



## Rejoinder

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The invitation to respond to the review of *Human Rights in Education* in a Dialogue Section of the journal is greatly appreciated. It is difficult to remain within the conditions of dialogue, however, for the reviewer violated the canons of inquiry by stereotyping, misquoting, and referring to honest argument as "liberal rhetoric." His concluding opinion contrasts strongly with that of another reviewer, who said my "understanding of educational and philosophical issues is admirable" and concluded, "Undoubtedly, *Human Rights in Education* advances considerably our understanding of a sensitive educational issue. . . . It is a book which every educator, and everyone else interested in education, ought to read."<sup>1</sup>

Perhaps a discussion of his three points of criticism in reverse order can establish a dialogical context for a reply to his objections to my views of freedom and democracy in education and indicate something of the method, nature, scope, and purpose of the book.

The conflict between Gilligan and Kohlberg has no relevance to my book. Gilligan is a psychologist, not a philosopher. Her criticism of so-called sixth stage reasoning is merely a criticism of Kohlberg's isolation of conceptual processes about moral matters from moral sensibility. She rejects rationalistic ethics because it looks chauvinistic, but that thesis requires sociological data for substantiation. I accept neither a rationalistic ethic nor Kohlberg's theory in the book. As a philosopher of education, I am committed to be as reasonable as possible about ethical questions that arise in education and used sixth stage reasoning for heuristic purposes only. The reviewer will recall that Kohlberg claims sixth stage reasoning is necessarily focussed upon justice because of the logic involved in this stage. The point resembles the claim of his colleague at Harvard, John Rawls, who begins *A Theory of Justice* with the assertion, "Justice is the first virtue of social institutions." Kohlberg may be right as a psychologist making inferences about cognitive processes from the evidence of verbal statements gathered from his samples of people, but I believe he is wrong on moral content. The study of ethics and morality, not psychology, leads me to believe that human dignity is the "first virtue of social institutions." To sustain human dignity requires concepts like justice, freedom, equality, brotherhood and sisterhood, respect for persons, and democracy. To secure human dignity, we invent morality.

The focus upon the conditions of human dignity is acknowledged in the reviewer's first paragraph, but he failed to recognize the book's proximity to Gilligan. She unfortunately believes women have a lien on caring and nurturing. I do not believe that. With all due respect, it seems like female chauvinism. It shows the error of trying to base morals in psychology rather than ethics. The centrality of caring and nurturing has a long history in ethics, with explicit origins in the teachings of the men called Moses and Jesus. Gilligan may be correct to generalize beyond Kohlberg's data to refer to the bias and machismo found in some ethics and political theory, but this says nothing at all about so-called sixth stage reasoning when it remains in contact with moral sensibility and includes loving concern for other people (as in the case of Martin Luther King, Jr.). In any case, there cannot be separate ethics for men and women. To rejoin an ethics of the head with the ethics of the heart is why my book included fraternity—or brotherly and sisterly love—as a human right.

The book does not begin by accepting a preconceived rationalistic or human rights ethic. Instead, it asks a series of educational questions, one to a chapter. The method is inductive, for each chapter begins by elucidating the question that actually arises, or might arise, in school situations. Then it analyzes its moral terms, using ordinary language philosophy in a kind of linguistic hermeneutic. After the third part of the chapter justifies the moral principle as a human right, using as close to "six stage reasoning" as possible, the last part resolves the question. An original theory of human rights is developed in the process. It is not esoteric, however, for it is shown that the fundamental human rights are the democratic ideals of liberty, equality, and fraternity.

The book formulates two embodiments of fraternity in education. One is through the brotherly and sisterly love, or friendship, that should be developed by cooperative, non-competitive classrooms, with emphasis upon the classroom as a community similar to Dewey and other progressives. The second is through the fellow creaturely affection that should flow from teachers to students in pedagogic love (pp. 216-220). Pedagogic love is explicitly supported by reference to Buber and the chapter is headed by a quotation from Buber. Buber is elsewhere quoted directly as supporting human rights (p. 46). With all due respect, I submit that the reviewer has not read my book. His references to Gilligan and Schrag are otiose, because I explicitly argue for four pages that teachers ought to extend loving affection toward students as their human right.

The criticism the reviewer draws from Schrag that a rights approach is insensitive to the requirements of "intimacy and unconditioned regard" is not based on the book reviewed. Schrag was writing in 1976 about a use of the rights-talk of the sixties and early seventies. The abstraction of his point in that context reflects the reviewer's prejudice against an approach concerned with obligations to students and his own conservatism. It also reflects a technological con-

sciousness because the ethical question is not whether an emphasis upon rights is damaging. The question is what obligations ensue for teachers simply because students are human beings. The claim in the book is "the child deserves to be loved by its parents, teachers, and anyone else that assumes any kind of role involving sustained contact with him" (p. 216). "To say that the teacher ought to love students because it is their human right is to say they deserve it simply because they are students" (p. 217).

It is very hard to see why the points the reviewer makes by citing Gilligan and Schrag should be thought to be criticisms of the book. In any case, it is extremely inconsistent to criticize me for using a rights approach and also for not doing it well enough.

The first criticism, too, is of a straw man. The reviewer says the introductory chapter does not clearly define "technological consciousness" or relate it to scientific and political practices. To the contrary, I analyze the concepts with the help of quotations from the Neo-Marxist, Jurgen Habermas, and basically agree with his claim about the "fusion" of "science and technology" in the popular mind. I reject his claim that depends less on evidence than on his ideology, which in my view also serves hegemonic functions. Readers can judge for themselves if the following definition of "technological consciousness" is clear enough: "It is basically a belief that all human or social problems are technical problems that can be solved by scientific-technical means" (p. 17).

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In other words, the reviewer is misleading when he asserts that I contrast my view with the radical critique. I draw from it that which is true. And I do say why I reject so-called radical philosophy of science. I rejected all philosophies of science — radical, moderate, and conservative — as a primary resource for decision-making in school curriculum and pedagogy because they are ideological and insufficiently grounded in the various special sciences. Their central focus upon the natural sciences is itself part of the technological consciousness, for these are the sciences that can most profitably be exploited technologically. I also say, "Someone who attempts to discuss the nature of knowledge in general or the canons of inquiry for a domain in which he has not established his authority by a superior mastery of its content is an ideologist, if not a charlatan" (p. 27). I then illustrate the case with Dewey, who claimed to know that experimental inquiry was the one and only method of knowing in all the natural, social, and human sciences in a technologizing of all of human experience. The distortion of the curriculum and pedagogy that followed from the acceptance of Dewey is an epistemic tragedy of epic proportions. He was simply wrong about the nature of knowledge. About half the researchers in the natural sciences are theoreticians, not experimentalists. The value of an experiment depends upon its preceding conceptual basis. The rejection of his so-called radical philosophy of science is necessary in the interests of both

truth and emancipation. The rejection is not conservative but more radical than Thou.

It is merely a Husserlian return to the things themselves to claim that the knowledge available in society that is suitable for the school curriculum is that which is found in the arts, crafts, trades, sports, professions, and university disciplines. The reviewer wonders if this does not involve a "credulous deference" to experts that makes reform of schools impossible. My claim, however, is that each of the arts, crafts, trades, sports, professions, and disciplines "has a group of critical experts to attest to the truth of the knowledge within the domain, and each has objectivity in the sense of intersubjectively valid truth" (p. 24). I did not say this because I like it but because it is true. Because each of these areas has its own avant-garde who are constantly innovating and who are responsible for many of the worthwhile changes that occur in social life, it would seem that the only ones who would call it "conservative" are "experts" in education with their own vested interests to protect. The book claims that a belief in the validity of the knowledge in the arts, crafts, trades, sports, professions, and disciplines is essential to maintain human dignity. This gives an observational definition of human rationality. It points to positive qualities of human reason without engaging in an abstract ideology (p. 32). There are people in each of the arts, etc., capable of achieving world-class excellence, and they certainly know what they are doing. These points are not refuted by stereotyping them as conservative. That only begs the question.

But this issue is only introductory. After it is claimed that a belief in human dignity is dependent upon a belief in human reason and moral agency, the book tries to show how moral agency can be developed in schools through the separate consideration of questions of freedom, authority, equal opportunity, equality, discipline, punishment, democracy, and fraternity in education. Then the last two chapters outline a proposal for moral and civic education through the intellectual study of controversial issues in the context of human rights.

Everything is predicated on the development of moral agency, which is claimed to be the most fundamental human right. Although I am aware that critical sociologists claim the schools are not very successful in the development of agency, this is partly due to the lack of a theory of an education to freedom and human dignity based upon an understanding of human rights in education. The volume tries to fill this lacuna and ought to warm the cockles of the heart of anyone who is tired of criticizing schools and sincerely desires to promote moral agency and human dignity in them.

Perhaps the tenor of the book can be grasped through examining the misquotation. The reviewer quotes out of context when he alleges

the book says students are entitled to freedom if it does not prevent them from doing “the right thing, which is to accomplish the objectives pre-specified in the syllabus or curriculum guide.”

His criticism is that this implies nothing that the “staunchest upholder of our educational status quo would find offensive.” He does not say why this is bad. In a good school, or good school system, one is morally and professionally obligated to defend the “status quo.” The reviewer therefore begs the question even if the claim is valid. His error will show if the paragraph from which the words are taken is examined and the context borne in mind:

Their resolution is now very simple if the genuine questions of freedom in the classroom in the moral sense concern the desire to move around, talk with others, find different materials, study something different, set one's own learning tasks and goals, and the like. Students should always have as much freedom as they can bear responsibly. Only the individual teacher is able to decide how much responsibility can be delegated to a particular class, bearing in mind that the students still have to do the right thing, which is to accomplish the objectives pre-specified in the syllabus or curriculum guide. It would seem, however, that the teacher is correct to err on the side of too much freedom because the sphere of responsibility should be progressively enlarged, and whether particular students will rise to the occasion cannot be predicted. Youth also have to be free to learn to refuse responsibility for which they do not feel ready. (p. 70)

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Then it goes on to argue that because the development of responsibility is a progressive thing, growing by degrees, the sphere of freedom should be progressively enlarged to promote the maximum growth of moral agency. The chapter had already distinguished moral freedom as the freedom to do the right thing as specified by the rules, or laws, needed to establish equal freedom, and it had been noticed that societies that have special court systems for juveniles have legally declared students of school age to be less than fully responsible moral agents. In this context, the gist of the paragraph is to show teachers how to open up their classrooms.

I would certainly hope that ardent defenders of the status quo find nothing in the quoted paragraph offensive. I also hope that ardent innovators find nothing offensive in it. It accepts the classroom as a place of learning and assumes teachers know enough about what they are doing so they always have some objectives in mind, regardless of how much freedom is allowed in their classroom. The paragraph assumes students have the right to expect their teachers to be prepared. Most important is the first part of the sentence that the reviewer omitted when he quoted its last part, “Only the individual teacher is able to decide how much responsibility can be delegated to a particular class. . . .” On the next page this is supplemented with the words, “Any definite prescription is necessarily wrong and ideological in the pejorative sense.” The rest of the chapter displays

a continuum to suggest that individual teachers might sometimes find it more appropriate to have more structure, and other times, less, depending upon circumstances.

This is not open to “flagrant authoritarianism.” It assumes teachers are guided by pedagogic love, as explained above, but contained in the book in a subsequent chapter because only one thing can be discussed at a time. It also assumes a situation in which students have access to a classroom and/or school ombudsman and formal evaluation procedures of their teachers and courses of study (pp. 202-205).

It also assumes good faith. The book formulates the ethical foundations of education. It restores the concept of human dignity to the core of the professional ethics of teaching. This requires certain constraints that were very well expressed by a third reviewer:

Vandenberg is also careful to respect the dignity of the teachers to whom in part the book is addressed. He does not belittle their intelligence by talking down to them, nor does he demean their work by presenting simplistic nostrums and the one right answer to every classroom problem. He instead treats teachers as persons, as autonomous moral agents who are ultimately responsible for deciding how to act rightly in their classrooms. The case he pleads in his book is that of the basic principles of human rights that should inform the making of those decisions. The rest, as he properly recognizes, including the generation of alternative right ways of acting in accord with those principles, is up to the teacher.<sup>2</sup>

With this testimonial to the democratic tenor of the book, we can discuss its alleged “debasement” of the concept of democracy. Again the reviewer has begged the question, for the preliminary analysis in the book argues that Dewey’s concept was a debasement because his proposal for student-teacher planning abolished the secret ballot and its protection from persecution for dissidence. Dewey also debased the concept because he never recommended that students should elect one of themselves to be their teacher. To find ways to consult with students that protect their freedom of speech and ensure the accountability of teachers to students, the book suggests the ombudsman and “secret” student evaluations of teaching. Then the social aspects of democratic participation in classroom activities are considered separately in the chapter on fraternity in education.

The analysis of democracy in the book should not cause any consternation. Citizens in democracies in advanced industrial societies do not engage in collective planning. Nor do they make their own laws. This is why the idea of human rights has emerged only in this century. It is why they have to be enforced by an independent judiciary. Human rights principles are needed to protect the people from unjust laws and from the technocrats of the left and the right.

The reviewer is involved in a peculiar contradiction when he cites Schrag and Gilligan to highlight the importance of the teacher's relation to the pupil in a Buberian sense to object to the emphasis upon rights in my book, but his criterion applies even more strongly to his own insistence on the use of the political concept of democracy in education. The latter was part and parcel of the students' rights movements of the sixties. So I am criticized for supporting dissidents, then for not doing it. This is the kind of contradiction that critical theorists delight in discovering. It shows that the "liberal rhetoric" employed by the reviewer is an ideology that serves hegemonic functions when it is used to deliver such authoritarian pronouncements. This kind of politicalization of all educational issues uses students as pawns in other people's power struggles. To avoid this is the very reason why *Human Rights in Education* has endeavored to expose the roots of the ethical questions of education in human rights understood as the conditions of moral agency.

I am glad the reviewer was disappointed in *Human Rights in Education* if he was looking for a political tract that would place the school in the context of some partisan political effort to secure human rights in society. I am even honored because such abuse of students to quench one's thirst for power is the embodiment of the technological mind-set at its amoral worst. It is contrary to the human dignity that the school as an institution of learning should promote in its efforts to assist the young in their own humanization.

As the reviewer in the *Journal of Educational Thought* said, "*Human Rights in Education* is valuable because, among other things, it succeeds in showing us that such rights are not reducible merely or wholly to political and legalistic demands by groups and individuals."<sup>3</sup>

Instead of being concerned with the idea of democracy in the political sense, the book takes the democratic ideals of liberty, equality, and fraternity more seriously than ever before in its attempt to demonstrate that they are human rights and that they should permeate the life of the school. The success in the latter has caused the reviewer in the *Teachers College Record* to say, "It is a good, useful book for classroom-teachers and those intending to become teachers."<sup>4</sup>

Several things in the volume may be of special interest to the phenomenology of education. It was a Husserlian return to the things themselves that placed existing philosophies of science into the phenomenological bracketing that enabled me to see that the knowledge available in society that is worthy of inclusion in the school curriculum is the knowledge contained in the arts, crafts, trades, sports, professions, and university disciplines. This is actually an extrapolation from the need for regional ontologies expressed in the last

chapter of Husserl's *Ideas; General Introduction to Pure Phenomenology* (1913). Once the need for regional ontologies is seen, general phenomenology becomes impossible except for the commonsense world. Consciousness is seen to be structured by the schema of the specific art, craft, trade, sport, profession, or discipline. The phenomenological research in the cognitive domain needed for schooling is henceforth domain-specific. We need to know how consciousness constitutes its objects within each of the domains so that the pedagogy within it can most effectively help students to become aware of the objects in the domain.

The book indicates a framework for the curriculum in terms of the modes of knowing that enable one to have access to the things in the various regions of the world, e.g., in the written world, the quantified world, the fabricated world, the play world, and the natural, social, and lived worlds. The claim is made that common, general education requires these components to develop the variety of modes of consciousness of students as their human right. This develops the powers of reason essential to human dignity as it gives equal cognitive access to the things in the world.

Most importantly, however, is that the human rights of equal freedom, equal consideration, and brotherly and sisterly love are formulated as the necessary conditions of moral agency. If they are worked out in a kind of Kantian way at the sixth stage of moral reasoning, using various techniques of philosophical analysis, the quest is like Husserl's for statements that are necessarily true, and Husserl shows great respect for Kant's approach in *The Crisis*. Statements about human rights are synthetic a priori statements. They specify the structures of adult moral agency, i.e., of moral consciousness. For example, the reviewer found it "ridiculous" to say, "Adults have a right to freedom so long as they do what they are supposed to do, which is determined by a process in which they have no choice." The statement is not ridiculous when rephrased in the context of the book. It should say, "Moral freedom for the adult is the freedom to do the right thing as defined by just laws." The issue is not who determines the laws, but whether they are just, i.e., required to establish equal freedom, like laws against injuring other people. What matters in education, then, is that the rules of classrooms and schools should be those necessary to establish equal freedom. These help students to develop moral sensibility on the level of perceptual consciousness as they become aware of their obligations to others outlined in the rules. Through the sedimentation of meanings, their lived-world becomes structured by the rules of equal freedom, i.e., by basic human rights.

Because a fully developed moral consciousness that is completely responsible for its actions wants to do the right thing as specified in



just laws, the general statements about human rights as the conditions of moral agency and moral consciousness are necessarily true.

The human rights articulated in the volume, consequently, are the a priori structures of moral consciousness. The term "moral agency" is used instead of "moral consciousness" to avoid confusion with theoretical consciousness, to emphasize its embodiment in conduct, and to include the affectivity of the fellow creaturely feelings of brotherly and sisterly love and friendliness. These matters are not worked out according to the methods and canons of phenomenology, but through a linguistic hermeneutic in order to articulate the moral dimensions of schooling as they occur in the lived world of the classroom when subjected to the normative refinement of the moral obligations expressed as human rights.

Perhaps the most important aspect of the book from a phenomenological perspective, however, is that human rights are grounded in human dignity. Human dignity is defined as the value perceived in a living creature when it is understood to be human. "It is the quality of the other person's sentience, of his or her interiority and its exteriorization, comprising his or her reason and conscience, that is his or her uniqueness, i.e., his or her own value and dignity" (p. 152). If it is true that the technologizing of society has been accompanied by a widespread development of a technological, amoral consciousness, then regardless of the details of *Human Rights in Education*, the question it poses concerning the development of moral consciousness in schooling may very well be the most important question that can be addressed in the phenomenology of education.

## Notes

1. Romulo F. Magsino (December 1984). *Journal of Educational Thought* 18:184.
2. Vincent Crockenberg (Spring 1985). *Teachers College Record* 86:494.
3. Op. cit., p. 183.
4. Op. cit., p. 493.