

Social Value, Children, and the Human Right to Education

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Valor social, niños, y el derecho humano a la educación

ABSTRACT: The social value of educational institutions must be captured by any adequate conceptualization of the human right to education. Society as a whole is benefited by formal education because of its intersection with other social goals like literacy, political engagement, equality, and in particular, good health. In this sense, the social value is importantly aspirational: education provides a place where meaningful political action can occur and is socially valuable as a way to overcome oppression in a society. Including this social value as part of what the human right protects offers distinct advantages for our understanding of children's human right to education, as well. It addresses the challenge of conceptualizing how the human right to education is applicable in cases of child poverty and social insecurity. It also provides theoretical resources to address social conflict that results from providing formal schooling, including tension between children and guardians regarding children's education.

RESUMEN: El valor social de las instituciones educativas debe ser capturado por cualquier conceptualización adecuada del derecho humano a la educación. La sociedad en su conjunto se beneficia de la educación formal debido a su intersección con otros objetivos sociales como la alfabetización, la participación política, la igualdad y, en particular, la buena salud. En este sentido, el valor social es importante en un sentido aspiracional: la educación proporciona un lugar donde la acción política significativa puede ocurrir y es socialmente valiosa como una manera de superar la opresión en una sociedad. La inclusión de este valor social como parte de lo que el derecho humano protege ofrece claras ventajas para nuestra comprensión del derecho humano a la educación de los niños. Trata el reto conceptualizar cómo el derecho humano a la educación es aplicable en los casos de la pobreza infantil e inseguridad social. También proporciona recursos teóricos para abordar el conflicto social que resulta de la escolarización formal, incluida la tensión entre los niños y tutores respecto de la educación de los niños.

KEYWORDS: human rights, education, children, health, human right to education, philosophy of education

PALABRAS-CLAVE: Derechos humanos, niños, educación, derecho humano a la educación, filosofía de la educación

1. Introduction

The relationship between formal education and health has important implications for understanding what justice demands in regards to education. In this paper, I defend a conception of the human right to education that can clarify this relationship. The human right to education is listed in many notable human rights documents such as the *Universal Declaration of Human Rights* (1948), the *Declaration of the Rights of the Child of 1924*, the *Convention on the Rights of the Child* (1989), the *International Covenant on Civil and Political Rights* (1966), the *International Covenant on Economic, Social and Cultural Rights* (1966), and the *Convention on the Elimination of All Forms of Discrimination against Women* (1979) (McCowan, 2013, 21-45). There are still challenges, however, in understanding what the content of the human right to education is: what it is a right to, who its duty bearers are, and what duties follow from the right. We might wonder what level of education the right requires, if there is one particular value of education that grounds it as a human right, if we can identify a duty bearer in all cases, and if fully realizing the right requires rights to things like health, infrastructure,



and other social goods. We might also ask if there are particular challenges in understanding and realizing the human right as it belongs to children. This is of particular importance given the role that education can play in the healthy mental and physical development of children.

In what follows, I argue that the social value of educational institutions is a crucial part of the justification and content of the human right to education. This social value includes the role of education in promoting healthy development, both physical and mental, and the positive social impact this can have on present and future generations. Given that healthy development is one of the social benefits that education supports, my conception sheds light on why the positive impact of education on health is relevant to the normative justification of the human right to education. Both education and health are fundamental parts of a healthy society in which individuals are able to play an active role in the social institutions that shape their lives. Grasping the overlap of health with education is a necessary part of gaining a full picture of the conditions needed for justice. Grasping this overlap is particularly important when articulating and defending children's human right to education because education is a central part of furthering children's development.

Education as a social enterprise is valuable not only because it advances the individual interests of rights holders, but because it advances distinctively social interests. Guaranteeing access to formal educational institutions has distinctively social benefits for those who participate in the institution: in such an institution individuals gain skills necessary to protect their own interests, develop new interests that may as yet be unrecognized in their social world, reflect upon social norms and negotiate them with others. Such benefits, moreover, do not only serve individual interests; educational institutions have the potential to spur larger societal benefits. Society as a whole is benefited by formal education because of its intersection with other social goals like good health, literacy, political engagement, and equality. In this sense, the social value is importantly aspirational: education provides a place where meaningful political action can occur and is socially valuable as a way to overcome oppression in a society. In articulating the importance of the relation between education and health, then, I am appealing to a common role that they play as conditions of a just and healthy society in which individuals can determine the course of their own lives.

My particular purpose here is to establish that an adequate justification of the human right to education will be able to capture the relevance of such social benefits like good health as a part of the justification of the human right to education. It is essential to my argument that education is one of the 'social determinants of health' (Daniels, 2008, 81). There is empirical evidence to support this, both in regards to health education and formal education in general (I discuss this in Section 3). It requires expertise and careful study to determine in particular social circumstances to what extent and in what ways instituting education may improve health¹. But my argument is successful if I show that there is a burden on human rights theorists defending the human right to education to take into account such considerations. This burden is defended in section 2 where I critically assess two ways of understanding the human right to education provided by Joseph Raz and James Griffin. While Raz understands human rights primarily based on their role in international political practice, Griffin understands them as protections of normative agency. I argue that neither adequately accounts for the importance of the social value of education as part of what the human right to education protects. Both of them should, however, because this follows from their own conceptualizations of human rights.

In section 3, I argue that appealing to the social value of education as part of what the human right protects offers two theoretical advantages for our understanding of the human right to education and children's human right to education, in particular. First, on such an interpretation there is a human right to educational institutions even in social contexts where it seems that there is no immediate value for individuals in attending school. This addresses the challenge of conceptualizing how the human right to education is applicable in cases of child poverty and social insecurity. Second, such an interpretation also has the theoretical resources to address how to handle social conflict that might result from setting up an educational institution, for example when education is in tension with existing cultural practices and when guardians dispute the education that children should receive. On my account, educational institutions should be conceptualized as mutually beneficial for all those who participate in them such that the human right to education is a right to educational institutions in which it is possible for social benefits to arise in the first place, where interests can develop and such social tensions can be negotiated. This is important for our understanding of children's human right to education because it justifies the institution of schools in cases of disadvantageous social circumstances given their aspirational role in

improving such circumstances. In section 4, I conclude by considering the practical ways in which such social benefits of education may be realized.

2. Two Ways to Conceptualize Human Rights

2.1. Joseph Raz and the Political Approach

There are two general ways to conceptualize human rights and each one has a different way of determining their content. One conception of human rights will tie the content of a human right closely to the normative ground of the right, the reason why it entails some duty that is binding on another. Such an approach could identify such values as normative agency (Griffin, 2008) or the capability to function well (Nussbaum 1997; Sen 2004, 2005) as the ground of human rights. The particular conception of a human right in this case would depend on its normative ground—whether it is something that protects normative agency or functioning, for instance—and working from such a ground can settle more determinate questions about the content of human rights in particular cases. Some argue, however, that the concept of human rights is inseparable from their role in international political practice. For instance, human rights might be best understood as side constraints on national sovereignty such that a state violating human rights gives up some aspect of its own domain of legitimate non-interference (Rawls, 1999; Raz 2010, 2015). On this view, there is simply no reason for international human rights practice to conform to some independent normative standard of what human rights are. Rather, appealing to international practice is the proper way to settle questions about the content of human rights because human rights themselves have only recently evolved out of a contemporary political practice (Beitz, 2009).

Two such approaches might agree on the justification of the ground of the human right and yet still differ in their methodology for determining the content of the human right. A political conception of human rights could still allow that there are plenty of normative arguments that can justify the inclusion of human rights in this practice. So the divergence between these two approaches is reflected in their differing methodology for settling the content of the right, a difference which has its basis in their different understanding of the concept of human rights. It might be

that human rights simply are a contemporary part of international political practice and their role in this is an important part of understanding what they entail and who has the duty to protect them. Yet there is reason to think that appealing to the normative ground of a human right is necessary to settle questions about its particular content (Buchanan, 2013; Miller, 2015; Cruft, Liao, Renzo, 2015).

Joseph Raz's political approach for conceptualizing human rights is an example of an approach that needs supplementation. In particular, his remarks on the human right to education (henceforth, HRE) are indicative of the need for more determinate answers regarding the ground of the HRE if we are to understand important aspects of its content. In what follows, I argue that absent such determinate considerations of the interests that ground the HRE, Raz is unable to capture the social value of education as part of what the HRE protects.

Raz grounds the existence of human rights on their role in international political practice². Human rights are those rights that provide a justification to intervene with the sovereignty of a state that violates them in an all-things-considered judgment about the matter. If a state violates a human right, it might, for instance, lose some control over its own domestic affairs such as immunity from outside interference or an entitlement to complain about such interference. If the latter is not the case, then the given right is not a human right. In particular, he identifies three stages of justification for any given human right (Raz, 2010, 336). There must be an interest that an individual possesses that must be satisfied by some social institution. This interest also must be the proper domain of state institutions to satisfy. Lastly, this state duty must be the proper domain of international enforcement such that a state can be forced to uphold these rights or such that the international community provides for the right. Human rights are contingent insofar as their existence depends on all three levels, the last of which has to do with the current state of international affairs³ (Raz, 2010, 335). The list of human rights is contingent, therefore, on the status of international affairs. On this view, there is no reason for international human rights practice to conform to some independent normative standard of what human rights are. Moral rights, like the right to freedom of expression, can be understood as a right independent of their role in this political practice and they may be universally possessed by all persons regardless of context (Raz, 2010, 334-5). But such moral rights becoming human rights requires that they play a determinate role in this political practice.

Raz thus maintains that the HRE is contingent like all other human rights. For there to be a HRE for certain individuals, it must be the case that they have the interest in education that justifies its institutional protection. Furthermore, it must also be the case that the state is able to provide for this interest. Finally, it must also be the domain of international arena to interfere with states that do not provide this institutional guarantee of the right. He puts things as such:

'The right lacks universality for it exists only where the social and political organization of a country makes it appropriate to hold the state to have a duty to provide education. Hence, while the right to education is an individual moral right, the considerations which establish it are complex and not all of them relate to the interest of the right-holder. *The primary, though not the only, relevant interest of the right-holder is to be equipped with whatever knowledge and skills are required for him to be able to have a rewarding life in the conditions in which he is likely to find himself.* Whether education, in a sense which involves formal instruction, is needed to meet that individual interest is itself a contingent matter. When it is required the question arises: what is the most appropriate way of securing it for all? Under some conditions the state should be a guarantor that education is provided, and when that is so, people have a right to education, and when it is so more or less throughout the world the last question arises: should states enjoy immunity from external influence regarding their success or failure to respect the right to education of people within their territory? If the conditions of the international community are such that they should not enjoy such immunity then the right to education is a human right' (Raz, 2010, 335-6; emphasis added).

Though Raz appeals to the role of the HRE in international human rights practice to clarify its content, he fails to recognize that the way its role should be conceived and therefore its content—what duties it entails, in which circumstances it exists, and in what ways it is contingent upon social circumstance—is dependent upon the interests that ground it in the first place. So even if the practical role of the HRE is important to understand its content, which interest is thought to ground it—and, therefore, to ground the duty to provide access to an educational institution—will effect which institutional frameworks would fulfill it. In particular, Raz assumes an interpretation of the interest that education serves—being 'equipped with whatever knowledge and skills are required for him to be able to have a rewarding life in the conditions in which he is likely to find himself' (Raz, 2010, 336)—in order to then conclude that only in certain cases does the HRE require institutional protection to meet that interest. But if the interest that education protects is an interest in educational institutions themselves, this does not follow. Formal educational institutions are required for some educational goals.

Distinguishing between the interests that schools may serve and the interest in such schools themselves, moreover, is essential if the social value of education is going to be captured as a part of what the HRE protects. Formal educational institutions may in some cases serve the interests of individuals such as the interest in having a particular vocational skill. What makes education socially valuable, however, is the fact that individuals can develop more interests than they have at present and gain the skills necessary to represent their own interests in political processes. Being included in such institutions also conveys a status to students that indicates the importance of having one's interests formally protected rather than dependent upon the whims of others. Understood as such, the social value of education does not follow from merely satisfying one individual's interest in education because this social value is not something that would obtain for one individual at a time. The social value of education is better grounded in a social interest in having such schools themselves because of their role in larger positive social processes even despite social circumstances where it seems that no individual interest is served by the institution.

Leaving it open that many interests may justify the HRE given the HRE's role in international affairs does not suffice to give a basis for this social value as a part of the HRE, either. The social value of education is partially contingent upon the way that the world is, namely, whether education does play a role in enabling individuals to take part in the political processes that affect them. Yet if the international status quo is thought to control whether such social interests can justify the HRE in particular cases, then the HRE would lose its critical function as empowering individuals so that they can have some bearing on the international community's status quo. Raz's failure to capture this is a problem even on his terms because providing for such social value is an important part of the role of human rights in international affairs as protecting and empowering individuals across varying social circumstances⁴ (Forst, 2010, 712; Brownlee, 2013). In this regard, the social interest in educational institutions taken as the ground of the right also better captures something about the aims of contemporary human rights practice—as empowering individuals against prevailing social circumstances—to begin with.

2.2. James Griffin and the Normative Approach

James Griffin, on the other hand, offers an example of a normative approach to human rights theorizing. He argues that we need to understand the ethical ground

of human rights in order to identify the content of those rights (Griffin, 2008, 4-5). This will make it so that they have a more determinate sense and a more determinate role in international political practice (Griffin, 2008, 2). Human rights practice is worse off because there is no criteria with which we can even settle disagreement about them—we need to know what is at issue to begin with (Griffin, 2008, 16). In this sense, there is a commonality between Raz and Griffin in wanting to have a more determinate concept of human rights from which we can draw out a practically meaningful understanding of human rights. But they go about this differently. Griffin thinks that the content of human rights are best filled out by reference to the ethical concept of normative agency; he is not deriving the content of human rights from political practice. A normative agent is a person with 'the capacity to choose and to pursue [a] conception of a worthwhile life' (Griffin, 2008, 45). His claim is that human rights should be understood as rights to 'what is needed to function as a normative agent' (Griffin, 2008, 90) and he wants to maintain some minimality of human rights so that we do not have protection of just anything but rather that which protects this dignified status as a normative agent (Griffin, 2008, 81).

On this view, not all of the values of education will ground education as a human right (Griffin, 2008, 53); only education that is necessary for exercising one's normative agency in a minimal sense grounds the HRE (Griffin, 2008, 47). Education is one of the things 'needed to function as a normative agent' and it is therefore something that normative agents have a human right to (Griffin, 2008, 90). More specifically, education is needed to deliberate and exercise one's agency because education ensures that one has the adequate capacities to engage in practical reason and pursue a fulfilling life (Griffin, 2008, 47). So, we need education to do more than merely survive. Education in this sense is instrumentally valuable for living a good life. But there is something intrinsically valuable about one's normative agency as an aspect of one's personhood that grounds the HRE. Education is a protection of that valuable status even if the same kind of education is not always necessary for the exercise of normative agency. There is therefore a human right to it for normative agents.

Yet even this analysis of the HRE is missing an important point. Simply put, normative agency is social insofar as part of being a normative agent means acting on social norms. Griffin to some degree captures this by admitting that human rights might only be necessary protections for individuals in society because it is only in such

conditions that the exercise of one's normative agency is threatened by other social arrangements. He maintains, however, that human rights are still possessed by individuals in virtue of their status as normative agents with particular capacities; possessing them on these terms does not depend on any particular social standing (Griffin, 2008, 50-1). Yet even if I agree that the capacity to form and pursue a conception of a good life is not dependent on any particular social standing, the exercise of this normative agency in practice will be deeply shaped by social norms.

This point, moreover, has important implications for our understanding of the HRE. Surely *formal* education is not always necessary to follow through with one's goals as a normative agent. The skills and abilities necessary for pursuing one's goals could be gained informally. While Griffin acknowledges this, he interprets it as a part of determining what level of education is demanded by the HRE in practice (Griffin, 2008, 47). Yet this is not a matter of degree so much as a matter of kind: determining what degree of education is minimally necessary to exercise one's capacities as a normative agent is not the same as determining what value formal education protects if it is not, in fact, necessary for maintaining one's status as a normative agent.

This is a pertinent issue for understanding on what basis the human right to education exists even in cases of social oppression or poverty where being granted access to formal education will not actually protect the exercise of normative agency in an immediate sense. Regarding such circumstances, it is most plausible that what formal educational institutions *protect* is a place in which norms can develop and change as individuals reach higher levels of education. Normative agency is not exercised one person at a time; the norms that guide practical thinking and decisions are socially reinforced and recognized as valid. Education might be instrumental in enabling one to act on such norms by providing particular skills that enable one to avail certain opportunities. Yet the opportunities that one faces may be quite limited. In such cases, one's exercise of normative agency is itself possible with little or no education. What is important and what is not captured by this individualistic picture, however, is the role that education plays in enabling individuals to socially interact, discuss, question, and live out social norms that may not currently be accepted in one's society. This inclusion in social processes that affect what norms one is held to as happens within schools can be included as an important part of exercising one's normative agency. But it can only be captured as a part of what the HRE protects

if one takes the HRE to be justified in regards to the social value of having such institutions where society's norms can improve and broaden to the benefit of those included within such social processes.

3. The Social Value of Education

Before engaging in a discussion of how to practically realize the social benefits of education and thereby satisfy the HRE, and in particular how to do so for children, I shall further articulate what is meant by the social value of education. Formal education has many social benefits that are not only valuable for individuals following through with particular life goals. Education enables individuals to both protect their own interests and to develop new interests that may not be socially recognized at present. Skills gained in schools like reading, writing, communicating, and critical thinking are all part of engaging in a political process. In schools, knowledge of important political issues can also be gained and there is the possibility of discussing and evaluating such issues with other students and teachers. Schools therefore enable students to be effectively politically engaged. To some degree, these skills may be gained informally. But schools have an advantage in offering a space that is not private in the same way as other social spaces such as the household or personal relationships. Often deference to authority, elders, socially dominant individuals, and prevailing ways of life will impede this ideal of impartiality. Importantly, the skills and knowledge gained in school might also empower students to interact differently in these private places where political issues—gender and class relations, for example—are still manifested and reinforced by social norms. Another related dimension of this is the possibility of learning things that would not be available otherwise given one's social position. In this regard, students may develop interests that they would not otherwise be aware that they had, like an interest in art or music or science or public policy. So the social value of education follows not only from the role that schools play in enabling individuals to represent their interests, but in enabling them to know which interests there are to represent in the first place.

One also gains a status from being included in a formal educational institution—a status that indicates the importance of one's interests in the first place because one is entitled to take part in a collective enterprise that has a bearing on what

life prospects one has. This status cannot be understood as merely individually maintained. As a normative agent, for instance, an individual will find themselves in a social context with a given set of norms that shape the possibilities of their agency. Educational institutions on the view that I am defending are not valuable only as a way of enabling one to effectively navigate one's social circumstances according to these given norms, but also as a way of enabling one to negotiate these norms in a process of social interaction.

Educational institutions are socially valuable, then, because they provide a place where norms are reflected upon and challenged, skills for effective political engagement are gained, and interests are developed. Individuals have an interest in being included in these institutions because they provide formal protection of this ability to develop new, perhaps yet socially unrecognized, interests and to negotiate existing social norms that may be limiting their life possibilities. This interest is not merely an individual interest, however, but a larger social interest that stems from the possibility of having more inclusive, beneficial norms for all those who are affected by them and to develop interests that may surpass these current norms and social possibilities. This social interest in schools can be taken as a ground of the HRE such that the HRE protects these social benefits. But the value of the status that schools convey can also ground the HRE because one's ability to protect and develop one's interests—and, hence, these social benefits—in part stems from the recognition that one's interests matter in the first place.

Granted, an important concern for human rights theory is how to understand what institutional capacity is needed to provide schools. I admit that someone like Raz does have a good point in emphasizing the relevance of social context to the applicability of a human right in particular cases. I also admit that it is necessary to weigh the costs and benefits of schools against other important things in the context of an entire society. My response to this, however, is that institutional capacity would be understood differently if the social interest in having such institutions is taken as a ground of the HRE rather than the individual interests that education may serve. Furthermore, this interest in the institution is less contingent than particular interests like being able to possess a particular vocational skill. In social contexts where there is no ability to provide formal education, it might follow that the proper response is to develop the capacity to provide education rather than deny the existence of the HRE⁵ (Etinson, 2013, 482). The secondary duty to set up the institution can

be grounded on a prior social interest in having such institutions and there is not necessarily one kind of institution that would be adequate to satisfy the HRE on those terms⁶.

In many places a school might be a very minimal institution that does not have a lot of technology or resources⁷. It may seem as though there is no interest in a school in such a case if we have a narrow ground of the right. Yet such an account would justify denying certain persons of a school with basic resources that would improve the chance that their lives could ever be more meaningful than they currently are by improving their ability to develop and satisfy their own interests. If one's account of the HRE cannot capture this, it is missing something very important about education as a social enterprise with distinctively social benefits. This is important to capture if one wants to maintain the critical function of rights as protecting individuals regardless of social circumstance, and especially those individuals who are in troublesome circumstances of dysfunctional institutions (Miller, 2015, 236-8).

So the social value of education stems from the aspirational nature of education as improving current social conditions and also as supporting other important social goals. Meaningful political action can occur within schools in the process of gaining skills necessary to represent one's own interests or socially negotiating norms in one's society that perhaps hinder one's life possibilities for the worse. This is why discussions of oppression often center on education (Young, 1990, 192-225; Young, 2006; Freire, 2000). One mark of an oppressed people is being denied access to formal education and this oppression can in part be explained as lacking opportunity to overcome oppression through things like education. Children are particularly well-placed to benefit from schools in this regard given their unrealized potentials, curiosity, and openness to change. Importantly, however, if education is to provide such social benefits, the interests of a child should not be thought to be only those interests that are compatible with and reinforced by the prevailing social circumstances that they are brought into. An oppressed child is one who does not have any chance to come to realize and identify with her own interests or to gain the ability to protect them. Such a child cannot be taken to fully endorse those prevailing circumstances even if eventually she may do so because endorsing such a choice requires evaluating other alternatives in the first place.

There also is concrete evidence that schools have an ability to improve the social conditions of a community and to therefore support the possibility of such positive social progress. One example is the correlation between education and health. In the context of a developing country in particular, this may be related to the safety that schools provide in an otherwise unstable social environment (UNICEF, 2016a, 2016b). More generally, however, educated individuals are better equipped to make positive decisions for their own health (Cutler, 2007; CDC, 2015; World Bank Group, 2016, 89-93; Lochner, 2011; Alderman and Bleakley, 2014). Specifically health-oriented education is also important in preventing the spread of infections and ensuring that medicines are used correctly (World Bank Group, 2016, 89-93; Strickland, 2011; Save the Children, 2016). Importantly, there is reason to think that the more widely schools are instituted, the more individuals will share in these benefits because schools provide valuable infrastructure and serve children who can positively impact future generations (Alderman and Bleakley, 2014; Strickland, 2011; Save the Children, 2016; World Bank Group, 2016). The World Health Organization's Global School Health Initiative emphasizes the important role that schools have in shaping healthy behaviors and healthy environments for individuals and communities (World Health Organization, 2016c). Communities can also lower the risk of child maltreatment by avoiding 'social, economic, health and education policies that lead to poor living standards, or to socioeconomic inequality or instability' (World Health Organization, 2016b).

Both formal education and health education are important social determinants of health. Neither form of education should be understood as only instrumentally valuable as if health were merely the beneficial outcome of the education. I am arguing for the social value of education given education's role in perpetuating socially beneficial conditions, such as good health. Education is socially valuable not only because it instrumentally brings about good outcomes, but because it is a part of the larger social conditions necessary for a just society in which individuals are able to positively participate in the political processes that affect them. Both health and education are important parts of these just conditions, and they overlap given their shared role in realizing certain social values.

The views defended by Norman Daniels and Alan Cribb regarding the relationship between education and health support this point. Daniels has emphasized that formal education is one important social determinant of health (Daniels, 2008, 88, 142-3)

and there is overlap between education and health as necessary conditions of fair equality of opportunity (Daniels, 2008, 60-1). An explanation of why education is socially valuable, then, should involve education's relationship to health and their mutual role in attaining social justice. Alan Cribb has emphasized the importance of *health* education in not merely reaching health outcomes, but reinforcing larger conditions of social justice. According to Alan Cribb, 'Health' understood variously as 'absence of disease', 'welfare', and 'well-being' is a very major concern for individuals and for society as a whole. If education has a role either in helping people understand and change their physical and cultural environment, or in helping them to learn how to live their own lives and in communities, then health education (in the global sense) should have a central role in all sectors and settings' (Cribb, 2005, 186). His conception of health education as a form of 'political education' fosters community involvement, open discussion of health issues, and the development of health-promoting behaviors. This is opposed to an instrumental conception of 'health education as a technology of health improvement' (Cribb, 2005, 180). It is important to balance efforts to achieve health outcomes with broader efforts to foster understanding as well as healthy behaviors and environments. Health evolves out of the larger social context one lives in, a context that contains a culture of health attitudes, behaviors, and values, and that is affected by the kinds of education available.

4. Practically the Realizing Social Benefits of Education

Thus far I have sketched an ideal educational institution as one that contributes to progress in a society. Yet such a position must also be sensitive to the possibility of tension resulting from the introduction of formal schools into a society: although relationships and social institutions are at once a necessary condition of following through with one's aims, they can also be oppressive⁸. In this regard, another advantage of grounding the HRE in social interests is that such an account can specify enough content of the HRE in order to address the possibility of social conflict as a reaction to such institutions and the norm changes that they may bring with them. This is a theoretical advantage because any satisfactory ground of a human right must have something to say about the potential problems that might arise from respecting the human right in practice. It is also important consider when defending

children's human right to education in circumstances where formal education is in tension with existing ways of life.

Tristan McCowan, for instance, refers to some examples of social conflict that were found in studies of education, particularly in contexts where schools are being introduced for the first time. Depending on the situation, schools can be ineffective, at best, and harmful, at worst. Describing studies of schools in Africa (Palme, 1999; Serpell, 1999), he writes, 'the disjuncture between school and the local community is seen to lead to a radical devaluing and disowning of the latter among those few who survive through the grades' (McCowan, 2013, 70-1). McCowan also points out that schools can be a place where violence and other rights violations occur, particularly for women (Unterhalter, 2003, 2007; Wilson, 2004). A recent case that comes to mind is Malala Yousafzai who was shot in the head by a Taliban gunman for going to school (Husain, 2013). More generally, instituting a school into a community or mandating schooling for certain persons has the potential for all sorts of social tension between the needs of the community, its existing culture, and the content and method of education (Leach and Little, 1999; Réaume, 2000).

In most of these cases, there is a problem with achieving a successful internal dynamic within schools that is rooted in external causes. This tension is to some degree addressed by the idea that human rights, to be effective as a practice, are necessarily interrelated⁹ (McCowan, 2013, 23). Because of how socially embedded education is, if the HRE is going to be fulfilled, other important rights also have to also be fulfilled. More concretely understanding how to avoid such conflicts between rights and to socially support educational efforts will likely require empirical analysis of the root of different conflicts. It is likely that causes are interrelated, like the need to rely heavily on household laborers for subsistence and the lack of education for groups of individuals most likely to work in the household (McCowan, 2013, 146). In this regard, I cannot provide complete guidance on how the HRE should be situated within international affairs as a whole. Some of these conflicts must be addressed by a more comprehensive theory of the interrelatedness of rights and the need for international action against systemic violence, poverty, and discrimination in different cultures throughout the world.

Yet there are conceptual resources to address the reasons for and potential solutions of such conflict. I have argued that educational institutions are socially valuable

because they can provide a place for the negotiation of such social issues from the start. At a minimum, I intended to maintain the critical function of the HRE as providing a way to criticize such situations because they fail to live up to the ideal of the institution as being socially valuable. At the very least, then, I have given a starting point for saying that these educational institutions, if leading to other rights violations or failing to have a positive impact on social relations, are not fulfilling the HRE. But the right to such institutions does not cease to exist in such circumstances because their purpose is to set the stage for social improvements by ensuring an environment where positive and productive interactions can take place.

Furthermore, not all conflicts that may result are manifestations of external social conditions; there may be internal tensions to education that are not only a manifestation of the external conditions in which individuals are educated but that would likely arise in even the most ideal social circumstances. In particular, I have in mind familial, guardian and child relationships and their respective interests, or lack thereof, in instituting formal education. This is a necessarily asymmetrical relationship in terms of power yet at once necessary in almost every social scheme for the development of children. Such parenting roles, moreover, often overlap with the role of a teacher, particularly in less developed societies. Even in a more developed society it would be questionable to rely heavily upon a distinction between public and private realms when articulating rights to education¹⁰; one task of educational theory is dealing with the tension between and interrelation of these two realms in education.

Those who have taken the task of articulating the content of the HRE, however, have not adequately accounted for the role of families as a part of the social conditions that affect the viability of realizing the HRE¹¹. In many communities, the importance of parental authority is bound up with the importance of carrying on with the activities required for the cultural and even literal survival of that community¹² (McCowan, 2013, 133-149). This creates a dilemma if the HRE is interpreted as being a right to an educational institution. On the one hand, affirming parental authority can thereby severely restrict the kind and quality of education available to children. Alternately, denying parental authority may undermine the very backdrop necessary to realize the HRE by placing education at odds with cultural—and perhaps even literal—survival. Even Griffin points out this innate tension between parental authority and the interests of children without posing any solution to it or considering how it might affect our interpretation of the HRE (Griffin, 2008, 65). Those who have done more

to recognize this tension between child and parent interests (Brighthouse and Swift, 2006, 2014; Curren 2009), moreover, have not recognized the force of the dilemma as it pertains to contexts where there is not a widespread distinction between public (formal) and private (informal) institutions and where there may not be any existing formal educational institutions to begin with.

To deal with these possible tensions, I maintain that the HRE must be conceptualized so as to include substantial benefits not only for students but also for their families. In reaffirming the social value of institutions and the way that educational institutions can empower individuals, we should be sensitive to the way that this may affect an entire community. To ensure that schools are beneficial to the community, it might be necessary to avoid instituting a curriculum that is too detached from the specific needs of each community.

This means first and foremost recognizing that it is not only students but guardians that participate in this institution. As said above, this might even at times be as a teacher, but it can also be as a source of influence over the school in the first place. There is no necessary reason, however, why guardians cannot also be included as students. In this regard, whatever social division occurs from educating one generation rather than others could be eased by lessening the division. Education could also be justified to all affected as having a positive effect on their lives. This might mean having curriculum that not only focuses on assessment, but that encourages other social skills and focuses on how education can equip one with abilities that have a positive social impact in the community and society at large (McCowan, 2013, 145, 147). For all of this to be possible, moreover, schools should deliver lessons in the native language of the students and ensure that education can fit with other duties like agricultural and household work (McCowan, 2013, 140). Furthermore, it is important that there are adequate places to study in school and at home (McCowan, 2013, 146).

In this sense, then, schools need to conform to the social context in which they are instituted. Making them effective places for learning and social engagement, however, might require some social adjustments to the prevailing way of life. It might be the case that some of these social changes will in fact be quite radical for a community and that social conflict will result. Yet there is reason to think that schools are well-suited for bringing about positive social changes because such changes can

be justified in reference to the aims of the school. Most fundamentally, guaranteeing formal education may greatly improve the life prospects of those being included in the school. Such improvements are likely to open up opportunities for learning and for social interaction that perhaps have never been possible. Furthermore, there is reason to think that these social benefits will increase as more people are included in the school and as educated individuals bring such benefits into their communities. As discussed in section III, good health is one benefit that schools support and this is an important condition for reaching further social goals in a community.

Yet if there are going to be positive changes within the society that persist into the future, it is essential that such social changes have the opportunity to develop through an internal process of norm negotiation and reevaluation within the community itself. Such norms may be things like the behavioral expectations for different genders that may or may not be conducive to active learning and participation, the reasons why certain educational subjects are viewed as valuable, attitudes towards persons of diverse backgrounds, attitudes towards the environment, and what are taken to be the aims of society and one's role within society. This reflection on norms can be taken as an explicit task of the school itself perhaps through specific kinds of cultural curriculum, but it is also something inevitable that will happen so long as education has the potential of enabling individuals to represent their interests and develop new interests that may not fit neatly within their current social environment. We can also understand human rights as themselves entailing some reciprocal benefits for those who possess them in virtue of the particular status that the right conveys to rights-holders. Understood in this way, satisfying the HRE means developing educational institutions with such reciprocal benefits in mind¹³ (Forst, 2010, 725).

The possibility of such alignment of interests is partially an empirical question, but its possibility can be protected by creating the space in which norm negotiation can take place and in which individuals can develop the skills necessary to develop and protect their own interests. This should be reflected in the ground of the HRE as entailing a duty to set up an educational institution with distinctively social value. If the HRE is thought to be justified merely one individual at a time, it might be that in any given case of social oppression there is no HRE because there is no immediate interest or gain in social status from attending a school. Yet if the HRE is thought to be grounded in a social interest in educational institutions, then there is a justification for it given the role of schools in supporting larger social values.

Importantly, appealing to such social values as part of its justification also provides a standard to assess whether the HRE is being fulfilled in particular cases. Only such a ground, then, can ensure that the HRE will live up to its critical function: it entails that it is justified to provide education even in cases of oppression and poverty; it captures what is an essential part of formal education understood as a social enterprise with the potential to undermine oppression in its various forms¹⁴ (Forst, 2010, 712); it illustrates at once how the social embeddedness of education can pose challenges for realizing the human right to education while at the same time pointing to the possibility of overcoming them.

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Notes

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1. Having a comprehensive theory of health and how it is correlated to education is not necessary for my arguments in this paper to be successful. For the purposes of my argument about how health is one of the social benefits that education supports, The World Health Organization's definition of health suffices: 'Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' (World Health Organization, 2016a). I agree that good health requires more than merely absence of disease, either physical or mental (Daniels, 2008, 36). In avoiding this overly narrow definition, however, it also suffices to define health as "absence of pathology" and normal species functioning (Daniels, 2008, 37). I am also in agreement with Alan Cribb that "'health-related goods" and other goods are so mutually implicated that the former cannot be dealt with in isolation' when considering health policies (Cribb, 2005, 22).
2. I will refer to Raz, 2010, in my arguments. Cf. also Raz, 2015. For the purposes of my argument, focusing on the former rather than the latter does not make a difference.
3. In Raz, 2010, 335, he writes of his account, 'Its essence as a political conception is that it regards human rights as rights which are to be given institutional recognition, rights which transcend private morality' and 'human rights are moral rights held by individuals. But individuals have them only when the conditions are appropriate for governments to have the duties to protect the interests which the rights protect.'
4. I am in agreement with Forst, 2010, that to deny this function of human rights, their ability to confer upon individuals a certain moral status as deserving of reasons and justification, is to misunderstand something important about the social value of human rights. Forst, 2010, 712, writes, '...one must not overlook the central social aspect of human rights, namely, that when and where they have been claimed, it has been because the individuals concerned suffered from and protested against forms of oppression and/or exploitation that they believed disregarded their dignity as human beings. They viewed the acts or institutions that they opposed as violations of the basic respect owed to human beings (and hence, in principle, as a concern for the community of all human beings). Human rights are first and foremost weapons in combating certain evils that human beings inflict upon one another; they emphasize standards of treatment that no human being could justifiably deny to others and that should be secured in a legitimate social order'. I am also in agreement with Brownlee, 2013, that human rights should also be understood to include rights to social inclusion because of the fundamental value of positive social interaction as part of a good life.
5. Etinson, 2013, 482, articulates and defends such a view: 'That is, on the sort of view we are contemplating here, abstract human rights can reasonably be seen as imposing widespread duties to help establish institutions that will undertake the arduous work of specifying, applying and rendering them claimable'. He is responding to the claimability problem for human rights as articulated by Onora O'Neill, 2000, 2005.
6. In addition, there is reason to think that the abstractness of this social interest compared to more particular interests conforms with the aims of the international human rights regime. Etison, 2013, 484, for instance, points out that the abstraction at the international level provides the ability for regimes to agree, for a wide variety of people to understand the rights, and for the rights regime to reach universalist aspirations by leaving it open how a right might apply in different circumstances and what particular social facts would be relevant to fulfilling the right in those situations. He writes, 'a right can only attain full universality if it is formulated in such a way as to remain silent with respect to concrete questions of societal circumstance, deontic prescription, and institutional implementation, e.g. questions about what form of marriage one is entitled to, what type of economy one participates in, what kind of say one should have in one's government, etc. As a way of not pronouncing on such matters, then, abstraction is vital to the

universal reach of rights.'

7. McCowan, 2013, 133-149, expands upon the particular challenges for providing education in rural villages.
8. Gould, 2015, has argued for an understanding of human rights that captures how agency is socially enabled, but there is room to further consider the ways that social relationships may in practice hinder one's agency.
9. McCowan, 2013, 23, stresses the indivisibility, interrelatedness and interdependence of human rights and the fact that this has been articulated in the formation of official legal human rights documents.
10. Reich, 2009, for instance, distinguishes between parenting and public schooling in defending the educational rights of children.
11. McCowan, 2013, in particular does not engage with this issue even though he is concerned with articulating the social conditions that are necessary to realize the right to education.
12. This is the dilemma that McCowan, 2013, 133-149, addresses in articulating the situation of indigenous children as, on the one hand, having an interest in being educated as an important part of a good life, and, on the other hand, as lacking incentives to become educated because of their local economic prospects.
13. Forst, 2010, 725, for example, emphasizes the reciprocal nature of human rights: 'Since every such rights claim must be generally and reciprocally justifiable in order to be binding, it is precisely these criteria that determine its content.'
14. Forst, 2010, emphasizes the role of human rights as providing critical leverage for individuals in society; see n. 4 in this paper for quote.