* UN explanatory guidance, academic commentary and teaching materials.

The FBV guidance appears both hasty and ill-conceived by comparison, and offers teachers little by way of concrete guidance regarding how they should promote these values. It is likely, therefore, that the guidance will not encourage teachers to alter their teaching practices to any significant extent. In contrast to the international obligations regarding the teaching of human rights values, the FBV guidance is unlikely to result in teachers engaging to a greater extent with values, such as freedom and justice, that they



currently tend to avoid on the basis of their complexity and abstract nature. And perhaps more worryingly, if the guidance does not facilitate widespread change in the teaching of values within formal education, the apparent reticence of some teachers to address values-based topics will continue unchallenged. Existing anti-human rights sentiment and negative presumptions about human rights and their underlying values are thus likely to continue or worsen, and many young learners will emerge from formal schooling without an adequate grasp of the values necessary to build a society that is respectful of human rights.

If it is deemed that FBV remains a necessary and desirable concept to teach children in schools, then couching them within the broader human rights framework, which mandates express teaching on values such as dignity, tolerance and equality, would be likely to counter the problems identified in this article. It is arguably only through HRE that learners are likely to be equipped with the values that stem from a place of universality and dignity and that are, in turn, likely to contribute to the building of a broader culture that is respectful of human rights. HRE provides a framework for the teaching of values that is not only considerably more likely to change the way that teachers educate about values in English schools, but that will in turn challenge existing anti-human rights sentiment and be more likely to contribute to a Britain that is fair, just, equal and tolerant.

HRE has the potential to be a sound basis for the teaching of values within English education, and it is therefore deeply unfortunate that no link is made between FBV and human rights in the curriculum guidance. Defining British values as those values

considered to be important to people living in the UK, and linking this explicitly to human rights obligations, would be a straightforward means of ensuring that FBV are understood in the broader context of the human rights obligations that the UK has accepted. Looking to the human rights framework would mean that human rights values, including equality, justice, dignity, freedom, tolerance, non-discrimination and solidarity, would become a central and core element of values education in the UK. This would not only ensure that the UK was complying with its international legal obligations in this area, but would also be likely to contribute to societal cohesion and harmony to a far greater extent than the vague and potentially discriminatory FBV guidance. If British values could be understood within the broader context of human rights, we would have a far better chance of living in a society that respects the rights of *everyone* within it.

## Notes

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<sup>1</sup> The UDHR (adopted 1948); the ICESCR (signed 1968; ratified 1976); the UNCRC (signed 1990; ratified 1991).

<sup>2</sup> [emphasis added].

<sup>3</sup> Solidarity is, however, included within the preamble to the UNCRC, which states that children should be fully prepared to live 'in the spirit of peace, dignity, tolerance, freedom, equality and solidarity', and is one of the central components (along with dignity, freedoms, equality, citizens' rights and justice) of the Charter of Fundamental Rights of the European Union (2012/C 326/02 at Title IV, Articles 27-38).

<sup>4</sup> In addition to those introduced by the preceding Crick Report (Advisory Group on Citizenship, 1998): moral responsibility, community involvement and political literacy.

<sup>5</sup> Groups of values, such as British values or family values, are arguably shaped by the particular importance attached to them by society, but they are not used to simply denote anything that is considered to be beneficial in society (see e.g. Benson, 2000). Whilst 'fighting poverty and unemployment', 'democracy' and 'the rule of law' are all admirable goals for a society, they are not values to which individuals can realistically adhere or aspire, and therefore cannot reasonably be included with a category of values intended to shape British citizens and bring people in the UK together.

<sup>6</sup> A maintained school is one that is funded by the local education authority.

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<sup>7</sup> See above at 'A concept in search of a definition: a short history of British values'. It did not, therefore, include the additional values identified elsewhere within the report: equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind.

<sup>8</sup> The values are also included in The Education (Independent School Standards) (England) (Amendment) Regulations 2014 (Statutory Instruments 2014 No. 2374), s2.

<sup>9</sup> The main difference in the guidance being that independent schools and academies must encourage respect for other people with regard to the protected characteristics listed in the Equality Act 2010.

<sup>10</sup> This will be discussed in more detail below at 'British values as a threat to human rights values'.

<sup>11</sup> As identified in the first part of this article, it is a difficult task to establish what constitutes a 'human rights value', or even a 'value' at all. The section nevertheless sought to provide a reasonable and plausible interpretation of human rights values based on the content of relevant international instruments and guidance.

<sup>12</sup> See above at 'A concept in search of a definition: a short history of British values'.

<sup>13</sup> This risk is further exacerbated by the 'Revised Prevent Duty Guidance: for England and Wales', which instructs education authorities to monitor and report on potential extremism (HM Government, 2015: 10-12). For criticism of the discriminatory potential of this measure, see Versi, 2015.

<sup>14</sup> I attended the ACT National Conference in London on 30 June 2015 and listened to one speaker discuss his experiences in this regard. He showed examples of slides where British cultural symbols were being taught as opposed to British values.

<sup>15</sup> At the ACT National Conference one speaker couched his understanding of British values in a broader human rights framework and some teachers in attendance advised that they were doing the same.

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