

2011 Rhodes Institute For Regional Studies

The Human Right to Education

Exploring the right and showing how the right is being violated in the
Memphis City Schools

Jack Clark
8/5/2001

The Human Right to Education

The United Nations announced the human right to education in one of thirty articles written in the Universal Declaration of Human Rights (UDHR). This human right is listed in Article 26 and not only calls for the right to education, but explicitly explains what features are inherently included with the human right to education. For example, an education that fulfills this right would promote understanding amongst all people, regardless of nationality, religion or race. A better understanding of the human right to education can make us aware of the human right, and can allow us to examine education issues and to show if human rights are being violated.

In this paper I seek to complete three processes to examine human rights and education. Section one is meant to explain the philosophy, legality, and history of human rights. Section two is a careful reading of Article 26 of the UDHR. Through this reading, I plan to explain the human right to education through interpretation of the Article and analysis of the language used. The end result is a better understanding of the human right to education. Lastly, in the third section I apply a view of education grounded in human rights to the current Memphis City School turmoil. In this analysis I review articles for *The Commercial Appeal* to give a description of events surrounding the function of the school system. Using an understanding of human rights and the human right to education coupled with an analysis of current events involving the Memphis City schools, it is clear that the children in Memphis are having their human right to education violated.

Part I: What Are Human Rights?

Human rights are grounded in abstract philosophical values centered about ideals for the human condition. An important feature of human rights is that they exist independent of whether or not an individual agrees with a specific right. Even if a government completely denies an individual their human rights, violating them in every aspect, the rights still exist. These rights have been defined and proved through philosophical arguments that claim humans as autonomous, free individuals who have the right to specific rights as human beings.

Another way to explain rights are as high priority norms, ones which are held at a high enough importance by the majority of individuals such that they can be seen as universal throughout humanity. These abstract norms are made into more of an enforceable reality when they are written down on paper, and government bodies are asked to recognize their existence. Once politically recognized, the rights are not “more real” in their existence, as the definitive feature of a right is that it exists universally as a product of society; however, political recognition does give the right validity and protection in the public sphere. What this means is that once a right has been given political recognition, individuals have a tool for explaining injustice they experience. In effect, political recognition provides individuals, groups, and even governments with a measuring stick to refer to when explaining injustices, or when determining that needs are not being met.

Prime examples of political recognition are found in declarations and constitutions throughout the world. Such documents call for freedom and power for an individual through various aspects such as the recognition of property and fair protection in legal proceedings. The limitation of

many of these documents, however, was how each was specific to a given country, and even limited to specific citizens within the country (often only white males). Following atrocities seen during the Second World War with the genocide committed by Adolf Hitler and the Nazis as they systematically killed millions of people, international attention was drawn to the clear need for a universal statement regarding human rights.

The issue boiled down to the idea that all humans were born with specific rights that should never be violated. It took a government stripping a people of their rights and, in essence, their humanity to expose the necessity for international recognition of rights. The problem exemplified from this instance was that mere citizenship in a free country was not enough to protect an individual. An entire people were stripped of their citizenship simply for their religious beliefs, made second class, and removed from a world of freedom or killed. Born from these violations was a contract of recognition that certain high priority norms exist as rights that all humans should enjoy simply as a result of being human.

It is interesting that it took complete violation of humanity for rights to be recognized. Hannah Arendt witnessed these violations first-hand as she was detained in a Nazi concentration camp. She would later go on to write on the philosophy behind human rights and made it clear that in some instances it takes complete violation of a right until we as people recognize that a right actually exists.¹ It is important to clarify that the rights always existed, but that their existence was not fully recognized until a people were harmed.

As a result of the atrocities committed by the Nazi, and in an effort to create a world more capable of peace, thus preventing any more world wars, the United Nations was formed. This group still exists today and serves as an international council bringing countries together as one within an international organization. In 1948, the United Nations drafted the *Universal Declaration of Human Rights*. The subsequent ratification of this document by the member countries took abstract high priority norms from being viewed as moral rights and gave them accompanying legal validity.² Again, this did not create these rights, it simply gave the rights legal recognition and provided a platform and language for which individuals could speak of and defend human rights.

One aspect that made this document unique is that it clearly defined that all humans are rightholders. The document states that regardless of race, sex, religion, social position, or nationality, individuals hold the claim to basic rights. This feature is still important as it posits that all persons are entitled to all rights, and it makes it clear that no government, no individual, and no organization should deny individuals of the rights listed in the document. Despite the success in creating the document it has a limited nature in protecting rights because simply stating the rights does not protect individuals against their violation, it only provides legal recognition and a framework for describing violations.³ This limitation is where the importance of the intersection of philosophy and law is seen.

Rights are high priority norms that have been explained and can be proved important through philosophy. The legal and justice system produce and protect laws that describe these rights and the extent to which they must be followed. Documents, such as the Universal Declaration of

Human rights are the product of specifically defining these norms for the international community. Without the interplay between describing the rights on a philosophical level, and then the subsequent action of describing these rights legally, no such system for protection would exist. Thus, the importance of the relationship between law and philosophy is seen in the quest to ensure international recognition of human rights.

Explaining and Justifying a Right

James W. Nickel provides a framework for describing and analyzing the human rights explained in the Universal Declaration of Human Rights. It is important to understand this framework and the accompanying features of human rights so that specific rights can be explained and understood. I would like to describe, justify, and examine Article 26 of the Universal Declaration. This article calls for the right for all children to have access to education. The claim does not just stop at education, but rather extends to a description of education and also gives parents a right to ultimately decide how their child is educated. Before examining this Article in detail I find it important to step back and explain the framework that will be used in analysis. Once this framework is explained, we will be able to analyze the right to education, the duties that follow and the possible implications.

Nickel defines eight features of human rights which are equally important to the general understanding of rights. Rather than list the eight features, I would like to provide a comprehensive description embodying the features listed by Nickel. As previously stated, human rights are high priority norms that are in fact rights. The rights exist independently and exist as

social facts: they are concepts that are products of society. This does not mean that the rights were invented, but rather that they exist as we exist and interact as social beings, and their importance is seen as a result of societal interaction. If people existed independently of each other these rights would not exist because we would be controlling our own existence; however, the fact that individuals interact within a society mean that other individuals have some sort of an impact on your own life, regardless of intentionality or consciousness of this interaction. Thus, with this interaction comes the ability for an individual to have their freedoms violated or celebrated by another. Through defining rights in a document such as the Universal Declaration of Human Rights, we are specifically setting international standards for which rights must be upheld.⁴

Within rights discourse follow various defined partners and elements necessary to a rights' recognition and protections. First off, rights must have rightholders: those individuals who stake a claim to a specific right. For a rightholder to have a right another person, group, or government must be responsible for the other side of the right, whether it is protection, duty, responsibility, or simply not acting against the right. These individuals are called addressees, and they are called upon to have certain duties to the rightholders. Again, it is important to clarify that the rights still exist even if addressees do not recognize or uphold them.

These human rights are universal and provide a measuring stick for which outside analysis is possible. What this means is that the declaration of these rights not only gave duties to addressees specifically linked to the rightholders claim to rights, but it also gives duties to outside sources to make sure addressees are responding to their own duties. The declaration

makes it possible for outside criticism and/or intervention if a responsible party is not upholding their duties to rightholders. At the international level, the duty of protecting rights and meeting specific needs to fulfill rights of citizens is directed at social and political leaders.

Lastly, it is important to realize that declaring the rights of individuals is meant to set an international minimum standard for enjoying and living within our world. It is not meant to create a utopian society or force unreasonable duties upon addressees. The two types of rights used to set this minimum as described in the declaration are positive and negative rights. Negative rights tell governments what they cannot do. As an addressee, the duty lies in not performing a certain action, for instance, Article 4 states that “no one shall be held in slavery...” which is a negative right because it is telling addressees (which is really anyone) that they may not hold another person as their slave. On the other hand, a positive right creates an international minimum by telling addressees what they *must* do. For instance, the right to education is a positive right because it requires that education is provided for all children by governments.

The attractive feature of positive rights, specifically with the right to education is that this right provides a framework for which an education system provided by the government can be analyzed and scrutinized if various minimal standards are not being met. Instead of criticizing a government for what they are doing (like with a negative right), positive rights call for a statement of what a government must do when they are not. This style of critique can be used in analyzing the education system, specifically in Memphis, as I will later attempt to show that the minimal standards described in Article 26 to provide education are not being met, and thus the human rights of the children in these schools are being violated. Before beginning this analysis,

it is important to further the discussion of rights in general, and explain further where of validation of these rights come from.

In his analysis of human rights, Nickel provides three theories as to the existence of rights. A tension in this analysis is seen between moral rights and legal rights, and whether or not one has a higher claim to priority than another. The first theory provided is the entitlement theory which focuses on rights as products of morality. Such rights are seen as entitlements to individuals, and call for aspects of life which humans should have or be protected against always, regardless of legal recognition. These rights stake claim at a philosophical and pure level. The entitlements exist no matter what, almost as if they are the closest to naturally existing as possible for an abstract idea that cannot simply be physically grasped in nature. Entitlement theory is what is used to make distinct philosophical arguments for what should be, and how people should be treated. Trouble is found though in the implementation of rights defined solely by Entitlement Theory.⁵

This limitation is the grounds for the introduction of a second theory, the “entitlement plus theory.” In this theory simply being entitled to a right is not enough to secure its existence as a right. Instead the entitlement informs legal addressees of their duties, in which case a right can then be realized. With this, a right uses a moral claim to create a duty, thus producing the specific human right. This theory is attractive because it makes clear what burdens are imposed upon addressees, whereas the entitlement theory only describes the rights of the rightholder. Essentially, the argument here is that there must also be addressees and specific duties created by a right for a right to move beyond simply being a high priority goal. Critique of this, as given by

Nickel, is found in the fact that this theory fails to recognize the importance and practicality of legal implementation of a right.

The response to the criticism above is the “legally implemented entitlement theory” which states that a right is simply a legal notion that comes from defining high priority goals as a legal right. In this theory, entitlements are not seen as rights until they have been realized legally as rights. This theory is attractive because of its practical nature in the sense that it is nearly impossible to protect a right if there is no legal foundation upon which to work. On the surface it may seem like the only way for a right to truly “be a right” is for it to be defined legally.

I too found the legally implemented entitlement theory attractive initially, but from a philosophical standpoint legal recognition does not create the right. Kantian tradition would provide that a right exists upon all subjects through morality, and that morality is far reaching and indestructible.⁶ Thus rights exist regardless of legal definition as high priority norms and morals. The response to Nickel from this reading of Kant is that when defining what a right is, the entitlement theory sufficiently defines rights in the sense that they are entitlements to individuals grounded in a moral framework. On a social level, rights may appear to only exist if they are recognized legally, but the “legally implemented entitlement theory” effectively reifies rights, taking them from being abstract moral truths, and simply makes them “thing like” by saying that they are only real if they are recognized legally.

Another argument in favor of entitlement theory can be found using the example of women’s rights. These rights were formally defined in the 1948 Declaration as everyone, regardless of sex

is listed as entitled rightholders. Later, in 1979 a Convention of the Elimination of All Forms of Discrimination Against Women was adopted further stating the rights of women and addressing the fact that many rights of women were still being violated. The rights of women did not exist because of these documents, but instead they had always existed in morality. Legal definitions to these rights provided more of a backbone and anchor to claim rights; however, the rights had always existed. Thus one cannot create a right with law; instead they are describing or protecting a moral right.

Social Rights are Human Rights

The Universal Declaration of Human Rights (1948) is special in more ways than just its clarification that all people are entitled to rights. The reason for this is that it also defines social rights as human rights. Again, morality is an underpinning claim to these rights, but there is also a global goal seen in these rights. There also comes the recognition that in order to preserve freedom, equality, life, etc. that various social rights must also be supported. Social rights stand alone in their importance, which is why they exist within their own articles, but they are also connected to other articles concerned with security and freedom. The United Nations seeks to promote a world of peace and the fulfillment of life on at least a minimum level.

Within the discussion of social rights, Nickel describes two such views of social rights. The first and more limited philosophical view of social rights is called the “subsistence conception.” This view comes from the claim that social rights are rooted in the right to subsistence. There are multiple definitions of this claim but they all boil down to the same basic idea that individuals

have the right to the basic necessities of life such as “nutritious food, clean water, fresh air, some clothing and shelter, and basic preventative health care.”⁷ This view is limited and does not include other social rights that are listed in the Universal Declaration of Human Rights. This does not mean that this claim is wrong, but just that it is more limited than the moral judgments adhered to when drafting the Universal Declaration in 1948. These subsistence views leave out education and a broader understanding of health care. Nickel provides a different conception of social rights that is more inclusive of these ideas.

Including education as a human right is important because without education the goals of other rights cannot be achieved. Without adequate knowledge of the rights that one possesses and the duties that other have to them, an individual can be exploited and not even question the process. Also, without education children miss out on socialization and the ability to learn how to interact within society and they also miss the chance to learn how to provide for oneself and thus lose the chance for subsistence and life.

To avoid recognizing social rights too narrowly Nickel introduces what he calls the “Vance Conception,” named after its conceiver, Cyrus Vance. In this conception of social rights as human rights, subsistence is still important however, health and education are put on the same level and all three are seen interconnected and imperative to the fulfillment of each.⁸ For example, Nickel states that without adequate health, children are unable to pursue education in a fulfilling, energetic manner.⁹ If a child does not have the proper nutrition, rest, health, etc. how can they be expected to reach their educational potential?

Protecting social rights is seen as a challenge because of the close bind between human rights and the legal system. Nickel makes it clear that it is impossible to enforce a social right unless legislation exists as a description of how society must react in response to a social right. I argue that the moral right to education still exists despite legislation, but I agree with the fact that you cannot enforce this right without laws promoting the right. This will be a point of departure for the analysis of the Memphis Schools. Not only will I examine the moral right to education and what education truly means, but I will show that a school system which neglects the idea of education is effectively violating the Human Right to education. If the laws do not support the values in the Declaration, then the laws them self need to be changed so that the Human Right to education is supported and the minimum standard met. If the laws already support the Declaration then there is a different problem. This problem which will be analyzed in section three is that the rights of the children in Memphis are directly being violated.

Part II: A Careful Reading of Article 26: The Human Right to Education

The purpose of the “careful reading” of Article 26 is to provide an interpretation using an analysis of language and follow any leads that come from new light that a definition or etymology may have on a phrase. This exegesis provides a critical explanation of Article 26, which announces the human right to education. To examine the article, I analyzed one sentence or phrase at a time, referencing etymologies and definitions as well as pulling on other sources. I have structured this so that the sentence or phrase analyzed is listed as a section title, and then analysis follows.

Article 26 is printed in the Universal Declaration of Human Rights as follows:

1. "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children. "

-UDHR, 1948¹⁰

Section I:

"Everyone has the right to education."

Who is everyone? The inherent claim in the production of this document is that all people, regardless of sex, religion, age, nationality, civility, etc. are subjects entitled to all rights listed in the declaration.

In some countries, not everyone is protected under the law for various reasons; however, this document is grounded in the belief as all humans as rightholders. Thus, even if a country, group, institution does not recognize these rights, the fact that the right exist still remains. There are

some instances when these rights are waved, but that comes from specific instances where a right is waved, for example from the result of a crime, or where a right may not be fully applicable due to physical or mental limitations.

Education is in fact a HUMAN right. That being said, it exists as a high priority norm/goal, but also as a value that holds validity regardless of legal recognition. This value can come from various sources and people may have varying rationale in support of education as a right; however, one steadfast idea remains, and that is that education is a right which all individuals hold. In this basic sense, and using just this first sentence, the right is being posited as a positive right meaning that it serves to oblige nations to provide free public education. This comes from the fact that individual rightholders have an inherent right to education, and the duty of the addressees of the right is provide it for them. To better understand this education must also be defined in detail, but first I would like to look more into the addressees.

All individuals possess the right to education. This cannot be argued for it is inherent to an individual in society; therefore, all individuals, groups, and institutions have some form of responsibility as an addressee. The responsibility as an addressee is to protect and provide education. This comes in many forms, and implies duties not only to not take away education, but also to protect and uphold systems that promote the fulfillment of this right. If these institutions or systems do not exist then there is duty to create them. These duties are recognized and then a model is given for action in the proceeding section of this article.

Similar discussions of duties to educate and share knowledge exist in the work of Plato. The driving factor that relates Plato's statements in "the allegory of the cave" and this current discussion of a human right to education is the inherent nature that education MUST exist. In the allegory of the cave Plato uses an analogy where a group of people are chained in a cave. These people can only see the shadows of the world on the cave wall because of how they are being held; however, because this is all the people know, they believe these shadows to be reality. This situation is shown to represent ignorance because what the people see is not in fact reality. One day a member of the group breaks free from their chains and crawls out of the cave and sees the real world through their own gaze, instead of through shadows. This moment is enlightening and forever changes the individual. Plato argues that this individual has a duty to the other people in the cave to crawl back into the cave and share his experience. No matter how much the freed individual may struggle in attempting to help the rest of the people in the cave see the truth, the struggle does not take away the fact that the duty still exists. This relates to this discussion of education as a human right because no matter what happens, regardless of struggles, the inherent right to be educated, and "see the light" still exists; thus a duty lies in those who have been educated to turn around and help educate the uneducated.¹¹

"Education" does not simply mean presenting facts to students. Intelligence is currently measured as amount of knowledge one contains; however, practical understanding of the world and application of knowledge is equally important. According to the Oxford English Dictionary, "education" is derived from its Latin root, "educare". Educare itself can be traced to the Latin root words, "e" and "ducere." Together, "e-ducere" means to "pull out" or "to lead forth."¹²

There is a sense from looking at this Latin definition that the role of the teacher is to lead a student in a direction where they can discover understanding on their own. Thus the role of the teacher, like the individual who crawl out of the cave, is to lead the student so they can have understanding pulled or drawn out of themselves and their own existence and experience within the system. If this is the case then there is a duty of a teacher to provide stimulus, the institution to provide the atmosphere, but then also the desire of a student to be brought through this process. Some students may reject the process, but I find this is where the institution and the teachers need to step in at an early point and let children know the value of education, and find ways to make education seem important and enjoyable for children. This can be difficult if this value is not being passed down from parents, but it does not take away or give the institution an excuse for failure.

“Education shall be free, at least in the elementary and fundamental stages.”

Least is defined as “smallest” thus it the authors of the Declaration are mandating that in the smallest form, thus the bare minimum is that education must be free at the levels of elementary and fundamental. In this the authors have declared minimum standards, and defined what duties addressees have in as far as supplying education. By declaring these as minimums, it may seem that any higher levels are not important, but this is not the case as standards for higher education are given later in the article. Instead, the authors are coming to a compromise as to the scope of how much education a country is expected to supply to their citizens as a duty resulting from the right individuals have entitling them to education. This piece of the article describes the human

right to education as a positive right in saying that addressees must provide education at these levels, thus, here is what “should be done.”

I find it important to define the right in its inherent form as positive because if the right to education is inherently positive then the sense of burden on the addressees is removed. An addressee may still see this the duties as a burden on them; however, it does not change the fact that education is a right. The Declaration does not come with a reading guide; however, I find the next two lines in this section of the article as evidence for the positive nature of the right to education. The only reason that this minimal standard may have been set is so that all countries would have a standard to aim for.

Again, the Declaration does not come with a reading guide, so making this distinction cannot be completely proved; however, the Document goes on to describe in part two of Article 26 a model for standard of education in which “education shall be directed to the full development of the human personality.” I will get into this in detail during my analysis of section II, but I find it interesting to mention that this echoes a similar idea of nurturing the mind and promoting full development through education, thus a rudimentary education is a must (and is guaranteed in this document) such that all people have the opportunity to develop a strong foundation upon which to base the rest of their learning on. Just as a house is only as strong as the foundation upon which it is build, a strong educational foundation provides the opportunity to gain knowledge, skill, and technicality, which in turn provides such tools advantageous to supporting oneself in society as well as protect one’s own rights and nurture the rights of others.

“Elementary education shall be compulsory.”

The position that education is compulsory comes the duty of addressees to again pass the value of education on to the young and the uneducated such that they understand the value of the opportunity to be educated. Not every child can necessarily grasp this idea; however, parents, teachers and the overseeing institutions have an obligation to press forth and drive children towards an understanding not only the importance of education but of the values enumerated later in article 26. Within this are many aspects of a full education, such as literacy and development of a worldly and accepting being within our every globalizing society. This value and duty is found in the nature of the word compulsory and the direct implication that as a rightholder one must drive a child to be educated and reared towards an understanding of values and mastery of necessary tools for basic survival in society. Education systems provide an outlet for children to learn how to socialize with other members of their society and navigate the means necessary to achieve their desired ends as well as societies end goals for them.

“Technical and professional education shall be made generally available and high education shall be equally accessible to all on the basis of merit.”

From an initial reading of this final clause of the first section of Article 26 two main aspects stand out. One important clause in this statement is that education at the higher level should be available on the basis of merit. This is important because it makes merit, and only merit, the requisite for higher learner, and seeks to posit that individuals should not be barred from technical and professional learning because of any reason other than a lack of academic merit. It

is important that the phrase “equally accessible” is used, especially in relation to higher education because it provides that all people, marked as equals inherent in their existence as a human should be able to obtain higher education (assuming appropriate merit). From this it is clear that any form of racial, religious or gender based discrimination used to decide on an individual’s admittance into higher education systems should not happen, and is in fact a violation of human rights.

The other aspect that can be drawn out of this statement is that education should not stop at the elementary and fundamental levels. In an effort to create a document outlining rights and duties that all countries (rich and poor) would be able to adhere to, the United Nations drafted the articles such that there existed a minimum standard. The distinct possibility exists that an elementary and fundamental education is the extent of an education that a country can provide; therefore, including higher level education as compulsory would be problematic. However, merely including this value in the Declaration highlights higher education as an important facet of the educational system that should be available to individuals. With this, countries that financially can afford to provide higher education to citizens should do just that. As posited earlier, higher education and subsequently technical education provides individuals with vocational skills and higher levels of understanding which are beneficial, and one may argue imperative, to positive interaction within society and the fulfillment of obtaining the needs of individuals such as the ability to achieve a level of economic stability such that one does not live in poverty and such that one has the knowledge of and access to protection under the law of their explicit rights as a human.

Section II:

The second section is much more instructive than the first section which focuses mainly on announcing the right to education and then explaining the various levels of education and how the right applies, and how it should be applied throughout all levels. Again, in this document the right to education is announced, and inherently always exists; however, the needs of rightholders are addressed as the level of education increases. Someone who completes a lesser level of education still has the same right to education, but it would be pointless to offer technical education to become a doctor to someone who had not been educated through an undergraduate level. As a human right, that the right to education forever exists, and upon each level of completion, the right to the next level exists in the forefront.

Section II addresses this issue as it explains in further depth what exactly the right to education means. This was also done in section I, but more so at an institutional level. Section II instead is aimed at putting forth what must, at an essential level, be included in a child's education for the human right to education to be fulfilled. These again serve as minimal standards but education does not stop here because each culture also has additional aspects of education that will be included. I propose that the right to education intrinsically holds the ideal that if the specific education exists in a culture, then all individuals have the right to it pending existence of due merit. Again, all individuals have the merit simply as humans to be entitled to elementary and fundamental education, thus this more so applies to higher levels in such that if an individual possess the merit required to partake in a certain higher education, then they have a right to that process. With that distinction made, we can see components of education that students are

entitled to on a bare minimum, moreover, the elements an education that successfully fulfills the human right to education would embody.

“Education shall be directed to the full development of the human personality.”

This first statement is aimed at describing the effect that education should have on an individual. It differs from the previous section because it begins to delve into the nature of education and thus the goal at the core of the idea of education. The idea that education should “be directed to the full development of the human personality” is the first time that the ability for an education to mold an individual on more than just a fact-based, intellectual level is mentioned in the document (UDHR Article 26.2). A view of education that encourages full development of an individual recognizes the attributes of education echoed in the works of Plato in the Allegory of the Cave in such that education and enlightenment moving one away from ignorance has life altering, personality changing effects. These life changing effects have the ability to not only equip an individual with valuable knowledge necessary to survival in their environment, as well as economic survival, but it also makes one aware of human rights and gives them the tools to recognize when their own (or others’) rights are being violated and teaches them how they can protect against these violations. The first step for an individual to protect their own human rights is to know exactly what they are protecting, thus how to recognize when they are being violated.

With a closer reading of section two of Article 26 immediate questions arise. With a claim that “education should be directed at the full development of the human personality” I find distinct need to examine what exactly is meant by developing the human personality. There is a

difference between grooming an individual to exist as a means and teaching them how to think and care for themselves and others. I find it imperative to mention that one learns how to care for themselves by knowing how to care for others. This relationship is that of a learning experience in the sense that one sees how they want to be treated (with respect and dignity) and they feel how that treatment feels. They in turn learn that they should be treating others this same way, how they should not treat them, and also what they should expect in return for themselves.

It is also necessary to define what is meant by “full development” as there might be varied forms of interpretation about this claim. The use of “full” is meant to say that there is utter perfect and complete development. This means that the development should be non-lacking, and omit nothing. A “full” or complete notion is hard to necessarily guarantee because there is no measure to prove that one has been educated in such that they reached their “upmost limit” as another definition of full would imply. Instead, no end goal should be made in terms of a level of education that an individual receives, but rather individuals should be seen as limitless in potential in their pursuit of education. People may begin to level off, hence the idea of awarding higher education with due merit; however, no individual should be denied the right to continue their education if they desire and possess necessary educational merit to move to the next level. It is a distinct duty of addressees to guarantee that individuals have the tools necessary to “draw out” of themselves their own sense of personality. To deny one their necessary outlet and tools to partake in education and witness the powerful process of having their personality drawn out through experiences, learning, and associated socialization of education would be a direct violation of the human rights of said individual.

Next in an analysis of this statement, is the task of understanding what “development” means. It is not referring to an experience that happens all at once; moreover, it is not an experience that one can limit with a specific endpoint. As with the idea discussed when examining “full,” specific deadlines are not possible; instead, individuals have potential for endless change brought forth through education. Direct support of this idea is found in the notion of “development” as this is defined as “an unfolding” or “advancement through progressive stages.” With this definition it can be seen that education (and in turn realizing the full human personality) is a process. This process has the potential to have many stages in which an individual continues to grow and move away from ignorance.

Human personality refers to the distinct idea that humans possess certain qualities separate from all other animals. Viewing the idea of “human” in simply the biological sense of being homo-sapiens leads one to fall short of recognizing the full embodiment of what it means to be human. Being human is much more than being a human in the biological sense, but rather a human has the capability to embody a unique personality, as a result of their interaction with society with the use of language and other covert signals. This interplay with members of society as well as a self struggle to achieve harmony between how one grows to view their self and how society views them brings about the idea of an identity.

Another useful definition of personality that embodies the qualities discussed above is “the quality or fact of being a person as distinct from a thing or animal.” Within this the human moves beyond just simply being a human being in the biological sense. Instead the human develops characteristics and idiosyncrasies that make them a distinct individual. Education is

important in the growth to this point, and all though education will streamline students educated in the same space towards a certain direction, each person will develop at their own rate, and have the potential to have varied qualities, ideas, and understandings of the world drawn out of them. This is an important facet of an open education, one that truly allows students to have their personalities drawn out and allows them to realize their full potential. An upbringing in a school that is rigid and allows for no individuality or recognition and merely instructs students on how they *should* be would not be an education at all, but rather an instruction. Education on the other hand seeks to facilitate growth, but again, that act of education has duties that both the student and teacher must fulfill. The teacher has a role in providing an environment where such realization of knowledge and understanding is possible. Likewise, the overseeing institution is responsible for funding and constructing a system where this teaching is possible. If an institution fails to provide such an environment, or an environment at all (for whatever reason), then the rights of the students who are subject to this lack of space have effectively have had their human right to education violated.

“And to the strengthening of respect for human rights and fundamental freedoms.”

In addition to announcing the right to education and explaining how this right plays out at the various levels, the writers of the UDHR also put forth their agenda in promoting a world that better respects and protects human rights. One way of doing this was to announce rights in the first place with the creation of the UDHR, but specifically in this document the influence of education in the struggle for human rights is made clear. In this section the writers advocate for education that seeks to show students the importance of human rights and fundamental, or basic,

freedoms that all individuals inherently are entitled to. The document does not provide a specific plan for how this is done, rather the strategy for implementing an education where students become aware of the importance of human rights is left up to the institutions and the teachers.

One aspect that should be kept in mind is that as education in its essential form is meant to “draw out” or “bring forth” knowledge and understanding of topics for students. That being said, students need to be shown what human rights are through examples, and various violations may be discussed. Also, students need to be shown respect of their own rights and made aware of their rights so that they can cherish and protect their rights, as well as others’. Stemming from a general understanding and respect for human rights is an important feature of my argument, and part of the purpose for my demonstration of the right to education as a human right in the first place. Not only do institutions and governments need to treat all matters of education with reverence to the issue as a human right when making decisions, but students need to be aware that the education they are receiving is because they have a distinct right to education. Within this comes an argument for the students of Memphis City Schools who need to advocate for themselves and demand that they be given a proper education embodying the components mentioned by the UDHR. Other citizens also have a right as addressees to stand up for the students of the Memphis City Schools; however, it will be incredibly powerful to have all the students show up at the school board and the city of Memphis offices and demand that their right to education be respected.

“It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”

The authors of the UDHR continue their pursuit in describing an education that promotes the purposes of the United Nations in their pursuit for peace and a world that better protects and respects human rights. Essentially, the goal is to provide for a better world for all people to live in. The first requisite in this clause is for education to “promote understanding.” Education must be directed at making aware of other groups, ideas and cultures and that regardless of the differences, human rights exist for all. Students should be actively engaged by education so that they continue on a path of developing understanding and respect. Promoting understanding takes place when students are driven to have understanding drawn out of them so that they move forward in their comprehension and respect of human rights and fellow humans. This is an important distinction because it highlights the process necessary within education in order for students to gain understanding.

The remainder of the article section embodies the above importance placed in the idea of understanding as it is stated that education also should promote “tolerance and friendship among all nations, racial or religious groups.” Tolerance can be seen as an understanding that people are different, but that one should realize them in friendship as long as these differences are not beliefs that violate human rights.

The position of “friendship” in this clause is necessary for understanding and tolerance in so much that a student embodying these values must have trust in others. Friendship is defined as a “state of mutual trust and support” and the word “friend” from the word “freogan” meaning “to love.”¹³ Using these definitions, it is clear that faith and unconditional love for “the other” is necessary developing understanding and tolerance. This concept has a potential for difficulty though because it requires a student to care for “the other” meaning other individuals in their society but also people from other societies and places that they do not know, and will never know. Nonetheless, education should draw this love for “the other” out of students by providing an environment where a student learns trust, feels love, and is comfortable caring about people they do not know. I find it important for a student to feel this respect from their teacher, their institution, and from those in their learning environment so that they do not lose faith and trust in the unknown other. This desire to love the other has the potential to be damaged from experiences outside of the classroom; however, the controlled environment within the education system should foster this love and addressees in these systems should do their best to create an environment where the facilitation of drawing this “blind faith” out of an individual is possible.

The remaining part of section two is straightforward in such that it is grounded in the ideals and the intentions of the writers of the UDHR. Demanding that the understanding, tolerance and friendship be for “all nations, racial or religious groups” is definitive and uncontestable. The purpose of the UDHR is to foster peace amongst all people and respect for human rights around the world, so demanding that education embody this is essential to the goals of the United Nations. As human rights exist for all people, regardless of nation, race, or religion, students should be educated to love all people, regardless of nation, race, or religion. It is imperative for

education to teach understanding at this level such that students are aware of the inherent rights of all and as current and future citizens of an ever globalizing world they can do their part in supporting the goals of the United Nations. Lastly, this final claim is made clear in the remaining language as these values of understanding, tolerance, and friendship are declared to “further the activities of the United Nations for the maintenance of peace.” This remaining segment is very clear in its intentions and that is to continue and further the goals of the United Nations that were a driving factor in the creation of the United Nations and the construction of the UDHR.

SECTION III:

“Parents have a prior right to choose the kind of education that shall be given to their children.”

The final section of Article 26 puts forth the claim that “parents have a prior right to choose the kind of education that shall be given to their children.” This statement highlights an explicit right of parents to have domain over their children; however, I see potential for problems in this statement. The claim respects the right to practice religion freely in such that a parent may choose for their children to be educated in a religious setting so that religious values are also covered in their education. It also echoes a right to life and freedom in which a parent can choose to provide a life they see fit for their child and a freedom to educate their child in a private realm. This is an important claim because although education is available publically and called for to be compulsory, it does not require a parent to have their child educated in these public systems. It embodies an idea that education should exist publicly, but a parent has a right to choose if their child is educated in that realm. It does not, however, excuse a child from education, and parent

may not bar their child from education because children have an explicit right to education. The problematic nature of this statement is found in the fact that a parent may choose an education for their child that does not embody the values required by the UDHR in sections one and two of this article. With this I make the claim that a parent may have a prior right to choose the kind of education that their child receives, but that does not excuse the child's right to an education described by the UDHR.

The problem with stating that parents have a "prior right" to choice, the writers are creating a situation where parents can justify choosing an education that does not embody the principles of the UDHR. This is why I make the claim that just because a parent chooses a type of education for their children does not mean that the chosen system is justified in ignoring the claims of the UDHR. With this, it is important to note that this can be problematic on a case to case basis, and that if an education system does not embody the principles of the UDHR it is not *right* and it violates the human rights of the children in the system that is supposed to be promoting the ideals "understanding, tolerance and friendship among all nations, racial or religious groups, and [further] the activities of the United Nations for the maintenance of peace" (UDHR Article 26.2).

Part 3: Applying the Human Right to Education to Memphis

Through an analysis of Article 26 of the UDHR the nuances of the right to education have been more clearly shown in such a way that we better understand what the United Nations claims the human right to education should entail. Again, they were not claiming the right to education, for that already exists inherently as an entitlement for all individuals. Gaining a better understanding and awareness of the fact that education is a right, specifically a human right, shows that

protecting education is imperative. A proper education not only helps position a child so that they have the adequate skills to participate in society, thus pursuing their right to life, but it also brings forth an understanding of human rights necessary to help an individual recognize rights violations and advocate for the protection of their rights or the rights of others. This understanding can (and should, according to the UDHR) increase tolerance and friendship among peoples and further the potential for peace throughout the world.

A more thorough understanding of the human right of education also highlights a wide range of addressees who each have duties, or responsibilities, inherent in the right to education and essential to just fulfillment of the right. Through analysis of Article 26 of the UDHR it is clear that duties lie in the hands of addressees which include governments, education institutions, teachers, parents, and citizens of communities that provide public education. These groups must help maintain adequate education for children through legislation, sufficient money, satisfactory schools, educating (leading), and encouragement. All these factors can play into the creation of compulsory elementary and fundamental schools, as well as available technical and professional schools for those possessing the necessary academic merit for admittance into these higher level schools. Addressee influence that strives to meet the goals of the United Nations can form an education where students have the opportunity to develop their human personality and learn to respect human rights and fundamental freedoms. Such an education satisfies the objectives of the United Nations in proclaiming the features of an education that successfully fulfills the human right to education.

The model for the system and style of education is made clear in the Universal Declaration of Human Rights, but it is forever possible that these goals are not met. When this happens children can be left in situations where their human right to education is violated, thus hindering their entire future, and stunting the efforts of the United Nations. I propose that through the use of the understanding gained through a careful reading of Article 26, and analysis of quandaries in education systems it is possible to declare that students in these systems are having their rights violated. That being said, philosophical analysis of a general topic, such as education, can be used to analyze and expose specific instances where human rights are being violated.

I seek to use this method to examine the current troubles seen surrounding the Memphis City Schools and show that addressees with duties related to providing education within the city need to recognize the current struggles as human rights issues and find a solution to the problems surrounding the district so that the human right to education inherent to the children of Memphis is no longer violated. To help make this claim I have read all articles related to the Memphis City Schools written in the last five months in the city news paper, *The Commercial Appeal*. The specific time period of five months was chosen because this brings the initial focus of my analysis back to just before March 8; the day that voters from Memphis elected for the Memphis City Schools Board of Education to surrender the system's charter thus forcing a merger with the Shelby County Schools. The analysis covers the debate surrounding the merger, as well as specific issues within the Memphis City Schools that have also developed during this time period, including a financial crisis that has lead to the Memphis school board threatening to not open school on the original August 8th start date. Through explanation of the events of the past five months I will expose the issues as a human rights struggle and show that the legal and

financial debates must be settled because the students in the Memphis City Schools are currently having their right to education violated because the education is not being treated with the respect a human right deserves.

Debate Leading Up to the March 8th Vote to Surrender the Memphis City Schools Charter

The March 8th vote came after a series of events in which it became necessary to have the voters in Memphis decide whether or not the charter for the Memphis City Schools should be surrendered thus forcing a merger with the Shelby County School system. This point was reached after a series of decisions and legal proceedings that left the choice in the hands of the citizens. On December 20, 2010, the Memphis school board voted to surrender its charter to force a merger with the Shelby County Schools (SCS). The merger would put all schools in Memphis under the control of the SCS. A fear in this is that current schools of SCS would no longer legally have to contribute to education countywide because they would exist as a “special school system” meaning the system would have its own jurisdiction and taxation abilities

In the days preceding the election *The Commercial Appeal* published four columns in which the merger was discussed. Two of the articles (one in favor, and one opposing) discussed the financial issues surrounding the merger. The author of the article in favor of the merger made it clear that if the schools would fail to merge then “Memphis stands alone, forced to educate 70 percent of the county’s students with only 60 percent of its property values.”¹⁴ The author in opposition of the merger cites research in which case mergers would cost citizen more in tax dollars, expresses fear that a unified school system would place too much control in the hands of

individuals from the struggling Memphis City School system, and claims that these changes would cause more people to move away from Memphis, taking tax dollars with them.¹⁵ Both of these articles focused on the financial side of the merger. This is an important distinction because financial debate remains a common trend seen in the discussion involving Memphis City Schools.

Another factor in the discussion surrounding Memphis City Schools is that where the children who are affected by the changes, financial struggles, and debates are placed in the spotlight. Education is never discussed using the distinction that it is in fact a right in the five months of articles following the March 8th vote. The other two columns published in *The Commercial Appeal* prior to the vote shy away from asserting how votes should be cast, but do however focus on the children of Memphis. One article is grounded in the fact that “state law still says that the county is the de facto educational institution for all the children who live within the county limits, which includes Memphis” and criticizes the Shelby County Schools for not accepting their duty.¹⁶ The other asserts that the children of Memphis deserve better than the failing, underfunded schools as of current, and pushes the discussion away from the merger and towards urging the education systems to try to figure out how to better the schools and the opportunity for the children of Memphis, regardless of the merger.¹⁷ This is an argument that is hardly seen in the months of discussion after the vote, and instead debate focuses around legal and financial struggles. The trend must change. It is imperative that a view of education grounded in its nature as a human right be embodied in future discussions of the Memphis City Schools.

Results from March 8th give “go-ahead” to surrender of charter. More debate to follow; arguments grounded in politics, not human rights.

The referendum for the Memphis charter to be surrendered passed following a vote on March 8th, but this just marked the beginning of months of debate a legal proceeding regarding the terms of the school district merger. Nonetheless, discussion of the rights of the children are not seen reported in *The Commercial Appeal*, but rather complaints and woes revolving around institutional make up of a new school board consume the spotlight. Legal proceedings began even before the March 8 election when on February 11 the Shelby County Schools filed a lawsuit against the Shelby County Commission, the MCS Board of Education, the Memphis City Council, the city of Memphis, the U.S. Education Department, the Secretary of Education, the U.S. Justice Department, the U.S. Attorney General, the Tennessee Education Department and the former Acting Education Commissioner.¹⁸ The lawsuit was filed in order to have the proceedings of the merger legally justified.

The intricacies of the lawsuit were covered in the following months by *The Commercial Appeal*. Each article discussed the newest statements and complaints made during initial hearings with the federal judge appointed to the case. Hearings began May 12, but at this point all the initial claims have been made, and the official court hearings will not happen until September of 2011. Claims made during these initial hearings were reported throughout the process in the newspaper and the majority of discussion existed solely around how the merger would take place. Little was said on behalf of the children of Memphis, and although the lawsuits are specifically in regards to the nature of the merger, it is still important that both sides of the lawsuit keep in mind that

education is a human right and not get lost in the legality of protecting the positions of the political institutions involved.

Currently, the debate over the merger is waiting on the September court date, but details of exactly what is being argued have been defined and this has been reported throughout the process. Initially, the actuality of the merger even occurring were being debated, but because the Memphis City Schools voted to surrender its charter in December 2010, Memphis City Council approved the dissolve in January 2011, and the public vote in favor of the surrender in March, one way or another the charter no longer exists. With this, no matter what, the merger will have to happen at some point in the future.¹⁹ The debate now revolves around when the dismissal of the charter legally started (or starts). The purpose for determining when the charter was officially dissolved is because the start date affects how and when the merger will proceed.

The Shelby County Commission began plans to create an expanded, twenty-five member countywide school board before the public vote because the members believed that the surrender of the charter had already happened, therefore making the Shelby County School board responsible for the city schools. This choice of procession is currently supported by the Commission, as well as Memphis City Council and the City of Memphis who believe that Memphis City Schools no longer legally exist.²⁰ Under this belief, they claim that it is necessary to create a 25 member board for the county, including eighteen Memphians.²¹ The lawsuit brought about by Shelby County Schools has caused the judge presiding over the case to ask the Commission to halt in their process of creating a board until it has been determined if this is legally the correct way to advance.²²

On the other end of the debate is the Shelby County Schools (SCS) who have a differing view of how to move forward with the merger because of the Norris-Todd law signed in to action in February. The state of Tennessee aligns with SCS in the belief that technically the Memphis City School charter was not dismissed until the referendum passed in March; therefore, the Norris-Todd law would provide the details for completion of the merger.²³ The debate here from the Commission, Council, and City point of view is that the Norris-Todd law is unconstitutional to apply to this situation because it was written after attempts to dissolve the charter began and because it applies to only one county.²⁴ If the judge were to rule in favor of the Norris-Todd law the merger would not happen until 2013 and in the mean-time the Memphis City School Board and the Shelby County School Board would continue to govern their districts independently while a separate 21-person team would oversee the process of the merger.²⁵ The SCS attorneys claim that this is the route to go because the way in which the Memphis City Schools went about relinquishing their charter followed a system describe in a private act in 1961 that was faulty and unconstitutional from the beginning.²⁶

Throughout this whole process the Memphis City Schools has remained neutral but still has been operating and planning for the upcoming school year. Their continued action is another focus of the Shelby County Schools because they are asking how a board that is still operating can claim to not exist. The city, City Council and County Commission has responded to this by stating that they do not technically exist, yet they continue to operate for the sake of the children in Memphis since Shelby County Schools will not.²⁷ This is one of the only instances where *The Commercial Appeal* reports specific mentions of the children in Memphis. Education is a human right of the

children of Memphis; therefore, more importance should be placed on them when deciding on this issue rather than institutions picking sides and delaying a process that is aimed at bettering the educational system for Memphis children. The process has been slow; in fact, the City of Memphis and the County Commission assert that SCS, MCS, and the state are all moving too slow to effect consolidation.²⁸

Reports from the hearings have shown that both sides are trying to blame the other for delays and skirt away from duty. The attorneys for Shelby County Schools claim that the only reason City Council supports the actions of MCS is so they can keep the city from having to pay court-ordered repayments of debt to MCS.²⁹ These statements question the intentions of City Council and can raise questions about all the groups involved. A lot of the statements surrounding the issue have been about finances and political jockeying. This case is delicate. It affects the future of education for children in Memphis and must be handled with care. Education is a human right, and the importance of the protection of this right was seen through the previous reading of Article 26. Without proper education, the children of Memphis are at risk of not realizing their full potential and developing their personality as a human because they will miss out on opportunities to help them grow and participate productively in society. Whichever group is determined to be legally responsible for the Memphis Schools must step up and take control of the district and ensure that education is provided.

Funding Issues

Another issue involving the Memphis City Schools and jeopardizing the educational opportunities of Memphis children is funding for the schools. If this problem is not resolved there lies yet another way in which the children of Memphis could have their human right to education violated. Again, it is imperative that these dilemmas are resolved by addressees, who in this case are the City of Memphis and Memphis City Schools, so that the duty to fund and provide adequate education for Memphis City School students is fulfilled.

Funding debates have come into the spotlight in the last month with almost daily reports by *The Commercial Appeal*. These issues existed concurrently with the merger debate and resolution is as, if not more important to protecting the rights of the children of Memphis because the fight over money has the potential to affect the upcoming school year for Memphis students. Funding issues span back to over two years ago a court ordered the City of Memphis to pay off debts to the Memphis City Schools.³⁰ These debts have still not been paid off and the Memphis City School Board has spent the summer deciding how to handle the issue. The court ordered that the City's bank account be tapped for \$57.4 million, but the problem has not been solved with this order.

Debates continued throughout the summer while budgets were made and the School Board sought repayment of debt. The conversation regarding the Memphis City School finances reached a point of crisis for the Memphis students when the board announced on July 19 that schools would not open on time unless payment of the city's budgeted money for the 2011-2012 school year was paid.³¹ This move by the board creates a situation where students could be

without school until money is paid, and without free education for nearly 105,000 children there could not be a more blatant possibility for the violation of human rights in Memphis.³²

Articles presented in the following week spoke to how shocked the citizens of Memphis were as a result of this ultimatum. Parents showed anger that their jobs would be in danger because they might have to miss work to take care of their kids when they should be in school.³³ This affects the parents' right to life and to provide for a sustainable living but just as important is the direct violation of the right to education by having no education at all. As a result of the threat to close schools, the City of Memphis was sent into a scramble to try to come to terms of how money would be allocated. The problem is that the MCS wants all of the City's allocated funds before school even starts, but the city wants to proceed as they have in the past and pay after taxes are collected in September.³⁴ Memphis City School Board members ruled 8-1 in favor of this threat and stand by their decision because of the poor payment history of the city in the past four years which totals to \$151 million dollars in unpaid promised money, including \$78 million for this current school year.³⁵ Also, the MCS board has asked for a full payment upfront because last year more than 56 percent of funds were not transferred until April.³⁶ It is understandable that the school system would have trouble running and maintaining the schools if money is not being deposited on time, or at all.

Despite the funding struggle, there is absolutely no way that it can be justified that a student would not receive education starting on August 8. Education is a human right, and therefore an entitlement of the children in Memphis. Free elementary and fundamental education must be guaranteed to remain in compliance with the UDHR, and if schools do not open on time then this right will be violated. This notion has not been mentioned in the papers; however, it is clear that

everyone involved wants the schools to open on time, regardless of the motivation. Currently a resolution has been unanimously approved by the MCS board of education in which case the City will deposit funds incrementally, including \$12 million three days before classes start.³⁷ If the payment plan is followed, it ensures that 80 percent of the city's budgeted money for MCS will be deposited by October when state funding starts to come in.³⁸ One scary remark made in *The Commercial Appeal* though is that "if the city departs one bit from the board's expectations, all bets are off."³⁹ This is a strong and disturbing statement because it still leaves potential for doors to shut. It seems unlikely, if not impossible that the schools would close upon default of payment, rather it seems more like a rhetorical threat to make sure the City of Memphis follows through.

The thought of schools closing over money, especially since the money exists, is troubling to the cause of protecting human rights. It seems that the children are being used as pawns in the game of allocating money in this debate. Although funding is necessary for the children to receive an adequate education in the first place, if schools were to close a gross wrong-doing would be done to the children of Memphis. With this, the City and the Memphis City School board should strongly view this struggle with the schools with human rights on their mind. Their duty as addresses is to provide and protect adequate education for the children of Memphis and every effort should be made to ensure this. If they cannot then the state and even the federal government might need to step in to ensure that human rights are not violated. Lastly, another group of addressees not mentioned yet are the taxpayers. The parents of the children of Memphis fall into this group, but everyone, not just them is responsible for putting pressure on their

legislatures and executives to makes sure the human right to education for the children of Memphis is protected through funding from their tax dollars.

In threatening to close schools I see a direct violation of students' human right to education as the students' education was put on the chopping block as a pawn in the game to gain more money for the district. Yes, some will argue that the move was done to provide education, but at no point should the children's education have been used as a bargaining chip. By using the students' education as a bargaining chip, it is clear that the board members are not considering education as a human right and are thus violating the right to education of the youth in Memphis.

Conclusion

As the nature of this project suggests, we can be blind to violations of our own rights and the violations of others' rights as we may be unaware of what exactly is a human right. This paper is designed to explain the right to education in a way that highlights the fact that education is a human right, and that currently education systems are failing to provide children with education and thus violating their human right to education. I propose that if we not only recognize education as a human right but begin to treat it as a human right we can begin to act with the gravity of the right in mind; therefore, taking education issues more serious in our discourse as lawmakers will be encouraged to recognize that education is a human rights issue. When we being to treat education as a human rights issue (as it is meant to be treated) we can hope that policy makers will act with the intention of protecting the right to education for all children in the forefront of their minds and as the driving force behind their actions.

Human rights are said to have equal importance, violating a human right is violating a human right, regardless of which one. Some human rights violations make more headlines than do others, for instance genocide; however, violating a child's right to education is still in fact a human rights violation. If human rights are supposed to carry the same weight (with equal and independent importance) then protecting the right to education should be just as vital.

References

1. Birmingham, Peg. *Hannah Arendt and Human Rights: The Predicament of Common Responsibility*. (34)

2. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (26-29)
3. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (28-33)
4. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (9-10)
5. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (29-33)
6. Mahoney, John. *The Challenge of Human Rights: Origin, Development, and Significance*. Malden, MA: Blackwell Pub., 2007.
7. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (139)
8. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (138-139)
9. Nickel, James W. *Making Sense of Human Rights*. Malden, MA: Blackwell Pub., 2007. (141)
10. *Universal Declaration of Human Rights*. United Nations. 1948.
11. Plato. "Book 7." *Plato Republic*. Indianapolis: Hackett, 2004. 208-237.
12. Oxford English Dictionary. "Friendship." Web.
13. Online Etymology Dictionary. "Education." Douglas Harper. Web.
14. Mulroy, Steve. "For Schools Consolidation: No Guessing on Key Issues, so Vote 'yes'." 6 Mar. 2011.
15. Thomas, Chris. "Against schools consolidation: 'Yes' vote will drive more from Shelby County." 6 Mar. 2001.
16. Thomas, Wendi C. "Wendi C. Thomas: 'Ugly' MCS is in the eyes, actions of SCS deniers." 3 Mar. 2011.
17. Binkley III, Lesly H. "Question of ballot misses the point: School choice empowers children, parents and the city" 6 Mar. 2011
18. Silence, Sherri Drake. "Shelby County Schools sues County Commission over makeup of unified school board" 4 Mar. 2011
19. Buser, Lawrence. Silence, Sherri Drake. "Shelby County Schools' attorney says schools will be unified at start of 2013-14 school year." May 12, 2011.
20. McMillin, Zack. "Federal judge to determine details of how Memphis, Shelby County schools unite." 3 Jul. 2011.
21. Connolly, Daniel. McMillin, Zack. "Memphis, Shelby County schools-merger dispute gets first day in court." 12 May 2011.
22. Buser, Lawrence. "Judge tells parties to agree on unified Shelby County Schools board or he'll decide." 4 Apr. 2011.
23. McMillin, Zack. "Federal judge to determine details of how Memphis, Shelby County schools unite." 3 Jul. 2011.
24. McMillin, Zack. "Feuding sides in school merger fight tell judge they can't compromise." 2 May, 2011
25. Buser, Lawrence. Silence, Sherri Drake. "Shelby County Schools' attorney says schools will be unified at start of 2013-14 school year." May 12, 2011.
26. McMillin, Zack. "Feuding sides in school merger fight tell judge they can't compromise." 2 May, 2011
27. McMillin, Zack. "Federal judge to determine details of how Memphis, Shelby County schools unite." 3 Jul. 2011.
28. McMillin, Zack. "Memphis City Council attorneys want Kriner Cash, Martavius Jones to testify." 27 Jun. 2011.
29. McMillin, Zack. "Federal judge to determine details of how Memphis, Shelby County schools unite." 3 Jul. 2011.

30. Roberts, Jane. "Memphis City Schools seek to tap city account for \$57 million debt." 3 Mar. 2011.
31. Roberts, Jane. "Memphis board delays school year's start indefinitely in demand for city funds." 19 Jul. 2011
32. McMillin, Zack. "Federal judge to determine details of how Memphis, Shelby County schools unite." 3 Jul. 2011.
33. Roberts, Jane. "Possible delay of school casts wide ripples across Memphis." 21 Jul. 2011.
34. Roberts, Jane. "Memphis board delays school year's start indefinitely in demand for city funds." 19 Jul. 2011
35. Maki, Amos. Roberts, Jane. "City claims it was 'blindsided'; Memphis schools say they were shortchanged." 21 Jul. 2011.
36. Roberts, Jane. "Last-minute changes slow Memphis City Schools funding resolution." 23 Jul. 2011.
37. Roberts, Jane. "Memphis board OKs funding deal; if city payment schedule unmet, 'school does not open.'" 26 Jul, 2011.
38. Roberts, Jane. "Memphis board OKs funding deal; if city payment schedule unmet, 'school does not open.'" 26 Jul, 2011.
39. Roberts, Jane. "Memphis board OKs funding deal; if city payment schedule unmet, 'school does not open.'" 26 Jul, 2011.