

THE PARADOX OF THE UNIVERSAL RIGHT TO EDUCATION

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[W]e know that all the concepts, the axioms, and the language of the human rights *are* tied to national idioms.

(Derrida 2001: 401)

In his long introduction to *Du droit à la philosophie* titled "Privilege: Justificatory Title and Introductory Remarks," Derrida discusses what he sees as the paradox of human rights. He shows how the so-called *Universal Declaration of Human Rights*, "while claiming to be grounded in the concept of natural rights," is actually dependent upon a *topos*, and a "lexic of justification or jurisdiction, legitimation or foundation" (Derrida 2002: 31). In an interview given in the context of the Oxford Amnesty International Series of lectures (1992), Derrida reminded us that the Universal Declaration of Human Rights is grounded in history, and that the human rights, "what we call the human rights, is a set of concepts, laws, requirements which were not given in nature, from the beginning" (Derrida 2001: 392). The concept of human rights has been developed over time, through a number of declarations which have gradually determined it and given it shape and content. However, the rights to education, to instruction, to culture, to language, are only rather recently developed concepts, which emerged as human rights were being refined, redefined, and more and more specifically determined. So, the words Derrida pronounced concerning the university can also apply to human rights: "Here, for example, is not an indifferent place" (Derrida 2000: 85).

Derrida shows how the concept of human rights also "implies a philosophy" which often claims to be universal; although, as he pointed out, it is hardly the case (Derrida 2002: 33). For while one often tends to consider philosophy "a universal discourse, [which] crosses the borders of languages, nations, determined groups" and which "claims to address the universal problem" (Derrida 2001: 399), its concepts of culture, instruction, education, and formation actually also "have a history, a genealogy (*paideia*, *skholè*, *cultura*, *Bildung*, etc.), and a highly complex structure" (Derrida 2002: 32). From the start, they have been linked with specific cities and languages (Greek, German, Latin, French), and a familiar tradition outside which "the word[s] [do] not mean anything" (Derrida 2001: 391).

Furthermore, for Derrida, "the right to teaching [also] supposes the knowledge and teaching of right" (Derrida 2002: 36); and in order to gain access to right and the law, individuals first need access to "the capacity to read and interpret, in short, [it supposes access to] instruction" (Derrida 2002: 36). Derrida sees this circular reasoning as inscribed in the concept of "power" (*pouvoir*, as a verb: to be able/to be allowed to; and as a noun: power; also akin to the term "empowerment") with a play on the concepts of authorization and of ability. Derrida wonders how to satisfy both of these exigencies of *pouvoir*: "Through an ability[right]-to-intrepret, [ability/right-to-]speak, write, decipher?" (Derrida 2002: 37). That power—given, as in being-allowed; or taken, as in being-able—this empowerment, has to "[pass] by way of the practice of language" (Derrida 2002: 37) and "by way of philosophy: through the constitution of ability and power as linguistic and philosophical competence" (Derrida 2002: 37).¹ Derrida sees the latter (philosophical competence) as being inscribed within the circle of access and education, but also as "the condition of the circulation of the

circle" (Derrida 2002: 37).

Deconstruction is necessary in order to do a "genealogical analysis of the trajectory through which the concept [of human right] has been built, used, legitimized" (Derrida 2001: 391). Assumptions must be uncovered and critically examined through a tracing of its history, and of its use as a philosophical, ethical, juridical, or political concept in order to take into consideration these specific determinations. For Derrida, its link to an ideal of democracy is evident on another level. Like democracy, the concept of human rights is still always in the making, always to-come, while the universal declaration of human rights is still being written; the latter can never be a finished process, but rather a promise as the ideal of a declaration to-come. In any case, Derrida stresses, it is of paramount importance that "[i]f there are human rights, which means universally valid human rights, they should be accessible, understandable to everyone, whatever language they understand or they speak" (Derrida 2001: 391). For Derrida, the paradox of a right to education lies in the fact that it implies an education already determined by concepts and by language.

References

- Derrida, J. (2000) "Where a Teaching Body Begins and How it Ends," trans. D. Egéa-Kuehne, in P.P. Trifonas (ed.) *Revolutionary Pedagogies: Cultural Politics, Instituting Education, and the Discourse of Theory*. New York and London: Routledge. 83-112.
- (2001) "'Talking Liberties': Jacques Derrida's Interview with Alan Montefiore," in G.J.J. Biesta and D. Egéa-Kuehne (eds) *Derrida & Education*, London: Routledge. 176-85.
- (2002) "Privilege: Justificatory Title and Introductory Remarks," trans. J. Plug, in *Who's Afraid of Philosophy? Right to Philosophy I*, Stanford: Stanford University Press. 1-66.
- Egéa-Kuehne, D. (2000) "Paths to Integration and/or Multiculturalism: Cultural Crossroads and/of Education," in U. Beitter (ed.) *The New Europe at the Crossroads II*, New York: Peter Lang. 89-109.

¹ Pug's translation modified to reflect the notion of gaining both ability and power through acquiring linguistic and philosophical competence: "*par la formation du pouvoir comme compétence linguistique et philosophique*" (Derrida, 1990, *Du Droit la Philosophie*, Paris: Galilée, 64).

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