

## Poverty and the Right to Education: a Dialogue with Amartya Sen's Concept of *Metaright* (Preliminary approach)<sup>1</sup>

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**Resumo:** Este artigo tem por objetivo apresentar um diálogo preliminar com o conceito de *metadireito*, como proposto por Amartya Sen, de modo a discutir como o direito à educação, particularmente em situações relacionadas a crianças e jovens vivendo em situações de privação dos meios para suprir necessidades básicas, como acontece com a maioria dos afrodescendentes no Brasil, não é uma questão de apenas abrir as chamadas “oportunidades universais”, mas requer mais profunda abordagem.

**Palavras Chave:** Amartya Sen; metadireito; direito à educação; pobreza e a questão racial; educação brasileira.

**Abstract:** This paper aims at presenting a dialogue to Amartya Sen's concept of *metaright*, in order to discuss how the right to education, particularly in situations related to childhood and youth living in deprivation, as occurring in Brazil to the most of African-descendants, is not a question of just opening the so called “universal opportunities”, but requires more and better.

**Keywords:** Amartya Sen; metaright; right to education; poverty and racial issue; Brazilian education.

This paper aims at presenting a dialogue to Amartya Sen's concept of metaright, in order to discuss how the right to education, particularly in situations related to childhood and youth living in deprivation, is not a question of just opening the so called “universal opportunities”, but requires more and better.

The main purpose is to reflect on the relationship between the right to education (as part of human rights) and poverty, considering the structural inequality that results from the lack of adequate compliance of such a right and, reversely, the difficulty to those people who were excluded from school, for historical socio-economic-cultural reasons, to succeed when the offer of opportunities, in general provided by public policies, is presented to them.

Much as effective the policies to combating poverty might seem, more conservative adversaries come to struggle against those initiatives. In the Brazilian case, it was not different. Moreover, such adversaries played a self-defined role in combating in public, especially by media (national newspapers, magazines, TV networks, etc.) any kind of support to affirmative actions, to the point of presenting their case before the Brazilian Supreme Court (*Supremo Tribunal Federal*).

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Therefore, that research, developed as work-in-progress, also has the objective to present and discuss those reactions against quotas. Continuing the dialogue with Amartya Sen, the arguments in defense of affirmative actions, as presented in the Brazilian case, will be analyzed, with a view to identifying how principles related to the concept of *metaright* are presented, even when embedded or subsumed. In this regard, this paper has also the objective to shed light on how the concept *metaright* is relevant to be understood, both as an analytical tool and as a political resource in the search of democratizing school opportunities, overcoming structural conditions conducing to poverty and inequality.

As for the theoretical framework, besides Brazilian authors concerned to racial matters, three authors are particularly relevant to the development of the analysis intended to be conduct in this paper: Amartya Sen and Richard Dworkin, including also the debate on the racial contract, by Charles Mills.

Departing from two central authors, a theoretical survey was developed, highlighting some other authors and concepts to be included as references. To support the case study, in addition to bibliographical research on the Brazilian situation regarding access to and permanence in University and the racial issue, offering a preliminary historical view, a data basis was put forward concerning to Brazilian laws related to the theme, besides other Brazilian documents such as interviews to newspaper and magazines, manifestos, opinion essays published in national press or on the Internet, in websites and blogs. All the aforementioned documents were analyzed in the light of the preceding theoretical references, crossing references among those in favor and against “quotas”, bringing historical information on the academic production of the same authors (mainly content analysis). The documents regarding the Brazilian Supreme Court special session, which discussed, to the judgment of the “quotas” at the universities, deciding in favor of that kind of affirmative action, will be presented in another paper, analysis which constitutes a part of the research findings, still under analysis.

Regarding data sources, historical references and statistical data have been collected to provide foundations to the discussion of the issue. To analyze to what extent the concept of *metaright* is (or not) present in both views, in favor and against the affirmative actions put into effect in Brazil, the sources have been extracted from publications in general: article in periodicals, books, opinion essays or interviews in newspaper and magazines (e.g., in favor, Edson Cardoso, Luiza Bairros, Sueli Carneiro, Petronilha Gonçalves e Silva, Valter Silvério, Kabengele Munanga, among others; against, Yvonne Maggi, Peter Fry, Demétrio Magnoli, Bolívar Lamounier, among others).

Additionally, relevant data sources were found in the Brazilian Law, Brazilian Supreme Court Decision about “Racial Quotas”, among others.

## **Preliminary Results**

In his renowned article on The Right Not to Be Hungry (focal reference of this paper), the Nobel Prize Amartya Sen (1986) builds a sensitive and effective argument which advocates that to be free from hunger and want is the most important freedom, although claims against hunger are not usually remembered as a claim for a fundamental freedom. Sen states that to be free from hunger is a freedom intertwined to the right to have all basic needs attended, as presented in the Universal Declaration of Human Rights, in its Article 25.

A fundamental part of the legal arguments presented by Sen is based on the types of rights proposed by Ronald Dworkin (1978), (author whose work and insights

are relevant to educators in search of understanding how Law studies can be paramount, when adopting a view which takes side in favor of those who have been systematically excluded, then a reference to this paper) making a differentiation between each of the two pairs called by Sen to fundament his article on the right no to be hungry: background rights and institutional rights; abstract rights and concrete rights.

Composing those Dworkin's types of rights with his own central concern about poverty and hunger, Amartya Sen frames the concept of metaright: "A metaright to something  $x$  can be defined as the right to have policies  $p(x)$  that genuinely pursue the objectives of making the right to  $x$  realizable" (Sen, p. 345).

Once Amartya Sen refers the basis of his concept on metaright to Richard Dworkin's work, it is important to take, directly in the source, at least some of those ideas representing the most influent to Sen. In his book *Taking Rights Seriously*, Dworkin (1978) explains how a political right turns into an individualized political goal. That author affirms that most of the times complying with specific right demands fulfilling some guarantees, such as offering something presupposed to be previously attended, or being free in relation to something.

A right turns out to be understood as an end or goal when its specific compliance is taken as a collective objective, and in doing so, it is presupposed that no individual will be taken away from it, or even forbidden by any kind of pre-requisition to reach it. The collective respect to that right located in the center of the decision process concerned to ends or goals to be publicly ensured may request a process of negotiation in the public sphere, but, as Dworkin alerts, once decided as a right to be complied, it must be effectively complied for all. As a result, after that decision, those individuals' feeling of being excluded from the compliance of the above mentioned right (taken collectively as a collective end or goal), have the right to gather to defend themselves from that exclusion, or to request to change the Constitution, or to the rebellion asking for a complete change of the State, fomenting revolution.

In other words, if a given society takes the decision to have a right as good for all, so it is also a collective goal for all, having the collectivity, specifically by the action of the State constituted by that collectivity or society, the duty or obligation to guarantee the means to each and every one of the citizenry to achieve that goal (which is for, once taken collectively as desirable for all), including also the concern to make prevail social peace (avoiding the need of rebellion), that is, social justice.

This paper supports the view that education at all its levels and kinds is a right asking for metarights to be achieved - and in the case under study, the access to University as well. Furthermore, considering the situation of poverty in which many are immersed yet, and taking into account the right to development for all, as stated in the Universal Declaration of Human Rights, it is possible to argue if education is not just a right, demanding metarights, but also is a metaright to many other fundamental rights. That consideration assigns to education extra priority in public policies and in human rights consideration.

Taking the Brazilian case into account, studies (included by this researcher) indicate that for a long time exclusion was considered to be unavoidable, even when Federal Constitution gave social rights, including education, as guarantee. In other words, Dworkin's statement that once considered as a collective right it is to be for all, had been completely ignored in Brazilian situation. One of the bases of that exclusion and of that ignoring attitude is that remains in Brazil, a sort of aristocratic thinking, considering as expected to live with double pattern of living situation, one to the elites and other to the "common" people. In addition, the structural racial discrimination built over centuries, reaching especially African-descendants and indigenous peoples

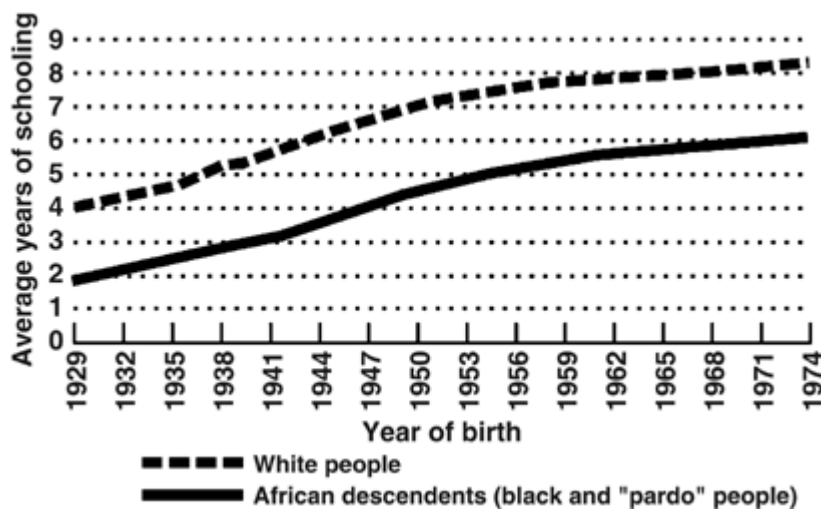
(although always denied under the affirmation that Brazil is a “racial democracy”) , condemned entire groups of the population to be excluded from the school system without generating protests on the part of those with access to school who could voice their concern in favor of the citizenry.

A recognized study from IPEA (Institute for Applied Economic Research), a Brazilian Federal Government agency of research, clearly revealed the presence of two constant and parallel curves demonstrating the school achievement gap between African descendants and the white population in Brazil, as shown in Figure 1.

In sum, it is worth mentioning that the Brazilian educational system has been developed to create two classes, measured by economic conditions and “filtered” by a unified system of knowledge excluding entire segments of the population. The sequence will present one example of how Sen’s concept metaright can be applied to support public policies to overcome that situation.

According to Dworkin, those excluded people were expected to present their claims so as to have their right to education complied – and as educators, from the same perspective, it was expected that citizenry as whole should do the same.

**Figure 1 - Average years of schooling — evolution by cohort.**



Source: National Household Sample Survey (PNAD) 1999 in Henriques (2001).

Note: African descendent population is compounded by black population and 'pardos'. The higher line is regarding 'white population' and the lower line, 'African descendants (black population and Pardos)'.

Nevertheless, when social movements, many of them supported by professors and researchers, begin to present such a demand, in clear political terms, getting answers from institutions, one by one adhering to the idea of complying that right by means of affirmative action, such as quotas in the universities for African-descendants and indigenous peoples, the reactions triggered off a number of arguments.

One of them was repeatedly put forward as the most “democratic”: offering different opportunities to one group would represent failing other population groups, violating the right of all to be equal. That sort of argument just did not consider the

concrete inequality prevailing in the country, and tried to mask it using the abstract equality as argument to stop affirmative actions.

Sen's concept of *metaright* could be explored in such a way that the affirmative action is to be methodologically and not ontologically-oriented, therefore entitled to be carried out, given the historical gap unacceptably built as part of the Brazilian situation.

Being this paper successfully submitted, other examples of that application will be presented, as well as the debate on the racial contract, as proposed by Mills.

The possibility of applying Sen's concept *metaright* opens new possibilities to educational research cooperates in the sense of ensuring the right to education for all.

Assuming the scholarly significance of that case, it was first time ever in Brazil that public initiatives managed to change the educational scenario and, through it, the structural distribution and the quality of democratic participation for the population at large. To state that affirmative action is a methodological and not ontological question could help other countries still engaged in the same struggle.

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