

## School education as three-generation human right: identities and universal truths

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**Resumo:** O presente ensaio debruça-se sobre um entrelaçamento de aspectos concernentes ao debate atual a propósito dos direitos humanos e a discussão acerca do temário pedagógico. É frequente, no discurso da educação, oporem-se como antagônicas tanto a ideia da democratização de ensino como extensão de oportunidades de acesso à escolarização quanto a ideia de uma qualidade de ensino que acompanhe padrões técnico-pedagógicos intrínsecos a uma suposta aplicação de teorias pedagógicas em sala de aula. O assunto contempla, portanto, a seguinte polémica: geralmente, quando se irradia a instrução pública – com o fito de progressivamente universalizar seu acesso –, serão incorporadas populações anteriormente excluídas do acesso à escola. Consequentemente, há quem denuncie que isso ocasiona um declínio de supostos padrões de qualidade, os quais assegurariam, por suposto, alguma excelência do modelo anterior; aquele que contemplava apenas uma parcela diminuta dos que, então, passariam a compor a população escolar. Ao concebermos que historicamente os direitos nascem e se desenvolvem, não por nossa disponibilidade pedagógica, mas essencialmente por conjunturas históricas de formações sociais concretamente dadas, poderemos arriscar a tese de que o direito à educação também se teria desenvolvido por patamares postos em três gerações: 1. O ensino torna-se paulatinamente direito público quando todos adquirem a possibilidade de acesso à escola pública; 2. A educação como direito dá um salto quando historicamente passa a contemplar, pouco a pouco, o atendimento a padrões de exigência voltados para a busca de qualidade no ensino oferecido e para o reconhecimento de ideais democráticos internos à vida escolar; 3. O direito da educação será consagrado quando a escola adquirir padrões curriculares e orientações políticas que assegurem algum patamar de inversão de prioridades, mediante atendimento que contemple – à guisa de justiça distributiva – grupos sociais reconhecidamente com maior dificuldade para participar desse direito subjetivo universal - que é a escola pública, gratuita, obrigatória e laica. Aqui entram as políticas que favorecem, por exemplo, a reserva de vagas por quotas destinadas, nas universidades, a minorias étnicas

**Palavras chave:** escola; direitos humanos; democratização de ensino; educação; Filosofia da Educação.

**Abstract:** This paper focuses on the intertwining of issues regarding current debate concerning human rights and the discussion about pedagogic nature topics. The idea of democratization of teaching – as an extension of opportunities for access to schooling – and the idea of a teaching quality following up technical and pedagogical patterns – intrinsic to an alleged application of educational theories in the classroom – are often opposed as antagonist one to another in discourse on education. For that reason the subject matter takes into account the following controversy: usually, when public teaching spreads – aiming at progressively universalizing its access – populations previously excluded from school access will be included. Consequently, there is who affirms it causes a decline of alleged quality patterns, which by assumption would ensure some excellence of previous model that comprised only a small portion from whom would partake in school population. By seeing that rights historically arise and develop not by our teaching availability but mainly by historical circumstances of particular social formations, we could say the right to education would also be developed in steps put into three-generation actions: (1) Teaching gradually becomes a public right when everyone gets access to public school; (2) Education as a right takes a leap when historically and gradually it takes into consideration the attention to requirement standards based on the pursuit of a higher offered teaching quality and on the recognition of democratic ideals intrinsic to school life; (3) The right to education will become inalienable when school acquires curriculum standards and policy guidelines to ensure some degree of priority inversion, providing services that includes – by way of distributive justice – social groups admittedly with great difficulty to participate in this universal subjective right: a public, free, compulsory, secular school. Policies that favor, for instance, a quotas of places reserved to ethnic minorities at universities comes in here.

**Keywords:** School; Human Rights; Democratization of Teaching; Education; Philosophy of Education.

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## 1. Education as political subject

When issues are discussed concerning human rights, which formed and established the modernity, historic achievements of these rights are usually considered, being classified among three generations. Freedom and civil equality advocated in the first *Declarations of Rights*, along with religious tolerance idea, would be placed in a first level. These initial postulates faced with men's rights have supposed universalism of particularized human condition as rights agent. However, according to Bobbio (1992, p.29), these first rights derived from eighteenth-century European theories originally are universal ones concerning content as they are related to general human condition, and not to this or that particular man.

Subsequently, since the public recognition those rights were appropriated by the first statements that have entailed them – most notably the American and French ones –, a second step comes in public rights pattern. This stage gives positivity and makes concrete the legitimacy and recognition of the rights expressed in the philosophies of Enlightenment.

Finally, since *Declaration of 1948* a third phase is going to commence when the thesis of legal rights protection is advocated – allowing subjective rights idea, whose non-compliance makes possible a lawsuit against State, ensuring the existing law prerogative. Since second half of the twentieth century, particular demands aiming at intrinsic rights would strength to specific social groups, who claim identity in diversity.

This paper focuses on the intertwining of issues a propos current debate concerning human rights and the discussion about pedagogic nature topics. The idea of teaching democratization – as an extension of opportunities for access to schooling – and the idea of a teaching quality following up technical and pedagogical patterns – intrinsic to an alleged application of educational theories in the classroom – are often opposed as antagonist to one another in discourse on education. For that reason the subject matter takes into account the following controversy: usually, when public teaching spreads – aiming at progressively universalizing its access – populations previously excluded from school access will be included. Consequently, there is who affirms it causes a decline of supposed quality patterns, which by assumption would ensure some excellence of previous model that comprised only a small portion from whom would partake in school population. By seeing – as Norberto Bobbio wants – that rights historically arise and develop not by our teaching availability but mainly by historical circumstances of particular social formations, we could say the right to education would also be developed in steps put into three-generation actions:

- Teaching gradually becomes a public right when everyone gets access to public school;
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## 2. Democracy as repertoire and procedure

Norberto Bobbio delimits what he presents as a minimum definition of democracy. In Bobbio's opinion (2002b, p.30), democracy would be a repertoire of norms that establish procedures and authorized actors to take collective decisions. This meaning of democratic ideals is quite appropriate if we historically think in human rights issues and political procedures whereby they were postulated and socially assumed as collective human values. Bobbio understands democratic idea as progressive and continuing enlargement of individual and collective rights. Taking in such a way, democracy is method. It is about a basic postulate of public decision rules and procedures to be progressively expanded to a decision forum with a large number of people. Now, if we take the democratic condition for effectuation of social game regulation devices, it is necessary adjunct these rules should be shared, because of the purpose of citizens (besides deciding on internal dynamics to social life) can hold the power to control execution and the own enforceability of rules. About subject matter Bobbio (2002b, p.42) says that public rules in a democracy are a control instance.

In this way democracy would be a certain historical collection of publicly-exposed procedural rules, whose logic is necessarily directed to the continuous enlargement of collective decision making. It does not mean – Bobbio ponders – there is not the possibility of institutional dissension. However, the way the West set up the democracy meanings presupposes a tacit collective agreement on rules guiding political and social games. That's why the recurring difficulty when, for example, we wonder about uncertain edges between tolerable and intolerable, about the edge between the right of choice and the duty of obedience to that choice result and so on. Ultimately, you must be Democrat, even to think about confluences and also possible asymmetries between ideas of particularity, pluralism and cultural relativism.

Societies' relation in the face of operative category of human rights necessarily requires its own constitution is observed through the sieve of history, and in the same way, it requires collective rules are considered as universally valid guided reflection. It is an artifice, as culture itself. Are there natural laws that can give dignity to rights cleavage? No. Who "makes" the idea of law is man. In turn, the human being (also) is, to some extent, subject of its own making: the nature through society, man becomes culture. Under this consideration, we wonder about the existence of absolute principles legitimizing law or not. Furthermore, as Bobbio suggests, if they are possible would these principles be desirable? We can ask: is there a call for human freedom? It would be plausible to firm somewhere some dimension of essence, the universality of human condition wherein it brings about power or specificity? How could we qualify pillars of meaning intrinsic to Humanity? In fact, it seems to us there is some push toward freedom. But it will be that it is exactly thus? In the last instance, the resource to the equality as founding and irreducible category of any legitimate human project seems to be inviting. Nevertheless, how is it possible to conciliate two distinct requirements – first freedom, and equality on the other – if, as we know, one tends to compete against other? First of all, we must recognize both, freedom and equality, as cultural manufacturing, even though production of culture is rooted in the very constitution of human beings. For such reason, it presents itself as something that firm us in the heart of still named Mankind. Therefore, it is prudent to doubt "irreducibility of the last beliefs" (Bobbio, 1992, p.22) since, in the field of values, there is no possibility of establishing reasonable principles if we consider them as irremovable.

Despite being a universal matrix concept, the significance of Humanity, at the very heart of contemporary debate, was built and entailed by tradition and by the trajectories of West civilization, though it has left footprints, tracks, and routes that

perhaps enclosed people from non-Western matrix. It was about a struggle, disputed in political scene field. However, it also involves a history of mentalities – collective mental atmospheres: a clash of ideas that encompassed the struggle of representations, whose outcome was favorable to the greatest number – by its own human race’s victory as an irreducible category of rights. Derived from the historical concept of humanity, the idea of human rights has a historical wholeness dimension. Therefore it is more worthy, more democratic, more generous, ampler, and more fraternal. Indispensable references to self-defense of human condition will be lost without the significance of Humanity.

### **3. Universalism, diversity and plural identities**

In contemplating the subject matter for anthropological perspective inscribed in it, although there is an ascertainment of human diversity as an infinite data, Todorov recognizes as possible the collective recognition of postulates considered universal, beyond the boundaries of particularism and differential identities. Evidently, the author considers the worst kind of Universalist discourse is one that postulates particular values from society that subject of enunciation belongs, as “naturally” universal. For this analytical bias, *the good*’ would always be *in our side*; *the evil* will be *the others* provoking in us strangeness and lack of involvement. The point of view to see the problem is ominous since, as the beginning is its own conclusion, it shows the utter failure for any detachment that enables the careful critical consideration about several aspects to be analyzed.

Nonetheless, Todorov points out, this is not the only possibility of Universalist Human Being. The great jeopardy of universalism the author calls attention to (Todorov, 1993, p.21-2) is it always runs the risk of becoming ethnocentric since the belief that culture values belonging to utterance subject would universally be worthwhile values. In this case, universal aspiration tends to get lost in a self-centered particularism that self proclaims fits anytime and anywhere. Todorov says (1993, p.21-2) ethnocentric situation is that one whereby subject proclaims its own values as if they constituted “values”. However, the author also highlights the possibility of another universal, non-ethnocentric option, and consequently willing to eventually move away from actual values to seeking to recognize what’s more valuable in other cultural settings.

We approached the universal concept as operative requirement of our own reasoning process. And anyway, we need to transform the subject-matter in an intellectual issue to discuss, especially when we, as educators, deal with everyday situations in which problems related to values – liking it or not – stand in our day-by-day classes. However it may be, it is about resorting to reason and sensibility in order to get run away from prejudices, superstitions, myths, mystical insights, and especially from some inviting irrationalism. In the limit, it is always ready to be alibi of our refusal in the face of the other, of our no-obligation of coexistence with those who seem different from our identity pattern. It will not be running away from the rational cleavage it will be considered as an ethical dilemma. On the contrary, the counterpoint to possible adverse effects of the same rationality will be claimed from rational act. Under terms Edgar Morin (Morin, 1988, p.85) reminds that rational mind – by unfolding of mentality originally forged in classical Greece – tends to be universal, and, to be so, it is going to be the best and the worst in European culture. On the one hand, reason consents to warlike initiatives of domain; and, conversely, the same reason was the one who allowed the criticism Europe performs against itself as well as the recognition of other cultures.

Norberto Bobbio acknowledges in democracy the form of government that better allows approaching ethics and politics. Democracy is achieved with policy of in-conflict groups' recognition, and the certificate of its existence legitimacy. It is the first point. Moreover, democracy assumes some impersonality of rules to govern the game of interests, hence, the possibility of having a common life, skilled to accept and incorporate differences. After all, since the beginning, the idea of barbarism has to do with the difficulty of a population in understanding what other says. According to Bobbio (2002a, p.124), peoples tend to put themselves as "civilized ones", opposing to the others, "barbarians". In this sense – Bobbio declares – the barbarian is always the other one, the unknown, the different.

Beyond identities, it succeeds that if recognition of human as species exists, one can say Western trajectory was who previously advocated for more fraternal society. About this issue, Latouche says it is necessary to doubt some identity myth fashion, since destruction of "cultural solipsism" (LATOUCHE, 1994), as he describes, was a Western conquest. More than that, the author radicalizes when he lays bare possible consequences of pretension inscribed in projects fundamentally based on recognition of special corporate interests, unconstrained by unrestricted legitimacy of any cultural pluralism.

The first meaning of Human Rights immediately reminds us the Western tradition: like the idea of literate preservation of classical culture, and process of civilization of customs. Certainly the school tradition that is organized in the West since early Modern Age carries this heritage at the same time helps to produce it. School practices and rituals conceive a different being human's way, which, in turn, directly opposes to popular layers' particularism, and sometimes even the spoken language in communities and families. Latin is introduced as an erudite language to be the allowed counterpart of vernacular colloquialisms. Since the religious schools in the early sixteenth century, it was about turning into public prescribed behaviors and preventing proscribed conduct so that school could gradually help in the firmament of the intended cultural homogeneity. Such intent pervaded the yearning to linguistic unity.

#### **4. State educator: a theme and its problems**

When State appropriates this constellation, when it takes upon the task of populations' instructor and nation's teacher, it incorporates many liturgies built up and implemented in modern school language (CATROGA, 1996). It was about overcoming and causing the erosion of dialects and popular or community knowledge. That was the nation task signed by State:

Living in contemporary society – protected and/or punished by the same legislation, all we are equal before the law – will require the firmament of matricial equality in the access to educational opportunities. In educational area, school becomes a rupture device with the Old Regime. What the French Revolution had done towards the objective materiality should subjectively establish in to-be-educated people's hearts and souls. School designed by French revolutionaries was held for everyone as universal and unique, so that the most talented ones would "naturally" express their merits and their importance. Republican dream of a public, free, secular, universal, single, mandatory education system emerges as a battle flag of the modern state school. It would be universal for its intention to put together all children, all young people: boys and girls; rich and poor; blonds and brunettes, Catholics, Protestants, Jews or Muslims, city or countryside inhabitants. It was assumed single because the whole teaching should be the same as its contents and its methods for all students, regardless of any community identities and belongings they embraced.

Bobbio emphasizes the aspect there is no *Bill of Rights* in our contemporary that does not identify the right to education as part of the construction of the own rule of law (BOBBIO, 1992). There accordingly is a clear recognition of enlightenment and rationality values by part of international community, although letters of intents are not always sufficiently applied in concrete practices, especially nowadays in countries below Equator line. Anyway, the proclaimed consensus in strongly advocating the right to school education is also diluted when we ask those ones who enunciate their speech about what they're talking about is: when advocating the right to education, would we be defending a same platform (Azanha, 1987)? Is the meaning conferred to the idea of education or school education the same? What about the question of school contents? For such reasons, the right to education means the same thing everywhere is it now declared?

### **5. Three generations of educational rights**

It seems plausible that here we took Norberto Bobbio's dissertation about the three generations of Human Rights for education area. Bobbio clearly points out in his works that the human rights structuring historically rose up by demarcated periods. There was a first generation of rights from jusnaturalistic platform, developed in the Enlightenment, and whose peak was in the first French revolutionaries' platform – political rights, such as the right to vote and participate in civic life. Juridically ensuring the positivity of law paradoxically leads to there being a displacement in the very public rights meaning, considering the first Bills of Rights as the cornerstone of historical turning point in this direction.

Through the nineteenth century, and most particularly, in the social struggles fought in the mid-century and later in the Paris Commune, the battle flag resides in that Bobbio describes as second generation rights, which – already in embryonic stage during bourgeois revolution – clamored for equality. This subject matter converges for that we classify as social rights nowadays: those ones that allow that people may have equitable opportunities in public life by taking matricial human equality premises in order to even increase those first-generation political rights.

Finally, in the twentieth century with *Declaration of Human Rights-1848*, and with discussions on the topic that comes up after the Second World War (even because of the tacit recognition of atrocities therein committed), and later in years following the 60's youth movements with radiating counterculture – it was realized the need to historically identify the requirement to protect the guaranteed rights. It is observed that (BOBBIO, 1992), the great difficulty in rights field is more in their defense and protection than their enunciation.

Moreover, due to the impact of the great world interpretation decline in force, there is the particular demand for rights of minority considered excluded or at least hindered in society: women, Afro-people, Indians, homosexuals, immigrants, children, youth, elderly, people with disabilities. At last, it is pointed out the vigor of differences from outcry for equality. Civil society would then witness a third generation rights in Western world: the right to identities, to cultural and value plurality, and even the defense of differences. As Bobbio (1992) remembers us, contemporary societies affirmed and recognized rights that are not born at the same time.

Likewise the three steps of collective identity and public specificity of man's rights previously mentioned, we could state by analogy a parallel picture to reflect on schooling conquests and struggles. Following, we are going to trace this picture:

1. Concerning educational issue, no doubt, the first generation rights are in the postulate of a universal education for all: the right of all children and all young people go to the same school, even with a uniform that mask differences. That would be the first requirement when considering education as a public right. It would absolutely be illegitimate to formulate the guiding of rights to education no considering this first and primary purpose of school expansion opportunities as democratic. Although school extension is often seen by educators as a suspicious hesitation, especially in relation to an alleged “pedagogical zeal” for a supposed quality pattern that can be lost, Azanha refuses any technical-pedagogical consideration to examining this matter, describing it as illegitimate. Expanding school is a political imperative. Therefore, it is an inescapable State duty. Regarding nostalgic education quality when school network incorporates a wider population, the error is obvious: we cannot measure quality patters without asking to whom the same patters are attributed. In the face of population that has no school, any extension of the possibility to attending school is advancement. According to Azanha, the quality of the few ones that previously had privileged access would not possess any legitimacy to be invoked. To those who were previously excluded from it, going to school is a gain. So, it is the first generation democratic right. Right that Azanha so vehemently defends, stressing the fragility of arguments against measures aimed only at incorporating more children to school.

The misunderstanding of this idea resides in not knowing that the extension of opportunities is, above all, a political measure and not a simple technical-educational question. The increase in opportunities is due to a political intention and it is these terms that should be examined. In fact, it could not be in another way, because any meaning that is attributed currently to the term ‘democracy’, cannot be limited in its use to a part of society... Teaching is not democratized, reserving it for a few under educational pretexts. The democratization of education is impossible in-house in the educational citadel; it is a process outside the school that takes education as a social variable and not as a simple educational variable (Azanha, 1987, p.41).

2. Consolidating the first political right related to education – the access to public school – we must ensure a good quality enabling all students’ success in the learning process. There is an underground excluding procedure internal to schooling arising from factors outside school, such as it is possible disqualify in gift and talent name, the child who does not possess the same capacity of others. Somehow, school culture has a character that certifies a certain erudite and scholar cultural pattern easily including those children from already included families in the same literacy scholar pattern. On the other side, youth, who do not identify themselves with institutional *habitus* and *ethos*, are quietly purged of school. Young people who do not share cultural meanings inscribed in the very school meaning because they have no prior knowledge. For Pierre Bourdieu, school education exerts over popular social layers the overlapping levels of symbolic violence, since school education convinces those ones who are not “heirs” of the same scholarly culture that they are responsible for their own failure in school, besides ratifying the cultural capital of students belonging to privileged population strata. Bourdieu (1982, p.231-2) deploys its analysis showing that teachers’ judgments about their students do not take into account only students’ knowledge; the author also considers extracurricular factors such as style, language, ways to behave and to wear. The whole thing is so surreptitiously evaluated, and influence on achievement.

The second generation of teaching rights includes – in light of this critical debate – to revise the ideological patterns that preside over orientation of quality public education rules. To spread to everyone in a more equitable way, it is essential to enable schools and train teachers aware of traps that merge of the very school format – in order to they can escape from as dangerous as illusory meshes as Maria Helena de Souza Patto (1999) identifies in theories that sometimes explain the ideology of gift and personal merit, sometimes the thesis of the cultural lack or mismatch; sometimes they explain proto-scientific systems for measuring “abnormal” students or students with learning disabilities as we nowadays say. Designing a reasonable quality standard common to everyone in teaching (Beisiegel, 1984) requires revision of contents, methods, assumptions, and beliefs, everything that guides the excluding classificatory logic of current schooling. We must review the symbolic meaning expressed by the set of knowledge formally conveyed by school. We must scan, with perspicacity, possible effects of hidden curriculum that transposes into school experience the cleavage of same social class that organizes society life as a whole. When acting under this consciousness aegis the educators would not do all. However, for educational context, it goes forward toward that we understand as second generation public right, that is everyone at a good quality school able to incorporate children from various family traditions, communities and identities. To pedagogy by such second generation right, thinking in meanings implied transform in concrete effectiveness classical repertoire of school knowledge in didactical transposition procedures through more balanced, more flexible, more creative, and more critical contents and teaching methods. However, a question remains: is it enough?

3. We can intuit the emergency – nowadays quite evident– a third generation of rights in public education. The current debate reports the urgency of reviewing school culture in light of issues arising from discussion regards to diversity. As we saw, pedagogical knowledge engendered by modern schooling are a vast explanatory narrative called as metanarratives for some ones. Therefore, it is clear these knowledges reflect a world view of Eurocentric, male, white, capitalist, Western matrix. The contemporary school culture shows the West evolution as universal. As if there was a natural evolutionary line that would gradually improve people “blessed” by secular nature of Western civilization way. Breaching some symbolic restraints of school knowledge would require an effort no longer for exclusive equality, even with quality, but significantly for designing, accepting and living with differences: different trajectories, alternative ways, different cultural belongings claim to do part of the curriculum. An open-content curriculum can interlace diversity, mobilizing through deconstruction of a false unity of sequential knowledge, divided into without-interconnectedness and hierarchical disciplines. The third generation of educational rights is guided by the sign of tolerance, whereby the meeting of cultures happens again and again in a constantly renewed coexistence and sharing among different nations, different people, different communities, different social groups, and different people.

## **6. Right to education: history and meaning**

Between the late eighteenth century (when State project tries to assume the pedagogical task of culture teaching by symbolic boundaries appropriate to the nation) and the late twentieth century (when the very idea of Nation-State is in crisis), it is worth asking in order to summarize the advocated idea in here if in the historical trajectory of modern education, there would not happen this straight bundle of three

generations of rights in education, especially regarding the image of democracy at school or the democratization of education, as it happened – perhaps accompanying – the continuity of three public rights generations: political, social and identity/communitarian. These rights are only successive to each other by history cleavage.

At first, there would have been the recognition of collective rights named in here the first generation rights. Although there already were – since the dawn of the French Revolution – debates concerning State social action in the face of the idea of operational policies not only civilians but requiring public investment: rights such as education and health that later will be known as equality of opportunity. It is a fact that also the consideration of different identities was part of the search for “the other’s” recognition, which brought along with their status as equal possible potential and multiple particularities. Perhaps we could say that emblem “Liberty, Equality, and Fraternity” already had virtual equivalence with we respectively understand as: 1. Individual’s civil rights as a political agent – the freedom to vote as well as freedom of opinion – negative freedoms. 2. The need to anchor this first freedom rights with suitable public policies to the most ones’ welfare. Hence the suggestion of State directly intervenes in social sectors – indispensable criteria essential to accomplishing the objective conditions of everyone’s equality. 3. Perception that to be free and equal does not eliminate the desire to mark varied identities and distinct specificities human asking, on the other hand, the integration of the difference in the common culture, and the recognition of each other by acceptance, respect and fraternal inclusion.

Historically, it seems clear the production of a consensus that included not without ambiguity the recognition of men’s rights to freedom in its negative sense. It recognizes human being as free subject, and therefore it cannot be deprived of its matricial freedom. Equality itself has tied in the first French *Declaration of Rights of Man and the Citizen-1789* with legal equality flag. But the legal equality brought with it the urgent claim of fair conditions of common and shared life. Even to guarantee citizenship freedom and the choice of representatives by popular vote, it is necessary to think other equality meanings: it was created the ideal regulator of equal social opportunities as a condition and counterpart of liberal society’s self-economic regulation. Nowadays, moving towards demarcation of acceptance and respect for differences, it is a concern with a more extended range, which includes specific claims of society layers: Afro-people, Indians, women, youth, children, elderly, homosexuals, people with disabilities, in short, subjects who (being equal) require observation and recognition of their peculiarities of present-time history.

Although we deal in any case with regulators concepts, operative categories, or even ideal types in weberian sense (Weber, 1979, p.105), we can identify any relevance in these-category use to encompass what Bobbio deems to be those referred generations of rights, since one after another create consonances, gain hegemony and are translated into practical policies. So, we deem there is no harm in successively thinking about these rights.

Only one hundred years after the tacit recognition of the right to vote (even though vote was not universal yet) State intervention could effectively ensure material life conditions to people in democratic, liberal European countries. This second generation of rights called for public investment, which would somehow and emphatically explain the distinction between Democrats and Liberals. Public policies were set up directed at social sectors so as accomplishing the full right to have rights (Dallari, 1998, p.69).

Recently, the equality issue takes the counterpoint of differences – whether by minorities’ issue, whether by perception of multiple identities, and even local

constituent particularities. This third generation of rights raises the debate about affirmative actions, distributive actions of state action, and about the focus of public policy on the privilege of sectors that were historically and objectively excluded, in greater or lesser extent, from rights enjoyment, which would be theirs by law. Many at-present controversies – regarding university quotas, ecological issues, bioethics, affirmative action, minority rights, rights of children don't be abused by their own family – are possibly prognosis that our western contemporary does not design yet, no without some hesitation, a sense of duty as a counterpoint of their own not performed equality.

## **7. Building a school for all**

By any means, whether in historical sense, whether as logical requirement, language requires mobilizing structures of thought – translated by these judgments and expressions –, which invariably tends to generalization, and where we want to get totality criteria, there will be more difficult of correspondence between language games and their in-fact translation. Anyway, we could not exempt to expressing reality with concepts. Hence, the relevance of this theoretical construction that distinguishes, adds clarity, and classifies our rights for generations. Even today, we are closer ones than others, some more, other little. It is about choices and political values. It is about different ways of situating the very meaning of public sphere. In defining with more precision each generation's constituent attributes we are going to have greater logic security and reflective confidence to mobilize and operate the conceptual grid that “our rights talk about”. Even if only for these reasons, it is worth thinking about the history of the “democratization of education” questioning, on a similar approach, the movement and inflections put in the same expression. Human rights in education can also be conceived for generations. This is the developed hypothesis.

As we outlined above, maybe there are different and successive steps in edification of education public rights. To summarize them, it can initially be said that the first one would consist in the recognition of matricial equality of subjects in the presence of their right to be educated. Following, it could be thought about guiding criteria of any provided teaching quality platform by possible content and method flexibility aiming at achieving greater success according to different student populations with whom it works. Finally, it would fit to ponder needs of equity and justice to translate in schooling universe some distributive justice level, in order to construct “reasonable societies”, as John Rawls (2001) calls it. In this case, it is about the diversity of thinking, without abdicating in any way the still necessary universality code. These ones are what we understand as three generations of educational rights.

When we designed the idea of democracy at school, the first thing that comes to mind is the democratization of access: a concrete opportunity to everyone attends the same school. That was the first-generation policy meaning that rises up in the late eighteenth century discussions of emancipation. When, in the last quarter of the 19<sup>th</sup> century, the pedagogical debate extends and begins to encompass issues relating to teaching methods and progressive democratic site construction inside school unit and classroom, possibly the second generation of educational rights is engendered: democracy as a set of procedures to be incorporated in the continuous learning scope of rules of a suitable social game. This orientation, very dependent on the New Education movement, has its very strong mark in the late nineteenth century. However, since the mid-twentieth century, it acquires new hues by Marxist authors with left-side appropriation made of critical debate regarding school organization. Finally, thinking the third generation of the idea of school democracy surely assumes to ascertain pedagogical projects, basis of each educative culture firmament in its

specificity. In this third generation context, reflections on hierarchy, interdictions, and authority relations external to classroom would unfold. However, these reflections concern the entire community of each school in their particularisms. At this level, and soon, a fundamental aspect contemplates ethical issues involving school life theme conceived under democracy sign. This right expressed by claim of recognition of diversity, cultural plurality – the proclaimed right to difference – spreads in contemporary world, especially from the last quarter of the twentieth century, when postmodernism discussion domains pedagogical reflection in its explicit refusal to supposed modern and, by all means, already obsolete “metanarratives” of world explanation.

Understanding there is a progressive meaning in the construction of these three already expressed steps of public education rights does not mean the one’s exclusion on behalf of another’s primacy. It is possible, and desirable to some extent, we can think contemporary teaching in the light of interface among the three previously referred levels with that the generations of our rights are presented. However, in a period in which the school autonomy discourse is progressively replaced by defense of educational policy deterritorialization as it has been qualified, when inadequacies of national action reinforce the discourse that strengthens the binomial between irreducibly local and unrestricted global, it is worth asking: as Nation-State policies are weakened, in the limit, who will play a part as an arbiter of cultural conflicts? Unified Europe or the United States that depopulate people and devastate territories, having as shield the alleged West defense? Opportunely, Alain Finkielkraut reminds us that, when lack to us the idea of nation, some appeal could dangerously back to resource of race as a frontier of substitution (Finkielkraut, 1996, p.55).

## **8. School for cultural encounter**

Despite crossroads for which the dialogue between education and Human Rights can lead us, it fits to remember foremost that a good quality school is still, by law and common law, a State’s duty and subjective citizen’s right. What school is that? If it is possible, the same school for everyone. As Azanha (1987) well stressed, this is more due to a non-negotiable requirement than to policy arguments from educational scope. More than it, as Snyders observed, school we designed will enable us to “enjoy – in our conscience – everything that should belong to all Mankind”. At last, everything that is more radically human because it is more all-encompassing, more generous, and more fraternal; then, everything that embodies more people; everything that better clarifies through action of rationality. Each and every one trends to be more universal.

School brings in its internal dynamics the joy of discovering another culture, which is not the same daily culture, nor should be. We suppose the domain of this classical repertoire is valuable for students to better decipher puzzles and obstacles in their daily lives. For their rites, practices and gestures, school should be enlightening, since it does not run away from the election of values and life postulations, even if it is desired. School socializing, also teaches. What to teach? The joy of discovering something that in spite of being valuable nevertheless is difficult; the joy of discovering something that in spite of being difficult invites us to joy of cultural encounter.

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