

**The Right to Education in National/Multicultural Education  
Systems: exploring tensions and ambiguities**

**“Cultural Diversity and Human Rights: a propos of a minority  
educational reform”**

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Human rights are complex and contested. The origins of modern human rights lie in the Universal Declaration of Human Rights (UDHR), an international social contract established to prevent a recurrence of “barbarous acts” (UN, 1948), notably the genocide of the Holocaust, by asserting the equality of human dignity and its expression in universal human rights. The UDHR thus redefines the relationship between the citizen and the state, by limiting the autonomy of the state through its obligations to provide, protect and promote the human rights of individuals. Human rights thus proclaim and construct “the equal and inalienable rights of all members of the human family” (UN, 1948).

The complexity and contested nature of human rights lie in their multi-dimensionality. For example, Douzinas (2007) identifies six ways in which human rights are used: as a legal category, as a source of moral claims, a field in jurisprudence, an ideology, an expression of individual desire and a way of resisting power and oppression. Klug (2000) speaks of human rights as consisting of law, philosophy and (emancipatory) political action. From a sociological perspective, complexity and contestation lie in the fact, among others, that human rights are statements of abstract policy principles which require interpretation and implementation. Interpretation and implementation, however, are always socially, historically and politically contextual and relational.

Universality, relativism and communitarianism are traditionally regarded as the three different ways in which human rights have been interpreted. Universality is embedded in the human rights system, as the new ‘social contract’ (Cassese, 1990; Bobbio,

1996) between citizens and state, in that it constructs all people as fundamentally and essentially equal in our humanity, the sameness we all share. Relativism is also a fundamental principle of human rights, in that it is governments of nation states who have the obligation to provide, protect and promote human rights. These obligations are enacted in specific social/national contexts which have different political cultures, traditions and histories, thus making human rights a site of cultural relativism. This, paradoxically, introduces communitarianism into human rights, in that individual rights subjects are socially and relationally constituted and thus not separable from the community values embedded and expressed in social relations. Thus this analytical separation of universalist, relativist and communitarian approaches to human rights is an abstraction, and in real-life contexts all three constitute the parameters of human rights.

To add to this complexity of analytically different perspectives and approaches, in this paper I argue that the tensions and ambiguities between universalism, relativism and communitarianism can be found in the right to education itself, not just in how this right is interpreted and enacted. In other words, universalism, relativism and communitarianism should not be viewed as mutually exclusive ways of seeing human rights. Instead, these three approaches are co-constitutive of human rights discourse. The aim of this paper is, thus, to deconstruct the right to education and to excavate the tensions and ambiguities between universalism, relativism and communitarianism within the right itself.

The organisation of the argument follows the most recent version of the right to education, namely Articles 28 and 29 of the Convention on the Rights of the Child (CRC) (UN, 1989) to look at issues of access to education systems, and the content and values of education. It then draws, additionally, on the European Convention of Human Rights (Council of Europe, 1950) and Article 13(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1966) to examine parental rights in the education of their children.

The framework for the organisation of the argument thus divides the right to education into three separate rights as an analytical and heuristic device: access to education systems, the content and values of education and parental rights. This is not intended to undermine the legal argument of the late and very sadly missed Katarina Tomasevski, the 1<sup>st</sup> United Nations Special Rapporteur on the Right to Education<sup>1</sup>, that, in order to focus on the obligations of the state, the right to education should be viewed through the prism of four inter-related rights – the famous 4-A model: availability (of schools and of an education system); accessibility (economic and geographical); acceptability (quality and values); and adaptability (to safeguard children’s human rights) (Tomasevski, 2000, 2003).

As a sociologist engaged in critical policy analysis, my aims are different. These are, firstly, to explore the tensions in and between the different elements of the right in order to begin to make sense

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<sup>1</sup> The office of the UN Special Rapporteur on the Right to Education was established in 1998. Katarina Tomasevski was the first Rapporteur from 1998 until her resignation in 2004. Vernor Muñoz Villalobos has occupied the office since 2004.

of the right to education in national multicultural contexts; and, secondly, to contribute, from a sociological perspective, to the debates concerning human rights generally (Morris, 2006), and the right to education specifically.

### **Universality and Access**

In order to develop the argument, it is essential to quote Article 28 in full.

#### Article 28

States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equality of opportunity, they shall, in particular:

- a) Make primary education compulsory and available free to all
- b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible ... and take appropriate measures such as the introduction of free education and ... financial assistance
- c) Make higher education accessible to all on the basis of capacity
- d) Make educational and vocational information and guidance available and accessible to all children
- e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates

Article 28 of the CRC is the systemic access right. It presupposes and normalises the existence of, or movement towards, an educational system composed of a structure of educational institutions, divided into the familiar three phases of primary, secondary, and post-compulsory/higher education, and with progression through the three phases. It also presupposes forms of educational governance which enable the state to ensure

attendance in educational institutions and progression through the phases and beyond.

Article 28 powerfully expresses the idea of human rights in general, and the right to education specifically, as universal. Thus the right to education is an entitlement of all children, with corresponding state obligations to provide, promote and protect. However, there are two main difficulties with this claim to universality. These are, firstly, the endogenous problem of second generation rights and, secondly, the problem of abstract universalism in the context of social and structural inequalities.

Thus, the first issue which this abstract universalism obfuscates is the tension between universal entitlement and the status of education as a second generation right. Within the human rights system, second generation rights, that is economic, social and cultural rights, are to be implemented progressively, in accordance with levels of socio-economic development and the government's economic ability to provide, administer or oversee; in the words of Article 28 "to achiev[e] this right progressively". This qualified obligation of governments with respect to second generation rights generally, namely progressive compliance, has profound implications for the universality of the right to education as entitlement. Most notably, it is an aspiration, an ideal entitlement, not a real one.

This tension around universality in the context of the gap between articulation and promulgation of second generation human rights and their progressive implementation is probably best exemplified

in the ongoing struggle for access to education. For example, what is notable in the context of the 60 year-long history of the right to education is the continuing demand for governments to implement free primary education, most recently reiterated in the push for Education For All in the 1990 Jomtien World Declaration (UNESCO, 1990) and the 2000 Dakar Framework for Action (UNESCO, 2000), as well as in the 3rd Millennium Development Goal (UN, 2000) to achieve universal primary education. The political and policy logic behind this continuing exhortation is continuing non-compliance, mainly as a consequence of lack of economic capacity (Tomasevski, 2003; Unterhalter, 2007). Thus, there is a sense in which the universality of the right to education is fundamentally undermined by its status as a second generation right.

The second difficulty is that the notion of universalism deployed is reminiscent of the universality of citizenship – a social abstraction which regards all individuals as essentially equal with respect to a particular status. In the case of human rights, this is the equality of being human. Universalism, in this context, constructs a problematic essentialist, pre-social human being and ignores unequal social, economic and political social structures and the lived reality of social inequalities, both within and across countries. In this sense human rights actually do resemble citizenship rights: in both sets of rights, equality in one important arena co-exists with, and claims to legitimate, inequalities in other domains of the social. Key critical issues arise from this in educational contexts.

In the first instance, education is broadly reproductive, albeit to different degrees in different countries (OECD, 2002). What happens in education is that social inequalities of class, gender, race/ethnicity, ability and sexuality are reconfigured as educational inequalities. Education is thus, among others, a form of institutionalised systemic discrimination. Sociological research illuminates this systemic discrimination within and across educational phases with regard to patterns of socially/educationally differentiated institutions, potential achievements and actual outcomes, and subsequent occupational destinations (Green et al, 2006; Ball, 2008)

More importantly, perhaps, this systemic discrimination is actually fully embedded in the right to education itself. Firstly, education should to be free in order to be economically universally accessible. However, it is not: public and private institutions co-exist and, in lower income countries, secondary education is more likely to be fee-paying (Tomasevski, 2003; 2006). Moreover, education carries hidden costs, ranging from the loss of income brought about by reducing or abolishing children's economic participation, vital in many lower income countries, to expected/required financial outlay on clothing, additional materials and resources and so on. So although the right is a universal one, access to education still remains at the level of a formal right, defined as absence of legal barriers, rather than a substantive one, addressing the material barriers. Secondly, the right to education actively promotes a system of secondary education which is diversified on the basis of curricula – academic and vocational. The academic/vocational division is imbricated with long-standing



historical and status inequalities, many of which are co-terminous with different and unequal educations and qualifications as well as the divisions characteristic of stratified, unequal labour markets. By encouraging and legitimating the division between vocational and academic education, and thus future occupational destinations, without any reference to its long history as the site of the production of educational inequalities, the right to education undermines the universality of the right. Thirdly, it sustains the fiction of the unequal distribution of ability, merit and educability, specifically in relation to higher education, ignoring the patterned distribution of the cultural capital of students and the symbolic violence of curriculum and pedagogy (Bourdieu and Passeron, 1977). In this context, research in the sociology of education has demonstrated, time and again (eg Halsey *et al*, 1961; Karabel and Halsey, 1977; Halsey *et al*, 1997; Lauder *et al*, 2006) that educational outcomes are broadly reproductive of existing social inequalities. The capacity for higher education is a classed, raced and gendered one. The universal right to education is thus profoundly paradoxical, in that it appears to embed, promote and legitimate educational inequality.

As such, the right to education is located in, at best, a social democratic discourse of equality of opportunity, rather than embracing the more progressive egalitarian aim of equality of outcome. Article 28, indeed, promotes the notion of equality of opportunity uncritically as a central guiding principle. It thus invokes a minimalist version of equality, shifting universality from institutions, practices and experiences to modalities of accessing opportunities. Equality of opportunity to access education, though

by no means unimportant, is fundamentally a meritocratic educational strategy – equality for all to deploy ‘ability + effort’ (Young, 1958) in pursuit of outcomes differentiated by the quality and quantity of ‘ability + effort’, for the purpose of post-education occupational differentiation. In other words, equality of opportunity is only comprehensible in an unequal society where the emphasis is on a fairer distribution of inequalities, and not on a more egalitarian redistribution of opportunities.

In the current global political and economic context of ‘markets + democracy’ (Giddens, 1998, 2000, 2001) or ‘turbo-capitalism’ (Hutton and Giddens, 2000; Luttwack, 1998; Gamarnikow and Green, forthcoming) equality of opportunity is invoked as the only realistic option. Equality, by contrast, is viewed through a neo-liberal lens and constructed as inimical to liberty and the requirement of the ‘free market’ for incentives. Equality of opportunity is thus associated with (increasing) social inequalities, an uncomfortable and rather contradictory resolution of the universality of human rights in the context of education.

National and international education policy identifies education as the key site for the production of equality of opportunity. In other words, the universality of the right to education is embedded in educational systems which, at best, equalise chances to become unequal. The abstract universal equality of human rights thus appears to operate through educational systems whose human rights aim is to produce (a fairer system) of inequalities. In other words, education as a universal human right also operates as a selective filter for other non-educational social hierarchies,

especially the labour market and the occupational structure. With the creation of mass systems of education, initially compulsory, now post-compulsory/higher, educational stratification articulates with other, more powerful, forms of stratification which affect most life chances, including education, mental and physical health and well-being, housing, leisure, consumption, crime etc. In this sense, the operation of education systems undermines, in Tomasevski's terms, both acceptability (quality and values) and adaptability (to children's human rights).

A further issue in this context of 'universalised reproduction' is that education is currently dominated by discursive imperatives of globalisation, where the 'needs' of the economy have become educationalised, with reference to familiar notions of the knowledge society or knowledge economy (Lingard, 2000; Lauder *et al*, 2006). Here the economic structures of society are viewed, not through the prism of global capitalism, but through a lens which abstracts products, operations and modes of advantage/disadvantage from social structure and social relations, and privileges education as the sole mechanism of access to, and instrument for, the distribution of opportunities. Nation states claim incapacity to influence economic globalisation; instead education is prioritised as the sole possible state response to the apparently transcendental nature of globalisation. Thus access to education has become transformed into human capital development for social inclusion. Neo-liberal nation state education policies view education as creating incumbents of the occupational structure, or as factors of production, and as the main source of national competitive position and economic growth, not as educating

human beings or human rights subjects. This conception of education, as both Special Rapporteurs on the Right to Education, Katarina Tomasevski (2000) and the current incumbent, Vernor Muñoz Villalobos (2005), have consistently argued, is a violation of the human right to education.

“The notion of human capital questions the inherent worth of each human being which underpins human rights, as well as undermining the role of education in the promotion and protection of human rights... The human-capital approach moulds education solely towards economically relevant knowledge, skills and competence, to the detriment of human rights values.”

(Tomasevski, 2000, p 23)

Overall, Article 28 invokes education as an unproblematic social good, which is equally effective and productive for all. All the right to education requires in this context is more for all. This universalist abstraction of the equality of human rights subjects ignores the social contexts of structured and systemic inequalities, and, sadly, contributes to their persistence.

### **Relativism and Communitarianism: values and content of education**

While Article 28 focuses on education as the domain of institutions and governance, Article 29 deals with a wide range of issues within education, namely pedagogy, values, and the curriculum. It is here that emerge the tensions between universalism, relativism and communitarianism which inhere in human rights discourse.

#### Article 29

The education of the child shall be directed to:

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential
- b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the UN
- c) The development of respect for the child's parents, his or her cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own
- d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin
- e) The development of respect for the natural environment

Article 29 is thus concerned with pedagogy in subsection (a) and curriculum content and values in the remaining subsections.

Subsections (b), (d) and (e) are familiar to all those engaged in human rights education: they can be found in the UDHR and the ICESCR, and incremental accretions, such as indigenous peoples' and environment rights, and attest to the organic nature of human rights discourse. The genuinely profound shift occurs in subsection (c), where, for the first time, issues of cultural diversity and pluralism are identified as integral to the right to education.

Turning first to subsection (a), Article 29 adopts a clear universalist pedagogical position, in favour of the liberal principles of the autonomy of the person, associated with Dewey and progressive, child-centred approaches to education. These pedagogical principles of educating the whole person, or the human rights subject, are regularly undermined in current national and global education policy regimes which privilege both human capital

development as the aim of education and the accountability structures and systems of educational markets. Current education systems tend to operate within Freire's (1972) 'banking' model of education, where students are regarded as empty vessels to be filled. They are also systems in which curricula tend to be prescribed, however loosely or rigidly, and 'delivered', with testing to measure knowledge acquisition, necessarily resulting in achievement or failure as outcomes.

Interestingly, the universal approach to pedagogy in this first part of Article 29 sits uneasily with the assumptions of Article 28 about differential capacity for education. The systemic Article 28 appears to sanction the idea of different potentials, most notably in legitimating the academic/vocational divide, as well as the exclusion of young people from higher education on the grounds of lack of 'capacity'. However, the current education policy regime of human capital development with its associated features of curriculum delivery and testing of levels of knowledge acquisition, while denying children the right to education as formulated in subsection (a) of Article 29, seems, paradoxically, to be consistent with Article 28. Looking at the right to education from the perspective of pedagogy reveals conflicting rights, or a clash of different principles of universality.

Moving from pedagogy to the values and content of education, Article 29 locates education firmly within the traditional universality of human rights values: dignity, respect, peace, tolerance, gender, race and ethnic equality. Here there are key tensions between the discursive claim about the universality of these values, and their

instantiation in a wide variety of national and regional cultures. The tensions between human rights universalism and cultural relativism are familiar. These tensions are partly endogenous, that is, inherent in the human rights system itself, in that nation states are the parties to human rights treaties, not individual rights subjects. Implementation is, therefore, always a site for national autonomies, as exemplified in historical, political and cultural traditions, customs and practices. It is certainly the case that international human rights have displaced a more absolute form of political and legal national sovereignty. However, absolute national sovereignty has been replaced by the hegemony of national cultures. This form of 'subsidiarity', whereby the manner of policy implementation is devolved to the lowest level, introduces strong tensions between the universality of human rights and national cultural rights: human rights are to be implemented in 'our way'. The ensuing contradictions are well-known: for example, between the apparent individualism of rights, and cultures which focus more on a collective conception of personhood; or between gender equality and the different cultures of patriarchy; or between race and ethnic equality and the continuing inequalities of race, ethnicity and nation in the context of post-colonialism, neo-imperialism and global capitalism. These tensions are endemic to the human rights system, and not, as is sometimes claimed, a real-world evolutionary, teleological process of incremental enactment of human rights

These tensions between human rights universalism and cultural relativism are exacerbated by the national histories and forms of education systems. Education systems have their origins in a

variety of national projects (Green, 1990) – nation-building, empire-building, welfare provision and so on – and are, thus, deeply embedded in national institutional structures, histories, traditions and practices. Educational systems are the repositories and (re)producers, *par excellence*, of nations and cultures. Thus cultural relativism is embedded not only in the subsidiarity principle of enacting human rights within the boundaries of the nation state, but also in the mechanisms of enactment, through national educational systems.

Where Article 29 takes us beyond this specific national(ist) problematic and related tensions between universalism and cultural relativism is in subsection (c). Here cultural relativism is placed within, rather than only between, nation states. This subsection states that education must promote

“The development of respect for the child’s parents, his or her cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own”

It is here that the right to education in the CRC addresses the concerns of the increasing (or increasingly recognised) multi-culturalism of nation states and growing social and cultural diversity in previously (putatively) mono-cultural, national schools. Article 29 requires specific actions regarding curriculum and pedagogy in response to these changes. Using Fraser’s (1997) typology of the forms of politics of justice, Article 29 invokes and embeds the justice of recognition to challenge cultural domination, non-recognition and disrespect. This is a crucial progressive



moment for/in national education systems, away from simple forms of assimilation and reproduction of national identity towards embracing the difference and diversity of plural nation states. Here the right to education challenges the traditional powers of the national state to use education to simply reproduce the 'imagined community' of the nation, by invoking the unitary national culture privileged in long-standing human rights practices of national cultural relativism.

Furthermore, subsection (c) is perhaps a classic statement of pluralist values: the recognition of cultural diversity within nation states and the requirement that all cultures be treated equally. Equal treatment in education entails radical changes in curriculum, pedagogy and, quite possibly, systemic institutional governance, structures and practices. This subsection therefore extends the reach of cultural relativism from its traditional location in nations as units of human rights enactment to new intra-nation sites of institutions and practices. Implementing this new form of cultural relativism in education requires a radical overhauling of everything.

Enshrining these radical pluralist, multi-cultural values in the official and hidden curricula of education systems is clearly problematic. Evidence for this can be found by scrutinising the curricular contents of national education systems, in the continuing calls for developing intercultural education, and in the sometimes acrimonious politics of curriculum change (see Phillips, 1998, for a discussion of the battles over the English history curriculum). International evidence for non-compliance can be found in General

Comment 1 on Article 29, thus far the only General Comment on the CRC. It is worth quoting this in full.

“The aims and values reflected in this article are stated in quite general terms and their implications are potentially very wide ranging. This seems to have led many States parties to assume that it is unnecessary, or even inappropriate, to ensure that the relevant principles are reflected in legislation or in administrative directives. This assumption is unwarranted. In the absence of any specific formal endorsement in national law or policy, it seems unlikely that the relevant principles are or will be used to genuinely inform educational policies... The effective promotion of article 29 (1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies. Approaches which do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes are clearly inadequate.”

(Committee on the Rights of the Child, 2001, paras 17, 18 & 19)

The General Comment draws attention to a number of key issues in the context of this new tension between the two different forms of cultural relativism, inter- and intra-national. Firstly, it acknowledges that, on the whole, national education systems do not embody the values of Article 29, neither human rights values, nor those of pluralism and diversity. Instead, they continue to invoke the values traditionally embedded in national education systems, the older cultural relativism of nations and national identities. Secondly, it claims, justifiably, that Article 29 values will require a reorientation of the aims, content and delivery of education; simple add-on approaches will not suffice. The General Comment seems to be arguing in favour of the more complex

intra-nation cultural relativism of pluralist multi-culturalism as the new set of values imbricating all aspects of education systems.

However, whilst appearing to support a strong critical multi-culturalism, Article 29 locates cultural rights, or ethnicity, in education within an essentialist communitarian paradigm. Cultures are constructed as static, unchanging and unproblematically constitutive of human subjects: “the child’s... cultural identity, language and values”, “the national values of the country in which the child is living”, “the national values of... the country from which he or she may originate”. Thus, children are constructed as members of diverse ethnic/national groups, and group membership entails identical, culturally-specific identities - self-contained and bounded bundles of communal values, different but equal with regard to respect. The new intra-national, pluralist cultural relativism appears to invoke a static cultural parallelism: there is no notion here of either multiple identities, or of the organic development of diasporic cultures (Gilroy, 2000), or even of intercultural education (Gundara, 2000).

Having said earlier that Article 29 represents a crucial progressive moment for/in national education systems, the way in which cultures and ethnicities are conceptualised raises key tensions between the universality of respect for difference and the more or less overtly communitarian politics of difference and its effects, group differentiation by cultural identities and values. Thus it would appear that the tension between the older cultural relativism of nation state specificity and the new cultural relativism of multi-cultural, pluralism of nations is resolved through a communitarian

perspective on cultural diversity: culturally diverse children embody and enact their culture. They are the bearers of culture, not its active producers. Thus cultural rights in education appear to de-individualise, and render human rights values potentially problematic, whether in the apparent denial of autonomy in relation to cultural identity or in contexts where community values may be opposed to human rights values.

Another key problematic issue is the ambivalent status of the child as a human rights subject, when juxtaposed to the parent-child relationship. The CRC is path-breaking in its insistence on the human rights of the child when compared with, for example, the European Convention, 1950, or the ICESCR, 1966, where children are constructed as the property of their parents. In the European Convention it is parents who have the right to “education and teaching ... [being] in conformity with their own religious and philosophical convictions”. In Article 13 of the ICESCR parents have the right to “ensure the religious and moral education of their children [is] in conformity with their own convictions”. Although these concerns have their origins in the rationale for the establishment of human rights, to avoid the educational indoctrination of the Nazi era, by giving parents the right to make educational choices, the end result was to construct children as the property of parents and as the objects of choice of education on parents’ moral, religious or philosophical grounds.

Focusing on the rights of children, the CRC moves away from such privileging of parental rights. Instead, parents are constructed as the sources of children’s identity – their culture, language and

values. This discursive shift, from the rights of parents to make educational choices on moral, philosophical or religious grounds, to the rights of children to bear (imposed) identities, brings us back to the communitarian conundrum. Article 29 not only privileges a communitarian notion of differences of cultures and ethnicities, but also constructs children unproblematically as members of their cultural community of (the accident of) birth. Thus children are both autonomous human rights subjects and non-autonomous bearers of communal identities. The resolution of the tensions between the two forms of cultural relativism embedded in the right to education, between inter- and intra-nation cultural rights, by means of invoking a static, simple communitarian notion of values, would appear to potentially undermine the rights of the child.

## **Conclusion**

In this article I have explored different ambiguities and tensions in the right to education. Article 28, which is concerned with educational systems, promotes a form of universality which strongly resembles social democratic notions of meritocracy. The celebration of equality of opportunity ignores, and potentially obfuscates and marginalises, social inequalities as reconfigured in education. Article 29, which is concerned with curriculum and pedagogy, paradoxically promotes the universality of human rights values, nation-specific cultural relativism, as well as a communitarian notion of intra-nation cultural pluralism. Is the right to education 'nonsense on stilts', to quote the arch-critic of rights, Jeremy Bentham, or can we read these tensions and ambiguities in a different, more generative way?

I would argue for the second approach. Human rights are organic, evolving, processual social/political phenomena (Morris, 2006), embedded in, and reflective of, social and political structures and ideologies. As such, the right to education is best seen as a transnational education policy, and is, thus, as replete with tensions, contradictions and ambiguities as national education policies. Education policy, as noted by Ball (1994, 2008), is complex, a confluence of economic, political and cultural contexts of influence, text production and practice. Thus policy is not technique, it is a specific set of political technologies which are enacted, practised, and resisted. Policy is a process embedded in social, political and economic structures and relations. As process of regulation and resistance, ambiguity of concepts and diversity of perspectives is the stuff of policy.

Therefore the abstractions, tensions and inconsistencies in the human right to education provide vital spaces for, in the words of Klug (2000), political action, or in those of Douzinas (2007), moral claims and ways of resisting power and oppression. All these complexities in human rights discourse in general, and the right to education specifically, open up spaces for political dialogue, argument, action, resistance and progressive change. Knowing where the tensions lie, and what their origins and specificities may be, is one way of opening up these critical spaces.

The project we are celebrating here today, developing curriculum and pedagogy for the Muslim minority in Thrace, is one example of human rights discourse providing a complex policy 'toolkit' (Ball,

1994). The right to education is, thus, also a site for progressive politics of educational change.

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