

**Human Rights, Sustainable Development Goal 4, and the Global Education  
Reform Movement**

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Roundtable: "The Promise of Human Rights: Constitutional Government, Democratic Legitimacy,

and International Law," by Jamie Mayerfeld

April 15, 2017

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Draft. Comments welcome but please do not cite without permission.

On March 5, 2017, the Comparative and International Education Society (CIES) conference in Atlanta, Georgia hosted a panel on the Universal Learning Scale. The panel included representatives from the UNESCO Institute for Statistics, Research Triangle Institute International, the Australia Council for Educational Research, and academics. The idea of a Universal Learning Scale is to create a metric—a common measure of literacy and numeracy benchmarks—to compare learning outcomes in educational systems around the globe.<sup>1</sup> “Due to the lack of common framework it has been difficult to have data that could be used as baseline for monitoring.”<sup>2</sup> Countries around the world presently administer standardized tests such as PISA, TIMSS, PIRLS, and in the United States, Common Core tests such as SBAC and PARCC. Rather than create one global standardized test and face potential political resistance, the Universal Learning Scale makes possible an international testing regime that uses different but compatible assessments.

The Universal Learning Scale fits into what the Finnish scholar Pasi Sahlberg calls the Global Education Reform Movement (GERM). Political and economic elites believe that a centrally administered standardized testing system is the best way to hold countries, regions, schools, teachers, and students accountable for outcomes. With uniform standardized tests, politicians and business leaders have information that they can use to reward or punish people and units in the education system. Sahlberg’s concern is that “standardized testing has increased teaching to the test, narrowed curricula to prioritize reading and mathematics, and distanced teaching from the art of pedagogy to mechanistic instruction.” GERM “is like an epidemic that spreads and infects education systems through a virus. It travels with pundits, media and politicians. Education systems borrow policies from others and get infected. As a consequence,

schools get ill, teachers don't feel well, and kids learn less.”<sup>3</sup> Sahlberg advocates a progressive educational model that gives teachers professional autonomy and enables students to exercise initiative and creativity in project- and problem-based learning.

The CIES panelists, however, do not see themselves as part of the GERM, but rather the human rights movement. In September 2015, the United Nations adopted Sustainable Development Goals (SDG) and associated targets and indicators. SDG 4 calls upon the global community to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” Target 4.1 is that by 2030 “all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.”<sup>4</sup> According to the UN, “we are all in agreement on where the world needs to go. Fulfilling these ambitions will take an unprecedented effort by all sectors in society—and business has to play a very important role in the process.”<sup>5</sup> The UN posits a tight fit between human rights, standardized tests, and business interests. If one doubts this thesis, peruse UN reports such as “The Smartest Investment: A Framework for Business Engagement in Education” (2013) or “Investing in Education: Lessons from The Business Community” (2015).<sup>6</sup>

Jamie Mayerfeld's *The Promise of Human Rights* is an important and profound call for countries to participate in an international human rights legal order. Mayerfeld and I agree on many substantive points, including the horror and illegality of torture and the value of states holding others states to task for their commitment to principles of human rights. We share many of the same enemies, including American exceptionalists who think that political realism and the principle of sovereignty justify committing atrocities to other countries and people. At the same time, Mayerfeld does not talk about how and why the United Nations works with the business

community on formulating and implementing the SDGs. Nor does he consider how business interests use human rights talk to justify educational policies that thoughtful people around the world protest. To illustrate the latter point, I draw upon Shenila Khoja-Moolji's work on how politicians and corporations justify education reform as protection of the human rights of girls such as Malala Yousafzai. Khoja-Moolji does not want the Taliban to rule the education system in Pakistan or Afghanistan; rather, she wants communities to have a meaningful say in how they educate their young people. In this respect, Khoja-Moolji and I agree that democratic principles counsel against forming an international education regime justified on an ostensible commitment to human rights. In the conclusion, I explain how I read James Madison differently than Mayerfeld and why this matters for thinking about the promise and peril of a strong international human rights regime.

### **Democracy, Madison, and an International Human Rights Regime**

In *The Promise of Human Rights*, Mayerfeld argues, “a democratic state mindful of its constitutional mission should...welcome the oversight and assistance that international human rights institutions” (46).<sup>7</sup> This section explains Mayerfeld's definition of democracy, his enlistment of James Madison for a key plank in the argument, and his vision of an international human rights regime.

Democracy, according to Mayerfeld, is “a promise among citizens and officials to hold one another accountable in a shared project of crafting and enacting policies that promote justice, where justice necessarily includes a commitment to human rights” (4). To support this thesis, Mayerfeld cites the Declaration of Independence's claim that governments exist to secure human

being's inalienable rights, as well as the language of the Constitution, the Bill of Rights, and subsequent amendments. Mayerfeld also explains how the 1948 Universal Declaration of Human Rights, the 1949 Geneva Conventions, the Rome Statute of the International Criminal Court all share a commitment to human rights, and that most sensible people agree on human rights concerning security, autonomy, inviolability, and equality (2, 23). A critic could reply that democracy means rule by and for the people, not by and for constitutional theorists or human rights lawyers, and that people may disagree on the lists and definitions of human rights. Mayerfeld responds that a "nonvoluntarist" conception of democracy holds that "justice and the common good, not self-interest or group interest, should determine the political choices of citizens and officials alike" and that most people share a "public conception" of human rights even if they disagree about philosophic rationales (61, 23).

Mayerfeld makes a Madisonian argument that international legal organizations should monitor and regulate nation states for the sake of justice and the common good. According to Federalist 10, human beings belong to factions, groups "united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens or to the permanent and aggregate interests of the community" (cited on 67). Madison's great insight is that a large republic can dissipate factional interests and passions. According to Mayerfeld, the flip side of Madison's sociological argument is that people distant from a particular site of conflict may constitute "an impartial judge" or, citing a 1787 letter from Madison to George Washington, "a disinterested and dispassionate umpire" (68). Mayerfeld brings Madison's argument into the present. Today, "a Madisonian constitutionalism calls for international oversight of national policy—in other words, the creation of a strong international human rights regime. Under such a regime, national policy is

monitored by those with both the institutional and psychological independence, the means and the motive, to act as an impartial judge” (69).

Just as Madison designed the American constitution to have multiple layers and checks and balances, Mayerfeld envisions a similar structure on the international level. “What is needed is a model of shared governance built on the cooperation of international institutions, democratic states, and civil society” (16). This may not be a problem where all of the actors agree on the same ends for which they cooperate, but what if nation-states disagree with the international human rights consensus? Given the global nature of our problems—including climate change, terrorist threats, financial interdependence—then nation-states must comply just as Madison expected of states. “If thicker international institutions are the rational solution to looming disaster, emotional attachment to strong state sovereignty must not bear the way” (66).

The main test case for *The Promise of Human Rights* is torture, perpetrated by American exceptionalism and constrained by European international constitutionalism. What about other human rights or the UN Millennium Development Goals (2000-2015) or Sustainable Development Goals (2015-present)? Regarding education, Mayerfeld includes it in his lists of human rights and says we need “to promote universal education” (passim, 205). In the next section, I say more about why we ought to be wary of how international organizations have used human rights to justify contestable education policies. In the conclusion, I return to the question of what this means for Mayerfeld’s argument about an international human rights regime.

## **Girls, Human Rights, and the Neoliberalization of Education**

Young people should be educated. It is hard to imagine anyone disagreeing with that statement. The debates start once one begins to fill in the content of what one means by education. Shenila Khoja-Moolji has written several brilliant articles identifying the problems with reigning conceptions of the figure of the girl, human rights, and education.<sup>8</sup> If Mayerfeld's book illustrates the promise of human rights, Khoja-Moolji's work illuminates how human rights can be used as a cover for the neoliberalization of education.

Khoja-Moolji assembles quotes from Gordon Brown, Hillary Clinton, and Nicolas Kristof to show that there is a reigning ideology concerning girls' education around the world. Politicians and journalists point to the Taliban's shooting of Malala Yousafzai and Boko Haram's kidnapping of the Chibok girls to argue that religious fundamentalists and sexists around the world don't want girls to be educated. Conversely, educating girls is presented as the cure for poverty and violence and a way for women to marry at a later age, delay childbearing, and participate in the capitalist economy. We now see "an emergence of a global consensus where girls' education seems to be a commonsensical solution to a wide range of issues in developing countries, from poverty and fertility to human trafficking and terrorism."<sup>9</sup>

Powerful state and economic actors promote and institutionalize this common sense about girls' education. Take, for example, the United Nations Girl Up campaign ([www.girlup.org](http://www.girlup.org)) that partners with Caterpillar and Aol and whose message is that: "Girls are powerful. When they're educated, healthy, and safe, they transform their communities. When girls stand up for girls in need, they empower each other and transform our world."<sup>10</sup> As a well-educated woman and a feminist, Khoja-Moolji acknowledges the power of education to transform lives and the world. As a

reader of Antonio Gramsci and Stuart Hall, and as a participant in education debates in Pakistan, however, Khoja-Moolji criticizes this common sense.

Focusing on girls' education simplifies the reality of what is happening in places like Pakistan or Nigeria and overshadows issues such as state corruption or intrusive foreign policies. "Exceptionalizing schools—either as a panacea for, or a cause of, societal problems—directs attention away from the mass of institutions that partake in the production of livable conditions for people, and portrays the current social and economic difficulties that girls face as ahistorical and apolitical occurrences, making invisible the conditions and complicities that produced them."<sup>11</sup> In 2016, the United Nations' Global Goals #WhatIReallyReallyWant campaign used the Spice Girls song "Wannabe" as an anthem. For Khoja-Moolji, this kind of propaganda places the onus of social change on individual girls rather than, say, transforming broader political and economic institutions. It is also mythical thinking to posit that education by itself automatically leads to better jobs or lives.<sup>12</sup>

The campaign for girls' education works in tandem with neoliberal forces that prioritize values such as autonomy, choice, and agency and that place the burden of improving lives on individuals themselves. In these education campaigns, "can-do" girls perform "the neoliberal scripts of individualization, consumerism, and entrepreneurial identity," and "at-risk" girls do jobs such as cleaning, cooking, and taking care of children and relatives.<sup>13</sup> According to Khoja-Moolji, the UN and its corporate partners push a conception of education that denigrate traditional ways of life and emphasize preparing girls to enter the global capitalist marketplace.

To envision an alternative to neoliberal education, Khoja-Moolji looks to Karim al-Husseini Aga Khan, the Imam of Ismailis, the second largest sect of Shi'i Muslims. In speeches and



actions, the Aga Khan has put forward a “faith-inspired vision of educational development” that challenges aspects of neoliberalism, in particular its focus on the individual to the exclusion, or detriment, of the community. According to the Aga Khan, “World and faith are inseparable in Islam. Faith and learning are also profoundly interconnected. The Holy Qur’an sees the discovery of knowledge as a spiritual responsibility, enabling us to better understand and more ably serve God’s creation. Our traditional teachings remind us of our individual obligation to seek knowledge unto the ends of the earth—and of our social obligation to honor and nurture the full potential of every human life.”<sup>14</sup> For Khoja-Moolji, there is overlap and, importantly, difference between the Aga Khan’s educational vision and that of the human capital school of development economics.

Khoja-Moolji worked as a human rights educator in Pakistan, sympathizes with Malala, and supports the Aga Khan Development Network. She is pro-human rights, pro-education, and pro-thinking about and intervening in other country’s education systems. Yet her work challenges how the UN and its corporate partners promote neoliberal education reform. “Transnational campaigns for girls’ empowerment and education frequently adopt the language of women’s rights and girls’ protection to advance market logics.”<sup>15</sup> In the next section, I argue that this point complicates Mayerfeld’s account of *The Promise of Human Rights*.

## **Conclusion**

I started an Amnesty International chapter in high school and recently organized a letter writing campaign to Turkish officials regarding the mass firing of academics. I believe in the idea of

human rights. In 2013, however, I brought students in my Enlightenment seminar to the United Nations Headquarters and discovered that huge pictures of Bill and Melinda Gates adorned the walls. As an education activist, I had been fighting many of the education reforms spearheaded by the Bill and Melinda Gates Foundation, and I proceeded to read UN education reports to see if the UN was pushing the same agenda. It was and is.<sup>16</sup> Using the language of human rights, neoliberal education reformers want to create worldwide standardized testing system using a Universal Learning Scale. As someone with Deweyan commitments to child-centered education, this seems like a dystopia and a confirmation of fears about a world government going back at least to Immanuel Kant's 1795 essay, "Toward Perpetual Peace."<sup>17</sup>

My concern about *The Promise of Human Rights* is that it does not look closely at the funders of the international human rights regime and the details of that regime. Let us at least give Marx credit for teaching us to investigate who subsidizes political initiatives and consider the possibility that political and economic elites try to shape common sense to gain the consent of the populace. Khoja-Moolji says, "it is interesting to note that Plan USA's 'Because I am a Girl' campaign features a large number of corporate partners such as Intel, ExxonMobil, Omnicom Group, Alex and Ani, Microsoft, US Chemicals, Dior Beauty, Automatic Data Processing, Boston Consulting Group, Sontag Advisory, and Global Impact, illustrating the convergence of market and development agendas."<sup>18</sup> After researching the SDG4 and other UN education initiatives, I agree with Khoja-Moolji that human rights talk is often a way to package neoliberal education reform in the global south.

To his credit, Mayerfeld early and repeatedly acknowledges that international human rights law "may harbor a false conception of human rights or adopted flawed means of implementation"

(5). In the case of education, I believe, Mayerfeld may encourage us to work within the U.N. rather than as disconnected critics. Perhaps. But in the meantime, I see no reason to support the U.N.'s education agenda or say that it should influence American education policy.

Mayerfeld has faith in the international human rights regime and warns against its corruption, and I think that this regime is already corrupt on the most important issue to me: education. One way to frame our disagreement is about our contrasting readings of James Madison on faction. The definition of a faction in Federalist 10, again, is “a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” Building upon David Hume’s account of human nature, Madison says that all human beings are partial, that is, more sympathetic to friends and family than distant strangers. As part of our partiality, we belong to groups of likeminded people: factions. On Madison’s definition, every faction is “adversed to the rights of other citizens.” His point is that our conception of justice and the common good will likely appear contestable to other reasonable people. In Federalist 10, Madison does not speak of an “impartial judge” because that would go against his point that every human being is partial. Mayerfeld envisions an international human regime with “both the institutional and psychological independence, the means and the motive, to act as an impartial judge,” but Madison’s rebuttal is that there is no such thing as an impartial human being. Enlightened statesmen will not always—perhaps ever—be at the helm, at least from the perspective of those who disagree with them.

In Federalist 51, Madison proposes a political response to the problem of faction: “the structure of the government must furnish the proper checks and balances between the different

departments.” According to Madison, “the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.” For Madison, the constitutional structure must allocate and interconnect the powers of the judicial, legislative, and executive branches, and states and cities must have their own way to fight back against the federal government. Alexander Hamilton wanted a strong centralized, federal executive branch, but Madison wanted to give provinces the means to push back against the capital. Brought to a global scale, this would suggest the need to empower nation-states to push back against centralized policies. Madison, like Kant, would be wary of moving too far down the road of world government. Why should people have to travel to Washington, D.C. or Geneva, Switzerland to have a meaningful voice in education debates?<sup>19</sup>

From my perspective, Mayerfeld is making a un-Madisonian argument when he “envisages international institutions that *constrain* national policy for the sake of justice and the common good” (italics added, 67). This suggests that nation-states cannot check or balance the international human rights regime, and that the ambition of the human rights official must overpower the ambition of the president, governor, mayor, or any other politician. This is a remarkable display of confidence that the human rights regime will always, or always enough, do the right thing. As I have argued in this paper, I have already lost this confidence and resent that a faction of neoliberals has commandeered the U.N.’s education agenda. Given that billionaires will likely

have a louder voice in the U.N. than progressive educators for the foreseeable future, I do not see why we should grant the U.N. education agenda any legitimacy.<sup>20</sup>

In the current political environment, I do not have much faith in national education systems either.<sup>21</sup> Rather, I advocate the principle that communities and families should make the main educational decisions and that states and federal governments should primarily help allocate resources that make a meaningful exercise of education freedom possible. I believe in the idea of human rights and the value of debating their meaning and implementation, but I am wary of granting particular institutions or authorities the power to enforce their conceptions of human rights on a global scale. The ACLU and Amnesty International do important work spotlighting abuses and sparking debates, but it does not necessarily follow that the U.N. may empower one faction to implement education reforms around the planet.

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## End Notes

<sup>1</sup> For a concise explanation of a universal learning scale, see Jeaniene Spink, “Measuring Learning: Why we Need to Work Together,” *The Economist: Intelligence Unit* (November 5, 2015).

<sup>2</sup> Group Panel, “Universal Learning Scale: Conceptual Feasible, Operational Doable?” *CIES Conference Program* (March 6, 2017).

<sup>3</sup> Pasi Sahlberg, “How GERM is Infecting Schools Around the World,” *Washington Post* (June 29, 2012).

<sup>4</sup> United Nations Department of Economic and Social Affairs Statistics Division, “SDG Indicators Metadata Repository,” <https://unstats.un.org/sdgs/metadata/> (accessed March 15, 2017).

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<sup>5</sup> United Nations Global Compact, “Global Goals for People and Planet,”

<https://www.unglobalcompact.org/sdgs/about> (accessed March 15, 2017).

<sup>6</sup> Nicholas Tampio, “Corporate Education Reform Goes Global,” *Al Jazeera America* (January 26, 2016a).

<sup>7</sup> Internal citations are to Jamie Mayerfeld, *The Promise of Human Rights: Constitutional Government, Democratic Legitimacy, and International Law* (Philadelphia, PA: University of Pennsylvania Press, 2016).

<sup>8</sup> Shenila Khoja-Moolji is a native of Pakistan and earned a bachelor’s degree from Brown University, a doctorate in Education from Teachers College, Columbia University in 2016, and then started a post-doc at the Penn Program on Democracy, Citizenship and Constitutionalism.

<sup>9</sup> Shenila Khoja-Moolji, “Suturing Together Girls and Education: An Investigation into the Social (Re)Production of Girls’ Education as a Hegemonic Ideology,” *Diaspora, Indigenous, and Minority Education* 9, no. 2 (2015c), 88.

<sup>10</sup> United Nations Foundation, “Girl Up - About,” <https://girlup.org/about/> (accessed March 15, 2017).

<sup>11</sup> Khoja-Moolji, “Suturing,” 88.

<sup>12</sup> “Participants in my project [as a human rights educator in rural and city communities in the province of Sindh in Pakistan] critiqued the liberal promise of education by consistently pointing to the many individuals with masters’ degrees in their villages who were unemployed.” Shenila Khoja-Moolji, “Reading Malala: (De)(Re)Territorialization of Muslim Collectivities,” *Comparative Studies of South Asia, Africa and the Middle East* 35, no. 3 (2015b), 551.

<sup>13</sup> *Ibid.*, 94.

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<sup>14</sup> Cited in Shenila Khoja-Moolji, “Envisioning an Alternative to the Neoliberalization of Education in the Global South: The Aga Khan’s Philosophies of Education,” *Discourse* (Online First, 2015a), 12.

<sup>15</sup> Khoja-Moolji, “Alternatives,” 7.

<sup>16</sup> See Joel Spring, *Economization of Education: Human Capital, Global Corporations, Skills-Based Schooling* (New York: Routledge, 2015).

<sup>17</sup> Here is Kant’s explanation of why he favors a pacific federation rather than a world government: “laws increasingly lose their force as the borders of a government are extended, and a soulless despotism, after having eliminated the seeds of good, ultimately declines into anarchy.” Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld, trans. David L. Colclasure (New Haven: Yale University Press, 2006), 91.

<sup>18</sup> Khoja-Moolji, “Alternatives,” 8.

<sup>19</sup> On Madison’s decision to not include education among the enumerated powers of the federal government, see Heinz-Dieter Meyer, “Civil Society and Education—the Return of an Idea,” in *Education between State, Markets, and Civil Society: Comparative Perspectives*, eds. Heinz-Dieter Meyer and William Lowe Boyd (Mahwah, NJ: Taylor & Francis, 2001), 13-34.

<sup>20</sup> I proudly hold a high school diploma from the International Baccalaureate program started by the United Nations. But that was then, and this is now.

<sup>21</sup> See Nicholas Tampio, “Democracy and National Education Standards,” *Journal of Politics* 79, no. 1 (2017); Nicholas Tampio, “Democracy, Federal Power, and Education Reform,” *Perspectives on Politics* 14, no. 2 (2016b), 461-467.