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Unveiling Injustices

*Revisiting Human Rights Education's Legal, Political and Moral Ideals
in a Nonideal World*

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ACADEMIC DISSERTATION

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Abstract

The aim of this thesis is to critically examine the realisation of the legal, political and moral ideals of human rights education (HRE) so that HRE and the field of education in general could better respond to inequalities and injustices. States around the world have accepted HRE as a human right, but it is known that teacher education has been carried out unsystematically. Inadequate implementation of HRE leads to ignorance of human rights, allowing human rights violations and persistent inequalities to continue. States' ambivalent relationship with HRE creates the research problem of this thesis which I call the double reality of (in)equality in education. While human rights are officially valued in this double reality, education simultaneously reproduces inequality. This thesis provides a novel interpretation of this double reality of (in)equality through critical HRE. Concurrently, human rights are challenged by rising authoritarianism, polarisation, populism and the questioning of common values. These tendencies involve risks for society's ability to oppose oppression, injustice and the protection of the marginalised. I claim that the theory and practice of HRE are incomplete if they focus only on the ideals, because then inequality or injustice are not taught to be seen in the first place and teachers do not receive proper education on HRE.

This thesis responds to the scarcity of HRE research in Finland, contributes to the general lack of theoretical analyses of HRE and the emerging field of critical HRE. The current critical HRE discussion has challenged human rights for being too abstract and idealised and thus failing to meet the realities of inequalities. Critiques have emphasised the political contestedness of rights and the abstract false universalism of human rights. While many critiques offer important insights for revising HRE, some of them lead to moral philosophical problems. In this thesis, I will suggest a novel theoretical approach drawing on nonideal theory. Nonideal theory has been neglected hitherto in the critical HRE discussion. This novel approach takes criticisms into account but defends a non-bargainable universal moral core of human rights. I will problematise especially some pejorative uses of morality, universalism and normativity. This approach draws on the nonideal theorising of Judith Shklar and Brooke Ackerly among others.

This thesis constructs an unprecedented interdisciplinary contribution to HRE drawing on critical and feminist perspectives in educational sciences, human rights law and moral philosophy. Thus, it reconstructs a novel philosophically informed socio-critical methodology. The thesis consists of three interrelated sub-studies, this thesis summary and combines empirical and theoretical research. The empirical sub-studies I and II analyse HRE in Finnish teacher education and are united in their critical approach of challenging the idea of exceptionalism where human rights are seen as already achieved. Sub-study II analyses the past 50 years of equality and human rights work in teacher education. The empirical data comprises student teachers' questionnaire answers and essays (n=311) in 2019 and human rights policy documents (n=90) between 2011 and 2021. The methods used include content analysis (sub-study I), historically informed

discursive reading unveiling discursive practices (sub-study II) and philosophical inquiry (sub-study III).

Empirical findings suggest that the realisation of HRE's legal and political ideals in Finnish teacher education is inadequate. Students describe a lack of HRE and how they see HRE as an important and timely part to be included in their professional training. The sub-study II reveals that short-term project-based development of HRE is now emerging in similar fashion to what has been done earlier in equality work. A discursive reading reveals separate discursive realities of equality and HRE; the official discourse claiming exceptionalism, students describing ignorance, and human rights policies suggesting improvements. However, suggestions are neglected, or only short-term projects are initiated. Projects tend to depend on individuals and contribute to a historical "amnesia" of previous results leading to repetition of similar topics. The alleged exceptionalism does not enable a focus on equality and human rights policies' goals. Additionally, a constructed theoretical frame for analysing reproduction of inequalities illustrates how ambivalence, ignorance and innocence partake of the illusion that there is no need for improvements concerning equality or HRE. Sub-study III describes novel nonideal HRE suggesting that resisting dehumanisation is central. Dehumanisation is at the core of human rights violations, ranging from subtle mistreatment to causing genocides. Nonideal HRE can reveal the invisible injustices and enhance the dismantling of inequalities through education.

My empirical argument is that teachers are not ideal actors who know by themselves how to implement HRE without training that enhances legal knowledge, critical thinking and ethical sensibility. Nationally systematic HRE in teacher education is not going to be achieved through short-term projects or declarations of value ideals. Furthermore, the fragmentation of education, human rights and equality policy is a problem. The theoretical frame of this thesis contributes to underexplored moral philosophical aspects of HRE. My theoretical argument is that nonideal HRE can transgress the impasse between universalistic or liberal accounts of human rights and their discontents because it takes criticism seriously, focuses on real injustices, but does not deny the non-bargainable moral core of human rights. The nonideal HRE that I suggest enlivens the political and moral imagination, disturbs passive injustice and increases moral sensibility and fuller moral understanding. For the ideals of human rights to be realised, HRE is required. HRE is necessary for people to be able to critically evaluate the realisation of human rights and to criticise, evolve and defend the system. Only by taking injustice seriously, can education and HRE dismantle inequalities. This thesis offers a practical and theoretical contribution to critical HRE in the context of polarising societies and global crises. This context creates an urgent need to educate people who can see injustices, can globally cooperate and act for common moral concerns beyond one's own interests.

Tiivistelmä

Tämän tutkimuksen tavoitteena on tarkastella kriittisesti ihmisoikeuskasvatuksen oikeudellisten, poliittisten ja moraalisten ideaalien toteutumista, jotta ihmisoikeuskasvatus ja kasvatusala yleisesti voisivat paremmin purkaa eriarvoisuutta ja epäoikeudenmukaisuutta. Valtiot eri puolilla maailmaa ovat hyväksyneet ihmisoikeuskasvatuksen ihmisoikeudeksi, mutta tutkimusten mukaan opettajankoulutus on toteutunut epäjärjestelmällisesti. Ihmisoikeuskasvatuksen riittämätön toteutuminen johtaa ihmisoikeuksia koskevaan tietämättömyyteen, jolloin ihmisoikeusloukkaukset ja eriarvoisuus saavat jatkoa. Valtioiden ambivalentti suhde ihmisoikeuskasvatukseen tuottaa tämän tutkimuksen tutkimusongelman, jota kutsun koulutuksen (epä)yhdenvertaisuuden kaksoistodellisuudeksi. Siinä ihmisoikeuksia arvostetaan virallisesti, mutta samalla koulutus uusintaa eriarvoisuutta. Tutkimus tuo uuden näkökulman tähän kaksoistodellisuuteen kriittisen ihmisoikeuskasvatuksen kontekstissa. Samalla ihmisoikeuksia haastavat lisääntyvät autoritaarisuus, polarisaatio, populismi ja yhteisten arvojen kyseenalaistus. Nämä vaarantavat yhteiskunnan kyvyn vastustaa epäoikeudenmukaisuutta ja suojata marginalisoituja. Esitän, että ihmisoikeuskasvatuksen teoria ja käytäntö ovat puutteellisia, jos niissä keskitytään vain ideaaleihin, koska silloin eriarvoisuutta tai epäoikeudenmukaisuutta ei opita näkemään, eikä opettajille järjestetä riittävää ihmisoikeuskasvatusta.

Tutkimus vastaa ihmisoikeuskasvatuksen tutkimuksen vähäisyyteen Suomessa, sen yleiseen teoreettisten analyysien puutteeseen ja kasvavaan kriittisen ihmisoikeuskasvatuksen tutkimusalaan. Nykyisessä kriittisessä keskustelussa ihmisoikeuksia on arvosteltu liian abstrakteina ja idealisoituina vastaamaan eriarvoisuuden todellisuuteen. Kritiikit korostavat oikeuksien poliittista kiistanalaisuutta ja kritisoivat abstraktia valheellista universalismia. Vaikka monet kritiikit tarjoavat tärkeitä näkökulmia, jotkin niistä johtavat moraalifilosofisiin ongelmiin. Ehdotan uutta teoreettista lähestymistapaa hyödyntäen ei-ideaaliteoriaa. Ei-ideaaliteoria on tähän asti huomiotta jäänyt näkökulma kriittisessä ihmisoikeuskasvatuksessa. Uudessa lähestymistavassani kritiikki otetaan huomioon, mutta puolustetaan ihmisoikeuksien universaalia moraalista ydintä. Problematisoin erityisesti joitakin moraalien, universalismin ja normatiivisuuden halventavia käytötapoja. Lähestymistapa nojaa muun muassa Judith Shklarin ja Brooke Ackerlyn tutkimuksiin.

Väitöskirja tarjoaa uudenlaisen tieteidenvälisen näkökulman ihmisoikeuskasvatukseen, jossa hyödynnetään kasvatustieteiden, ihmisoikeusjuridiikan ja moraalifilosofian kriittisiä ja feministisiä näkökulmia. Siksi se kehittää uuden filosofisesti informoidun yhteiskunnallis-kriittisen metodologian. Väitöskirja koostuu kolmesta toisiinsa liittyvästä osatutkimuksesta, yhteenvedosta sekä empiirisen ja teoreettisen tutkimuksen yhdistelmästä. Empiiriset osatutkimukset I ja II analysoivat ihmisoikeuskasvatusta suomalaisessa opettajankoulutuksessa, ja niitä yhdistää kriittinen lähestymistapa, joka haastaa ajatusta erinomaisuudesta, jossa ihmisoikeudet nähdään jo saavutettuina.

Osatutkimus II analysoi viimeisen 50 vuoden aikana tehtyä tasa-arvo- ja ihmisoikeustyötä opettajankoulutuksessa. Empiirinen aineisto koostuu opettajaopiskelijoiden kyselyvastauksista ja esseistä (n=311) vuonna 2019 ja ihmisoikeuspoliittisista asiakirjoista (n=90) vuosina 2011–2021. Menetelminä ovat sisällönanalyysi (osatutkimus I), historiallisesti informoitu diskursiivisia käytäntöjä paljastava diskursiivinen luenta (osatutkimus II) ja filosofinen analyysi (osatutkimus III).

Empiiriset tulokset viittaavat siihen, että ihmisoikeuskasvatuksen oikeudellisten ja poliittisten ideaalien toteutuminen opettajankoulutuksessa on riittämätöntä. Opiskelijat kuvaavat ihmisoikeuskasvatuksen puutetta ja sitä, miten he näkevät sen tärkeäksi ja ajankohtaiseksi osaksi ammatillista koulutustaan. Osatutkimus II osoittaa, että samanlainen lyhytkestoisten projektien kehittämistyö on nousemassa esiin ihmisoikeuskasvatuksessa kuin mitä tasa-arvotyössä on jo tehty. Diskursiivinen luenta paljastaa erilliset diskursiiviset todellisuudet: virallinen diskurssi väittää erinomaisuutta, opiskelijat kuvaavat tietämättömyyttä ja ihmisoikeuspolitiikassa ehdotetaan parannuksia. Ehdotukset jätetään kuitenkin huomiotta tai käynnistetään lyhyen aikavälin hankkeita. Hankkeet ovat usein riippuvaisia yksittäisistä henkilöistä, ja niihin kuuluu aiempien tulosten historiallinen "muistinmenetyks", joka johtaa samojen aiheiden toistumiseen. Väitetty erinomaisuus ei mahdollista keskittymistä tasa-arvo- ja ihmisoikeuspolitiikan tavoitteisiin. Lisäksi eriarvoisuuden analysoimiseksi rakennettu teoreettinen kehys havainnollistaa, miten ambivalenssi, tietämättömyys ja viattomuus osallistuvat kuvitelmaan, että yhdenvertaisuutta tai ihmisoikeuksia koskevia parannuksia ei tarvita. Osatutkimus III kuvaa uudenlaista ei-ideaalia ihmisoikeuskasvatusta, jonka keskiössä on epäinhimillisyyden vastustaminen. Epäinhimillistäminen on ihmisoikeusloukkausten ytimessä, ja sen ilmeneminen vaihtelee hienovaraisesta huonosta kohtelusta kansanmurhiin. Ei-ideaali ihmisoikeuskasvatus paljastaa näkymättömiä epäoikeudenmukaisuuksia ja edistää eriarvoisuuden purkamista koulutuksen avulla.

Empiirinen argumenttini on, että opettajat eivät ole ihanteellisia toimijoita, jotka osaavat itsestään toteuttaa ihmisoikeuskasvatusta ilman koulutusta, joka lisää oikeudellista tietoa, kriittistä ajattelua ja eettistä herkkyyttä. Kansallisesti systemaattista ihmisoikeuskasvatusta opettajankoulutuksessa ei saavuteta lyhytkestoisilla hankkeilla tai arvojen julistuksilla. Lisäksi koulutus-, ihmisoikeus-, yhdenvertaisuus- ja tasa-arvopolitiikan erillisuus on ongelma. Tutkimuksen teoreettinen viitekehys avaa ihmisoikeuskasvatuksen liian vähän tutkittuja moraalifilosofisia näkökulmia. Teoreettinen argumenttini on, että ei-ideaali ihmisoikeuskasvatus voi ylittää umpikujan universalististen ja liberaalien ihmisoikeuskäsitysten ja niiden kriitikkojen välillä, koska siinä kritiikki otetaan vakavasti ja keskitytään todellisiin epäoikeudenmukaisuuksiin, mutta ei kielletä ihmisoikeuksien moraalista ydintä. Ehdottamani ei-ideaali ihmisoikeuskasvatus elävöittää poliittista ja moraalista mielikuvitusta, häiritsee passiivista epäoikeudenmukaisuutta, lisää moraalista herkkyyttä ja täydentää moraalista ymmärrystä. Ihmisoikeuksien ideaalien toteutuminen edellyttää ihmisoikeuskasvatusta. Ihmisoikeuskasvatus on välttämätöntä, jotta ihmiset voivat arvioida oikeuksien toteutumista sekä kritisoida, kehittää tai puolustaa järjestelmää. Vain suhtautumalla vakavasti epäoikeudenmukaisuuteen koulutus voi purkaa eriarvoisuutta. Tutkimus tarjoaa käytännöllisen ja teoreettisen näkökulman kriittiseen ihmisoikeuskasvatukseen polarisaation ja globaalien kriisien ajassa. Tässä kontekstissa on kiireellistä kouluttaa ihmisiä, jotka näkevät globaalit epäoikeudenmukaisuudet, kykenevät maailmanlaajuiseen yhteistyöhön ja toimimaan yhteisten moraalisten huolenaiheiden puolesta yli omien etujensa.

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List of abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
EDC/HRE	Education for Democratic Citizenship and Human Rights Education
EU	European Union
FNAE	Finnish National Agency for Education
FRA	European Union Agency for Fundamental Rights
HRE	Human rights education
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LGBTIQ+	Lesbian, gay, bisexual, transgender, intersex, queer, and other sexually or gender diverse
MinEdu	Ministry of Education and Culture
NAP	National Action Plan
NGO	Non-governmental organisation
RQ	Research question
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNDHRET	United Nations Declaration on Human Rights Education and Training
UNESCO	United Nations Education, Scientific and Cultural Organization
UPR	Universal Periodic Review

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List of original publications

This thesis is based on the following publications:

I Kasa, T., Rautiainen, M., Malama, M., & Kallioniemi, A. (2021). ‘Human rights and democracy are not self-evident’: Finnish student teachers’ perceptions on democracy and human rights education. *Human Rights Education Review*, 4(2), 69–84. <https://doi.org/10.7577/hrer.3937>

II Kasa, T., Brunila, K., & Toivanen, R. (2023). Reproducing inequality through ambivalence, ignorance, and innocence – Revisiting practices of equality and human rights in Finnish teacher education. *Educational Review*, 76(1), 145–165. <https://doi.org/10.1080/00131911.2022.2151572>

III Kasa, T. & Leiviskä, A. (accepted 2024). Resisting dehumanisation: Exploring nonideal human rights education. *Journal of Philosophy of Education*.

The publications are referred to in the text by their roman numerals.

1 Introduction – Fragile ideals of human rights in an unjust world

What moves us, reasonably enough, is not the realization that the world falls short of being completely just – which few of us expect – but that there are clearly remediable injustices around us which we want to eliminate.
(Sen, 2009, p. vii)

This research has been shaped through my experiences as a teacher, human rights worker, and researcher. When I started to work with human rights and investigate various topics such as human rights law, actual operations of fundamental and human rights in society, Indigenous peoples' and disability rights among others, I was amazed at how little understanding the educational system had provided on the subject of human rights. This was troubling, considering all the invisible inequalities in education and society. I remember, for example, how students told me that gender equality was not a problem in Finland. I needed to do extra work to explain the inequality in an age-appropriate manner and witnessed, for instance, how these inequalities became visible to students. This simple example connects to education's potential to suppress or empower, reveal or conceal injustices. This function has been expressed in many ways, such as describing education as a *pharmakon* meaning, in Greek, both a poison and a medicine (Luis, 2023).

This thesis is a continuum of studies on persisting inequalities that feminist and critical scholars have long outlined (Ackerly, 2008; Adami, 2018; King, 1991; Rhode, 1991; Toivanen, 2007; 2015; Ylöstalo & Brunila, 2018). Deborah Rhode (1991) describes the “no problem” problem in the field of law, how gender inequality is not seen as a problem. I resituate this problem in education. Exclusions, marginalisation of knowledge and inequality are reproduced and upheld with the idea that it is “not a problem” or the accountability is shifted away from oneself (“It is not my problem”). In this thesis, the “no problem” problem is the lack of human rights education (HRE) which is not seen as a problem. Consequently, ignorance of human rights and inequalities plague education. States often take as their official aims to enhance equality and human rights in education while education simultaneously reproduces inequalities. Accordingly, the research problem of this thesis is the so-called double reality of (in)equality and HRE in education. It means,

that human rights ideals are officially embraced in education, but there are various problems with its realisation, which I will illustrate throughout this thesis.

Human rights have formed a powerful legal, political and moral frame for various stakeholders and activists across the world in support of their fight for justice. Their formation in 1948 at the United Nations (UN) was a historical event where countries from all over the world, for the first time in history, met in a diplomatic arena to negotiate human rights from different backgrounds (Adami, 2012). The concept of human rights has been one of the most influential in our times (Freeman, 2011). Remarkable progress has been achieved to advance societal justice providing evidence of hope for many (Sikkink, 2017; Simmons, 2009). At the same time, increasing criticism towards human rights and HRE has emerged. Some critiques have even declared the end of human rights (Hopgood, 2013; Moyn, 2010). Few human rights scholars have focused explicitly on HRE which provides an interesting counter-narrative to the declarations of the end of human rights (Cargas, 2019). HRE has evolved much later than the general human rights legislation (Ely-Yamin, 1993); it has, however, slowly but surely increased in influence globally.

Skepticism of human rights ideals has a long history (Sen, 2009). However, after I started to work with human rights in 2015, pressures have increased in terms of questioning human rights. Human rights might have been seen as “self-evident” in Finland 10 to 15 years ago (Matilainen, 2011; Rautiainen, Vanhanen-Nuutinen & Virta, 2014) but not anymore. These pressures are societal, such as the questioning of the international rule-based world order, rising authoritarianism, polarisation, populism and the backlash of rights. Simultaneously, a broader historical and philosophical undercurrent drawing on poststructural and postmodern philosophies question universals and common values, including human rights. These form a problem for HRE: at the same time, HRE has been declared as a human right (UN, 1948, 2011, 1989) and teachers in many countries are obliged to teach human rights. But research indicates that teachers’ education on HRE is unsystematic (Ahmed, Martin & Uddin, 2020; Flowers & Magendzo, 2023; Robinson, Phillips & Quennerstedt, 2020). Concurrently, the theoretical foundations of human rights and HRE are contested (Freeman, 2011; Cruft, Liao & Renzo, 2015). HRE has been advanced in many ways globally. Critical scholars have outlined problematic practices of HRE which can lead to an overemphasising of law as being legalistic, uncritical or conservative. Thus, calls for more critical HRE have emerged (Adami, 2014a; Keet, 2015; Simmonds & du Preez, 2017; Zembylas & Keet, 2019; Offord et al., 2022).

When I started full-time research in 2021, I wanted to understand the criticism of human rights and HRE more profoundly. I had already worked in different roles as a teacher, as a government official and in non-governmental organisations (NGOs) with human rights and seen what kind of human rights work is done

globally. When I read Amnesty's reports on human rights progressions, for example, how death penalties¹ or female genital mutilation was decreased or how María Teresa Rivera was sentenced to 40 years in prison for having a miscarriage and ultimately served 4.5 years of this sentence before being released (Amnesty International, 2014, 2016, 2023), I felt relief after all the critical reflections on the state of the world. Human rights advocates were criticising injustices like arbitrary punishments for people defending their rights and raising the often-silenced Finnish human rights problems like racism, treatment of Indigenous Sámi people and violence against women and minorities (European Union Agency for Fundamental Rights [FRA], 2014, 2018; Toivanen, 2007). In many places, people defended their human rights, and some lives were saved with the work of human rights organisations. After I returned to read critical research on human rights, something had changed. Many of the criticisms felt legitimate and important, but some of them troubled me. After seeing the potential of human rights to prevent oppression, I could not see human rights as, for example, suspicious rhetoric. However, I saw the necessity to critically examine the theory and practice. In a world full of human rights violations and failures, it is necessary to reveal the corrupt uses of human rights, for instance as a form of organised hypocrisy (Cardenas, 2014) at the disposal of those states inclined to use it. Thus, the theoretical frame of this thesis is situated in the emerging field of critical HRE.

Philosophical and theoretical analyses of HRE are scarce or marginal (Al-Daraweesh & Snauwaert, 2013; Coysh, 2017; Zembylas, 2017). Consequently, I wanted to delve into the philosophical discussion. This required me to explore the philosophical discussion on human rights, because of the scarcity of HRE's philosophical analyses. I noticed that the classic philosophical approaches were not very interested in the practical or institutional aspects of human rights. Their interest was, for example, to find moral philosophical justifications beyond legal terms (Griffin, 2010; Tasioulas, 2021). These accounts are described as "orthodox accounts" of human rights (Etninson, 2018; Hessler, 2023). While they provide nuanced analyses for theorising and contribute to ideal theorising of human rights, their detachment of practice makes them hard to apply in education. On the other hand, the critical HRE approach often draws on postmodern and poststructural theories (e.g. Todd, 2010; Zembylas, 2017) and challenges the basic assumptions in these ideal theories. Ideal theories are condemned as too abstract and detached to intervene in real injustices in the world. For example, the ideals of abstract universalism and the autonomous rational individual and their tendency to marginalise experienced injustices and the actual are challenged by critical and

¹ The number of countries that have abolished the death sentence has over doubled in 30 years from 1991 to 2022 (Amnesty International 2023).

feminist scholars (Kapur, 2006; Kittay, 2005; Mills, 2005; Todd, 2010; Xanthaki, 2019). To simplify, the “orthodox” accounts of human rights are often interested in the ideals and normative grounds of human rights (Etinson, 2018; Tasioulas, 2015), whereas critical and feminist theories reveal the realities of exclusion, discrimination and marginalisation (Adami, 2014a, 2016; Hessler, 2023). Kristen Hessler argues that “traditional philosophical methodology exhibits determined resistance to regarding human rights practice as potential source of substantive moral insight” (Hessler, 2023, p. 81). This attitude of separation of theory and practice upholds the problem in current scholarship which manifests in HRE as a lack of theorising and the philosophy being detached from practical concerns. I will illustrate how the theoretical tension between the universalistic and liberal philosophical human rights approaches and their criticism form an impasse which I will strive in this thesis to transgress with a novel theoretical approach drawing on the hitherto overlooked nonideal theory.

The emerging critical HRE questions abstract universals, normativity and emphasises the political contestedness of rights (Adami, 2014a; Todd, 2010; Zembylas, 2017). I agree with many critiques on the need for a more critical theory and practice. However, I will problematise the overemphasis on political contestedness and some pejorative uses of morality, universality and normativity of human rights. Departing from these theories, I will insist throughout this thesis on the necessity of defending a *non-bargainable moral core* of human rights. For instance, if the moral and normative ground of human rights is seen as *only* contextual and contested, what kind of normative common ground can be established? If universality is abandoned altogether, how are human rights supposed to be applicable beyond given contexts? Furthermore, in the current political context, there is a risk that the denial of the moral core of human rights turns against the normative aims that critical discourses themselves advocate for, such as enhancing social and global justice.

The academic discussion on critical HRE has thus far neglected nonideal theory, which has been influential in political and moral philosophy and philosophy of education (Ackerly, 2008; Brighouse, 2015; Mikkola, 2016; Mills, 2005; Thompson, 2015; Valentini, 2012a). Nonideal theory has challenged the ideal theory of John Rawls (Rawls, 1971) for making idealised assumptions of societies and people. I will especially draw on the previously neglected philosophy of Judith Shklar (Shklar, 1986a, 1989, 1990) and other nonideal theorists (Ackerly, 2008; Khader, 2018; Mikkola, 2016; Mills, 2005). My theoretical argument is that nonideal HRE can transgress the impasse between universalistic, liberal or “orthodox” accounts of human rights and their discontents, because it takes criticism seriously, focuses on real injustices, but does not deny the non-bargainable moral core of human rights. I will defend a novel form of the universal moral core through nonideal theory (nonideal universalism). Consequently, the novel approach of nonideal HRE

suggested in this thesis helps to both unveil and dismantle injustices when teachers comprehend critical HRE involving legal, moral and critical perspectives in the increase of their moral sensibility.

This thesis' empirical part is situated in Finland. Finland is profiled as a forerunner of equality, education and human rights². Fundamental and human rights are guaranteed in the Constitution of Finland (1999/731). Human rights and equality are included in the national core curricula as values, transgressing transversal themes, contents of some subjects and obligations (Finnish National Agency for Education [FNAE], 2014, 2018, 2019). However, there is a lack of research on HRE (Kylänpää et al., 2024; Lehtomäki & Rajala, 2020). Surveys have been done which suggest that HRE is not systematic in teacher education because it is dependent on individual teachers and detached from human rights law (Gretschel et al., 2023; Human Rights Centre, 2014; Rautiainen et al., 2014). The rare studies that have been done about teachers indicate that teachers see human rights as self-evident yet alien (Matilainen, 2011). Human rights are alien in the sense that teachers are ignorant about human rights mechanisms, norms or laws. Thus, HRE has remained implicit in Finland (Human Rights Centre, 2014; Rautiainen et al., 2014; Toivanen, 2009). However, research and education on close concepts like equality, democracy, disability studies, worldviews, social justice, gender equality, diversity, social and ecological sustainability and multiculturalism are done (e.g. Brunila & Kallioniemi, 2017; Helakorpi, 2020; Helakorpi, Holm & Liu, 2023; Honkasilta, Vehkakoski & Vehmas, 2016; Honkasilta et al., 2019; Ikävalko, 2016; Kurki, 2019; Lehtonen et al., 2018; Lehtonen, 2021; Masoud, Holm & Brunila, 2021; Rautiainen, Hiljanen & Männistö, 2022; Ylöstalo & Brunila, 2018).

In this thesis, I focus on explicit HRE meaning forms of education that explicitly mention human rights (e.g. Osler & Skarra, 2021; Toivanen, 2007). However, what unites explicit HRE and the aforementioned forms of education is a common aim to advance equity in education. Many emphasise the concern for persisting inequalities in education concerning differences, minorities like the Roma and the Sámi, gender equality, sexual minorities, racism and limits of who can be normal (Brunila & Kallioniemi, 2017; Helakorpi et al., 2019; Juva, 2019; Juva, Holm & Dovemark, 2020; Miettunen, 2020; Mattila, Lindén & Annala, 2023; Ylöstalo & Brunila, 2018). Only a few PhDs have been done explicitly on HRE in Finland. For example, HRE has been studied in the contexts of the Scandinavian Network of Human Rights Experts (Halme, 2008), upper secondary school (Matilainen, 2011), and non-military service (Kylänpää, 2022). This is the first PhD that studies HRE explicitly in Finnish teacher education on this scale.

² This is a widespread narrative that is partly articulated in foreign policy and educational governmental institutions (see Kasa, Brunila & Toivanen, 2023; Mahler, Mihr & Toivanen, 2009; Ministry of Education and Culture [MinEdu], 2016; Sääntti, Hansen & Saari, 2021).

To articulate the research problem of the double reality of (in)equality in education again from the perspective of ideal and nonideal theory, it appears that official declarations are seen as sufficient to implement the legal, political and moral ideals of HRE. I argue that the theory and practice of HRE are incomplete if they focus only on the legal, political and moral ideals because then inequality or injustice are not taught to be seen in the first place and teachers do not receive proper training on HRE. Committing to human rights law officially can lead to a situation where ideals are seen as enough, and politicians and public officials can avoid their responsibilities by pointing to official documents. Based on the empirical study of this thesis, I argue that teachers are not ideal actors who know by themselves how to implement HRE without training that enhances legal knowledge, critical thinking and ethical sensibility. Consequently, the illusion that the ideals inscribed in curricula are realised by themselves with no problems must be challenged. The nonideal realities of education indicate that teachers need support and education in interpreting these ideals and translating them into practices (Ahmed et al., 2020). In general, pretending that the ideals as official commitments are enough leads to the situation that teachers are obliged to teach HRE, but they are not taught how. At the same time in academia, researchers criticise human rights without providing suggestions on how to implement critical HRE in the reality of educational institutions. To make things worse, the increasing pressures on human rights in society increase pressures on educational institutions with conflicting demands by parents or other interest groups.

In this context, teachers would benefit from proper critical HRE that would address how to interpret the law, understand critical aspects of HRE and its concepts, how to avoid producing stereotypical content or false ideas of human rights that might marginalise some students (Adami, 2014a), and how to articulate the legal and moral importance of these ideals in our nonideal world. If teachers are not supported and the uncritical acceptance of ideals persists, it should be no surprise if inequalities continue, typical human rights complaints occur year after year³ or the promises of empowering HRE will never be realised. This is not to say that teachers or schools would be the only solution for broad societal problems, but teachers play a crucial role in creating ethical educational spaces where worthy societal values, principles and ideals can be protected or dismissed.

³ For example, legal complaints for the Parliamentary Ombudsman of Finland, who oversees the legality of the use of public law and fundamental and human rights, receives year after year similar complaints concerning a safe learning environment (bullying), worldview and religious education and exclusions of disabled students etc. (see e.g. Parliamentary Ombudsman, 2013, 2019, 2022). It must be noted that the complaints are limited in the sense that, for example, racism is under-represented in such complaints, if one compares their number with actual, more frequent occurrence of racism in Finland (e.g. FRA, 2018).

HRE is necessary for people to be able to critically evaluate the realisation of human rights in society and criticise, evolve or defend the human rights system. HRE is necessary for inclusive democracy and for society's ability to resist injustices and protect the marginalised. Ignorant people are easy to oppress, and ignorant people continue oppressing others. Amid global crises when global rule-based order is being attacked, authoritarianism and polarisation arises, educators must think of common political goals across differences. Critical HRE can provide a basis for this. Despite the historical success of human rights, their realisation is fragile in our nonideal, unequal and polarising societies. Overall, this thesis is an attempt to respond to the disillusionment of human rights through critical HRE. My approach owes a great deal to feminist and critical scholars who have articulated the exclusions and oppressions in society (Ackerly, 2008). At the same time, I insist that there are valuable principles and values to defend, such as human rights. Accordingly, I defend the need for a universally non-bargainable moral core in HRE so that resisting global injustices is possible. Critical HRE acknowledges differences and diversity but simultaneously defends the moral core of human rights which is crucial in pursuit of global and social justice.

1.1 Human rights education's relevance in today's societies

When talking about equality and social justice in education, one may ask, why choose HRE as a framework? One could approach similar topics through another broad frame like moral education, global education, social justice education, (social) sustainability education, democratic education or equality education. Or one can choose a more specified discourse such as anti-racist education, education on sexual and gender minorities, intercultural education, religious and worldview education. Indeed, HRE can be perceived as too broad (if, for example, specific concerns of racism are forgotten, if the focus is only on abstract principles of justice) or too narrow (if one is interested in ecological justice or fears HRE reducing education to just introducing legal governance and bureaucracy).

In this thesis I defend HRE as an explicit framework for several reasons: it provides a broad frame for discussing various specific topics through moral, legal, and political perspectives. Under the umbrella term of human rights, several specific issues can be approached: racism, Indigenous rights, cultural and linguistic rights, environmental rights, sexual and gender minorities and equality, economic rights and inequalities, and so on. For teachers, it provides a professional standard

for evaluating everyday actions in schools and clarifies rights and obligations⁴. The strength of HRE is its connection to legal principles both in many countries at the national level and at the international level through international human rights law. It provides perspective on an existing system of rights and mechanisms that everyone can benefit by – if one knows about its existence in the first place. For this, HRE is crucial. If we want the realisation of human rights, HRE is necessary. HRE complements other forms of social justice-oriented education, because it provides real-life examples and actual routes to remedies. This has been argued for in the context of moral education (Brabeck & Rogers, 2000) and in higher education pedagogy (McGaughey et al., 2019).

Persisting human rights violations, easily spreading misconceptions of human rights and broader challenges for constitutional states, make HRE a relevant topic for everyone. Human rights topics can vary from more subtle forms of discrimination to being questions of life and death; systemic police violence kills people (Rodríguez-Gómez & Russell, 2022); when domestic or gendered violence is not addressed and it is a taboo, violence and deaths occur (FRA, 2014); if a student in a minority position feels no worth or acknowledgment of existence, suicidal thoughts and attempts may increase (Alanko, 2014); when whole groups of people are dehumanised, neglect, violence and even genocides can occur (Glover, 1999; Smith, 2020). To address these complex problems, an interdisciplinary approach is useful. While I defend the moral stance of HRE, seeing human rights only as values disregards their crucial function as society's institutional structures upholding justice. It also disregards the legally obligatory nature of human rights concerning public servants and teachers.

Consequently, human rights should be of interest to all educators. Societal injustices start to build in education and mistreatment can be “subtle” or teachers may participate in bullying (Juva et al., 2020). Currently, it seems to be a general value or sidenote of other topics (Rautiainen et al., 2014). There are several competing interests and pressures facing teacher education. However, human rights are not new in Finland; they have long been a part of the values and principles of educational aims (Finnish Government, 1970; Finnish National Board of Education [FNBE], 2004). In addition, among competing interests, governments should prioritise the topics that are articulated at the level of the Constitution (1999/731, section 22). Unfortunately, space in education to address complex societal topics and ethical issues is diminished with increasing pressures toward effectiveness, measurement and detachment of societal topics (Bryan, 2022; Fornaciari & Männistö, 2015; Mertanen, Vainio & Brunila, 2022).

⁴ It must be noted that this might be one reason why teachers or educational professionals do not always want HRE: clarified obligations limit one's use of power.

Despite HRE's strengths, it is not "a panacea for all social ills everywhere" (Bajaj, 2004, p. 34) nor do context-specific oppressions favour any single strategy that would work for all teachers and students (Kumashiro, 2002). Still, HRE has emancipatory potential (Tibbitts & Keet, 2023). HRE provides a place for real world pedagogy that can consider actual cases of injustices instead of hypothetical ones. It provides an opportunity for clarifying value commitments and principles in society while simultaneously enhancing critical consciousness of society and power. It provides a basis for understanding law and rights and equipping students to claim their rights if they are breached (Lundy & Martínez Sainz, 2018) or when care and goodwill fails. Importantly, HRE is a form of democratising rights in a manner that children, youth, adults, teachers, the marginalised and everyone can benefit from. In the end, the question arises as to whether people have the willingness to defend constitutional states and values that uphold structures that strive for justice in society. As Freeman states, if one ought to have respect for human rights, there is an ongoing need to find good reasons for them and a justificatory philosophical theory (Freeman, 2011). Accordingly, I will elaborate in chapter 3 the philosophical theory undergirding HRE in this thesis, which is nonideal theory.

1.2 About this study

This thesis is comprised of three sub-studies and this summary. The two first sub-studies are empirical and the third is purely theoretical. All of the sub-studies approach the problem of a double reality of (in)equality and HRE in education from their respective angles. Next, I explain how these sub-studies intertwine with the overall aim of this thesis to foster education and HRE that is more responsive to inequalities. All the sub-studies are united by the concept of HRE. I would describe the idea of interconnected sub-studies as a widening circle; sub-study I focuses on student teachers' perspectives on HRE in one institution to examine empirically the state of HRE in teacher education; sub-study II broadens the aspect to historical and societal analysis. It provides a historically informed discursive reading of the development of law and policy but also offers a general theoretical frame to analyse persisting inequalities in education; sub-study III is purely theoretical, transcends specific contexts and provides a theoretical renewal to the ongoing HRE discussion.

This thesis' empirical part is constructed in Finland, and sub-studies I and II are unified in their critical perspective which disturbs the "success story" of Finland as a forerunner of education, equality and human rights. The first utilises the concept of national exceptionalism in terms of an attitude, where the human rights problems are seen as distant and belonging to countries other than one's own. It explores the state of HRE in teacher education in 2019. It examines the state of official commitments in Finland and how student teachers (n=300) perceive the topic. Based on students' perspectives and extant research, this study highlights the

attitude of national exceptionalism as something to be questioned in Finland: human rights cannot be held as self-evident (Kasa et al., 2021).

Sub-study II aimed to understand why student teachers are still reporting too little education on equality and human rights, despite the improvements in educational law and policy. In addition to students' perspectives (n=311), it provides a more structural and political analysis based on policy documents and laws. The historically informed discursive reading provides an analysis of historical evolution of the past 50 years of equality work and the emerging work on HRE. Sub-study II argues that Finnish teacher education has an ambivalent role as "exceptional", while simultaneously reproducing inequalities. Moreover, the alleged "exceptionalism" prevents a focus on equality and human rights policies' goals. Furthermore, a feminist theoretical framework contributing to critical HRE is provided in order to explore the persistent inequalities in education. We suggest that ambivalence, ignorance and innocence take part in actually reproducing inequalities (Kasa, Brunila & Toivanen, 2023).

Sub-study III explores the theoretical discussion of HRE. It seeks to provide a novel perspective on the impasse between orthodox human rights accounts and their criticism. Human rights and HRE have been criticised for being too abstract and idealised to have any real impact on reducing inequalities. The emerging critical HRE research emphasises political contestedness of rights and is suspicious of universals. Sub-study III argues that, while there is a need for a more critical theory and practice of HRE, denying the universality and normativity altogether from the philosophical foundation of human rights leads to moral philosophical problems. Instead, this study draws on previously neglected nonideal theorising in the context of HRE and suggests a negative moral notion of resisting dehumanisation to provide a moral core for nonideal HRE. This negative or nonideal approach to HRE gives injustice its due (Shklar, 1990) and has the potential of increasing moral sensibility and full moral understanding through education (Kasa & Leiviskä, accepted 2024).

Overall, this thesis contributes to the critical practice and theory of HRE. This thesis summary further elaborates the nuances of the current practical and philosophical discussion on HRE. I suggest that it is urgent and necessary to provide common political aims and values in a polarising world amid global crises. There are no easy solutions to shared values in societies where diversity and plurality increase. However, exactly because of this, it is important to remain critical, respect pluralism, but also to think about the moral commitments that transgress identity lines and ideological camps. It is important to remain vigilant in a global context where the rule-based world order is challenged. The global crises such as climate change, forced migration because of wars or pandemics that we face in an increasingly interconnected world will require abilities for global cooperation

and human rights evaluations. In this, HRE has a crucial role alongside other societally significant branches of education.

1.3 Terminology

Next, I briefly clarify the concepts employed. In the theory chapter 3, concepts and theories will be elaborated in more detail. The main concept of this study is human rights education (HRE). When I refer to HRE in the main part of this thesis, I mean explicit references to human rights and HRE (cf. Osler & Skarra, 2020). This means that nearby concepts like social justice, equality education, anti-racist education, democratic education, civic education, multicultural education, worldview and religious education etc. are not the main focus of this thesis. However, in the empirical study, some conceptual combinations are used, and I present the reasons here.

In sub-study I, HRE was connected to democracy education. One reason for this is that the project – where the data was generated – was on developing democracy and HRE in teacher education. The project utilised concepts drawing from the Council of Europe’s (CoE) framework on education for democratic citizenship and HRE (EDC/HRE) outlined in the Charter on EDC/HRE (CoE, 2010). However, the approach was not only legal. The education that was carried out also included moral and critical perspectives. Additionally, everyday life and complexities in schools were discussed. In this approach, democracy and human rights are seen as complementary in a constitutional state. However, I acknowledge that the relationship between democracy and human rights is not always uncomplicated⁵. It is questionable whether human rights can be realised without democracy (Benhabib, 2011), or if democracy can be just or inclusive if human rights are not respected (Osler & Starkey, 2010).

In sub-study II, in addition to HRE, the historically informed discursive reading included the history of equality work that had been carried out (Brunila, 2009, 2010; Brunila, Heikkinen & Hynninen, 2005; Lahelma & Tainio, 2019). As I explain in sub-study II, equality is at the core of HRE. Human rights and equality are intertwined in various practices, theories and legal documents that strive for equity, non-discrimination and gender equality (*Universal Declaration on Human Rights* [UDHR], UN, 1948, Art. 2; *Convention on the Rights of the Child* [CRC], 1990, Art.

⁵ The conceptual complexities have been analysed (see Cohen, 2004; Benhabib, 2011; Meckled-Garcia, 2014). In education, the differences between citizenship education, democracy education and HRE have been debated (Zembylas & Keet, 2018). Also, for example, the previous forms of citizenship education have been criticised for neglecting HRE which can lead to exclusions based on citizenship status, failing minorities or being uncritical towards governments with an aim the teach “good citizens” in a nationalistic frame (Osler & Starkey, 2010, pp. 114, 116, 125–126; Toivanen, 2009).

2.1.; *Convention on the Elimination of All Forms of Discrimination Against Women* [CEDAW], 1979; *International Convention on the Elimination of All Forms of Racial Discrimination* [CERD], 1965). Despite the intertwining of concepts, gender equality and sexual minorities might need special attention in HRE to ensure inclusive practice (de Wet et al., 2012; de Wet, Rothmann & Simmonds, 2016). In theory chapter 3 I elaborate more conceptually on the relationship between human rights, equality, equity and justice (e.g. Aiston & Walraven, 2024; Allen, 1998, 1999).

In sub-study III, the focus is solely on HRE. The theoretical approach defends a form of moral stance on HRE which considers the criticism yet preserves respect for a non-bargainable moral core of human rights. Consequently, HRE can be perceived as a form of moral education – not only legal or political education, although the legal and political aspects are important. Suggested critical nonideal HRE is interested in repairing the real injustices in the world instead of concentrating only on abstract ideals. For human rights to make sense for people, they must learn to see the human rights violations in the first place. This may sound like a platitude but is far from easy: people can be complacent and unwilling to learn disturbing information (cf. sub-study II; also Sullivan & Tuana, 2007; Ylöstalo & Brunila, 2018). This study draws on critical and feminist research and thus contributes to critical and feminist HRE.

I suggest in this thesis that moral and critical stances are relevant in all education. These concepts are intertwined although they may also have conflicts among them that depend on the theoretical position one takes to each of the concepts. I will explain in the theory chapter my theoretical undercurrent that allows reflecting on these concepts from a unifying theoretical ground. As I will argue, I see nonideal theory as a fruitful approach that unifies many concerns that have been raised by critical and feminist researchers.

1.4 Research aims and questions

The overarching aim of this thesis is, on the one hand, to understand the double reality of committing to human rights ideals officially, while, on the other, to understand the inequalities in education that nevertheless persist. I call this forked research problem the double reality of (in)equality in education in the rest of this thesis. The theoretical articulation of this problem is accomplished with ideal and nonideal theory. Applying ideal and nonideal theory in the context of human rights and HRE opens novel avenues for revisiting the already presented problems of distance between ideals and their incomplete realisation in practice (Kapur, 2006; Zembylas, 2017). Because I want to understand this problem at the level of teacher education, this thesis consists of an empirical part (sub-study I, II) and a theoretical part in considering the current academic debate of HRE (sub-study III and this

thesis, especially chapter 3). The interest is in unveiling injustices and inequalities with theoretical and empirical perspectives. To respond to the described research problem, the research question was formulated to study how the critical examination of the realisation of HRE can revisit the theory (ideals) and practice of HRE to dismantle inequalities. To respond to the overarching aim of this thesis, the main research question (RQ) is:

RQ 1: How does a critical revisiting of HRE's ideals (legal, political, moral) enhance the theory and practice of critical HRE, making HRE and education more responsive to inequalities?

Each sub-study responds to the main RQ 1 from their respective angles. Additionally, I constructed separate RQs for the empirical (RQ2) and theoretical aspects of this thesis (RQ3):

RQ 2: (*empirical*, responded in I and II): How are the legal and political ideals of HRE manifested in Finnish teacher education?

RQ 3: (*theoretical*, responded in III, partly in II): How can HRE's ideals be revisited to better respond to inequality in the nonideal circumstances of education?

The first empirical aim was to evaluate the situation of HRE in Finnish teacher education. This was explored through RQ 2 in sub-studies I & II. Moral ideals are consciously not the main focus in the empirical study because the research interest was on the Finnish government's official legal and political commitments and how these reflect on students' experiences or discursive practices of teacher education.⁶ Still, moral reflections emerge in students' responses, and as I will explain, the phenomenon of HRE intersects different disciplines and in everyday school life, where the legal, moral and political intertwine. The RQ 1 concerns the whole thesis, in which I was interested in revisiting the moral ideals and where these were the main focus of sub-study III. Sub-study III answers the theoretical RQ3 drawing on the novel perspective of nonideal theory. However, sub-study II also responds partly to RQ 3 because we develop a theoretical frame for feminist critical HRE to evaluate the ideals and their realisation in practice.

⁶ As I further elaborate in chapter 4, an empirical research design to study moral ideals would have required a different approach. In my view, philosophical inquiry (utilised in sub-study III) is the most proper way to analyse the moral aspects of HRE because it would have been problematic and misleading to "measure" empirically predefined moral ideals. The theoretical interest was to revisit the ideals.

2 Background

This section outlines the background and context of this thesis. I will present the evolution of human rights and HRE's law, policies and practices. The second part approaches HRE from the perspective of theory and philosophy which has been an under-researched topic in the context of HRE. In the last section I illustrate the philosophical starting points for reading this thesis (interweaving of theory and practice and eclecticism).

2.1 Human rights education – Law, policy and practice

This section describes the legal and political steps of HRE and research results on HRE in teacher education and what we know about students' perspectives.

2.1.1 Human rights education's legal and political ground

Human rights education is itself a human right (UN, 1948, Art. 26.2; UN, 2011; CRC, 1990, Art. 29; *International Covenant on Economic, Social and Cultural Rights* [ICESCR], Art. 31.1.). These commitments create a responsibility for states to promote HRE which means securing adequate training for public servants, teachers and everyone working with education or children. The right to learn about human rights was declared already in 1948 in the *Universal Declaration on Human Rights* (UDHR, article 26.2.).

The establishment of HRE's own declaration, *United Nations Declaration on Human Rights Education and Training* (UNDHRET), in 2011 was a historical moment. It was a result of almost two decades of work and as I will describe, there are criticisms of the dangers of adopting a simple declarational approach in HRE (Keet, 2015). Despite this, UNDHRET is a representation of internationally agreed contents that HRE is seen to require at the official level. HRE is defined in this declaration (UN, 2011) in article 2.2(a-c):

Human rights education and training encompasses:

(a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;

- (b) *Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;*
- (c) *Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.* (UN, 2011)

The educational idea behind the above article is to provide HRE *about, through and for* human rights. This means providing knowledge, skills and attitudes to create a human rights respecting “universal culture of human rights” (UNDHRET, 2011, Art. 2.1.). If the knowledge involves human rights norms, principles, values and mechanisms of protection, it is necessary to understand the supposed content of HRE from legal and political perspectives. Accordingly, I describe some basic elements in the evolution of human rights.

Usually, the modern legal history of human rights starts after the atrocities in World War II in 1948 when the UDHR was established. After this, the first ratified covenants that overcame the status of soft law were the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966) and the *International Covenant on Civil and Political Rights* (ICCPR, 1966). Afterwards, important special treaties on preventing racial discrimination (CERD, 1965) and gender-based discrimination of women (CEDAW, 1979) have been established. The newest conventions on the rights of the child (CRC, 1989) and of persons with disabilities (*Convention on The Rights of Persons with Disabilities*, CRPD, 2006) are important steps for the system. Important in relation to Indigenous people are the *UN Declaration on the Rights of Indigenous Peoples* (2007) and the *Indigenous and Tribal Peoples Convention* (ILO Convention 169, 1989).

There are regional human rights systems and treaties like the European Court of Human Rights overseeing *European Convention on Human Rights* (ECHR). The noteworthy CoE treaty is the *Istanbul Convention on domestic violence* (*CoE Convention on Preventing and Combating Violence Against Women and Domestic Violence*, 2011) and soft law like the *Charter on Education for Democratic Citizenship and Human Rights Education* (EDC/HRE, CoE, 2010). In addition, an example of regional human rights establishment is the *African Charter on Human and Peoples’ Rights* 1981 (“Banjul Charter”). To summarise, there are various international human rights treaties and declarations that governments have signed and ratified across the world. These provide standards and mechanisms for making complaints if one’s country’s national mechanisms fail.

The human rights system has created a plethora of rights. Economic and social rights, political rights and solidarity rights have evolved⁷. Landman suggests that instead of focusing on drafting new rights, the focus of energies should shift to the implementation and enforcement of human rights (Landman, 2006, p. 8). This seems true, especially concerning HRE. Of course, rights need updating when the world and societies change; for example, solidarity rights are a new set of rights that describe reactions to environmental degradation, unfair trade, debt relief, and compensation of past wrongs (Landman, 2006, pp. 10–11). Reactions to climate change and climate justice are emerging topics (see Pegram, 2018; Powless, 2018).

2.1.2 Human rights education in general – Historical background

The official HRE can be perceived to have a history of 75 years starting in 1948. Before this, the question of how to organise moral and civic education has always intrigued people’s minds (cf., Ely-Yamin, 1993; Keet, 2015); how to raise people that care for justice, others, and important values? This 75 years of HRE has involved dramatic transformations in how the world understands HRE (Flowers & Magendzo, 2023, p. 36).

In the first phase, HRE focused mainly on law and the training of legal professionals (Flowers & Magendzo, 2023; Freeman, 2011; Keet, 2015). This was a response to wider global activism on HRE that had begun already in the 1960s and 1970s in Latin America where inspiration was drawn on the critical pedagogy of the Brazilian pedagogue Paulo Freire (1921–1997). This grassroots, transformative activism of HRE challenged the dictatorships and inspired also Filipino activists in the 1980s. Also, South Africa drew on this activism to restructure the educational system in the post-apartheid era (Flowers & Magendzo, 2023, p. 24–25). In Europe, CoE which is influenced by the ECHR has promoted democratic and HRE for 35 years in different ways. In Europe, EDC/HRE topics are often included in formal education. In the United States [US], the development has been sporadic and slow, because it has often depended on private actors and NGOs, attitudes against “anti-American” influence, and the education system being distributed and local governance having varying views of the appropriateness of HRE (Flowers & Magendzo, 2023; see also Sirota, 2018, 2019).

There was a peak in HRE research in the 1990s and 2000s during and after the UN Decade on HRE 1994–2004 (see e.g. Bajaj, 2011; Brabeck & Rogers, 2000;

⁷The first treaties that included civil and political rights were ICCPR (1966) and economic and social rights in ICESCR (1966). Solidarity rights include rights to public goods like development and the environment and often include transnational aspects of, for example, compensation of past imperial and colonial mistreatment and help to promote sustainable development (see Landman, 2006, pp. 9–11).

Cardenas, 2005; Ely-Yamin, 1993; Mahler et al., 2009; Osler & Starkey, 2010; Print et al., 2008; Tibbitts, 2002; Toivanen, 2007, 2009). The 1990s have been characterised as the golden age of human rights which started to crumble during the inward turn of governments' nationalistic tendencies and financial meltdown in the late 2000s (Keet et al., 2023, p. 34) and the "war on terror" starting after the September 11 attacks in 2001 in the US (Scheinin, 2012). Among others, Osler and Starkey wrote a lot about the increasing knowledge of human rights instruments and argued, based on the legal and moral ground, for a cosmopolitan outlook that could overcome nationalistic tendencies and xenophobia (Osler & Starkey, 2010).

Critical pedagogy has many commonalities with HRE. Critical pedagogy may draw on the Frankfurt school⁸ and Freire's educational theory and practice. It has inspired the "first strand" of critical HRE that is often called transformative HRE (Bajaj, 2011; Flowers & Magendzo, 2023, pp. 39–40; Tibbitts, 2017). Freire rejects the "banking model" of education where students are seen as passive objects where knowledge is poured in or transferred. Freire's approach aims to enhance critical consciousness which helps to liberate students from oppressive structures and change society and themselves (Freire, 1972).

After the various HRE initiatives, professors Monisha Bajaj and Felisa Tibbitts made seminal analyses of the ways ideology operates in HRE (Bajaj, 2011) and how HRE can be distributed into models emphasising 1) values and awareness, 2) professional aspects and 3) a transformational level (Tibbitts, 2017⁹). In Tibbitts's (2017) analysis, the values and awareness model has a socialisation function and is the easiest for teachers because it does not emphasise conflicts and tries to promote "positive social behavior" (p. 83). It is usually found in formal education, typically sponsored by governments, and is content oriented. The second model, the professional and accountability model, focuses on different professionals such as lawyers, educators, civil servants, health and social workers, journalists, religious leaders, and police. This model emphasizes responsibilities, agency and capacity development in one's professional role. The third activism-transformation model is typically sponsored by civil society, NGOs and learner participation is usually voluntary. It often concerns the marginalised and it is focused on a critical stance towards society. Its orientation is toward transformation (Tibbitts, 2017). These models are simplifications but help to evaluate the orientations and content of different ways of doing HRE. For example, in teacher education, the typical way can be the socialisation or accountability approach. The education sector might resist

⁸ The Frankfurt school was a philosophical and sociological movement in the 1920s that was opposed to the idea of pure theory and emphasised that knowledge is mediated by experience (Flowers & Magendzo, 2023, p. 39).

⁹ Tibbitts's 2017 article is an updated version of the article 'Understanding what we do: Emerging models for HRE' first published in *International Review of Education* in 2002.

to the third model including activism because “political education” is a fear in many educational systems (Tibbitts & Sirota, 2023, pp. 19–20).

Bajaj analysed the ideological orientations of HRE and distributed them, aiming towards 1) global citizenship, 2) peaceful coexistence and 3) transformative action (Bajaj, 2011). In these orientations, the underlying ideology is 1) human rights as global political order, 2) HRE as healing and reconciliation and 3) HRE as radical politics of inclusion and social justice (Bajaj, 2011, p. 491). The transformative action is in both aforementioned models associated with a critical stance towards the government. These approaches also underline the inherent tensions in HRE; it is a responsibility of governments – which includes the possibility to “mainstream” and some might say “deradicalise” or tame HRE – and on the other hand, HRE is inherently, or should be, critical towards government (Toivanen, 2009). Sonia Cardenas (2005) has outlined this as the paradox of HRE: why would any government want to raise critical citizens that can hold it accountable? According to Cardenas:

While in principle virtually everyone takes for granted the benefits of HRE, such endeavors can be potentially costly from the perspective of a state. Human rights education is inherently revolutionary: If implemented effectively, it has the potential to generate social opposition, alongside rising demands for justice and accountability. (Cardenas, 2005, p. 364)

This does not look very interesting for many states. Cardenas has described the “Janus-faced state” (Cardenas, 2014, p. 17) where the state is both the protector and violator of rights. This tension is at the core of struggles for human rights and HRE. This dilemma takes different forms in different contexts; somewhere it can be straightforward opposition, elsewhere it might represent itself as neglect.

Despite the possible interests of states to oppose advancing HRE effectively, research indicates a rise of human rights and references to HRE in school systems across the world. Human rights are taught in higher education on all continents of the world (Cargas, 2020a). If one looks at the evolution of contents in curriculum and legislation, there has been an increase in references to human rights in the education system (Russell & Suarez, 2017; Tibbitts & Sirota, 2023). For example, in 2000, HRE was mentioned in 51 publications, whereas in 2013 it was mentioned in 474. Since the 1990s, more than 83 countries have adopted HRE in legislation, policy documents and curricula (Moon, 2009, as cited in Russell & Suarez, 2017; Tibbitts & Sirota, 2023). In textbooks, there has been a dramatic increase in references to human rights with the biggest increase in Africa, Asia, and the West and the least – although also involving some increase – in Eastern Europe and the Middle East (Russell & Suarez, 2017, p. 33).

In 2011, UNDHRET was established. On a continuum of UN efforts to advance HRE, UNDHRET was more concrete in its contents than the previous efforts (Flowers & Magendzo, 2023). However, Keet criticises “declarationist” HRE which overemphasises UN documents and law, and can even come across as anti-educational if critical thinking is denied (Keet, 2015). When approaches resembling the declarationist approaches have been uncritically applied, it has resulted in practices that have been decontextualised and problematic (e.g. in an authoritarian regime for people who are deported to the desert, Massoud, 2011) or resembling a marketplace where human rights balloons and prints are distributed (Coysh, 2017). Earlier HRE practices were also criticised for risking to strengthen stereotypes of human rights “hells” and “heavens” where human rights are transported from “the West to the rest” (Okafor & Agbakwa, 2001, p. 563). These examples describe how HRE is not a simple task of distributing knowledge about law or detached from the societal knowledge or critical consciousness of what kind of concepts, representations and examples are used.

The recent times are described as the era of counterhegemonic distrust (Zembylas & Keet, 2019) where the dominant narrative is seen as suspicious. There is a strand of critical HRE research building on poststructuralism, postmodern and decolonial traditions that questions simple referrals to universals, institutions and human rights laws as something inherently “good”. These critical approaches call for pluriversalism, respect for differences, and criticise the original UN language as not enough, and unveiling the power structures caused by whiteness, neoliberalism, and West- and Eurocentrism (Abu Moghli, 2020; Adami, 2014, 2017; Coysh, 2014, 2017; Gruber & Scherling 2020; Keet, 2015; Todd, 2010; Williams & Bermeo, 2020; Zembylas & Keet, 2019).

These criticisms vary in their emphases, but they share a concern for uncritical acceptance of human rights conventions. Many emphasise the political space drawing on the philosophies of Jacques Rancière and Hannah Arendt (Adami, 2017; Todd, 2010; Zembylas, 2017). Additionally, there has been a growing emphasis on the agonistic and poststructural approaches which share an interest in emphasising the political contestedness of rights (Adami, 2017; Todd, 2010; Zembylas, 2017). There have also been attempts to reconcile the classic philosophical concepts with critical approaches in HRE, for example by combining Nussbaums’ philosophy and decolonial and other criticisms (Osler, 2015; Pyy, 2022).

Recently, it has been claimed that HRE has not been radical enough fit in the interests of radical change. One indication of this, as Keet et al. (2023) interprets the situation, is that decolonisation has replaced human rights as a discourse in higher education (Keet et al., 2023). Despite many of these criticisms in providing important insights to revisit HRE practices and as a basis for reflecting on the various uses of power that are in play in HRE, some of them may depict a simplified picture of practices that take place in higher education. For example, many teachers

take seriously the task of teaching the complexity of human rights beyond mere laws or norms (Cargas, 2019).

The dispute between the various understandings of HRE is not an insignificant issue because it may cause hesitations for many to engage with HRE (Flowers & Magendzo, 2023). For example, there are many confusions relating to human rights and HRE also in higher education that are caused by the lack of knowledge of human rights processes and content. Some of the persistent simplifications are that human rights are a product of Western imperialism or that universalism would be a Western idea¹⁰. Rebecca Adami highlights how the current historical research does not support the claim that UDHR was a Western-dominated process (Adami, 2016; 2018a; 2019). Rather, the historical narrative has been distorted on a continuum of epistemic injustice towards non-Western delegates (Adami, 2021). The influences from the Global South had a profound impact on the content of human rights to become more progressive, considering gender equality and people, who living under colonial rule, defended universalism against colonial Western rulers (Adami, 2016; 2019; Adami & Plesch, 2021). Even influential postcolonial feminist professor Gayatri C. Spivak has neglected the impact of non-Western women in the UDHR when making critical statements on human rights¹¹ (Adami, 2016). This is not merely a sidenote because the stereotypical or simplified manner of representation of human rights origin in HRE can cause students to feel estranged from the topic or being presented as the “Other” in the dominant narrative (Adami, 2014a). This is why counter-narratives – as Adami has shown (Adami, 2018b; 2014) – are an important pedagogical approach in HRE that can contest identity politics where stable categories of identities or nations are portrayed.

Critical HRE has been an evolving field, and I elaborate more on it in section 3.4. Despite involving varying theoretical positions, something that unites many critical approaches is their relation to the state or government. Bajaj recognises how the shift from grassroots human rights activism to governmental management of HRE bears the risk of losing its activist-oriented approach coupled with struggles and the emancipatory potential of HRE (Bajaj, 2011, pp. 488–489). This boils down to the problem Cardenas raised between HRE being a government responsibility and the government always having the potential to breach rights (Cardenas, 2005, 2014);

¹⁰ I interpret the criticism in the context of colonial aspirations where the Enlightenment ideals (rationality, individuality, autonomy) are reflected upon “others” who are seen as inadequate, resulting in arrogance toward cultures which emphasise collectivity (Kapur, 2006; Khader, 2018). This, of course, is problematic and HRE needs to be anti-imperialist. However, I criticise the dominant historical narrative of human rights that even the critical scholars repeat, which itself would benefit from decolonisation (see Adami, 2021).

¹¹ Spivak has later corrected her previous claims (Adami, 2016), but these claims are still very influential in academia. Moreover, because of these confusions, a proper HRE is necessary.

activists often require a shift in government to take more responsibility for HRE which could reduce the burden on civil society and make the government accountable for its responsibilities. It seems like Cardenas' (2005) skeptical prediction has at least partly realised: Governments have been reported to be slow and involuntary to advance HRE without pressure. Especially if one asks, for example, has teacher education been significantly improved despite the suggestions, recommendations or research results? The answer of many researchers is still, no (Cassidy, Brunner & Webster, 2014; Bajaj, 2017; Flowers & Magendzo, 2023; Gollifer, 2022; Sirota, 2019; Struthers, 2016; Robinson et al., 2020). The situation of HRE in teacher education is presented next.

2.1.3 Human rights education in teacher education – Shared problems

Any form of education depends on its delivery points. These are especially critical for HRE. No matter how fine the idea, the intentions, and the administrative superstructure, it is the instructors, teachers, and trainers who have to “deliver the product.” (Ahmed, Martin & Uddin, 2020, p. 216)

Although the world has seen a rise in human rights instruments and inclusions of human rights and HRE in law, educational policies, textbooks, and curricula across the world, whereby HRE has emerged as an academic discipline (Cargas, 2019; Russell & Suarez, 2017), there appears to be one persistent problem: providing adequate teacher education on HRE. Researchers across the world in different contexts have arrived at the same conclusion, that there is an ongoing weakness in preparing teachers for HRE (Ahmed et al., 2020; Bajaj, 2017; Flowers & Magendzo, 2023; Osler & Skarra, 2020; Robinson et al., 2020), despite the normative international legal basis. What Ahmed, Martin and Uddin describe above as “delivery points” (Ahmed et al., 2020, p. 216) are crucial for the realisation of any given educational aims or aspirations. They claim that more research is needed on these delivery points. Without proper teacher support and preparation, the ideas of politicians, lawyers and bureaucrats remain unrealisable aspirations. Additionally, without listening to teachers and students, proper policies are hard to draft. I present next an overview of some empirical studies done on HRE at the international level and present later in its own section the Finnish context, which is the context of this thesis' empirical data.

Research on teachers' experiences has been done in different contexts. Findings indicate specific variations and common concerns. There are encouraging examples from teachers who have included HRE in their work, where students report feeling empowered to work in the future in transformative ways in different sectors of society (Bajaj, 2015; Cargas, 2020b, p. 7; Tibbitts & Sirota, 2023). The realisation

of HRE in teacher education depends of course on the educational and societal system: for example, those societies with vast autonomy in the education system and among teachers, such as Switzerland and Finland (Rinaldi, 2018; sub-study I; Kasa et al., 2021), the changes can be slow. In Spain, HRE has been included as a topic for teachers, but its status has been fluctuating, depending on the political will and, for example, neoconservative Catholics influenced to withdraw HRE from the curriculum (Muñoz Ramírez, 2018). In Denmark, the structure of teacher education includes an obligatory part on HRE in teacher education (Sigurdsson & Andersen, 2022). In Norway, HRE is secured at the level of the constitution (Osler & Skarra, 2020). However, there have been critical evaluations on the real implementation of HRE across the Nordic regions (Decara, 2013; Lile, 2019; Osler & Goldschmidt-Gjerløw, 2024; Osler & Skarra, 2020). In Iceland, teachers have been reported to rely on implicit HRE diluting the transformative potential of HRE. Furthermore, teachers feel unsupported when they strive to challenge injustice. Sue Gollifer refers to inertial and institutional constraints that teachers face (Gollifer, 2022).

When HRE has been included in teacher education, teachers have had various reactions to HRE: some see it as too complicated, political or abstract (Struthers, 2016). Others have seen it as an important support (Decara, 2013). The controversiality of HRE has been described as the fear that “all hell will break loose” (Cassidy et al., 2014). Including children’s rights in education has provoked hesitation because students were afraid of value differences with parents who would disagree. However, these students had never been in such a situation. Cassidy, Brunner and Webster conclude that student teachers would need more knowledge about the legal underpinnings (Cassidy et al., 2014).

The application of critical HRE in practice has been little studied. When applying the controversiality and critical-hermeneutical approach to teacher education, students have reported struggling with the “polyphony” of perspectives, the lack of “an answer”, handling tension in the class, danger of exposing students, lack of training and systemic limitations, emotional trauma and ethnocentric focus on “I don’t forget” related to the contextual conflict handled (in this case the Cyprus-conflict) (Zembylas et al., 2017, p. 508).

Something that seems to emerge in the problems of implementation of HRE is the idea of national exceptionalism which means an attitude where one sees the human rights problems in other countries and not in one’s own. Sometimes the attitudes of national exceptionalism have prevented teachers from engaging in HRE, for example, in the Nordic countries (Osler, 2016; Vesterdal, 2019) and the US (Sirota, 2018). This attitude can be read behind the results where one’s own country’s human rights problems are not recognised (Rodríguez-Gómez & Russell, 2022). This is a form of distorted vision concerning HRE or an attitude of complacency. In Finland, this attitude may derive from the alleged picture of an equality and human-rights friendly country and a forerunner of education, which

makes it hard for human-rights and equality activists to intervene in this picture or become taken seriously (e.g. Holli, 2003; Ikävalko, 2016; Lehtonen, 2021; sub-study II).

When evaluating students' perceptions, it depends on the context, what students see as the most important parts of human rights. For example, in India, non-discrimination was an emerging topic, in South Africa basic needs, and in the US freedom of expression (Tibbitts & Sirota, 2023). Often human rights might be seen as an international – not domestic – topic; for example, in the US, Korea and Ireland (Barton, 2015; Kim, 2019; Rodríguez-Gómez & Russell, 2022). Students' ideas reflect the attitudes of a given society. In Barton's comparative study – including Columbia, the Republic of Ireland, Northern Ireland and the US – students in the US tend to place human rights violations in the Middle East or in Islamic countries. Students in the Republic of Ireland placed human rights violations in Africa. Students in Columbia described more often the right to safety and economic rights in their own country and students from Northern Ireland described violations from their own country (Barton, 2015). In addition, there seem to be differences in the younger generation's attitudes toward human rights in which they report that the previous generation finds problems in topics that they do not see as problematic anymore (Ross, 2020). These include attitudes towards gender or sexual minorities, immigration or multiculturalism.

2.1.4 Human rights education in Finland

The long history of free public comprehensive school has provided equal opportunities for the majority of the country to pursue their right to education, and free food and school transport in a welfare state regardless of people's financial situation has brought about relatively even results in international learning measurements. Finland has developed a special education system that has supported disabled students and students with learning problems, but inclusion is a controversial ongoing topic in public discussion and the education sector (Honkasilta et al., 2019) and detached from a basis in human rights (e.g. considering CRPD and CRC).

It was in the 1990s that human rights started to move from the periphery to the centre of policies and laws (Halme, 2008). Firmly but slowly, human rights have become the slogan in policy-making (Kasa & Toivanen, 2023). Regarding education, human rights or close concepts have been present as mentions since the 1970 Curriculum Committee report (Finnish Government, 1970). Moreover, in the curricula reforms of 2014, 2018 and 2019 (FNAE, 2014, 2018, 2019) human rights concepts were increased taking their biggest leap forward thus far in curricula. Despite these improvements, teacher education has not been at the focus of reforms. In sub-study I we wanted to explore (Kasa et al., 2021), whether the

curriculum reforms and previous survey suggestions on the state of HRE in 2014 (Human Rights Centre, 2014; Rautiainen et al., 2014) had any impact on the student teachers' experiences in 2019 (sub-study I). In sub-study II, we explored the policy level in more detail and, especially, why student teachers' still reported too little education on HRE.

On the legislative normative basis of today, Finland has included human rights in the Constitution of Finland (Constitution, 1999/731, Chapter 2) after Finland had ratified the ECHR and became an EU member. Section 22 in the Finnish Constitution concerns the protection of basic rights and liberties, which states that "The public authorities shall guarantee the observance of basic rights and liberties and human rights" (Constitution, 1999/731). Despite not ratifying ILO Convention 169, Finland has secured minority rights for e.g. the Sámi, the Indigenous people, as well as the Roma and other groups to maintain and develop their own language and culture (Constitution, 1999/731, Section 17).

Concerning education, the Non-discrimination Act (2014/1325) and the Act on Equality between Women and Men (2014/1329) both include explicit responsibilities for schools to promote equality by making equality plans. However, a survey indicates that 38 % of schools (n=960) did not have a plan according to the law, although 96 % believed they had an appropriate plan (FNAE, 2020). Furthermore, studying the processes has revealed various silences and problematics in equality planning (Ikävalko, 2016).

In Finland, national curricula are the basis and guideline for organising schooling at different levels, but local educational institutions have relatively high autonomy in how to implement the curricula (Vitikka et al., 2012). Still, schools cannot legally detach their practices from the obligations of curricula (see e.g. Parliamentary Ombudsman of Finland, 2017). In general, respecting autonomy is a characteristic of the whole educational system in Finland, extending from teachers to educational institutions and universities.

In addition to the general legislative basis as a support for HRE, human rights are included in the Finnish curricula at all levels of education from early childhood education to the general upper secondary school (FNAE, 2014, 2018, 2019). Human rights are at the very basis of values and principles, of legislative and obligatory grounds, and situated in subjects such as history, civics, religious education, culture, worldview and ethics, as well as English language (see Salmenkivi et al., 2022; sub-study I). This thesis' timeframe was analysing the human rights and educational policy developments especially during the period 2011–2021 so the other curricula are not analysed in detail¹².

¹² However, I did a general overview of the evolution of the concepts in education. Previous studies have analysed the curriculum shifts of upper secondary school curriculum in 2003 and basic education curriculum in 2004 (Matilainen, 2011) noting, how *international influences* were

Studies indicate a form of ambivalence in describing the climate in Finland towards human rights; basic rights, liberties and equality have been respected as “self-evident” (Matilainen, 2011; Toivanen, 2015) but at the same time, human rights have been seen as possible “foreign influences” e.g. similarly as Soviet propaganda or unnecessary US influence in the 1980s (Halme, 2008; Kasa & Toivanen, 2023; sub-study II). The current context of HRE can be interpreted at least partly as a continuum of this complexity or ambivalence; the education sector seems to prefer the discourse on equality (in Finnish, *tasa-arvo*) rather than human rights. This thesis provides some insights into this ambivalent picture of championing human rights, equality and education – especially in foreign policy (see Mahler et al., 2009; Kasa & Toivanen, 2023; MinEdu, 2016) – and the ways to circumvent human rights and the HRE discourse.

What we do know about HRE in Finnish teacher education is that the situation has been unsystematic, dependent on individual teachers, and detached from the human rights’ legislative basis (Human Rights Centre, 2014; Mahler et al., 2009; Männistö et al., 2017; Rautiainen et al., 2014; Toivanen, 2007). The first PhD in Finland on HRE concerning teachers concluded that teachers see HRE as self-evident but alien (Matilainen, 2011). This means that teachers often feel they are already implementing HRE but in an implicit manner. HRE is not taught explicitly, for example, by referring to human rights instruments or mechanisms. The government-initiated surveys have concluded the lack and need for systematic HRE in teacher education (Gretschel et al., 2023; Human Rights Centre, 2014; Mikander & Männistö, 2023; Männistö et al., 2017; Rautiainen et al., 2014) and detachment from a legislative basis (Human Rights Centre, 2014; Rautiainen et al., 2014). Implicit forms of HRE can be linked to the related concepts of HRE (see Bajaj, 2011, p. 487; Matilainen, 2011; Flowers et al., 2009, p. 30).

It is possible that human rights are, in different ways, handled in university courses concerning equality, gender equality, anti-racism, global education¹³, democratic education, sustainability education and social justice education etc. There are lines of research on all of these (Brunila & Kallioniemi, 2017; Helakorpi, Holm & Liu, 2023; Lahelma & Tainio, 2019; Lehtomäki & Rajala, 2020; Rautiainen, Hiljanen & Männistö 2022). Because teacher education is at the universities which are autonomous and research based (Niemi & Jakku-Sihvonen, 2006), the existing

bringing human rights to the curriculum (FNBE, 2003; Matilainen, 2011). This is an interesting sign of the sporadic use of human rights concepts because, on the other hand, already in the 1970 curriculum reports I & II basic rights were often mentioned (Finnish Government, 1970). Furthermore, in 1968 human rights were proposed as the basis for a common ethics curriculum, although this was never realised (Hämäläinen, 2024, p. 156).

¹³ HRE is part of the Maastricht Global Education Declaration (CoE, 2002) with development education, education for sustainability, peace education and intercultural education. Lehtomäki and Rajala (2020) noticed in their analysis that HRE and peace education were the least studied strands of global education in Finland, according to the Maastricht declaration’s definition.

research in each university has an impact on what is taught. Consequently, because there is not much research explicitly on HRE (Lehtomäki & Rajala, 2020), it impacts the teaching contents of universities.

In the 2012 and 2017 Universal Periodic Review (UPR) Finland received recommendations to include HRE as part of teacher education. First, in 2012 as an obligatory part, Finland refused to comply based on the autonomy of universities. In 2017 Finland received more recommendations, which it accepted because the National Action Plan (NAP) on fundamental and human rights was drafted (Ministry of Justice, 2017a). The survey on the implementation of NAPs (Rautiainen et al., 2019) stated, however, that the implementation was reported to be mainly a list of short-term projects without structural changes (Rautiainen et al., 2020).

The sub-study II analysed the Finnish situation until 2021. During and after that time, in 2020–2023, the Finnish government initiated a national steering committee on Democracy and HRE. It was coordinated by MinEdu and the Ministry of Justice. It initiated a government funded report on the situation of democracy and HRE in education (Gretschel et al., 2023) and in 2023, it provided suggestions for future development (Mikander & Männistö, 2023). The suggestions are mainly similar to the previous recommendations by researchers and government for itself in 2014, 2019 and 2021 (Gretschel et al., 2023; Human Rights Delegation, 2021a; Kasa 2019; Kasa et al., 2021; Mikander & Männistö, 2023; Männistö et al., 2017; Rautiainen et al., 2014). That is, teacher education needs systemic support. HRE has been developed with short-term projects (Kasa, 2019; Männistö et al., 2017; Rautiainen et al. 2014; sub-study II) which many researchers have already reported to be insufficient (Brunila, 2009; Hansen, 2016; Lahelma & Tainio, 2019). However, the impact of the projects and latest activities¹⁴ of the Democracy and HRE steering group needs to be evaluated by future research. There has been an increase in governments' activities from 2010 onwards, possibly due to the establishment of the Finnish Human Rights Institution, Human Rights Centre in 2012.

In the previous surveys, student teachers reported how human rights should be taught explicitly (Rautiainen et al., 2014). The recent government report indicates how both student teachers and teacher educators reported disappointment and

¹⁴ For instance, the steering group together with Finnish Youth Research Society collected democracy and HRE activities from schools across Finland and published them at the FNAE's website. Also, a national pilot project on democracy and HRE practices was carried out 2022–2023 (see <https://www.oph.fi/fi/koulutus-ja-tutkinnot/demokratia-ja-ihmisoikeuskasvatuksen-pilottihanke-peruskoululle> [11.4.2024]). Another noteworthy endeavour was Finnish Government's first Child Strategy in 2021 and one of its aims was to construct an education module on children's rights and participation for a range of professionals (see <https://www.eoppiva.fi/kokoelmat/lapsen-oikeudet/> [25.5.2024]).

criticality on the state of democracy and HRE in teacher education. One teacher educator said, “*liturgy is not enough*”, and one student teacher commented on how “*the studies do not support critical societal discussion at all*” (Gretschel et al., 2023, p. 34). Some students had participated in an optional course on democracy and HRE that was done in the previous project (Kasa, 2019), and gave feedback on how “*eye opening*” (Gretschel et al., 2023, p. 35) it was. In the feedback, students wonder repeatedly why this course is not obligatory for everyone (p. 35). Teacher educators reported as obstacles the pressures to be effective and how universities have become like businesses/enterprises and how room for collectivity or developing teaching is diminishing (p. 37). This can be interpreted such that, although research on democracy and HRE has somewhat increased and some practices improved¹⁵, in the big picture, HRE would require more space and time in higher education – where its implementation is still sporadic and dependent on individuals.

The recent empirical findings on the UNESCO school educators’ (n=84) understanding of global education and knowledge of human rights indicated that the educators (n=57) perceived that human rights are an important task of all teachers; but at the same time, the specific questions on human rights indicated forms of ignorance (n=67). For example, racism was perceived as an especially difficult topic. Other challenges to global education were: lack of one’s own competence; minorities and diversity; lack of time and a full curriculum; controversial topics and the fear of polarisation of the discussion; too abstract topics; gender and sexuality; human rights and environmental issues such as ethical conflicts on using materials that are produced by exploiting nature and people while officially promoting sustainability goals (Kasa et al., 2023, p. 469). Also, democracy was seen as an important value, but student-centred participation was seen as a topic to be improved. Regarding specifically human rights, 30 % reported they did not know the difference between a treaty and a declaration and 54 % did not notice the curriculum changes concerning human rights. UDHR was the most familiar of human rights instruments (with 80.9 % considering it familiar or very familiar) and CRC, the most familiar convention (68.7 %). The Finnish Constitution’s human-rights commitments was third with 49.3 %. The least familiar were CRPD (9 % considered it familiar) and the Istanbul Convention (4.5 %). CRPD had the least amount of familiarity or no familiarity at all (55.2 %) (Kasa et al., 2023). These results should be read in the context that these responders are presumably from the active schools concerning global education and HRE, as they are explicitly committed to global education as UNESCO schools.

¹⁵ There are also innovative practices like the physical education program at the University of Eastern Finland, where physical education is approached from the perspective of critical and transformative democracy and HRE (Gretschel et al., 2023, p. 39).

The Youth Barometer (Nuorisobarometri, Kiilakoski, 2022) studies Finnish youth's (aged 15–29) perceptions (n=1835) and in 2022 reported how students see human rights as one of the most important values to be secured among democracy, peace and sustainability (Kiilakoski, 2022). Among responders, 81 % said that human rights are very important to safeguard, and 97 % responded that they are somewhat or very important (p. 60). This is in line with a study on European youth that human rights are seen as important (Ross, 2020).

One indicator of the success of HRE is that it does reflect in the experiences of students and children at different levels of education. The most recent government survey on democracy and HRE (Gretschel et al., 2023) included the perspectives of students and children across Finland. Students (n=332) reported, for example, teachers' inadequate interference in and prevention of discrimination, the need for gender-neutral language and safer spaces principles (p. 71), and as a problem of how adults respond with "let's see" (*katsotaan*), when issues are raised and then left open (Gretschel et al., 2023, p. 72). Students report from the same schools' complacency and need for improvement. Researchers interpret this such that some are more ambitious in improving human rights than others. When 7–8 graders were asked whether adults do enough for human rights, their answers varied from referring to active adults on human rights issues and *"They do their best"* to saying, that *"Some adults are exactly those, who don't follow human rights"* or *"They don't react to human rights violations and stop things, that are against human rights"* (p. 90). Students' suggestions for development are, among others, *"Morality to decision-makers and the rich"*, *"Teachers, listen more to children and let them have an influence."* and *"Pay attention to your own behaviour regarding human rights"* (p. 90).

Some worrying results – but unfortunately not surprising ones, if one considers the high level of racism in Finland (e.g. FRA, 2018; Masoud et al., 2021) – were young peoples' descriptions of widespread racism and how students distribute information about schools that are LGBTIQ+¹⁶ friendly or hostile (good or bad "gay schools", *homokoulu*) (Gretschel et al., 2023, p. 77). In one of the interview sessions, students reported positive attitudes towards sexual minorities, disabilities and difference; but when the discussion shifted to immigration (other than Ukrainians), students' descriptions were racist (p. 78). In one interview a student described how *"There is a hell of a lot of racism and racists in this region"* and another how *"Here everything and everyone are hated"* (p. 58). To conclude, there are both advancements and persisting inequalities that research described. Topics like racism come up in teachers' perceptions, students' perceptions and in general studies in Finland (Gretschel et al., 2023; FRA, 2018; Kasa et al., 2023). It is a topic

¹⁶ Meaning lesbian, gay, bisexual, transgender, intersex, queer, and other sexually or gender diverse.

that has been brought up by human rights researchers for a long time (Matilainen, 2011; Toivanen, 2007).

This thesis attempts to provide some explanations for why HRE has been neglected in Finnish teacher education. The research draws a picture of ambivalences – not only in Finland but across the world – where official commitments are enhanced but the realisation in the level of educational institutions and from the perspectives of actors like principals, teachers, students and children is incomplete. To conclude, teachers struggle in general with ways of integrating HRE into their work.

Based on this evidence, it is especially important to provide teachers space to reflect on these complex topics in both pre-service teacher education and after having working-life experience, in in-service teacher education. One promising way might be to enhance forms of teacher education where both in- and pre-service teachers could meet and interact. There is evidence that the previous generations might not have had proper education on HRE for several reasons – like the Cold War (Cargas, 2020b), emphasis on civic education disregarding global concerns (Osler & Starkey, 2010) or lack of a state’s interest (Cardenas, 2005) – and many conservative attitudes or misconceptions might hamper HRE from taking place (Flowers & Magendzo, 2023). On the other hand, there are indications that the recent generations embrace human rights, equality, gender and sexual diversity without so many reservations (Kiilakoski, 2022; Ross, 2020). Thus, forms of education that could foster dialogue with pre- and in-service teachers could be fruitful; student teachers could offer topical perspectives and in-service teachers the expertise and concerns from everyday school life. In general, the biggest obstacle for HRE seems to be finding structural ways for providing long-term HRE that could fulfil everyone’s right to know about human rights and ways to criticise and improve the system. For this aim, there is still much work to be done.

2.2 Philosophy and human rights (education)

Human rights are not a mainstream topic in the academic field of philosophy. There is a strand of philosophy that has studied the philosophical foundations of human rights (Cruft et al., 2015; Nickel, 2021; Tasioulas, 2021) but in general, as Amartya Sen puts it, “*many philosophers and legal theorists see the rhetoric of human rights as just loose talk – perhaps kindly and well meaning forms of locution – but loose talk nevertheless*” (Sen, 2004, pp. 315–316). Jeremy Bentham perceived human rights as “*nonsense upon stilts*” (Bentham, 1843, p. 501) or even “*dangerous nonsense*” (p. 500) because they declare rights that do not actually exist. Along the lines of Sen (2009), I see that human rights are necessarily ambiguous. However, this does not lead to the conclusion that striving to theorise human rights is futile. On the contrary, it is necessary for analysing HRE.

When it comes to the relationship between philosophy and human rights/HRE, there are some problems I address in this thesis. In the current discussion on HRE the problems are 1) overall scarcity of philosophical and theoretical research on HRE, 2) discrepancy between theory and practice, and 3) the devaluing of “morality” in current critical HRE discussion.

First, the overall scarcity of philosophical and theoretical research in HRE (Al-Daraweesh & Snauwaert, 2013; Coysh, 2017; Zembylas, 2017) can have problematic consequences. In HRE, the practitioners have produced a plethora of manuals and materials without profound reflection on theoretical concepts or philosophies behind them (Coysh, 2017). This may include unintentional strengthening of stereotypes or simplified referrals to, for example, universality that yet might be distorted by practitioners’ biased conceptions of the world (Okafor & Akbagwa, 2001).

Second, the discrepancy between theory and practice, is evident in human rights research: philosophers may discard practice (Hessler, 2023), and the practitioners or activists are impatient with theory because they crave quick fixes for the injustices in the world (Sen, 2009; Simmons, 2001). This problematic reflects on HRE; often HRE proponents are practitioners with diverse backgrounds. On the other hand, the critical HRE scholarship has increased its criticism and warnings on the problems of HRE practice. There are only some studies on how to implement forms of critical HRE (e.g. Zembylas et al., 2017). In the context of teacher education and HRE, this is very important, because teachers need to be able to translate the ideals into practice and as part of their professional work (Ahmed et al., 2020). Otherwise, the whole theory or ideal fails. There is a risk, that the increasing criticism and lack of support for teachers causes teachers to abandon attempts to do HRE at all.

The third problem in the current HRE discussion has been that the moral stance of HRE might be confused with the “moralistic” posture of human rights being used as a hypocritical “trump card” (Ignatieff, 2001, p. 21) and denying other moral languages (Baxi, 1998). In addition, a moral approach to HRE may be confused with conventional morality or socialisation (Tibbitts, 2017), and with the idea that values education is conformist and non-transformative. Furthermore, it is argued that referrals to morality illegitimately depoliticise rights and a better way would be to draft a political space for agonistic HRE (Adami, 2014b, 2017; Zembylas, 2017). I think these conceptions of “morality” involve misconceptions about what morality means, which I aim to clarify in this thesis.

Currently, critical HRE derives from various theoretical backgrounds like critical pedagogy, postmodernism, poststructuralism, agonism and decolonialism (Adami, 2014b, 2021; Bajaj, 2011; Becker, 2021; Flowers & Magendzo, 2023; Keet, 2015; Osler, 2015; Tibbitts, 2017; Tibbitts & Keet, 2023; Todd, 2010; Zembylas, 2017; Zembylas & Keet, 2019). I contribute with a new theoretical discussion by

suggesting *nonideal HRE* that is both critical yet respects the necessary moral dimension of human rights and HRE. It stresses the importance of institutions and principles, and their incessant criticism drawing on – thus far in HRE literature – the neglected philosopher Judith Shklar. This approach is elaborated in sub-study III. Before moving to the theory chapter, I present important philosophical starting points for reading this study, theory and understanding the study design.

2.2.1 Philosophical starting points

Interweaving theory and practice

“[T]he pressing urgent issues of violence, suffering, and injustice cannot afford a detached form of scholarship.” (Lennox & Yıldız, 2020, p. 9)

“Our task is seemingly impossible: to combine detachment with commitment. There is only one universal guide for this: not to use intellectual skepticism as an alibi for political inaction.” (Cohen, 1993, p. 207)

One of the central philosophical starting points in this thesis is the interweaving of theory and practice. It is connected to the above citations about a sense of urgency in responding to injustices and alleviating suffering in the world, which I think is at the core of human rights and motivates many HRE practitioners. A feminist philosophical lens leads to the interweaving of theory and practice, and it connects to a form of eclecticism as a framework. This approach can be situated as a form of activist scholarship in human rights research (Lennox & Yıldız, 2020; Osler, 2015) and beyond (Suoranta & Rynnänen, 2014).

Balancing theory and practice concerns all empirical research, but some philosophical studies in education might be solely theoretical (e.g. Kannisto, 2024; Leiviskä, 2016; Zamotkin & Leiviskä, 2024). In empirical studies, including educational sciences, there has been an increased emphasis on methodologies at the expense of philosophy and theory (Saari, 2021). As such, philosophy and theory play a larger role in this thesis than in many empirical studies in education. The problem with a lack of theorising can lead to an inability to see well the nuances involved in practice. An educator needs theory to see more clearly (Edling, 2024). The etymology of theōria in Greek derives from “contemplation; speculation; a looking at; viewing; a sight; show”¹⁷ etc. One aim of this thesis is to advance

¹⁷ Online Etymology Dictionary, “theory”: <https://www.etymonline.com/word/theory> (10.10.2023)

theoretical analysis through its connection to practical problems in support of teachers.

When evaluating the ethics and position of the researcher, one topic that emerges in human rights research is the dichotomy between “activist” and “observer” (Langford, 2017). In my view, it is not fruitful to distinguish between “philosophers” and “activists” (Hoover & Iñiguez De Heredia, 2011) in a meaning that philosophy would be neutral or detached from practice and activists incapable of impartiality. Being self-critical is part of all research – activist or not (Lennox & Yıldız, 2020). Moreover, the clash between philosophers and legal scholars might represent itself through philosophers’ suspicion of lawyers that reduce normative positions with texts and interpretations. The lawyer might be frustrated with the endless ambiguities, conflicting ideologies and cultures pervading philosophical discussions, where international law is seen as already providing in some topics a “final arbiter” (Langford, 2017). Should the researcher be an “observer” and strive for impartiality or should the researcher (or teacher) make moral judgments or strive to change the injustices perceived? I lean toward the second option. There is no purely neutral place for a researcher (Alcoff, 2009). However, there are limits to actions, for example, as a teacher.

Excellent research in bridging the gap between practice and theory has been done in the activist scholarship of human rights. Activism is often described as partial and positioned as the opposite of an image of the academic researchers’ position as objective, neutral, and outside the fray of politics (Lennox & Yıldız, 2020). Activist scholarship is openly value-committing and questions the abuse of power. Because it is openly value-committing, the transparency of a normative framework and openness to discussion are important. The questioning of impartial and objective spectators has a long history in feminist and critical theories that require acknowledging inherent power relations. I see the role of scholars as being an active part of society. Characteristic for activist research is often critical consciousness of aims that it wants to achieve through change, e.g. having as its aim betterment of equality or social justice. It is also responsive to the lived inequalities people face (Lennox & Yıldız, 2020). This thesis follows this tradition. Increasing critical consciousness of human rights through HRE can itself be described as activist scholarship (Osler, 2015). Anja Mihr and Hans Peter Schmitz describe how HRE can be described as a preventive “‘silent’ form of human rights activism” (Mihr & Schmitz, 2007, p. 990) with no quick fixes, which can be in tension with traditional human rights activism or the interests of NGOs. Education requires long-term thinking. Applying these principles to the field of education raises moral questions connected to the unique nature of education. In relation to these issues, (in)justice in education and society, I was inspired by Cohen’s (2007, p. 207) reference to Bertolt Brecht’s poem *In praise of doubt* where Brecht condemns the

thoughtless who never doubt as well as the thoughtful who never act. To conclude, in HRE we need both criticality and theory as well as practice and action.

Eclecticism

A philosophically and methodologically important starting point in this thesis is eclecticism. Characteristic for feminist philosophy has been transgression of solid categories (Liljeström, 2004; Oksala & Werner, 2005) which can be perceived as a form of eclecticism. Eclecticism¹⁸ can refer to the combining of theories or methods. The Greek term *'eklegei/eklegesthai'* refers to choosing or selecting. Eclecticism means a position that strives to join the best elements of different perspectives (Blackburn, 2016; McCellan, 2005; Sil & Katzenstein, 2010) and can be an approach in philosophy, where different parts of doctrines are combined without adopting the whole system of each doctrine (Blackburn, 2016; Encyclopedia Britannica, 2023). As this thesis includes theoretical and qualitative research, it can be characterised as drawing on eclecticism in its approach to HRE. A multidisciplinary or multi-method approach often leads to eclecticism. Eclecticism is present also in the use of theories. In this case, I needed a previously nonexistent combination of educational sciences, moral philosophy and human rights law to understand the problem and illustrate it from theoretical and descriptive perspectives. This approach sheds light on a phenomenon from various angles in a creative way.

In the context of this study, transgressing categories connects to the interweaving lines between theory and practice or combining normative and descriptive research. Additionally, the connecting idea I develop in the theoretical part is nonideal theorising in the context of HRE. The theories I utilise (analytic feminist philosophy, critical race theory, sceptical liberalism, decolonial theory; Khader, 2018; Mills, 2005a; Mikkola, 2016; Shklar, 1989) might have theoretical conflicts among them that I am not trying to resolve here. This is consistent with the methodological approach of analytic eclecticism which is suitable when studying world politics (Sil & Katzenstein, 2010). Additionally, in my view, the eclectic approach is useful in overcoming the problems of education as a multidisciplinary field and its complexities between theory and practice (cf. Holma & Hyytinen, 2018).

The use of eclectic philosophising does not lead to the arbitrary use of theories or relativism indicating an idea that “everything goes” (cf. Sil &

¹⁸ Many philosophers of the Greco-Roman period are known as ‘eclectics’ and later, it became an influential school of thought in France throughout the nineteenth century and in Brazil. This was because of the influence of Victor Cousin (1792–1867) who strived to eliminate the conflict between competing philosophies of empiricism (or sensualism) and idealism (or rationalism) (McCellan, 2005).

Katzenstein, 2010). A good example is Shklar's political and moral philosophy (Shklar, 1989) that I utilise in this thesis. Eclecticism cannot avoid the call for contextual sensitivity, creativity, conceptual awareness, coherence, and critical reflection (Yanchar & Williams, 2006). I will present the steps of philosophical inquiry in this thesis and how these transgressing principles are considered in section 4.2.3.

3 Theoretical framework

The theoretical framework of this study builds on the discussion between philosophical approaches to human rights and critical and feminist perspectives that have challenged the dominant accounts. There is a theoretical impasse between the liberal accounts and their discontents. Another way to put the tension is between “orthodox” human rights accounts which can also be characterised as modern versions of the natural law tradition and the political accounts which emphasise the feasibility or practical aspects of human rights (Etinger, 2018; Freeman, 2011; Hessler, 2023). In this thesis, my interest has been to overcome some problematic features in this discussion and find a new way for a critical yet principle-respecting way to approach human rights and HRE. For this purpose, I have chosen nonideal theory, which is a novel theoretical frame in the current academic discussion on HRE. Ideal and nonideal theories have been widely discussed in political philosophy and philosophy of education (Ackerly, 2008; Anderson, 2013; Brighouse, 2015; Mikkola, 2016; Mills, 2005; Rawls, 1971; Sen, 2009; Shklar, 1989; Thompson, 2015; Valentini, 2012a). This discussion has been applied in some degree to the human rights context (Ackerly, 2008; Sen, 2009) but not previously in the context of HRE. I will draw on the general discussion but especially on Shklar’s (1991, 1989) and Ackerly’s (2008) insights.

I specify in this chapter the key concepts (human rights and HRE) and their interdisciplinary understanding in this thesis. Furthermore, I elaborate on the epistemic and ontological issues and the philosophical foundations of human rights (education). The discussion on the philosophical foundations of HRE has often been discarded in the HRE literature, although some have analysed philosophical questions concerning the basis of HRE (Adami, 2012, 2014a, 2017a; Todd, 2010; Zembylas, 2017; Zembylas & Keet, 2019). Despite these accounts in providing important insights for critical HRE, I depart from these in a theoretically different direction. These approaches draw on poststructuralism and postmodernism and highlight the political contestedness of rights and are suspicious of universals. Many draw on Arendt, Rancière and Emmanuel Levinas (Adami, 2014a; Todd, 2010; Zembylas, 2017; also, in human rights, see Douzinas, 2000; Simmons, 2011). Nonideal theory allows, as I will claim, construction of nonideal universalism, does

not deny normativity and takes seriously the real injustices and inequities in our indefinitely incomplete world.

3.1 Interdisciplinary human rights education

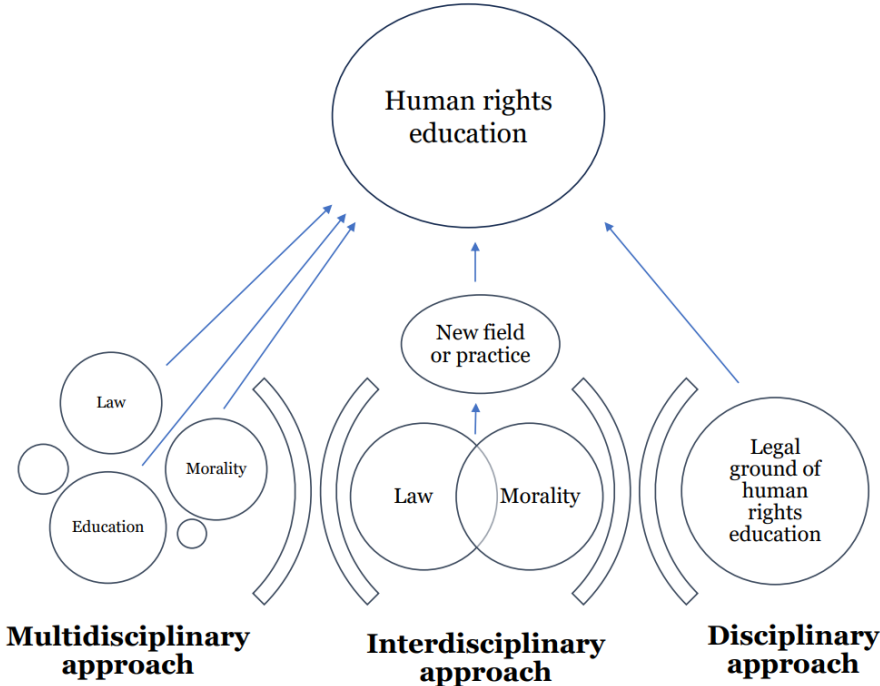
Human rights and HRE are a multidisciplinary field and can be approached from multiple disciplinary perspectives such as law, philosophy, political science, social science, education, and anthropology (see Cruft et al., 2015; Freeman, 2011; Renteln, 1990). It may be problematic to define human rights or HRE from solely one perspective because the phenomena are themselves interdisciplinary. Interdisciplinarity is common in human rights research (Langford, 2017) and I agree with Abdullahi An-Na'im that they require an interdisciplinary approach (An-Na'im, 2012). Especially HRE benefits from multiple perspectives as human rights have legal, political, moral and everyday life stances.

Michael Freeman illustrates how the normative idea of human rights has its origins in philosophy, theology and law (Freeman, 2011). After the decline of natural law in which Hugo Grotius, Thomas Hobbes and others build their approach, the realistic or utilitarian school of Bentham had success. It is quite late in the historical perspective that the new rise of human rights discussion, starting with the UN, has started to transgress different disciplines (Freeman, 2011). Costas Douzinas describes how, in 1983, the first human-rights course in a law school – which was not popular, with only four participants – human rights was described as “the conscience of law, practiced by a few idealistic lawyers and invoked by dissidents” (Douzinas, 2012, p. 56). Afterwards, according to Douzinas, human rights have become the mainstream and dominant rhetoric (Douzinas, 2012). Later, political scientists and other fields started to research human rights (e.g. Cardenas, 2014; Freeman, 2011; Sikkink, 2017).

Multidisciplinary research is a growing tendency and there is an increased use of various related concepts (Frodeman et al., 2010): multidisciplinary, interdisciplinary and transdisciplinary research (see Klein, 2010). I illustrate these concerning HRE in Figure 1. Multidisciplinary research is characterised as having multiple disciplines working on their own terms and having different lines of methods and approaches and each has its own goals, but they are combined by thematic topic. Interdisciplinary research crosses boundaries but has the same goal. A transdisciplinary approach transcends academic knowledge by utilising different stakeholders and fields also outside academia providing new approaches (see Klein, 2010). The interdisciplinary approach creates a new stance by crossing the boundaries of various fields. This thesis is interdisciplinary research because I will emphasise the overlapping of different disciplines (moral and political philosophy, law, critical studies in education) in the phenomenon of HRE. I recognise that this is only a partial approach and does not include e.g. statistical analysis of political

science or anthropology (e.g. Landman, 2006; Renteln, 1990). However, in the field of HRE, this is a novel combination, where the moral philosophical aspects have been traditionally bypassed rather quickly.

Figure 1 Illustrating multidisciplinary, interdisciplinary and disciplinary approaches to research on human rights education



In this thesis the common phenomenon studied by different scientific perspectives is HRE. The fields of studies are education, moral philosophy and human rights law. More specifically, the field of education builds on the strand of social scientific approach utilising critical and feminist research. These different disciplines and research interests have required different methodologies suited for the research aim; content analysis (sub-study I), discursive reading (sub-study II) and philosophical inquiry (sub-study III). Content analysis is suitable for grasping an overview of the qualitative data (student teachers’ perspectives). Discursive reading was suitable for policy documents and revisiting the students’ descriptions. Philosophical inquiry was necessary to provide novel theoretical knowledge.

The strength of interdisciplinarity is to illustrate the intertwining of perspectives in phenomenon. For instance, without an interdisciplinary approach to HRE, important aspects of human rights may be neglected; a philosophical or critical scholar might neglect the actual laws that exist (Hessler, 2023) or a lawyer might

neglect the complexity of cultural debates or normative foundations of human rights (Langford, 2017). Education requires its own aspects that can consider the unique nature of education (Värri, 2004) although it can and often should draw on philosophical theories. In this thesis, it is crucial in HRE to understand the normative articulations, complexities, HRE's real connections to international law, and its practical implications.

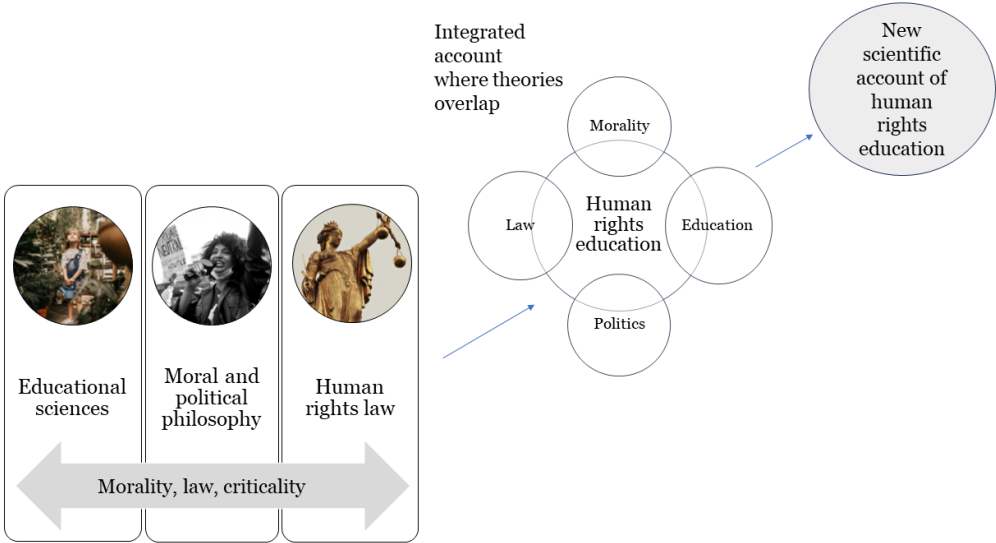
One difficulty in the evaluation and profound analysis of interdisciplinarity is, what is the level of overlap of disciplines? Do the original disciplines disappear? Or to what extent does the research derive from its original disciplines? One way to describe the position is whether the novel approach sustains or changes and criticises the discipline it originates from. Huutoniemi (2010) characterises these in evaluating the quality of interdisciplinary research as approaches to mastering multiple disciplines, emphasising integration and synergy or critiquing disciplinarity (Huutoniemi, 2010, p. 312). In the context of HRE, the criticism of overemphasising law is often stated (Adami, 2014b; Keet, 2015; Todd, 2010; Zembylas & Keet, 2019).

Klein (2010) makes an important distinction in the understanding of interdisciplinarity: does it aim towards bridge building or restructuring? (p. 21) This connects to the abovementioned aspects such that restructuring is often part of critical studies which aim to criticise disciplinary positions or craft a novel stance of emancipatory knowledge. Bridge building is more grounded in different disciplines (Klein, 2010, p. 21). This thesis is restructuring in its critical stance; I aim to define critical HRE which differs from overly idealised HRE or traditional accounts resting on socialisation or legalism (Adami, 2014b; Keet, 2015; Tibbitts, 2017). However, I combine different disciplines and do not devalue them or restructure them in a full sense; different disciplines¹⁹ provide important contributions, have their own evaluation standards and in some instances specialised knowledge is needed. For example, in HRE, the legal aspect is important, but it cannot be the sole perspective in ethically reflective practice. The moral philosophical analyses are important, and they do not lose their value simply in pragmatist terms (for instance, evaluating moral concepts' importance on the basis of whether or not they are simply operationalised as practices for teachers) although I criticise, for example, the ideal accounts of justice and human rights, which neglect practical concerns. Rather, I see different disciplines as complementary and valuable as such, but some aspects are better understood as intertwined.

¹⁹ This is consistent with the ontological approach of critical realism, where reality is seen as stratified (Bhaskar, 1975) (more about this in next section).

In Figure 2 I draft my simplified stance of interdisciplinarity. Interdisciplinarity comes from the perspective that the legal basis of HRE transgresses all the fields; HRE is understood partly deriving from human rights and national law but is not reduced to it. In the illustration, at the second phase where HRE is presented as an integrated account where theories overlap, it must be noted, that also the different disciplines may intertwine (they seem separate in the integrated account for the sake of clarity). A more nuanced figure could include the specific theories such as in educational sciences the societal, feminist and critical stance; in moral and political philosophy the nonideal theory; and in human rights law a combination of critical realist, socio-legal and critical approaches.

Figure 2 Interdisciplinary HRE combining educational science, moral philosophy and human rights law.²⁰



As I already mentioned in the philosophical starting points concerning overcoming the theory-practice divide and utilising eclecticism as an approach, I perceive interdisciplinarity as the most suitable approach in HRE. As eclecticism, it draws on different – perhaps even conflicting theories – without trying to fully reconcile these conflicts. Despite the fact that some may see this as a weakness, its strength is to provide a more nuanced account of how human rights work in society considering the legal, political, moral and actual level of injustices.

²⁰ The pictures are CC licensed from pixabay.com and Unsplash (the first Jonathan Borba and second picture Sushil Nash from Unsplash).

The interdisciplinary approach has been necessary to evolve HRE to be more considerate of critiques and illustrate the missing pieces if one chooses a single perspective. This thesis aims to move towards HRE where critical, legal, moral and educational aspects intertwine. The strength of this approach is creating a novel integrated stance of HRE, which allows students to grasp the complexity of human rights as a combination of morality, law, politics and everyday life without neglecting possible conflicts between the stances. For example, criticality should not be “detached” from the disciplinary accounts (Scheinin, 2012). Before going into details about the chosen theories, I explicate the epistemological and ontological aspects in this thesis.

3.2 Ontological and epistemological considerations

In this section, I clarify how human rights exist (ontology) and how we can acquire knowledge about them (epistemology)? The ontological stance derives from critical realism, and I clarify both the metaphysics and epistemology with nonideal theory. Nonideal theory provides an interesting overarching theory stemming from ontology to practical implications in the field of social science.

Do human rights exist as documents, speech or principles? Where do they claim their legitimacy? I will present some aspects to these questions on the foundations of human rights in the next part, but in connection to the ontology and epistemology of human rights, it is necessary to briefly explain some historical stances for the existence of human rights. One of the first articulations has come from theology and the natural rights tradition deriving from, for example, Hugo Grotius and John Locke (Douzinas, 2000; Freeman, 2011). Locke argued that god is ultimately the basis of human rights (Ackerly, 2008; Freeman, 2011). After the secularisation of human rights discourse, the modern natural-law tradition claims that the legitimacy of human rights stems from human nature (Freeman, 2011). Dembour has described how human rights are understood in the main schools of thought as being natural, deliberative, conflictual, or discourse (Dembour, 2010). To these could be added the contractual accounts (e.g. John Rawls) and nowadays, an important line is the political school of thought which includes various interpretations in the philosophy of human rights (Valentini, 2012b; Hessler, 2023). I will claim that moral rights are the basis of human rights. However, human rights exist in society as politics, laws, agreements and conflicts. Law does not reduce to discourse or conflicts. This is illustrated through critical realism.

So how can human rights be studied? Alison Dundes Renteln (2010) suggests that as the philosophical and theoretical disputes like the universalism and relativism debates are unresolvable, this theme can be studied through empirical research by exploring the grounds for universalism or relativism in cultures across the world (Renteln, 2010). Lawyers might research the existence of ratified laws.

This is a form of positivism or “legal dogmatics”, which some interdisciplinary scholars would complement and critical legal scholars’ question (Douzinas, 2012; Gearty & Douzinas, 2012; Toivonen, 2017). I will suggest in this section, that according to critical realism, human rights exist in many ontological stances (Luongo, 2021; Alderson, 2016). Thus, human rights and HRE can be studied in different methods and “levels of reality” (cf. Alderson, 2016). In this study, these levels are: experiences of student teachers which are explored using empirical methods; political and official discourse which is explored through discursive reading; and moral and the political-philosophical level which can be explored with philosophical inquiry.

To conclude, I agree with Renteln and Ackerly (2008) that we can gain knowledge of human rights and HRE through empirical studies. Human rights can be studied empirically, although there would not be consensus on the philosophical foundations of human rights (Landman, 2006). Despite not striving for consensus, it is important to strive for justifications (cf. Freeman, 2011) in which philosophy can offer insights. As Freeman describes the relationships between law, social sciences, and philosophy: “human-rights law is inadequate without support from social sciences; and the social sciences are inadequate without support from philosophy” (Freeman, 2011, p. 118). Moral philosophical analysis should not detach itself from institutional and practical concerns (Hessler, 2023, p. 81). Because this thesis aims to provide knowledge that is both philosophically reflected but also, hopefully, practically relevant for teachers, I will turn to critical realism and nonideal metaphysics and epistemology which provide starting points for inclusive and societally relevant theorising.

3.2.1 Critical realism and nonideal metaphysics

Critical realism as a philosophy of social science (Bhaskar, 1975, 1993) has been broadly analysed in the ontology of social sciences (see e.g. Archer et al., 2013) and topics like values, ethical life and the worth of beings (Collier, 1999; Sayer, 2011), on being human, agency, knowledge and education (Alderson, 2016; Archer, 2000; Rosenblad, 2023; Wheelahan, 2010). Importantly for this thesis, critical realism has been applied in promising ways in legal theory and justice (Norrie, 2013a, 2013b), human rights (Luongo, 2021) and HRE (Alderson, 2016). In the theory of law, critical realism provides an alternative for classic liberalism and poststructuralism: it can mitigate the often-described antagonism of structure and difference (Norrie, 2013a, 2013b). In the context of human rights, Luongo argues that critical realism is promising in overcoming the universalism and relativism debate (Adami, 2012; Al-Daraweesh and Snauwaert, 2013; Renteln, 1990) and the dispute between foundationalism and anti-foundationalism (presented later in this chapter) (Luongo, 2021). I will present my approach especially on the applied

analysis of critical realism in the context of human rights by Ben Luongo (2021) and in HRE by Priscilla Alderson (2016). In addition, I will include an aspect of nonideal epistemology and feminist nonideal metaphysics (McKenna, 2023; Mikkola, 2018) to clarify the connections with feminist theorising in this thesis.

Luongo provides a useful analysis drawing on Roy Bhaskar's theory on the ontological questions of human rights. The "empiricist orthodoxy" (Luongo, 2021, p. 218) in social and educational sciences tend to neglect the ontological questions of research. Empirical work is done in terms of both positivistic and post-positivistic positions. The positivistic position may think that empirical study and observations are the only way to achieve knowledge. The post-positivistic stance – broadly speaking – adopts critical stances to understand the different ways subjective experiences are given meaning. Both are a form of "antirealism" (Luongo, 2021, p. 222). Critical realism's strength is to provide a basis for transgressing both positivism's and post-positivism's "antirealism" (Luongo, 2021, p. 222). If post-positivism is interested mainly in experiences, its conclusions reduce to subjective understandings of real-world events. Bhaskar calls this the *epistemic fallacy*, meaning that "statements about being can be reduced [...] in terms of statements and knowledge; i.e. that ontological questions can always be transported into epistemological terms" (Bhaskar, 1975). The epistemic fallacy means collapsing ontology and epistemology (Alderson, 2016). Both positivistic and post-positivistic conclusions about real-world events tell more about the experience of those events than the events themselves (Luongo, 2021).

Bhaskar makes distinctions between domains of *actual*, *real* and *empirical* (Bhaskar, 1975, p. 13). The way people talk about rights (discourse) or how they experience rights in empirical studies (e.g. sub-studies I & II), does not "collapse" into the ontology of rights in the sense, that if people do not understand or experience rights, rights would be non-existent. Of course, this is a problem that, for example, the *Access to rights* tradition (Sandefur, 2009; Toivonen, 2017) problematises and social sciences try to explain.

One problem that can be articulated as departing from the real is how Alderson describes how sociology neglected the evolution of rights for 60 years, just because they did not fit into the traditional research frames (Alderson, 2016). A similar issue can be seen in educational sciences today. Despite the ignorance and neglect, the legal framework is real. In practice, education may deprive our understanding of society where laws exist.

Critical realism draws on *transcendental realism* and *critical naturalism* (Bhaskar, 1975). Transcendental realism can "sustain the idea of a law-governed world independent of man [...] that is necessary to understand science" (Bhaskar, 1975, p. 26). Luongo describes how transcendental realism articulates "the ontological stratification in which empirical phenomena are generated by unobservable structures. Critical naturalism articulates how those empirical

phenomena at the top can in turn reproduce or transform the underlying structures that brought them about” (Luongo, 2021, p. 228). This is important for understanding human rights because simple natural rights accounts are today highly contestable (Freeman, 2011) and critical realism provides an option for transcendental idealism advanced by Immanuel Kant (see Bhaskar, 1975, p. 27). The transcendental-realist undercurrent gives rise to human rights but simultaneously, human rights are malleable, fallible, and emerge in socio-historical circumstances.

An important concept for critical realism is *emergence*: “the operations of the higher level cannot be accounted solely by the laws governing the lower-order level [...] from which we might say it was ‘emergent’” (Bhaskar, 1975, p. 113). Reality is stratified and emergent. This makes sense of the distinctiveness of scientific knowledge domains although distinctions are always provisional (Hartwig, 2007, pp. 166–167). Emergence “is placed in terms of ontology of a stratified depth-reality of open systems” (p. 167). Social science happens in open systems (not closed systems like some scientific experiments): unpredictable phenomena occur and emerge, which are not reducible to their unobservable structures that generated them (Luongo, 2021, p. 229). This portrait of reality illustrates “how human rights function on multiple ontological levels” (p. 229). This insight is important for this thesis to understand the interdisciplinary nature and different methodologies used. This thesis sheds light on multiple ontological levels of HRE.

Luongo (2021) states that the critical realist position transcends universal-relativistic debate and uses emotion as an example (p. 235): Luongo suggests that moral emotions have a universal unobservable basis which emerge in different socio-historical contexts in different forms. Luongo’s example is illuminating if one considers universal reactions to moral atrocities and suffering which I develop in sub-study III. Luongo suggests that compassion and empathy are the underlying emotions behind the origins of human rights. Although sympathy is crucial in intersubjective circumstances and potentially useful in education (Pyy, 2022), it is a complex phenomenon that might not be enough in our nonideal world. As Glover describes, while sympathy did diminish killing when it was possible to emerge within circumstances of war, it did not end the war (Glover, 1999). Instead, I would draw on another example by Raimond Gaita (2000). Gaita has suggested that universality and cultural variations can be explained in a similar way when we think of great literature; it exceeds the national boundaries and great literature becomes translated into various languages. All translations need careful consideration of the cultural context to be a good translation. Despite this, the universal core, that moves us as humans, is the same. Although human rights are ambiguous (Douzinas, 2000; Sen, 2009), we can describe different yet common features across nations and cultures for human rights to exist. One of these grounds I will develop in this thesis (especially in sub-study III) is the shared resisting of dehumanisation.

This is important for many reasons: through critical realism, we can distinguish different layers/planes/areas of social being and ontology. This can help teachers because laws are real despite singular experiences and contestation. As Alan Norrie (2013a) explains, “Law is constituted by, and constitutes, social practices”. We can compare legal justice with relational justice, “popular justice”, substantive justice, and justice in many contexts like family or work (Norrie, 2013a, p. 707). In the context of human rights and HRE, we can empirically research how people perceive or experience human rights. The results or different data are always only a part of reality.

Concerning education, Alderson characterises the four main areas or planes of social being: material relations with nature, interpersonal relations, social structures, and inner being (Alderson, 2016, p. 4; Bashkar, 1993; Hartwig, 2007). The first level is embodied and relates to many rights, such as freedom from violence or hunger or when protections from various ills fail. Hungry and fearful children do not learn. The stance of interpersonality is the level of communications and human relations in schools and elsewhere. The level of social structures is important concerning human rights and is distinguishable from people’s understanding of rights, as rights, for example, are either ratified or not. If they are, they exist at the level of legal and political organisations, regardless of individuals being conscious of them or not. The inner being is related to the experienced level. Alderson describes how the inner being is a personal-political self and the driving human impulses for freedom and justice (Alderson, 2016, p. 5; Bhaskar, 1993; cf. Norrie, 2013a).

In the context of HRE, critical realism means that moral responsibilities and laws are seen as real (Alderson, 2016) – they are not only experiences, discourse or conflict (cf. Dembour, 2010). This can help teachers, as it provides a stance of analysis in HRE which handles human rights law as real and these laws as having real consequences. Of course, this does not mean that laws can be presented as detached from social epistemology. I will elaborate the social epistemology with non-ideal theory (McKenna, 2023; Mikkola, 2018).

This understanding of reality developed on a critical realist account suits well with the nonideal epistemology and metaphysics that I present next to clarify some special features in this thesis. Critical realism involves a critical sense of reality but avoids completely detaching from the real. In nonideal theory, researchers typically start with the realities of society beyond idealisation. Although critical realism includes the aspect of “critical”, it is important to emphasise the need to analyse the role of power in social scientific phenomena. For this, I claim that nonideal theory can provide insights to understand the social epistemology profoundly to reveal the inequalities that can be present in our theorising of ontology and epistemology in themselves.

If we claim that laws exist, what is the use of them, if people experience them as non-existent or if they do not have any effect or use in peoples' lives? The task of critical social science is to bridge this gap between experienced non-existence of law or justice and the real laws or the need to adjust or create laws that would secure the marginalised. One of HRE's biggest societal potentials across education is to democratise the knowledge of human rights and provide people with an understanding of the human-rights system. Who benefits from intersubjective relations (cf. Alderson, 2016) where law exists only for some? And who experiences being a subject of rights (cf. inner being, Alderson, 2016)? These are the questions that feminist theories address and an excellent approach to these issues can be drawn from nonideal theory.

The nonideal and feminist epistemology takes as its starting points the messy examples of reality (McKenna, 2023), but does not deny normativity (cf. Mikkola, 2016; Mills, 2005). The focus is different than in traditional ontology. For example, interest is not only in the justifications of abstract formal logical claims but in asking how gender affects the ways of knowing or theorising? The feminist ontology can be perceived as nonideal (Mikkola, 2018); for example, metaphysics and universalism are not "pure" or detached from embodiment or free from inequalities. Mari Mikkola (2018) draws on Onora O'Neill's (1988) distinction between abstraction and idealisation. Abstraction is a necessary part of all theorising but idealisation may add qualifications or expect conditions that are not realistic or expectable in a society where real people interact (e.g. rational agency and full-compliance according to justice, Rawls, 1971; see Valentini, 2012a). Despite the "messiness" or "impurity" of these conditions, nonideal theorising or feminist epistemology does not need to embrace relativism (see Mikkola, 2016, p. 203; Mills, 2005, p. 168).

Robin McKenna (2023) describes how nonideal epistemology is interested in evidence and concrete steps for repairing injustices. Not idealising epistemology which concerns ideal agents features abstraction or constituting ideal institutions. Rather, the feminist direction (e.g. Anderson, 2013) is interested in institutional nonideal epistemology. This involves considering the realities of these institutions and their shortcomings with real, fallible agents. The traditional epistemology focuses on justification of simplified cases such as $2+2=4$ and after this tries to apply the case to everything else (McKenna, 2023, p. 13). The problem is that all the complexity of life and social interactions have been idealised away. As a result, there might be a pure theory, but it is ill-equipped to react to real-life problems. This also relates to how Freeman describes the relationship between philosophy and social science; philosophy may offer insights into how we ought to live, whereas social science provides an understanding of how we live. The philosophical approach may be a weak motivator to action (Freeman, 2011, p. 117), especially in its traditional, "detached", form. On the other hand, feminist epistemology may start with the

messier cases as the paradigm and end up with a “messy theory of knowledge” or without a theory of knowledge at all (McKenna, 2023, p. 13).

Transcending the anti-realism (Luongo, 2021) of some accounts of poststructuralism offers practical insights (e.g. Norrie, 2013a, 2013b). The critical-realist stance makes it possible to discuss the multiple ontological levels of rights existence. This is a valuable ontological and epistemological point in considering human rights and especially HRE; it is a fruitful approach to analyse with students what is real (existing laws and policies), how have they emerged (intersubjective, cultural, historical and social stance), how is it perceived by individuals (inner being) and how do we want to make the system better (normative questions). This approach can avoid relativism, cynicism and endless disputes but allows us to consider the complexities and moral and cultural sensitivities involved.

3.3 Human rights – Contested normativity and universality

Before going to my understanding of HRE, it is necessary to clarify my account of human rights. Philosophical foundations are often quickly bypassed in the HRE literature. Next, I introduce the contested normativity and universality which intertwine with the philosophical foundations of human rights.

In general, social scientific discussion of human rights have faced a context where normative claims have been dismissed (Freeman, 2011). These claims originate from the “post” movements in terms of some feminist, postmodern, poststructural, and postcolonial theories. Many discussions on human rights and HRE originating from these accounts question the possibility of agreement on the foundations of human rights or their foundational concepts. Critical legal scholars have also drawn on postmodernism and are sceptical of uses of the law (Douzinas, 2000; Koskenniemi, 2002; Toivonen, 2017). Freeman also identifies a division between normative accounts and more “positivistic” approaches or realistic accounts, which are sceptical of normative accounts (Freeman, 2011). However, as Freeman suggests, despite there being no *consensus* on the philosophical foundations of human rights, there is no escape from the fact that every disciplinary account of human rights should also include aspects of *justifications* or a human rights theory (Freeman, 2011).

A clash between the normative roots of human rights deriving from philosophy, law and theology has been evident with today’s social sciences, the focus of which is not on how things ought to be but how they are; social scientists try to explain human rights (Freeman, 2011). Freeman describes aptly how modern social science has produced a trained incapacity to focus on morality (Freeman, 2011, p. 118). In addition, as Norrie explains, the poststructuralist criticism has failed to articulate the good and bad uses of law or rights and nuanced limits of law (Norrie, 2013a,

2013b). Poststructuralism may end up excluding the positive political and legal effects of liberalism in its criticism of the unified subject as exclusionary (Norrie, 2013a, p. 705).

The problematic tendency in many of the current human rights and HRE critiques is the interpretation of the concepts (like universality or normativity) through failed practices and corrupt use of power which is philosophically problematic. Often criticisms fail to differentiate between social normativity which can be conventional – and include establishing unjust hierarchies – from moral normativity which allows us to criticise those structures. Moral norms do not reduce to conventions, social or legal norms (Gaita, 2000; Sayer, 2011, p. 143; Tasioulas, 2021). Human rights’ organised hypocrisy (Cardenas, 2014) is only one part of the picture. While I agree with the criticisms insight of the need to establish a more critically informed HRE theory and practice, my concern is that they result in the abandoning of the underlying moral universalism which makes the critique, calls for global responsibility and defence of a moral core possible.

The current theoretical discussion on HRE focuses on politics. This might reflect the reluctance to engage with moral philosophy because normative claims are found to be excluding, suspicious or too complex in diverse societies. However, I will insist that the conflation of morality with “orthodox” accounts of human rights or classic forms of liberal philosophy – that are criticised for producing understandings of the human that are exclusionary – is a simplifying mistake. Morality is not the hostage of a Kantian rational male subject. There are alternatives for drawing on moral philosophy, which is a direction I develop in this study drawing on critical and feminist perspectives.

Instead of emphasising only politics, I see it as necessary to defend a moral core of human rights because, consequently, this position has a tremendous impact on how to understand HRE. Without any moral grounds for human rights, it is difficult to make any normative evaluations of their state. In this moral core a certain universality is necessary because human rights, as rights, lose their significance if they are not for everyone but just for “some” or for “specific contexts” (sub-study III).

Penny Enslin and Mary Tjiattas describe how the influential anti-universalism may obstruct possibilities for addressing global injustices in education. They warn how overreacting to dangers of certain forms of universalism has retrogressive implications and how “a blanket indictment of universalism is unwarranted. Our greatest concern is that anti-universalism has become orthodoxy that prevents appropriate attention to issues that [...] require a universalist approach” (Enslin & Tjiatta, 2009, p. 3). They suggest a form of qualified universalism as necessary to address global injustice in education. Tibbitts interprets qualified universalism in the context of HRE as a bridge between absolutist and relativist positions, where coexistence of universality and diversity are possible (Tibbitts, 2018, p. 109).

Although I agree that recognising plurality and uniqueness (Adami, 2014a, 2014b, 2017a) is necessary in diverse societies and classrooms, the overemphasis on particularism or anti-universalism should be avoided. *Moral and judicial universalism* is based on normative validity of equal human rights which does not mean that the interpretation of human rights would not be historically evolving (Drerup, 2019, p. 32). I agree with Johannes Drerup, that human rights principles should not be taught as having merely hypothetical validity which would hold a relativistic implication like: “*Currently, we believe that it is incompatible with human rights to be discriminated because of the color of one’s skin, one day, however...*”. Such an implication is not plausible or legitimate (Drerup, 2019, p. 32). As Cistelean puts it, “instead of throwing away the formal inscription of universality with the dirty water of the actual politics of exclusion, perhaps we should hold on to the former as the only chance to fight the latter” (Cistelean, 2011, p. 20).

Because the legalism and morality of rights have been questioned from many perspectives, in the next sections I will articulate the discussion on the philosophical foundations of human rights, and after that the criticisms of human rights. Departing from the traditional “orthodox accounts” (Etinson, 2018; Griffin, 2010; Tasioulas, 2015, 2021), I claim in this thesis that critical perspectives and feminist criticisms need to be taken seriously. These include the respect and value that will be given to the experiences of human rights violations and injustices that people have. This approach has been developed by feminist human rights research (e.g. drawing on pragmatism see Hessler, 2023) but my account will be built on nonideal theory (Ackerly, 2008; Shklar, 1990).

3.3.1 On the philosophical foundations of human rights (education)

The philosophical foundations of human rights are contested (Cruft et al., 2015; Douzinas, 2012; Freeman, 2011; Nickel, 2021), and every attempt to ground human rights either morally or politically raises new complexities. However, the complexity of finding consensus on the philosophical foundations of human rights is not necessarily a weakness because all concepts can be philosophically disputed (Freeman, 2011). As there are many justifications for human rights – human dignity, well-being, equality, capabilities, agency, autonomy, freedom, flourishing (Cruft et al., 2015; Etinson, 2018; Griffin, 2010; Nickel, 2021; Sen, 2009; Tasioulas, 2015) – these justifications can be interpreted as strengthening their moral status (Freeman, 2011).

A central issue concerning the foundations of human rights is that articulating a foundation offers perspective for generalisability or normative justifications of human rights. If striving to provide normative justifications for human rights is

neglected, then the possibility of arguing for a non-contestable and morally binding nature of human rights is also jeopardised. As Mikkola points out, “any attempt to formulate social theory requires and cannot avoid a normative theory in order to articulate and undergird why some ways of treating others are wrongful and thus illegitimate” (Mikkola, 2016, p. 186). A relationship with the foundations influences the content and justifications of human rights responding to the question of normative force or universal generalisability (Kuosmanen, 2014). If the foundation of human rights is not clarified, it is hard to evaluate or criticise the realisation of (in)justice through human rights conventions or policies. Furthermore, the question of normativity is central because the whole concept of a right loses its meaning if it cannot create (realisable) obligations: rather, denying normativity means reducing human rights to mere aspirations or a “noble lie” (O’Neill, 2005).

Philosophers have argued that the judicial declarations “reflect” moral rights (Nickel, 2021; Tasioulas, 2015) or that rather than a moral approach, a political²¹ approach to justice and human rights is more convincing (Beitz, 2010; Rawls, 1999). Although Rawls and Charles Beitz are sceptical of claiming agreement on moral reasons, they strive for normative justification for societies’ organisations (Hessler, 2023). Usually, in the end, they also need to draw on moral reasoning to justify the key concepts (Valentini, 2012b). Referring to the declarations is philosophically not enough (O’Neill, 2005). Common to the concern with the critiques of HRE, moral philosophers have stated the need to “save” human rights from international law (Tasioulas, 2021). Typically, the moral philosophers’ task to explain the normative foundations has been articulated as trying to clarify the real list of rights that have moral force. The fear has been that inflating rights in the legal domain undermines their importance (Hessler, 2023). Thus, moral philosophers strive to clarify good reasons for rights without which human rights lose their credibility.

There are two distinct approaches to the discussion on foundations: anti-foundationalist and foundationalist approach (Kuosmanen, 2014). Anti-foundationalists see attempts to ground human rights as futile. They criticise foundationalists for grounding human rights in questionable metaphysical theories (Beitz, 2010; Kuosmanen, 2014; Rorty, 2011). Already in 1792 Bentham famously criticised the natural rights approach in *Anarchical fallacies* describing human rights as “nonsense upon stilts”²² (Bentham, 1843, p. 501). Rorty argues, how “foundationalism is outmoded” (Rorty, 2011, p. 111) and that the most that

²¹ It must be noted that the understanding of “political” in these perspectives differ from many current understandings of politics, e.g. in postmodern theorising or agonistic theories developed by Chantal Mouffe (Mouffe, 2014).

²² One of Bentham’s concerns was that abstract declarations of rights would just breed endless fights and contestation which he perceived was the case in the French Revolution (Freeman, 2011).

philosophy can hope to do is “summarize our culturally influenced intuitions about the right thing to do in various situations” (p. 112). Rorty suggests an emotional HRE. The anti-foundational approach raises questions of justification and the possibility of critique if there is no universal generalisability or ground. It has been accused of leading to relativism. The current HRE critique derives from similar arguments as those by anti-foundationalists: however, they often deny relativism (Williams & Bermeo, 2020). There seems to be a philosophical inconsistency regarding the disparity of abandoning universalism, law and normativity, while simultaneously denying relativism.

The straightforward division between foundationalists and anti-foundationalists might be simplified from the perspective that also those who neglect the foundational justifications approach claim some kind of foundations – implicitly or explicitly. However, the discussion allows us to distinguish the nuances of theoretical positions. For example, Douzinas’ postmodern theory can be read as anti-foundational. However, Douzinas defends an ethical stance for human rights drawing on Arendt and Levinas, among others. Sharon Todd has taken a similar direction. Levinas’ ethics provides a basis for understanding how others create inescapable ethical responsibilities for humans (Douzinas, 2000; Todd, 2010, 2002). Adami has argued for a stance beyond the universalism-relativism debate (Adami, 2012) but has also argued how important it is to pay attention to differences and uniqueness (Adami, 2014b). Moreover, Adami argues for a political space for understanding human rights (Adami, 2014b, p. 166). Ignatieff (2001) has questioned the moral grounds as too conflictual and as even dangerous if they are presented as “trump cards”²³ to silence political discussion. Despite the difference in drawing on Levinas, Todd outlines a similar fear (Todd, 2010). Many of the critiques draw on Arendt’s philosophy (Adami, 2014a, 2017; Douzinas, 2000; Todd, 2010). Arendt describes how:

Equality, in contrast to all that is involved in mere existence, is not given us, but is the result of human organization insofar as it is guided by the principle of justice. We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights. (Arendt, 1958, p. 301)

Reasonably, Arendt emphasises the necessity of political organisation in order to achieve equality. However, the problem is that politics is a very unstable and contradictory ground for basing rights. I would argue that this forms a special

²³ Rights as trumps is based on Ronald Dworkin’s theorising (Dworkin, 1977) and has been contested by many (Douzinas, 2012).

problem in HRE because, despite the fact that education is not neutral, it also has a responsibility to avoid certain forms of politicisation. For example, in Finland, the curriculum states that “Education shall not demand or lead to religious, philosophical or political commitment of the pupils. The school and education may not be used as channels of commercial influence” (FNAE, 2014, chapter 2.2.). In Finland, the same curriculum is committed to human rights. If it were not, human rights could be defended for legal and moral reasons. Additionally, children and youth are in a position where they should be somewhat protected from adults’ political struggles, but they should not be patronised as incompetent in forming political opinions. Children do not live in a vacuum. Seeing HRE as only political might lead to excluding children from HRE (Struthers, 2016). This is why – when discussing politics – it is important to distinguish at what level we mean politics. Arendt is right, that rights need to be realised through politics – understood as party politics or in a broader sense the practical use of institutions (Hessler, 2023). However, human rights are too morally important to be left to the politicians – this is why we also need lawyers, civil society and vigilant, reflective citizens who are interested in moral concerns beyond their own interests. Constitutions are usually secured beyond everyday fluctuations of political opinions. Accordingly, I suggest that HRE has an important connection to moral education, and for this purpose, some kind of moral foundation is required.

Foundations approaches start with the idea that it is not plausible to think that human rights came out of nowhere (Kuusmanen, 2014). Foundations approaches has long roots in the natural rights tradition, theology, and philosophical analysis; the so-called moral or “orthodox” accounts often draw on human dignity (Nickel, 2021; Tasioulas, 2015). In the recent philosophical discussion, there are attempts to combine the non-bargainable core and plurality (Frick, 2019; Tasioulas, 2015). Tasioulas argues that human rights have foundations without foundationalism which derives from human dignity and a pluralistic element (Tasioulas, 2015). Frick argues for relational universality – which is not relativistic – that has both the universal non-bargainable core and respect for relationality (Frick, 2019). In Frick’s theory, the basis for human rights is equality and freedom (see Frick, 2021). It is a form of *relational universality* which is not relativistic (Donnelly, 1991; Frick, 2019). My approach could be described as relational universality as well. These kinds of “middle grounds” can be contested; are they vulnerable to relativism and where are the limits of adjustments according to different cultures and perspectives (Frick, 2019)? Where does variation end and violating of human dignity begin (Tibbitts, 2018, p. 109)? In the human rights system, the *margin of appreciation*²⁴

²⁴ Some controversial issues, for example, concerning ECHR are left to the countries to decide and the local decisions are respected. Some serious issues apply to everyone and fall out of the margin of appreciation.

is a legal way to describe the accepted cultural variations. Also, there are more absolute limits like the right to life. Murder is not universally anywhere legitimate in the human rights framework.

In this thesis, I suggest a new way to understand the foundation departing in a nonideal direction: suggested universalism is not absolute or idealistic but *immanent* (more about this in next sections). First, human rights have foundations, but I refuse foundationalism and ideas of absolute truths in human rights contexts. Second, this foundation includes the universal moral core and pluralistic, historically and socially variable elements. Nonideal theory offers a new perspective on the foundations' dispute. The nonideal approach does not deny the normativity or possibility for universally generalisable concepts²⁵ (e.g. Mills, 2005; Mikkola, 2016) but it takes seriously the problems in the world starting with injustices (Shklar, 1990). This also connects to the problem that has been cast for the idealised accounts of rights where the bearers of responsibilities remain vague. O'Neill asks, "what is the point of having an abstract right, unless you also have a way of securing whatever it is that you have a right to?" (O'Neill, 2005, p. 427).

I will articulate the moral foundation with the recognisable injustices and negative concepts like dehumanisation and invisibility of humanity (Ackerly, 2008). The usefulness of this approach to education is in helping to disturb the passive injustice, ignorance and neglect of injustices as I illustrate in the sub-study III.

3.3.2 Criticism of human rights – The dark side of human rights

The dark side of human rights has been articulated by different scholars (Kapur, 2006; O'Neill, 2005). I refer to the dark side of human rights in two senses; on the one hand, human rights may create negative side effects, such as bureaucracy, that alienate people from the original meaning of rights. For instance, human rights can be used as part of organised hypocrisy (Cardenas, 2014) where states evade human rights violations by adjusting their rhetoric. On the other hand, the dark side of human rights can mean the margins of humanity where the realisation of human rights is not attained. I would claim that there is no single society that would be perfect in this sense. From a nonideal perspective, human rights are endless projects and all organisations of society create power formations and, simultaneously, exclusions. In this section, I will explore the general criticisms towards human rights – and consequently, HRE – and focus especially on the concept of universality and the exclusions of full humanity. This lays the foundation

²⁵ Negative articulation does not deny the possible positive ways that could be justified in different ways (ubuntu, common humanity, human dignity). While they have good reasons, they are also contested.

for the negative concept of dehumanisation that has a central role in my philosophical account of nonideal HRE.

Various criticisms of human rights from different traditions are annoyed by the “legalisation”, bureaucratic language, or illusionary nature of human rights (Gaita, 2000; Kapur, 2006; O’Neill, 2005; Zembylas & Keet, 2019). Moral philosophers often describe individual rights language as estranging to our moral lives (Gaita, 2000; O’Neill, 2005). O’Neill problematises how human rights regimes’ establishment of complex systems of control in a bureaucratic manner can lead to refusals to partake (O’Neill, 2005, pp. 436–437, 439). Critiques vary in their emphases on how flawed they view the human rights system to be²⁶. Many critics do not entirely abandon the project (Keet, 2015; Zembylas, 2017). Kapur writes: “Human rights seems a preferable, though a flawed ideal, to no rights at all” (Kapur, 2006, p. 682).

One of the big debates is the already introduced problematic of universalism of human rights. Human rights have been criticised for emphasising Western and liberal concepts like autonomy, rationality and individualism (Santos, 2002) and leading to selfishness (Freeman, 2011). These are projected as falsely “universal”. Feminists have a variety of positions on universality; many endorse it while others criticise it (Cruft et al., 2015; Kapur, 2006; Khader, 2018; Xanthaki, 2019). The feminists’ relationship with international law as well as human rights can be described as balancing between compliance and resistance (Kouvo & Pearson, 2011). One line of feminist criticism has been the overemphasis on abstract “universality” and structures neglecting the experienced realisation of rights (Binion, 1995; Cruft et al., 2015; Parisi, 2017). Regarding universality, Kapur’s criticism stems from the fact that claims for universality have co-existed at the same time as Europe’s “Others” continued to be subjugated by colonialism and slavery (Kapur, 2006, p. 673). The encounter with the “Other” makes universal principles stumble (ibid.). Kapur emphasises how human rights advocates should be informed by the postcolonial world because there “the dark side has been most obviously played out” (Kapur, 2006, p. 685). Kapur argues that just as human rights argue for freedom and equal worth, simultaneously “it also incorporates arguments about civilization, cultural backwardness, racial and religious superiority” (p. 674). The criticisms fall in line with anti-foundationalists in emphasising direct reactions to others’ suffering instead of exclusionary abstractions (Baxi, 1998; Cistelean, 2011;

²⁶ For instance, Kapur describes how human rights are unfixable because the whole project of international law has colonial roots (Kapur, 2006; Koskenniemi, 2002). The problem in this stance is that the history of international law cannot be equated with the history of human rights. For example, the newer research on the history of human rights suggests how the non-Western delegates under colonial rule defended the universality of their rights and that the impact of non-Western female delegates was much bigger for the progressive contents of UDHR than has usually been described (Adami, 2018a; 2019; Adami & Plesch, 2021).

Kapur, 2006; Rorty, 2011). I sympathise with the notion of taking suffering seriously and interrupting corrupt policies through moral examination. However, collapsing the universal into the particular (Cistelean, 2011) is problematic. Furthermore, critical HRE can be a vehicle for postcolonial critique (Becker, 2021; Keet et al., 2023).

Another central criticism of human rights has been the notion of “human” at the core of human rights; who is considered as fully human? The orthodox or liberal accounts often assume an idealised and abstract rational subject. As Norrie (2013a) explains, liberalism involves an abstract, universal subject endowed with rational action, autonomy and self-determination. This individual subject is a unified being who gives consent to the state (Norrie, 2013a, p. 705). However, there is a long line of criticism stemming from critical and feminist scholars outlining the ways in which different groups of people are excluded from full humanity.

Often the philosophical justifications of human rights are associated with a value-laden understanding of humanity, human dignity, or human capabilities that are argued to characterise human beings. What makes such conceptions problematic is the history of exclusions associated with the different definitions of humans that have been used as a means of political exclusion and violence towards, for instance, racialised groups and individuals. Moreover, in feminist and postcolonialist scholarship, the definitions of humanity and human dignity that take capacities such as autonomy or rational agency to be definitive of humanity have been challenged for their potentially exclusive and partisan nature (Diamond, 1991; Kittay, 2005; Mikkola, 2016). The liberal subject of rights has excluded children, people with disabilities, non-Western approaches and so on (Kittay, 2005; Diamond, 1991; Xanthaki, 2019).

In this sense, these conceptions of humanity are argued to function much like ideal accounts of justice; that is, they only convince those who already accept their inherent value commitments, and risk ignoring violations that are not directly traceable to the prescribed normative category of a “human”. In sub-study III we suggest that nonideal theorising could offer a more inclusive and less problematic way of normatively addressing human rights breaches because it avoids presenting as universal such understandings of humanity that are obscure and contestable by nature (Mikkola, 2016). I am inclined to think along the lines of Diamond (1991) and Chinnery (2019) that conception of the human is not a list of qualities or traits. Rather, human being is “someone who has a human life to lead” (Diamond, 1991, p. 59). Recognising the Other as a human being is an act of imagination where the Other is perceived as a “fellow passenger’ from childhood to the grave (Diamond, 1991, p. 49), with no requisite attributes” (Chinnery, 2019, p. 120).

3.4 Critical human rights education – Critical in which sense?

In this section I present HRE's criticisms, some conceptual clarifications and alternative theories for the chosen theory. HRE has been criticised from many perspectives. The "declarationist" approach to HRE has been criticised for being uncritical, apolitical, ahistorical and conservative (Coysh, 2014, 2017; Keet, 2015; Zembylas & Keet, 2019). This kind of simplified HRE, a view that reduces it to laws, can avoid political complexities or moral dilemmas (Adami, 2014b). Consequently, Zembylas has suggested that HRE should emphasise "aporias" or conflicts in HRE drawing on Arendt and Rancière (Zembylas, 2017). Thinking about conflicts and philosophical dilemmas can be a useful pedagogical strategy to enhance the conscience that is needed when laws fail (see Sigurdsson & Andersen, 2022).

The first phase of critical HRE underlined the transformative potential of human rights (Bajaj, 2011; Tibbitts, 2017). This is seen to be achieved through critical consciousness towards existing institutions and policies. Critical pedagogy has been criticised for its assumptions – such as the expectation for the oppressed to liberate themselves. Critical theory which in social sciences can often refer to the Frankfurt school has inspired some critical openings to HRE (e.g. Keet, 2010). Zembylas and Keet analyse the evolution of critical theories in their book *Critical Human Rights Education: Advancing Social-Justice-Oriented Educational Praxes* (2019). They refer in their critical stance to a larger body of theories than to the Frankfurt school. The Frankfurt school's critical theory has been criticised for its whiteness, male-perspective, Eurocentrism and focusing on class as an inequality struggle neglecting, for instance, decolonialism (Allen, 2016; Ellsworth, 1989; Mills, 2017; Zembylas & Keet, 2019). It has been surprisingly silent concerning racism or gender equality (Ellsworth, 1989; Mills, 2017).

Postmodern and poststructural theories have provided an influential basis for questioning the previously dominant power hierarchies. Influential names like Michel Foucault and Pierre Bourdieu are central figures in the sociology of education. The poststructural and postmodern theorising often involve criticism and suspicion of universals and normativity that is prevalent also in the current critical HRE literature. HRE theories have been inspired by Arendt, Rancière and Levinas (Adami, 2014b; Coysh, 2017; Todd, 2002, 2010; Zembylas, 2017). However, the emerging Africana critical theory has been challenging the idea of how critical accounts often draw on postmodernism and poststructuralism as also white and Euro- or Westcentric theories (Zembylas & Keet, 2019). Decolonial perspectives are gaining increasing attention (Keet et al., 2023). Furthermore, genuine decolonisation of HRE has been suggested as requiring a simultaneous critical examination of neoliberalism (Gruber & Scherling, 2020).

One question on the definition of “critical” is, does the critical human rights posture necessarily demand one to be “outside” of HRE in a way, that it can only be constantly questioned? This kind of approach includes pedagogical problems which I will illustrate in the next section. In short, in addition to criticism, some positive visions and routes for action need to be articulated. As Tibbitts claims, critical pedagogy offers a field to evaluate criticisms of human rights in education (Tibbitts, 2018, p. 115).

In this sense, I see underutilised potential in HRE, in general. HRE is not happening even in the often-criticised legalistic manner in many places. Sometimes even a little judicial knowledge may be useful for someone experiencing discrimination (Lundy & Martínez-Sainz, 2018). I would not also reduce HRE to underlining conflicts as there is considerable agreement historically on human rights. For instance, Adami has rightly outlined the nature of constituting UDHR as intersectional dialogue (2018a) including various conflicts. However, I would suggest that the agreement required *unified moral concern* for finding *consensus* after the horrifying dehumanisation that the world had just witnessed during World War II. In this regard, agonistic approaches risk overemphasising conflicts in education (see Leiviskä & Pyy, 2021). Disregarding knowledge of human rights is a threat to democracy because people need to understand human rights in real societies, which requires teaching substance – not just criticism.

Something that has been done somewhat in the critical HRE but has not gained specific attention is feminist HRE. Often, feminist concerns are underpinned in the critical accounts of HRE and perhaps many think there is no need for a specifically feminist HRE. I suggest that feminist philosophising can offer central renewals for critical HRE (articulations are suggested in sub-studies II and III). For example, Adami has illustrated how the often-repeated history of human rights in traditional and critical accounts needs decolonising and paying attention to the non-Western female delegates and their progressive impact on human rights (Adami, 2021, 2018a, 2018b, Adami & Plesch, 2021). This illustrates, how useful the approach of counter-narratives to the dominant history can be (Adami, 2018b, Adami, 2014a). For equity to be truly realised through human rights and HRE, feminist and critical scholars’ concerns need to be considered.

Intrinsic in critical HRE is and should be a focus on power and inequalities. Amy Allen offers valuable insights in distinguishing between power to, power over and empowerment (Allen, 1998, 1999). In my approach, along the lines of Allen, it is important to recognise the *oppressive* uses of power (power over) but also forms of *empowerment* in an understanding that increasing someone’s power is not necessarily taking power away from others (Allen, 1999). Allen’s description of empowerment is closer to the idea in human rights vocabulary that it means

encouraging the defence of one's own and *others* rights²⁷ (e.g. UN, 2011). Oppressive structures are realities that need to be constantly challenged. The liberal notions of power as “staff” to be distributed, may be problematic, if the oppressive structure in itself is not questioned enough (Allen, 1999). As Scheinin explains, human rights should not be interpreted as only “bad power” but also as a power to intervene against injustices and oppose oppression within government, law and the state (Shcheinin, 2012, p. 301). To apply these ideas in education, HRE needs to provide places to understand the oppressive structures and to empower. Critical HRE needs to question the structures that uphold inequity; thus, inequity requires special attention.

As concepts of equity and human rights intertwine, the following distinctions are useful: Equality and equity are often differentiated in a way that equality is, for example, equal distribution of resources (Aiston & Walraven, 2024). This is not enough for equity to be achieved which means that despite the starting points, it is secured that everyone has equal access to the end results. Often equity is described close to the idea of justice (Aiston & Walraven, 2024). In human rights a distinction between positive and negative rights²⁸ can be useful because sometimes, for example, in education there is a need to *act* to prevent violations (intervene in discrimination, remove obstacles for participation) to secure positive rights and thus, equity or justice. This requires actions from teachers. Shklar states that we often tend to focus on the positive concepts like justice and discarding injustice (Shklar, 1990). Accordingly, in education, the discourse of equality is preferred (e.g. MinEdu, 2016). In nonideal circumstances of education, I will propose a shift for the nonideal approach, where we first must learn to see the inequalities or inequities before we can achieve equity. Throughout this thesis, I refer to inequalities and injustices in plural because in varying contexts the various intersections of power and multiple forms of discrimination need to be considered (Crenshaw, 1989).

My aim in this thesis is to make education and HRE more responsive to inequalities and injustices through the critical revisiting of ideals. The aim of increasing responsiveness to inequalities is not new in education: it has been enhanced with various theoretical traditions such as care ethics, intersectionality, anti-oppressive education, anti-racist education, decolonial and feminist

²⁷ Thus, the possible criticism of empowerment as individualistic does not fully fit with HRE but it can also be a legitimate concern if the rights' language and empowerment are accompanied by a neoliberal and “market friendly” orientation with overly individualised rights' discourse (Baxi, 2012; Douzinas, 2000; Gruber & Scherling, 2020). It is important to empower individuals to stand against an oppressive collective, but the critical emphasis should always be additionally directed toward the oppressive structure which upholds inequality.

²⁸ A negative right often refers to the requirement of *inaction*, for example, by government (e.g. freedom of expression) whereas positive rights require *actions* from public power (the right to education). However, this distinction has been problematised (see Landman, 2006).

approaches, and posthuman approaches – just to name a few (e.g. Bozalek, Bayat, Gachago, Motala & Mitchell, 2019; Bozalek & Zembylas, 2023; Crenshaw, 1989; Kumashiro, 2002; Tronto, 1993; Ylöstalo & Brunila, 2018). Additionally, in the field of HRE, some of these approaches are utilised (Adami, 2018a; Osler, 2015; Zembylas & Keet, 2019). A promising pathway in this thesis would have been that of care ethics and its emphases on *care*, *relationality*, *attention* and *responsibility* (e.g. Tronto, 1993). Moreover, interesting possibilities for critical scholarship are emerging from feminist new materialism and posthumanism. For instance, in some combinations care ethics and posthumanism meet (see Bozalek et al., 2019; Bozalek & Zembylas, 2023).

Bozalek et al. (2019) develop a pedagogy of *response-ability* drawing on Joan Tronto's, Karen Barad's and Donna Haraway's philosophies. Response-ability builds on attentiveness, responsibility, relational ontology and involves non-human elements. They suggest that it relies on deconstruction of dualisms, rejection of individualism, and entanglements of ontology, epistemology, politics and ethics (Bozalek et al., 2019, p. 101). It emphasises practices and processes instead of principles and rule-based ethics (ibid.). This conceptual and onto-epistemological approach departs from this thesis' ontological approach, although I have also presented relationality²⁹ as an important aspect. Furthermore, abandoning principles-based ethics entirely is problematic from a human rights perspective. Although moral ideals other than rights would be preferable in general (like love, caring etc.) and a legal approach may alienate us from these important ideals, unfortunately, and institutionally speaking, "rights kick in" when other ideals fail (Freeman, 2011, p. 79). One central justification of rights is that they legitimate challenging unjust social orders: "Where justice prevails, appeals to rights are unnecessary" (ibid.) Rights have an institutionally important function for a just society, especially from a nonideal perspective (where humans' failures and vices are considered).

However, in my view, the concept of *response-ability* can provide a promising opportunity for outlining intersections of care ethics, HRE and posthumanism.³⁰

²⁹ It is worth noting that relationality in human rights and HRE literature is typically referring to a position between universalism and relativism (Osler & Starkey, 2010; Adami, 2014a; Frick, 2019; Tibbitts, 2018) which may differ from the relational ontology represented in feminist new materialisms (see, Bozalek et al., 2019; Bozalek & Zembylas, 2023).

³⁰ There are possible theoretical conflicts with different orientations of posthumanism and combining these theories. Abandoning some concepts (e.g. principles, responsibility) can be problematic concerning human rights. For instance, Lock (2019) explains how climate change education advancing response-ability departs from the concept of responsibility which emphasises duty and accountability. The shift in focus is interested in enhancing an open approach where responses are mutually engaging (Lock, 2019). On the other hand, responsibility is an important concept in human rights (legally, politically and morally) although its realisation can (and should) be critically examined. Despite differences, also critical and feminist approaches in human rights

Bozalek and Zembylas (2023) describe – drawing on Tronto, Haraway and Barad among others – how response-ability enhances sensibilities and practices like “*attentiveness, politeness and curiosity, rendering each other capable, openness to encounter, and iteration or ongoingness*” (p. 63). It is the opposite of irresponsibility which is one of the problems described in sub-study II. Tronto (1993) describes privileged irresponsibility in which the privileged may excuse themselves from responsibility. In the context of environmental destruction and the climate crisis, there is an urgency to rethink humanity, become sensitised to the non-human world, interconnectedness and inequalities across categorisations. Although other theories would have provided promising paths concerning this thesis, I chose to focus on a previously unexplored route of nonideal theory. It has convergences with existing theories but offers a unique approach to re-examine existing concepts. I will later illustrate how, for instance, response-ability and attentiveness can be read from a nonideal theoretical perspective.

The alternative nonideal HRE draws on feminist philosophising (Ackerly, 2008; Hessler, 2023; Khader, 2018, among others). I suggest a critical yet principles-respecting philosophical approach to HRE: this means that the moral core is not denied, experiences of people in considering human rights violations are emphasised in line with feminist approaches to human rights (Ackerly, 2008; Hessler, 2023; Parisi, 2018) and institutions and forms of governance are seen as a necessary part of society despite the need to be constantly criticised (Shklar, 1986a, 1989, 1990). The shift towards nonideal theory bears important aspects of shifting the focus from abstract justice to real injustices; from abstract universality to forms of immanent universalism where experiences are listened to (Ackerly, 2008) and particularities, contexts and relations are respected.

3.4.1 Balancing morality and criticism in human rights education

Without fundamental principles on which to judge the organization of power in society, the project of critique renders itself meaningless. Without critical insight into the mechanisms of power and the impediments to realizing human rights in fact, the ideal is left empty. (Ely-Yamin, 1993, p. 644)

Alicia Ely-Yamin (1993) offers a fruitful approach to the dialectic between principles or values and criticism in HRE. This idea presents the key aspect of my pedagogical account. I agree with Ely-Yamin that rights cannot be taught

question the overemphasis on individuality, abstraction of concepts and – by contrast – emphasise relationality.

completely open-ended because in that way they lose their mobilising capacity. HRE must transcend mere critique (p. 644) and “simultaneously instil and fortify a moral commitment to human integrity that transcends the vicissitudes of time and culture, and unveil the multivalent mechanisms of power that operate to deny that integrity” (Ely-Yamin, 1993, p. 685).

Criticism is necessary for the ideals to have content and meaning to people. If a teacher takes the legalistic approach and presents only the laws in their ideal form, they can confront sceptical students who see around them a world that is full of human rights violations. This provokes the question, what is the meaning of such ideals? Criticism is a normative endeavour in itself; it requires principles on which it judges the realisation of justice. Ely-Yamin describes how empowerment is a normative concept: “it is the means through which the underlying values of the human rights enterprise may be realized” (Ely-Yamin, 1993, p. 645).

Ely-Yamin distinguishes different competing visions or imaginations concerning HRE. For example, one set of competing visions are utopistic and pragmatic: the utopistic vision may focus on the ideals and the pragmatic on the horrific practices. As the only foundation of human rights pragmatism is incomplete (Ely-Yamin, 1993, p. 660). However, it might provide useful ground for criticising the utopistic idealistic vision of moral guidance taking absolutist forms (p. 658).

Another division is between the rationalistic approach and the deconstructive model. (p. 662). The rational model draws on the already presented ideals of autonomy and self-determination; it is freedom from coercion. Feminist and critical theories have challenged the assumptions and exclusionary nature of the rationalistic approach (Kittay, 2005; Norrie, 2013a). The deconstructive model sees the “idea of rights” as only an idea. That is a “placeholder in the global conversation” (Ely-Yamin, 1993, p. 663) that needs to be critically deconstructed in a classroom. This model alone is problematic because the “pedagogy of deconstruction alone can produce only disenchantment with the whole concept of rights [...] and risks the collapse of the incipient movement’s hard-won accomplishments” (Ely-Yamin, 1993, p. 664). These insights are necessary to consider when articulating an *educational* or *pedagogical* approach to HRE.

Because all the approaches include weaknesses and strengths, Ely-Yamin suggests that a combination of different models is required. Ely-Yamin suggests a combination of utopistic and deconstructive visions as the most promising for empowering pedagogy. For her, “The notion of empowerment, as both precept and practice unites the two seemingly contradictory perceptions” (p. 665). That is, it seeks to use human rights to imbue students with a commitment to the utopian promise while simultaneously alerting them to the disappointment of the social reality (p. 684). Instead of focusing only on utopian and detached visions, this can be characterised as a complementary interaction between ideal and nonideal circumstances. This connection in the moral stance of critical HRE transgresses

simple pragmatism. It avoids moral preaching but does not reduce to relativism. Rather, the critical element enhances various moral languages to approach human rights. At the same time, there are moral limits³¹ in HRE – stemming from the principles and values of human rights – that avoid relativism. These limits in Shklar’s theory draw lines that no one should be allowed to transgress. I will suggest in sub-study III that dehumanisation is one of these notions: It indicates human rights violations including cruelty, violence and atrocities which are not notions that would be relativised in HRE.

Ely-Yamin anticipates the critiques to say that this kind of dialectical approach does not question the use of power enough. The critiques would say that HRE should be willing to discard even rights as being restrictive to change in society. I suggest that rights can and should be critically explored but there is a moral basis on which we can also articulate the good or bad use of rights in society (cf. Norrie, 2013a). In addition, educators should avoid breeding cynicism and despair (cf. Ely-Yamin, 1993), although reality needs to be explored in its full sense – with its injustices, inequalities, successes and hopes.

3.5 Nonideal theory – Emphasis on injustice

[T]he origin of any right lies in a parallel “wrong.” Rights, that is, enter the political imagination precisely because people’s ideals of what is owed to them (or someone else) fail to live up to the reality of their circumstances. Thus, rights declarations can never suffice [...] since the wrongs animating them are themselves the product of historically and socially embedded institutions. (Cardenas, 2014, p. 350)

Philosopher John Rawls formulated an influential theory of justice (Rawls, 1971) which defines ideal conditions that societies should aim at.³² Ideal theory sets our ideal background conditions. It begins with methodological assumptions of universal agreement, political consensus despite value pluralism and shared standards of justification. The ideal theory assumes that society is well-ordered, value pluralism does not inhibit sharing norms of justice, and the dissensus can be resolved with public reason. Rawls’s theory has raised criticism from feminist theories for its several shortcomings such as over-idealised qualities of people and

³¹ These moral limits could be articulated similar to how Hand (2014) describes the differences between directive and non-directive moral inquiry. In some cases, directive moral inquiry is legitimate, and this does not reduce to indoctrination.

³² Rawls’ ideal theory includes hypothetical thought experiments such as “veil of ignorance” as a method to achieve these ideal conditions. In this idea, we should strive for a society where no one would know beforehand their situation in society before entering it. Thus, we should design a society that is as fair as possible for everyone.

societies (Ackerly, 2008; Mills, 2005). The dominant Rawlsian paradigm has been perceived to be too detached from reality to guide political action (Valentini, 2012a). This growing tradition of criticism in philosophical research is called nonideal theory. Laura Valentini describes this increasing interest in nonideal theorising among political philosophers as a “methodological turn” in how normative prescriptions are developed because there has been a frustration with political philosophy’s lack of influence in real-world politics (Valentini, 2012a). The nonideal theory has diverse approaches and theoretical backgrounds (e.g. political and moral philosophy, critical race theory, feminism, decolonialism; Ackerly, 2008; Anderson, 2013; Khader, 2018; Mikkola, 2016; Mills, 2005; Schmidtz, 2011; Sen, 2009; Shklar, 1989) but something that unites different approaches is the emphasis on the requirement to start with injustice, real experienced injustices, implications to real-world politics and taking into account the nonideal world we live in with imperfect agents, humans and flawed institutions. As Mills describes the problem, ideal theory may marginalise the actual (Mills, 2005).

Sen (2009) argues that we do not need to know the exact ideal of justice to enhance justice. In other words, instead of trying to define what perfect justice is and focusing on justice *achievement*, we should focus on justice *enhancement* in our imperfect circumstances (Sen, 2009; also, Khader, 2018). Along the lines of Sen, Serene Khader and O’Neill (1988) I will suggest in the context of HRE, that it is important to focus on ways to *enhance* justice in nonideal circumstances. Additionally, the abstraction and theorising are necessary to some extent (Mikkola, 2018; O’Neill, 1988). Thus, turning towards nonideal theorising does not mean that only tangible and contextualised cases are applicable although they are encouraged to be included in the pedagogical practice.

Importantly, despite the name of nonideal theory in hinting that ideals would be abandoned, nonideal theory does not deny normativity or ideals. Rather, as Mills (2005, p. 166) explains, the nonideal approach to ethical theory is a normative strategy having potentially universal application in reflecting the experience of the oppressed but avoiding particularism and relativism. Also “nonideal theory can and will use ideals (certainly it will appeal to the moral ideals, if it may be more dubious about the value of invoking idealized human capacities)” (Mills, 2005, p. 168). It might be artificial to make too rigid of distinctions between ideal and nonideal theory (Thompson, 2015). As said, nonideal theorising involves ideals (Brighouse, 2015). Thus, I suggest in this thesis and sub-study III that ideal and nonideal are complementary. Negative and positive ideas can be perceived as two sides of the same phenomenon, similarly as Gaita characterises the invisibilities of humanity in mundane practices or moral catastrophes, and common humanity on the other hand (Gaita, 2000).

Human rights are interesting to interpret through the discussion on ideal vs. nonideal theory because human rights can be perceived as an inherently ideal

project. However, simultaneously and importantly, they are part and parcel of our nonideal world, actors, institutions and societies. Thus, the discussion between ideal and nonideal theory is a viable, promising and fruitful approach to analyse theoretically human rights and HRE in a profound way. It is surprising, how little human rights have thus far been theorised in the context of ideal and nonideal theory. Some have started to do this explicitly (e.g. Ackerly, 2008; Sen, 2004, 2009; 2012; Stullerova, 2013); however, it must be noted that the gap between ideals and realities has long been a topic for critical scholarship.

Nonideal theory provides opportunities to revisit some concepts that strive for increasing responsiveness to inequalities. For instance, the previously presented response-ability (Bozalek et al., 2019; Bozalek & Zembylas, 2023) could be approached from the nonideal perspective in the following manner. In the context of HRE and this study, presenting teachers with the responsibilities concerning human rights and the use of public power are important aspects. However, without explaining what this means in practice, legal and ethical responsibility can remain as a detached abstract principle without translating it into practices in everyday school life. Consequently, applying the idea of response-ability, which means enhancing sensibilities and practices such as *attentiveness* and *rendering each other capable* (Bozalek & Zembylas, 2023, p. 63) can improve the understanding of what it means in practice. Teachers need to *be able to respond* in real-life situations when injustices occur. This means understanding how to implement abstract responsibility (to enhance human rights) to advance pedagogies that increase their own and students' *abilities* to *respond* to injustices. Concerning *attentiveness*, as Tronto (1993) articulates, the first phase of care is the moral element of attention; it is a recognition that a need exists (Bozalek et al., 2019, p. 101). From the nonideal perspective, *attentiveness* to injustice is required to make people care and see the injustices in the first place. Realisation of responsibility requires that the privileged (e.g. teachers) stop excusing themselves from responsibility. That is privileged irresponsibility in Tronto's (1993) terms. Often attention requires an atmosphere of openness to encounter and curiosity (Bozalek & Zembylas, 2023). From a nonideal perspective, abstract responsibility can realise and become response-able through explicitly addressing real injustices and human rights.

Before moving to nonideal theory in more detail, some background on moral and political philosopher Judith Shklar sheds light on my choice to embrace her perspective. To begin with, she was developing nonideal theory at the same time as Rawls. Her thinking emerged "between the 'end of ideology' discussions of the 1950s and the 'end of history' debate of the early 1990s" (Ashenden & Hess, 2019, p. 1). However, her philosophy did not gain as much appreciation as, for example, Arendt and Rawls. Samuel Moyn describes Shklar's *Legalism* (1964) as an "underappreciated classic" (Moyn, 2014, p. 717). Recently, there has been more

acknowledgement of her theory, but it has not reached “the canon” of philosophers yet. One explanation is that women and marginalised groups, in general, have been neglected in the field of philosophy and their work is not appreciated as much as men’s work (Ruonakoski, 2023). Also, Shklar’s style was an exception in the field of philosophy because Shklar was not interested in developing “full theory” such as utilitarianism, deontology or Rawls’ ideal theory of justice, which is often more appreciated and a typical way of doing (analytic) philosophy. Despite this, Shklar has been studied and left her mark (Ashenden & Hess, 2019), she was an appreciated teacher and scholar (see Yack, 1996) and her influential ideas are referred to by some human rights scholars (Benhabib, 1994; Benhabib & Linden-Retek, 2021; Ignatieff, 2001; Moyn, 2014; Stullerova, 2013). Additionally, in the increasing interest in nonideal theory in political and moral philosophy, Shklar has inspired many (see Allen, 2001; Ashenden & Hess, 2019; Bajohr, 2020; Gatta, 2022; Misra, 2016; Royer, 2022; Stullerova, 2013, 2014). Despite the enormous potential of Shklar’s theory, it has not been widely discussed in the context of human rights theorising and not at all in the context of HRE.

There are varying interpretations of Shklar’s position on the discussion of foundational and anti-foundational approaches in philosophy. For instance, Kamila Stullerova interprets Shklar’s philosophy as offering an anti-foundationalist theory of suffering at the centre of human rights (Stullerova, 2013, 2014) and Benhabib describes Shklar’s theory as having a lack of interest in justifications or a ground of theories (Benhabib, 1996). On the other hand, Shklar’s critiques see this as the biggest failure of her theorising as it might lead to relativism; furthermore, some see her scepticism as involving positive commitments (Bajohr, 2020). However, along the lines of Hannes Bajohr’s interpretation, neither of these positions – anti-foundationalism or reducing to relativism – adequately describe Shklar’s theory (Bajohr, 2020, p. 159). In my reading of Shklar, the idea of *summum malum* – greatest evil – of cruelty, and the analysis of vices that are embedded in our everyday lives, are fruitful starting points for theory and also for an application to the nonideal HRE that I suggest in what follows.

3.5.1 Nonideal universalism and listening to suffering – Sensitising to injustice through nonideal human rights education

Shklar’s theory is a significant contribution to nonideal theory. Her books and writings, *Legalism: Law, Morals, and Political Trials* (1968), *The Liberalism of Fear* (1989) and *Faces of Injustice* (1990) offer several insights for describing the relationships between law, politics and morality from an original perspective. Shklar’s philosophy offers an understanding of morality and its relations to politics and law in our incomplete, nonideal world. Its distinctive focus is on injustice, in

which case Shklar argues that the history of philosophy has not been given its due (Shklar, 1990). Ackerly's book *Universal human rights in a world of difference* (2008) provides an excellent contribution to the nonideal theorising of human rights. I will utilise especially the notions of immanent universalism and the invisibility that Ackerly describes.

Shklar's moral and political theory provides interesting and underutilised insights for theorising that offers a realistic view in political theorising and including ordinary people and their vices (e.g. Shklar, 1984). Instead of system-building or focusing only on utopias, Shklar (1989) insists we should recognise humans as "sentient beings" (Shklar, 1989, p. 14) and "put cruelty first" (p. 19; also, Shklar, 1984) (Ashenden & Hess, 2019, p. 3). The insights I will especially take up focus on giving injustice its due, passive injustice, and a realism that includes the need for institutions but also includes the need for incessant criticism towards the use of power. Shklar's theory approaches politics with an understanding of the political formation's use of power which always produces "collateral damage". Shklar emphasises the importance of listening to the victims (Shklar, 1990). Shklar's analysis also pays attention to the everyday vices (hypocrisy, snobbery, misanthropy etc.) that we must so often endure (Shklar, 1984). Whereas philosophers of Shklar's time (and earlier) were typically concerned with the highest good – *summum bonum* – Shklar was rather interested in the acute injustices that were occurring. One of her philosophy's central contributions is providing an understanding of the greatest evil, *summum malum*, which is cruelty and the fear it evokes:

[Cruelty] is the deliberate infliction of physical, and secondarily emotional, pain upon a weaker person or group by stronger ones in order to achieve some end, tangible or intangible, of the latter. It is not sadism, though sadistic individuals may flock to occupy positions of power that permit them to indulge their urges. But public cruelty is not an occasional personal inclination. It is made possible by differences in public power, and it is almost always built into the system of coercion upon which governments have to rely to fulfill their essential functions. A minimal level of fear is implied in any system of law, and the liberalism of fear does not dream of an end of public, coercive government. The fear it does want to prevent is that which is created by arbitrary, unexpected, unnecessary, and unlicensed acts of force and by habitual and pervasive acts of cruelty and torture performed by military, paramilitary, and police agents in any regime. (Shklar, 1989, p. 29)

The point is that society should provide a decent basis and thereby prevent the worst forms of cruelty. The *summum malum* can be perceived as a nonideal

universal. That is, it can be perceived as an evil that is recognisable universally. For instance, Shklar describes how “Of fear it can be said without qualification that it is universal as it is physiological” (Shklar, 1989, p. 29). However, Shklar’s definition of cruelty is somewhat limited. Does it grasp the subtle forms of use of power that can be cruel as well? I will draw on the idea of nonideal universalism that cruelty represents in Shklar’s theory but complement this approach in sub-study III with the concept of dehumanisation which has the potential to grasp the nuances of treating others in unjust ways.

Bajohr distinguishes empirical, formal and transcendental principles in Shklar’s theory (Bajohr, 2020, pp. 168–171). The *empirical principle* is the *fear of cruelty* – fear of being a victim of the wilful inflicting of pain. *Fear of fear* is a *formal principle* which is not bound to a certain experience of cruelty and can take different forms in different social and historical circumstances. Fear of fear is thus a formal principle that points to the avoidance of all possible sources of fear as a moral universal. Bajohr interprets the *sense of injustice* as a *transcendental principle* representing the condition of the possibility of giving voice to one’s sense of injustice that demands processes and procedures to help overcome “our almost universal refusal to listen” (Shklar 1986b, p. 26). These ideas are important for nonideal HRE where special emphasis can be given to the listening of injustice and cultivating different ways of seeing the forms of cruelty that society upholds by listening to marginalised voices. Another important idea concerning nonideal HRE is passive injustice. Shklar describes passive injustice, in terms of how:

as citizens we are passively unjust [...] when we do not report crimes [...] when we silently accept laws that we regard as unjust, unwise, or cruel [...] when we let the wife beater next door go to it rather than interfere (Shklar, 1990, p. 6).

Whereas active injustice is failing the standards of justice, passive injustice is failing to intervene when we have the opportunity to do so. In education, forms of ignorance and innocence contribute to the idea that nothing needs to be done, as we show in sub-study II. The forms of harmful ignorance relate to the reproductions of invisibility of inequalities and human rights violations. Concerning responsibility, a nonideal reading of response-ability increases teachers’ and students’ abilities to see and respond to injustices thus providing a remedy for irresponsibility and passive injustice.

Ackerly is one of the rare scholars who has approached human rights through the lens of nonideal theory. Ackerly provides an “account of human rights that is the basis of an always ongoing criticism of marginalization, silencing, and exploitable hierarchies” (Ackerly, 2008, p. 27). Ackerly claims that political legitimacy stems from “the epistemological obligation to challenge the unexamined, the absent, and the silent” (p. 33). She pays attention to “the timelessness and

particularity of human experience made marginal or invisible by the exercise of power” (p.32). These formulations are important in their emphasis on the uses of power that marginalise and silence some.

Ackerly claims, that a theory of human rights needs to be at least partly nonideal because human rights violations are a result of the failures of justice by one or many actors (Ackerly, 2008, p. 48). The assumptions that Rawls makes in ideal theory (full compliance³³ etc.), do not need to hold in nonideal theory (Ackerly, 2008, pp. 46–47). Additionally, Ackerly claims that ideal theory is ahistorical. Rather, nonideal theory is informed by past exercises of power, oppression and resistance and gets its boundaries from historical injustices (p. 45) and needs to be informed by the injustices that got things wrong. I will illustrate how dehumanisation in nonideal HRE can pay attention to the historical exclusions of different groups and examine the continuum of historical inequalities of, for example, Indigenous and Black people in today’s societies. In Finland, this would mean confronting the history of colonialism that is to this day not being adequately done (e.g. Mattila et al., 2023; Miettunen, 2020).

One especially important topic I will draw on is Ackerly’s outlining of invisibility. Ackerly claims that human rights violations are typically invisible to many human rights theorists. Also, the problem in theorising is privileging the already privileged voices, and those less educated are discarded. Ackerly describes how:

[H]uman rights violations may be invisible because they are remote and not covered by localized news. They may be invisible because they are illegal and concealed, as in the case of slavery, indentured servitude, and bondage. Invisibility may be the byproduct of our observing people making choices; that is, because we witness people making choices, the structural constraints of those choices may not be visible. Further, human rights violations may become invisible through habituation in the daily practices of cultural and economic life. Finally, dysconscious individual behavior can perpetuate the invisibility of rights violating acts, habits and practices.” (Ackerly, 2008, p. 13).

How might we approach the failures of a sense of injustice, moral conscience, and inequalities and invisibilities in education? Joyce E. King describes the dysconsciousness that allows the inequalities and invisibilities to continue. Whereas critical consciousness involves an ethical judgment, dysconsciousness

³³ Ideal theories may be seen as full-compliance theory whereas nonideal theory as partial compliance. In *A Theory of Justice* Rawls (1971) describes how ideal theory stands for theory under two assumptions: 1) all relevant agents comply with the demands of justice and 2) natural and historical conditions are favourable (Valentini, 2012a).

accepts the social order uncritically. Dysconsciousness is an uncritical habit of the mind that allows no alternative vision of society (King, 1991, p. 133). Bozalek and Zembylas (2023) argue that *wilful ignorance* upholds privileged irresponsibility (Tronto, 1993). Without the ability to broaden our moral vision, we are helpless in the face of injustices and inequalities keep being reproduced. In sub-study II I will approach this topic with ambivalence, ignorance and innocence. These all relate to the problem of distorted vision concerning HRE.

For us to understand human rights violations profoundly, we need to see differently. Ackerly explains how “Seeing with our new sense of what human rights violations look like expands the scope not only of our sense of social responsibility but also of what it means to think responsibly about the world” (p. 14). Invisibility relates to education and inequality because education can make space for invisible inequalities. If one shifts the focus of HRE to suffering, it can be asked, what are the limits of this kind of teaching? The question of suffering in education is interesting because, for example, Todd articulates how suffering is necessary in social justice education as it involves painful experiences and histories (Todd, 2002). Also Zembylas & Keet (2019) suggest that education should take suffering seriously and this requires tolerating discomfort in pedagogy. This kind of education also has its limits (Adami, 2017). This is not a simple task, but it can be practiced. Therefore, teacher education has a special role in providing teachers spaces to reflect and practice nonideal HRE.

Both theories are anti-metaphysical in the sense that they provide immanent criticism. This is similar to the Frankfurt school’s³⁴ scholars, whose position on theorising Henry Giroux characterises such “that the critical spirit of theory should be represented in its unmasking function. The driving force of such a function was to be found in the Frankfurt School’s notions of immanent criticism and dialectical thought” (Giroux, 2001, p. 17). For Ackerly, the metaphysical claims of human rights theorising are problematic because the metaphysical ideas of human rights are not shared. For Locke, the origin was god (Ackerly, 2008, p. 74) but there are many understandings of god across the world. Accordingly, Ackerly claims that the universal political stance on human rights needs to be immanent. In this thesis, I depart from emphasising politics by arguing for a moral basis. Emphasising

³⁴ There are similarities and differences in the Frankfurt school and Shklar’s approaches. Volker Heins (2019) specifies how “Both bodies of work originate from historical experiences of pain, exile, and injustice, and both aim not only to develop adequate social and political theories of contemporary society but also to educate the public and contribute to the creation of a new moral sensibility” (p. 179). However, Shklar never counted herself as a follower of the Frankfurt school’s “critical theory” (ibid.).

morality does not necessarily lead to endless metaphysical debates³⁵ but can be approached with a moral immanent critique of existing injustices.

I interpret Shklar's theory as a possibility to ground morality in immanent criticism and scepticism toward pretensions of power. Shklar articulates the sense of injustice which animates the relationships between law, politics and morality (cf. Shklar, 1986, 1990). It is the core experimental element. What unites Shklar and Ackerly, is the emphasis on listening to the suffering of victims. For Shklar, this is the universal basis for a form of nonideal universalism, as the same demand exists across the world. As Ackerly puts it, if we witness human rights violations – such as genocides, rapes, murders, violence etc. – humanity needs not to ask, do we know what universal human rights are, but rather, do we have the political will to do anything about these violations (Ackerly, 2008, p. 37). I would add that we need a sense of moral consciousness or awareness to be able to see others as full humans in a way that there are moral constraints. That is, to resist dehumanising forces in us and societies (Gaita, 2000; Glover, 1999; Smith, 2020), which is the position I elaborate in sub-study III. Experienced injustices and human rights violations form the basis for immanent universalism (Ackerly, 2008). Ackerly emphasises that we can profoundly understand human rights violations only by listening to human rights advocates in different contexts. Additionally, people may articulate their experiences of oppression through human rights language or not; the main point is that there is a universal core in these experiences although the contexts and forms of oppression may vary. Immanent universal human rights are universal in the following way:

[N]ot everywhere and at all times have people made rights claims and called them “human rights” when doing so, but around the world, when they face oppression they have made claims through their words and actions that can contribute to our understanding of human rights. (Ackerly, 2008, p. 22)

Similar attempts to outline a form of nonideal universalism have been developed from decolonial perspectives, for example, by Khader (2018). Khader states that the shared ground is *opposing oppression* (Khader, 2018). Feminist theories of human rights and education often emphasise the importance of listening. For example, Hessler illustrates how sexual violence has been notoriously difficult to successfully prosecute because the topic has been historically misunderstood (e.g. as a property crime against a husband, father etc.) and involved failures to articulate the harm

³⁵ This thesis will not offer answers for those interested in a transcendental metaphysical analysis of morality (read more e.g. Ackerly, 2008).

done or provide required evidence. The understanding of rape as a war crime took a groundbreaking step forward in the courts in Rwanda and former Yugoslavia. Rape became a prosecutable crime rather than a “foreseeable consequence” of war (Hessler, 2023, p. 86). This was a result of properly listening to the victims and tireless activism of women’s advocacy organisations (Hessler, 2023). Hearing the victims changed the interpretation profoundly in the system of rights. In education, Todd has articulated the need to listen. In addition, Adami, emphasises the necessity to make room for unique voices in education and beyond – in how we tell history, whose voices are included (Adami, 2014a, 2016, 2018b; Todd, 2002). Combining these notions of nonideal universalism (e.g. cruelty, Shklar, 1989; oppression, Khader, 2018; invisibility, Ackerly, 2008) can support a pedagogical account of nonideal HRE.

Moreover, I will claim that dehumanisation describes the nonideal universal stance at the core of human rights violations (sub-study III). However, notions of invisibility, cruelty and oppression can inform ways of understanding dehumanisation. Nonideal HRE focuses on creating political will to prevent human rights violations, focuses on the painful task of revealing injustices and learning to see inequality. I draft the key concepts and ideas in nonideal HRE in Table 1.

Nonideal HRE offers ways to approach morality from various angles and balance the criticism of society, law, power and politics with a moral imagination or vision that reminds us about the values and principles that are central to upholding a society that can resist injustices. Students should be reminded that instead of individualistic rights claims – that can have distorted outcomes in society (Douzinas, 2000) – the moral ground of human rights is necessary for making just policies and a society that protects everyone including the marginalised. It reminds us that all of us are vulnerable to atrocities. Reminding students of situations where their priorities might become invisible, if the power structures change, emphasises the common responsibility to act for a just society. In this, no one is innocent or outside of power imbalances in society. This derives from Shklar’s notion that we all partake of injustices and, furthermore, how vices are embedded in politics; our common concern is to prevent the worst forms of atrocities and injustices from occurring. This requires vigilant citizens; it requires people to pay special attention to those using public power. But in addition to the worst forms of moral catastrophes (like genocides etc.), it is important to educate how to pay attention to injustices that can be based on good intentions. Especially in the era of polarisation and the questioning of common values, approaches that unite against injustices are urgent.

Table 1 Key concepts and ideas of ideal vs. nonideal theory and their implications for HRE.

Ideal theory	Nonideal theory
Justice Equality/Equity Abstraction Orthodox accounts Human dignity, agency etc. Foundational	Injustice Inequality/Inequity Contextual sensitivity Critical Whose dignity or agency? Antifoundational ³⁶
Ideal HRE	Nonideal HRE
Focus on law and declarations Historical success (e.g. drafting UDHR etc.) Abstraction of justice Discarding contextual experiences Pedagogical “direction”: Ideals, laws, justice	Focus on unrealised laws Historical oppressions and exclusions Experienced injustices Listening to victims, activists, the marginalised etc. Pedagogical “direction”: Experiences of injustices – how to redress the laws, emend ideals or to access justice
My version of nonideal HRE (involving moral and critical stances)	
Does not deny the importance of law Does not reduce to contextual factors Sometimes starting with the ideal or abstraction can work Universal moral core is necessary	Emphasises the injustices, oppressions, contextual sensitivity More often useful to start with real injustices <i>Nonideal universalism</i> (In this thesis: dehumanisation and invisibility)

³⁶ At least poststructural and agonistic accounts.

4 Study design

In this thesis, research has been conducted with theoretically informed empirical and purely theoretical approaches. The first two sub-studies are empirical and sub-study III is purely theoretical utilising philosophical inquiry. In this chapter, I first present how I constructed the methodological approach that I call *philosophically informed socio-critical methodology* into HRE and explain its convergences and divergences with existing paradigms and methodologies. Second, I present how I constituted the data for sub-studies I and II. Third, I present the methods of content analysis (sub-study I), discursive reading (sub-study II) and philosophical inquiry (sub-study III and parts in this summary, chapter 3).

Because human rights and HRE are ethically complex fields of study, it is necessary to pay attention to ethics and the position of the researcher at some length. Consequently, I will reflect on general research ethics, empirical data generation, and some wider moral issues. I specifically address the challenges associated with interpretation and the concept of “giving voice” to students. I reflect on my positions as a researcher, a promoter of human rights, and as a project worker. Additionally, I explore the critique of power dynamics, coloniality and representation in the context of human rights, as well as the moral complexities and the ambivalence experienced in confronting painful practices and addressing suffering within HRE.

4.1 Philosophically informed socio-critical methodology

There are various and discipline-specific ways to present study design. Study design often includes *ontology*, *epistemology*, *theory*, *methodology*, *methods* and sometimes a differentiated *paradigm*³⁷. Paradigm and methodology are seen to influence the chosen *methods* (e.g. Arthur, Coe, Hedges & Waring, 2012). In this thesis, the overarching paradigm could be framed within critical theory,

³⁷ The concept of paradigm often refers to the seminal work of Thomas Kuhn; since then, ‘paradigm’ has helpfully distinguished scholars’ approaches and articulated their core foundational assumptions. Kuhn interpreted the evolution of science as sequences of normal science, paradigms, anomalies and revolutions (Sil & Katzenstein, 2010, pp. 4–5).

considering the study's focus on human rights, inequalities, and morality. The research problem of this thesis required a reconstruction of methodological and paradigmatic lens which I call the *philosophically informed socio-critical methodology* into HRE. In this section, I present the layers of this methodology. Concurrently, I present my (uneasy) approach to single paradigms and methodologies³⁸; I see the concepts of theory, paradigms and methodological thinking in the meaning of the *science* of methods (Mackenzie & Knipe, 2006) as somewhat intertwined. The ontological, epistemological and theoretical underpinnings of my approach to critical and feminist theories are already scrutinised in chapter 3. In this section, I reflect on the convergences and divergences with some existing paradigms (eclecticism, critical and transformative paradigms).

Before presenting these, some conceptual clarifications are in order. Sometimes human rights-based approaches themselves are referred to as methodology (Artstein-Kerslake et al., 2020). Within human rights research, paradigms and methodologies vary based on the discipline one draws on.³⁹ In education, especially previously, the distinction between qualitative and quantitative methods of research was a dividing line, whereas later on mixed methods were introduced (Arthur et al., 2012; Patton, 2015). Today, the “paradigm wars” have surpassed this distinction and a variety of paradigms have emerged (Denzin et al., 2023, pp. 6–7, 21, 23; Patton, 2015). It must be noted that in the research literature, the definitions of theory, paradigm and methodology may overlap. If methodology is defined as a *science* of methods (Mackenzie & Knipe, 2006, p. 4), it necessarily involves theoretical and philosophical underpinnings. In addition, concepts of methodology and method might often be used interchangeably (Mackenzie & Knipe, 2006). Mertens, Holmes and Harris describe how paradigm involves belief systems concerning axiology, ontology, epistemology and methodology⁴⁰ (Mertens et al., 2009, p. 5).

As I already stated in section 2.2.1, my philosophical starting points are eclecticism and interweaving theory and practice. Consequently, these reflect my paradigmatic and methodological lens as an eclectic combination of paradigms (Sil

³⁸ In reference to often-used qualitative methodologies as, for instance, ethnography, case study, grounded theory or phenomenology (Gentles et al., 2015), this study is not purely any of these. Studying students' experiences has a phenomenological stance, but including policy documents aims for a more historical-societal critical analysis.

³⁹ For instance, international law, international relations, studying world politics or law in society have their own definitions (see Baxi, 2012; Ervasti, 2022; Sil & Katzenstein, 2010; Toivonen, 2017). Baxi describes changing paradigms of human rights as modern, contemporary, trade-related and market-friendly, and post-human (Baxi, 2012).

⁴⁰ *Axiology* refers to assumptions about the nature of ethical behavior and *methodology* the assumptions about appropriate approaches to systematic inquiry (Mertens et al., 2009, p. 5). Ontology and epistemology have already been defined in the previous chapter.

& Katzenstein, 2010). Sil and Katzenstein define *analytic eclecticism* as an approach beyond paradigms (Sil & Katzenstein, 2010). Discipline-specific paradigms may be limiting and estrange academic research from practices and society (Sil & Katzenstein, 2010). However, analytic eclecticism does not abandon paradigms. It may use stances within them to explore a given phenomenon – in this thesis, HRE.

Next, I clarify other elements of philosophically informed socio-critical methodology which I constructed for this thesis. The socio-critical approach was necessary to analyse both experiences of laws and policies as well as to attain a broader historically informed societal critical understanding of the realisation of HRE. There is a close resemblance to *Socio-Legal Studies*, *Law and Society*, or *Access to justice* traditions (see, Ervasti, 2022; Harding & Keeling, 2024; Sandefur, 2009; Toivonen, 2017) involving the exploration of legal consciousness (Harding & Keeling, 2024). That is, how do people perceive laws in society. These approaches are not often applied in education. The philosophical approach was necessary because examining moral ideals is a profoundly philosophical task.⁴¹ The methodology blends critical theory and philosophy with a strong focus on the societal implications of HRE. It could also be characterised as an empirical-theoretical hybrid inquiry into HRE. It integrates critical theories, empirical insights, and moral reflections in exploring educational governance and human rights. This approach conveys the fusion of empirical qualitative data generation and analysis methods (content analysis and discourse reading) with philosophical investigation.

This approach has a close resemblance to critical, feminist and transformative paradigms (Dodgson, 2017; Mackenzie & Knipe, 2006; Denzin & Giardina, 2010; Mertens et al., 2009). The uneasiness with a single traditional paradigm is based on this thesis' overarching interdisciplinary frame and the design which combines multi-layers of the explored phenomenon of HRE: students' perspectives, historical-political-societal analyses and philosophical inquiry. Often these are carried out separately. In fact, the questioning of single paradigms, methodologies or methods is shared by critical and feminist philosophies in the qualitative methodological literature and philosophical research (e.g. St. Pierre, 2021; St. Pierre & Jackson, 2014; Mazzei, 2021; Denzin et al., 2023; Denzin & Giardina, 2010).

In some categorisations, *critical theory* is defined as a methodology (see Dodgson, 2017) that is inspired by critical, feminist, Indigenous and emancipatory

⁴¹ I acknowledge that someone might explore these empirically, but I think the philosophical inquiry is crucial to achieve a profound understanding of the phenomenon. There can be limitations in exploring normative philosophical questions using strictly an empirical approach (see Holma & Hyttinen, 2015).

traditions. In Mackenzie's and Knipe's categorisation, *critical theory* and the *feminist approach* fall under the *paradigm* of a transformative paradigm (2006). It was an interesting observation that although critical theories may resist single paradigms and categorisations (Denzin et al., 2023), they are still categorised under the paradigm of critical theory or a transformative paradigm (Mckenzie & Knipe, 2006; Dodgson, 2017). This reflects how incessant criticism within "paradigms" for categorisations occurs (see also, Baxi, 2012). Often critical and feminist approaches embrace the openness of concepts (cf. Bozalek & Zembylas, 2023; Liljeström, 2004; Oksala & Wener, 2005).

The empirical part of this thesis is qualitative. In this broad tradition, my approach can be described as a form of critical qualitative inquiry (Denzin et al., 2023) involving elements from a more general qualitative inquiry (e.g. content analysis, sub-study I) to a more critical qualitative inquiry (e.g. discursive reading, study II). In this thesis summary, the reflections build on some post-qualitative insights⁴² of thinking with theory (Jackson & Mazzei, 2023), not treating or reducing the "data" to numbers or excluding wonder (cf. MacLure, 2013) and respecting the post-qualitative inquiry's insight on how research happens "in the middle of things" requiring theory (Mazzei, 2021, p. 198).

The closeness of a transformative paradigm (Mertens, 2007; Mertens et al., 2009; Mackenzie & Knipe, 2006) emerges from the transformative paradigms' rootedness in human rights (Denzin & Giardina, 2010; Mertens et al., 2009). Overall, the interest of this thesis is in intervening, understanding and unveiling injustices and inequalities. The transformative paradigm is interested in social change for a more just society. It can analyse the historical and contextual processes especially related to oppression. Mertens et al. (2009) describe how "*The use of a lens of transformation provides researchers with the means to address explicitly issues of human rights and social justice*" (p. 3). The transformative paradigm does not include specific methods but allows combinations⁴³ (Mertens et al., 2009). Commitment to critical and feminist theories is commensurate with this paradigm (p. 17). Furthermore, the critical realist approach (Bhaskar, 1975; Luongo, 2021) is

⁴² A post-qualitative approach often builds on poststructuralist ideas where power and creations of truth are challenged which, for instance, subjugate women (St. Pierre, 2000). However, in line with eclecticism, despite being inspired by various feminist criticisms, this thesis does not embrace the poststructuralist system of thought in the ontological sense, as articulated in chapter 3.

⁴³ It can utilise mixed methods. Often it may also strive for researching the marginalised communities and involve participatory methods (Mertens et al., 2009). In this thesis, my approach differs because the study aims to explore teacher education. But the aim is in line with transformative aims in the sense of responding to inequalities, because teacher education can be seen as a central actor concerning inequalities in society. Furthermore, research and policy typically refer to the importance of teachers in the process (Robinson et al, 2020; Human Rights Centre, 2014; Human Rights Delegation, 2021). In Finland, however, teachers' or student teachers' perspectives are rarely studied in HRE.

in line with this paradigm because it transcends the interpretivist and positivist positions (cf. Mackenzie & Knipe, 2006).

One distinct feature of this thesis is the philosophical approach. In philosophy of education, an emphasis is often put on carefully clarifying arguments and concepts (e.g. Kannisto, 2024; Siegel, Phillips & Callan, 2018) and rarely specified “methods” or “techniques” are required. Pre-determined methods may be seen as implausible in theoretical research (Holma & Mälkki, 2011). There are differences in how philosophers of education see the relationship between practice and theory, or theory and empirical evidence (Schouten & Brighouse, 2015). In philosophy, careful theoretical analysis often clarifies the questions concerning the philosophy of science. This approach shares the questioning of methodologies as “techniques” and “methods” with critical theories (Denzin & Giardina, 2010; St. Pierre, 2021), but from a different perspective. Along the lines of Schouten and Brighouse (2015), I see the importance of philosophy of education being informed with empirical studies and the other way around. I will illustrate the philosophical inquiry made in this thesis in section 4.2.3.

To conclude and come back to the eclectic approach (Sil & Katzenstein, 2010), it resembles the qualitative studies’ approach understood as “*bricoleur*”⁴⁴ (Denzin et al., 2023, p. 16) which goes beyond single paradigms. As I stated, this is not abandoning paradigms (like here, critical, feminist or transformative paradigms), but it can utilise different stances of theories to explore a phenomenon without accepting the whole system of thought (including the philosophical and ontological commitments). Consequently, I have given special attention to explicating the theoretical and philosophical approaches in chapter 3. For the sake of this thesis’ overall aim, I have proposed a novel methodological approach of *philosophically informed socio-critical methodology* into HRE research. The above commitments reflect on methods as well as the reading of results.⁴⁵ Next, I illustrate the generation of the data and chosen methods.

⁴⁴ Denzin et al. (2023) describe a researcher as *bricoleur* who may utilise interpretive, narrative, theoretical and political lenses. It may consist of interviews, intensive self-reflection, a wide reading of theories and moving between different perspectives without adopting a paradigm as a worldview that would deny the movement between paradigms. Furthermore, qualitative research as a set of interpretive activities does not privilege single methodological practice over another (Denzin et al., 2023, pp. 16–17).

⁴⁵ Thus, the strict separation of theory, paradigm and methodology from methods is not feasible in the sense that the use of methods is not a “theory-free” operation.

4.2 Research materials and methods

4.2.1 Constituting the data

The data comprises student teachers' questionnaire answers and policy documents. In what follows, I describe the process of how I constituted the data.

4.2.1.1 Data on student teachers' perspectives

I saw it as important to start by asking student teachers how they perceive the situation of HRE. Policies and recommendations can be drafted without necessarily consulting the people that the changes concern. For example, in 2012 Finland was given UPR recommendations to include HRE as a compulsory part of teacher education. Sub-study I asks what student teachers think about this.

I generated the data as part of the project *Human Rights, Democracy, Values and Dialogue in Education – Developing Education for Democratic Citizenship and Human Rights Education in Teacher Education* (2018–2021) where I worked as a project planner, coordinating and teaching among other things. The project was mainly funded by the Human Rights Centre, the Ministry of Justice and the University of Helsinki. MinEdu funded the national higher education network meeting during the project. The terminology used in the project was democracy and HRE. One research objective was to understand how the official aims of the Finnish governments' commitments are realised in teacher education in 2019 from students' perspectives.

As part of the project, a pilot course in the University of Helsinki's bachelor programme in education was organised in Spring 2019, and lectures on democracy and HRE were included in a compulsory course on student well-being and support for student teachers⁴⁶. After these interactive lectures, students were asked to answer a semi-structured questionnaire (n=300). Students that answered come from all sections of Finnish teacher education: early childhood education and care, elementary school, special education, handicraft and home economics, adult education and subject teacher of religious education and culture, worldview and ethics, philosophy, psychology, biology, geography, English, physics, mathematics, Finnish, history and social studies.

The semi-structured questionnaire was constructed to get an overview of HRE in teacher education. I constructed the questionnaire. The aim was to ask how

⁴⁶ The special pilot course had the maximum of 50 participants although about 100 students applied to the course. The exact number of students in the compulsory lecture is not certain but 300 answered the questionnaire.

students experience the role of democracy and HRE in teacher education, what kind of topics they see as obstacles or as important, and if students have suggestions for improvement. One interest guiding the study design was students' views on the political and legal⁴⁷ aspects of HRE and recommendations on teacher education (existing human rights law or recommendations like UPR and different stakeholders have made that HRE should be compulsory for teachers). Thus, the questionnaire included closed and open questions. Open questions were important to make room for reflection. All closed questions included a space to elaborate answers to avoid misinterpretation. There was an option to add students' study line⁴⁸. Closed questions (yes-no option + Why? -space) were: 1) Should democracy and HRE be a *general* part of teacher education? 2) Should democracy and HRE be a *compulsory* part of teacher education? 3) Does anything in democracy and HRE cause you uncertainty? The open questions were: What topics are important to be taught in democracy and HRE? What topics are important in your own and for all teachers' work? What kind of support would you wish to be developed for democracy and HRE in teacher education? At the end of the questionnaire, there was a free-response section and a closed question for permission to use answers in research anonymously. All questions are included here as translations from Finnish. The lecture and questionnaire were in Finnish.

In the pilot course, students completed a 5-study-credit web-based course and completed written tasks and a final essay as part of the course. After the course, the students were asked for research permission to analyse their final essays. After anonymisation and collection of informed consent, the essays were utilised as additional data (n=15). Although the number of essays is not big, the essays provide deeper insights (4–9 pages each) of the learning process of students within a special course focusing on democracy, HRE and equality issues. The course included topics like international human rights law and national law, participation, equality and minorities, pedagogy and ethical reflection. The execution was interactional, included reflective tasks of practical situations and collective tasks to draft equality plans in education. In the essays, students had freedom to reflect broadly on their chosen topic with loose guidance on what they learned, found problematic or most important in the topics, and how the topics reflected on their role as teachers now or in the future. Some students reported having a long working history and others

⁴⁷ As I already mentioned, the empirical study's main interest was students' perceptions of law and policy. Thus, "moral ideals" were not defined beforehand to be measured, although moral issues were discussed in the lecture. However, of course, moral ideals are involved when presenting the laws and policies, but the empirical study's main aim was not to "measure" any pre-given understanding of moral ideals. This does not exclude the possibility for students to reflect on moral questions in their open answers, which many did.

⁴⁸ This included examples in brackets like "early childhood education or adult education etc.". Anonymous answering was encouraged, in which case no other details were requested.

that they were at the beginning of their careers. In Finland, all student teachers have training in schools so many had already reflective points on the practice.

Because qualitative research does not strive for generalisation of results, the sampling of data is not always scrutinised, although some qualitative researchers suggest as well that explaining the sample selection has benefits for increasing transparency (Gentles, Charles, Ploeg & McKibbon, 2015; DeLuca, 2022).⁴⁹ To explain my decisions concerning sample selection, it can be described as *purposeful*⁵⁰ (as often is done in qualitative research, see Gentles et al., 2015). Patton specifies 40 different purposeful sampling strategies (Patton, 2015, pp. 266–272). My sample selection can be described as being close to *purposive random sampling* (p. 268), *sensitising concept exemplars sampling* (p. 269) and *principles-focused sampling* (p. 270). Sensitising concept exemplars and principles-focused sampling can be described as *theory-focused and concept sampling* (Patton, 2015, p. 269). In practice these mean, that I had certain interests in purposeful sampling: reaching those who would not usually participate in courses on HRE, those who were more familiarised with the topic, and in general, how the principles and concepts of human rights and HRE played out in students' experiences. The questionnaire was aimed at the compulsory course and essay data were from the special pilot course. The purposive random sampling concerning the student questionnaire data means that it was generated in a purposeful context – compulsory teacher education course – but the respected self-determination of answering led to a random variety of respondents.⁵¹

Distinguishing this thesis' approach from previous studies, I wanted to understand especially student teachers' perspectives and do research on teacher education. The previous studies had approached certain educators (Kasa et al., 2023) and students in schools, for instance, without revealing the explicit research topic of HRE (Matilainen, 2011) or had worked with civil servants (Kylänpää, 2022). Instead of searching for random or already engaged teachers, I wanted to ask students from all study lines in a compulsory course. This way, I tried to avoid the problem of talking only to the “easy gets” (DeLuca, 2022, p. 1078) and the confirmation bias that often occurs when people who are already interested in some

⁴⁹ Reading the literature on sampling in qualitative research, there are differences in seeing the need for scrutinising sampling. Some argue that systematic, well-justified and transparent sampling is essential (DeLuca, 2022), whereas, for instance, in phenomenology, purposeful sampling may not be seen as important (Gentles et al., 2015, p. 1778). In some qualitative studies, random stratified sampling can have benefits, although the data is relatively small (at least in comparison to quantitative studies) (DeLuca, 2022).

⁵⁰ What qualifies as purposeful sampling varies because some say that all sampling is somehow purposeful (Gentles et al., 2015, p. 1778–1779). Because of ambiguities, the specific research context should always be clarified.

⁵¹ An overview of those who wanted to mention their study line indicates a wide variety which indicates heterogeneity of the sampling.

topic, choose to answer more likely than those who are not interested. One benefit of reflecting sampling is its consideration of those respondents that were neglected (DeLuca, 2022, p. 1080). The data is interesting in the sense that because it is produced during a compulsory course, it presumably also includes those who would not otherwise participate in these kinds of questionnaires. Of course, filling out the questionnaire was fully optional, so it is still likely that the most negative reactions were not part of the data. This shortcoming is reflected in the results and accompanying critical perspectives throughout this study. In the questionnaire, this concern was considered by explicitly providing an opportunity for students to express their hesitations on the topic.

4.2.1.2 Policy documents

One interest in this thesis was an overview of the current legislation and human rights policy documents. The primary policy document data consists mainly of human rights policies' relation to education and teacher education. Policy documents in this research refer to legislation, action plans, recommendations, surveys concerning the implementation of legislation, statements, governmental brochures etc. These include project reports because the main governing mechanism has turned into project-based steering (Brunila, 2009; Hodgson et al., 2019) which is further demonstrated in sub-study II. Sub-study I forms the background analysis concerning curricula and other international norms (legislation, declarations) that Finland has committed to. Sub-study II provides a more profound analysis of the policy level and its implementation in education utilising a variety of data described in Table 4. Because human rights legal norms are both international and national, I have data from international human rights treaty bodies' recommendations to Finland, and data on national measures to advance HRE and equality in education. The policy data on the Finnish governments' actions and the human rights policy recommendations were analysed between 2011–2021. The total number of documents is 90 (of which national policy documents were 41, international recommendations 24 and laws and declarations 25).

The reason for the timeframe between 2011–2021 was that in 2011 UNDHRET was historically established. Additionally, I had made surveys about the time before and it did not provide any substantive results. I asked and received documents from the Ministry of Foreign Affairs and MinEdu (approximately 15) that were not so significant concerning educational policy⁵². The legal data has a longer timespan; it

⁵² One of them indicated that the Finnish government was not very enthusiastic about the UN World Programme on HRE Decade (UNWPHRE). One document expressed that “we are not anymore in the stage that we can prevent this from happening” and expressed disbelief that the UN Decade

considers the most important human rights conventions and soft law from 1948 onwards concerning education.

Table 2 Finnish national policy documents data

National education, equality and human rights policy	
Finnish National Agency for Education (FNAE) (5)	Curricula 2014 (basic education), 2018 (early childhood education), 2019 (general upper secondary school). <i>Secondary data:</i> Finnish National Board of Education (FNBE): 2003 (general upper secondary school), 2004 (basic education).
Ministry of Education and Culture (MinEdu) (16)	Rautiainen, M., Vanhanen-Nuutinen, L. & Virta, A. (2014). Demokratia ja ihmisoikeudet opettajankoulutuksessa. Education lies at the heart of society. Education in Finland (2016). MinEdu & FNAE. Finnish basic education: Excellence through equity for all (2018). The right to learn – An equal start on the learning path; Early childhood education and care programme for quality and equality 2020–2022 (2019a). The right to learn – An equal start on the learning path; Comprehensive school education programme for quality and equality 2020–2022 (2019b). The National Youth Work and Youth Policy Programme 2020–2023 (2020). UNESCO Committee reports 2011–2021.
Ministry of Justice (MoJ) (8)	National Action Plan on Fundamental and Human Rights 2017–2019 (2017a). Action plan on democracy policy, 7/2017 (2017b). Rautiainen, P., Sinkkilä, K., & Keinänen, A. (2020). Evaluation of the action plan on democracy policy 2017–2019 and the national action plan on fundamental and human rights 2017–2019. Government Resolution on Finnish Democracy Policy in the 2020s (2020). Developing democracy and HRE and advancing youth participation coordination projects - DINO I & II (Placement decisions I, 2018 & II 2020) and reports
Human Rights Centre (HRC) (5)	Human rights education in Finland (2014). Human Rights Delegation: Human rights education and training in Finland – Recommendations (2014). Human Rights Delegation: Human rights education must be strengthened according to government programme – Human rights contents are needed in teacher education. 15.4.2021, statement (2021a). Human Rights Delegation: The right to inclusive education for children with disabilities needs to be secured (2021b). HRC, MoJ and University of Helsinki: Human Rights, Democracy, Values and Dialogue in Education. Developing Democracy and HRE in Teacher education 2018–2019 project report (2019).
Finnish government (6)	PeVL 46/2017 vp. Perustuslakivaliokunnan lausunto: Demokratiapoliittinen toimintaohjelma. PeVL 56/2017 vp Perustuslakivaliokunnan lausunto: Kansallinen perus- ja ihmisoikeustoimintaohjelma.

would have any real impact without true involvement of the education sector. Afterwards, it appears that this was the right observation (cf. Kasa & Toivanen, 2023; Mahler et al., 2009; Print et al., 2008). However, it characterises a sluggish attitude towards human rights and HRE policy.

	SiVL, 15/2014 vp. Valtioneuvoston ihmisoikeuspoliittinen selonteko 2014. SiVL 6/2022 vp. VNS 10/2021 vp. Valtioneuvoston ihmisoikeuspoliittinen selonteko. Finnish Government: National Action Plan on Fundamental and Human Rights 2020–2023: Developing Monitoring of Fundamental and Human Rights (2022). Finnish Government. Government report on Human Rights Policy (2021). <i>Secondary data</i> : Finnish Government (2009). Government’s report on Finnish human rights policy, 7/2009.
Project reports	Männistö et al. (2017). & <i>Secondary data</i> (analysis of 300 equality projects Brunila et al., 2005).

The legal documents can be distributed into national legislation, soft law and ratified human rights treaties. Ratified treaties provide a perspective also on HRE which can be seen in the treaty bodies’ recommendations. The broadest documents were national curricula and the majority of documents consisted of international human rights law, national law and recommendations stemming from the international human rights treaty bodies and national human rights actors. Data on the human rights recommendations was received from the Finnish Human Rights Centre (in all areas of life in total 396 recommendations⁵³). For example, the analysis of 2011–2021 human rights recommendations was restricted by searching with the keywords “education” and “teacher” (and inflected forms). This search led to finding 24 explicit references concerning education of which 8 concerned teachers (see Table 3).

Doing similar research with the keyword “human rights” (considering inflected forms, in Finnish: “ihmisoik*”) for the *Finnish National Core Curricula for Basic Education* (FNAE, 2014) resulted in 83 hits. When choosing the primary data – especially political documents – I emphasised the measures’ relevance for HRE. In addition, I surveyed MinEdu’s UNESCO committees’ action reports from 2000 to 2021 if they had references to explicit HRE and found mentions in 5 of them (2000–2003, 2005 and 2021). References to HRE have increased from 2014 onwards. This change might be interpreted as a result of establishing the Finnish National Human Rights Institution, Human Rights Centre in 2012 (Kouros, Toivanen & Kasa 2024).

The selection of human rights policy documents was done in relation to the purpose of the thesis. Of course, a more profound historical analysis could have been done, e.g. considering the UNESCO declaration in 1974 which was UNESCO’s first formal commitment between education and human rights (Coysh, 2014;

⁵³ International human rights mechanisms recommendations during 2011-2021 concerning education were from Committee on Economic, Social and Cultural Rights (CESCR, UN), UN Committees of CEDAW, CRC and Convention Against Torture (CAT), UPR (2012, 2017), European Commission against Racism and Intolerance (ECRI, CoE), Human Rights Committee monitoring ICCPR (CCPR), The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO, CoE) and Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM, CoE).

Rodríguez-Gómez & Russel, 2022) or at the time of UN WPHREs, and what the Finnish government did at that time (see Mahler et al., 2009), but this was not the main interest nor possible within the scope of this thesis. In addition, the previous curricula⁵⁴ (1984, 2004) were excluded from the data because the biggest reforms increasing the amount of human rights content in the curricula were done especially from 2014 onwards. It was not necessary or possible to analyse all human rights measures but only the main steps concerning education and HRE. The actual research phase in empirical studies was between 2019 and 2021, so the measures after that are just mentioned (see Chapter 2).

Table 3 Human rights monitoring committees' recommendations for Finland concerning teachers and education

Committee	Recommendation	Year
CRC	Promote systematic education for everyone professionally working with children especially [...] teachers	2011
UPR	Introduce human rights education as a mandatory part of teachers' training	2012
CCPR	prevent Roma discrimination and especially promote their access to education	2013
CEDAW	Remove gender stereotypes and segregation in education	2014
UPR	Enhance, systematise and resource promotion of HRE	2017
ECRI	Promote Sámi culture and its significance in education	2019

Selected examples of international human rights monitoring committees' recommendations for Finland concerning teachers and the education system during 2011–2021.

I also utilised secondary data especially in sub-study II to gain a more historically informed basis for the arguments. Secondary data means related data that has not been generated in this thesis, but their results are intertwined in the historical review done in sub-study II. The secondary data consists of research reports on the projects and the governments' steering of equality work and projects in education (Brunila, 2009, 2010; Brunila, Heikkinen & Hynninen, 2005). The secondary data offers a historical background for the emerging human rights work which is illustrated in sub-study II. For example, in their analysis from 1970 to 2003 Kristiina Brunila, Mervi Heikkinen and Pirkko Hynninen found about 300 equality projects (Brunila et al., 2005, p. 10). After that, research on the sustainability of projects has been done (Hansen, 2016; Lahelma & Tainio, 2019). These previous

⁵⁴ An interesting detail in the background survey was that, already in 1970 in its basic education curriculum report (Finnish Government, 1970), basic rights emerged several times.

policy-document analyses give important insights supporting the claims in sub-study II.

Although I had different conceptual emphases in sub-studies I and II (in I democratic education and II equality) it is noteworthy that when I was constituting the human rights policy data, the focus was placed explicitly on HRE: I did not search for references to, for example, democracy education, global education, multicultural education, culture, worldview and ethics education, equality education, citizenship education etc. In Finland, HRE has been developed in connection with democracy education (Männistö et al., 2017; Rautiainen et al., 2014).

Table 4 Data in this thesis and sub-studies

Article	Policy documents	Qualitative data
Sub-study I	Curricula - national (3) and university teacher education (8) Legal basis (19) Project and survey reports (3) In total 33	Student teachers' questionnaire answers (n=300) Open ended and closed questions
Sub-study II	Curricula (3) Legal basis – national (3), international 20 (UN, CoE) Human rights recommendations (24) Government and project documents (22) In total 72 <i>Secondary data:</i> Project analyses, governmental reports etc. (5) [includes analysis of over 300 projects]	Student teachers open ended qualitative data (n=311) <ul style="list-style-type: none"> • Student teacher questionnaire open ended answers (n= 296) • Student teacher essays (n=14), 4–9 pages each
Thesis (Sub-studies I & II, summary)	All previous + additional data: UNESCO committee reports (10) In total n=90 + secondary data	Student teachers data (n=311) In total n=311

Some of the data overlap across studies and thus, the last section includes the number of data in the whole thesis. Sub-study III did not have any empirical data.

4.2.2 Empirical methods and materials

The empirical methods selected for this study were content analysis for sub-study I and discursive reading for sub-study II. As will be demonstrated in the subsequent sections, these approaches synergistically enhance the interpretation of the data.

4.2.2.1 Content analysis

The first sub-study utilised content analysis for analysing the qualitative data of student teachers' questionnaire responses (n=300). Forms of content analysis is

often utilised in qualitative data analysis and in various fields of social sciences. It provides opportunities for qualitative and quantitative (e.g. statistical) analysis (Cohen, Manion & Morrison, 2007). It is often used for analysing texts with the aim of data reduction. This and other phases of content analysis create both advantages and disadvantages. In this study, the content analysis was utilised mainly qualitatively with the main aim being to respect the *quality* of the qualitative data (Cohen et al., 2007). The analysis also generated some amounts of quantitative data (frequency of mentions of concepts, percentages in closed questions). Content analysis involves theory because categories in the data reduction are derived from theoretical constructs or areas of interest that are devised before the analysis starts (Cohen et al., 2007, p. 475). However, the categories are of course moulded by the empirical evidence. Thus, the data is not only “out there” to be “collected” which is the position held by some using content analysis, and have been criticised (Salo, 2015). Additionally, content analysis has been criticised for sloppy use of the method (Cohen et al., 2007) and how “coding” distorts the qualitative data as it mixes quantitative measures with qualitative issues and might lose the nuances and anomalies of the data (Salo, 2015).

Taking both the criticism of content analysis and its problems into account, it proved to be a useful first step of analysis in this thesis. In sub-study I, coding and producing themes from the open-ended data was helpful: content analysis provides a systematic way of analysing the data. However, in this study, a systematic way of coding does not mean that the observations somehow emerge outside the interpreter. Instead, the researcher – me and my co-authors – are making the themes. I was the main analyst and I wrote the process of coding for my co-authors to see. The reliability of coding (Weber, 1990, p. 17) was improved with my co-authors. We discussed the limitations and the fact that someone else might have read the data from a different perspective, thereby obtaining different observations. However, the coding process can limit the distortions of a single perspective because the goal was to get a general picture of the kind of topics students mention *in general*. It was not a profound analysis of each answer which could have given other insights. This weakness of content analysis was complemented in sub-study II with a discursive reading of the same data.

One problem of interpretation in content analysis is the semantic validity of meanings of the words referred to (Weber, 1990, p. 21); in this case, how do students interpret what human rights or HRE mean? In sub-study I this problem of varying semantic interpretations was “controlled” by means of the lecture, in which all students participated, where the official commitments and concepts used by the Finnish government and international norms Finland has assigned were presented. However, of course, this does not exclude the possibility of students’ various interpretations. Despite the problems of interpretation and semantic validity, this research set-up was different from earlier studies (e.g. Matilainen, 2011) in this

regard: teachers or students were not asked to suddenly construct opinions without previous knowledge; I was, rather, interested in hearing how students see the governments' official commitments to HRE being realised in their everyday lives.

The construction of themes was carried out on several levels. The analysis proceeded by first reading the whole data carefully through to obtain a general overview in order to perceive the type of categories that might be constructed. Coding proceeded in a systematic manner as I started to code terms and all mentioned items into categories and sub-categories. Finally, the categories were carefully examined, critically reflected upon and discussed in the research group. Many topics were ambiguous and had overlapping themes, so the categorisation should be read with caution.

The limitations of this method include the possible distortions of the reading and constituting of the data. The context of data generation where the lecture precedes the questionnaire includes the possibility of bias and can therefore distort answers. It is also possible, that after receiving a lecture on any kind of topic – especially somehow societally relevant – it is easy to answer that this is important and should be included as part of education. People tend to agree rather than disagree in answering (Cohen et al., 2007). The generation of general themes excludes topics or “anomalies” that do not fit into the *general* observations (Salo, 2015). Sometimes these “anomalies” or dissenting voices are the most interesting. This deficiency of content analysis was considered to avoid the bias in the presentation of the results; the “minority” in this data opposing HRE in teacher education was highlighted and the reasons were reported. Additionally, the sub-study II read the same data from a different perspective (discursive reading) which offers a more nuanced way to interpret the perspectives of students from aspects of dissenting voices. This was an interesting process, as I noticed how the evolution of theoretical concepts and methodological thinking revealed new ways to revisit the data.

4.2.2.2 Discursive reading – Unveiling discursive practices

In sub-study II, the student teacher data (n=311) was approached with discursive reading. In addition, the historically informed discursive reading supported the broader societal analysis of HRE. More specifically, the aim was to unveil the “discursive practices” of equality and HRE in Finnish teacher education following the idea of Foucault (Foucault, 1989). The methodological shift from content analysis to discursive reading was important for many reasons; I noticed a need for a more profound examination and explanation of the experiences that student teachers describe instead of only “categorising” or “thematizing” the main themes of the data. Also, the observations made in sub-study I led to the question: Why are student teachers still reporting too little education on equality and human rights,

despite the improvements in equality and human rights law and policy? To answer this question, I felt the need to understand the historical background, as I noticed that equality researchers were reporting similar results: equality work in education was often done by short-term projects with inadequate results (Brunila et al., 2005; Brunila, 2009; Brunila & Kallioniemi, 2017; Hansen, 2016; Lahelma & Tainio, 2019; Ylöstalo & Brunila, 2018). Consequently, this sub-study had two aims: to understand the historical “pattern” in the previous equality work, which led to my hypothesis that the same pattern seems to emerge concerning HRE in Finland. Thus, historically informed discursive reading was an appropriate method for sub-study II. Discursive reading and unveiling of “discursive practices” in teacher education can reveal the “messy” and ambivalent experiences in the data in a more detailed manner than content analysis in sub-study I.

My co-authors, Kristiina Brunila and Reetta Toivanen, and I saw that revealing the “discursive practices” (Foucault, 1989) in Finnish teacher education helps to understand the persistence and problematics of inequalities in education. Utilising the approach of discursive practices to teacher education helps to unveil what can be said (language) and done (practice) and how people become positioned in relations of power (Foucault, 1989). The results of the reading revealed how students’ experiences in 2019 form a different reality from the official discourse (see Figure 3 in chapter 5).

Bacchi and Bonham (2014) defend the methodological usefulness of discursive practice, although the linguistic turn, Foucault and “discourse” have been criticised for detaching from the “real” in social theory. They present that Foucauldian discursive practices refer to practices or operations of discourses of knowledge formations and production, not to linguistic practices. The focus is on how knowledge is produced through plural and contingent practices (Bacchi & Bonham, 2014, p. 173). Thus, discursive practices should not be understood as solely language use. Discursive practice transcends the symbolic-material distinction. In relation to the policy documents in sub-study II, Bacchi and Bonham (2014) describe how “political practice necessarily ‘takes part’ in the ‘emergence, insertion and functioning’ of discourse [...] and hence in what is ‘real’” (Foucault, 1989, p. 163). Transcending the symbolic-material distinction combining materiality and language, discursive practice does not tell what is “real” but how politics is involved in the characterisation and experience of “the real” (Bacchi and Bonham 2014, p. 176). The “realisation” of equality and HRE are in this context approached through the descriptions of student teachers’ open-ended answers to the questionnaire. In the questionnaire data, only a few (n=4) students answered the closed questions, and these were excluded in sub-study II because of the method. Instead, the essay data was added to the data in sub-study II to provide a more profound reading of students’ experiences (n=15). In total the amount of

student teacher data analysed with discursive reading was 311. The policy data (n=90) was approached with historically informed discursive reading.

Educational practices including teacher education are at the centre of normalisation, involving the discursive production of ideas, hierarchies, regulations and what is considered normal and abnormal (see Ball, 1990). This connects to the “sorting function” of education and problematics of social justice in education (Villegas, 2007). Kumashiro describes how oppression consists of a repetition of harmful citational practices (Kumashiro, 2002, p. 51). Foucauldian discursive practices refer to practices or operations of discourses of knowledge formations and production in plural and contingent practices (Bacchi and Bonham, 2014, p. 173). Discourses embody meaning and social relationships; they constitute subjectivity and power relations, while they also constrain the possibilities of thoughts. (Brunila, 2009; Brunila & Kallioniemi, 2017, p. 544). The types of discursive practices are therefore not trivial and are enhanced in teacher education (Brunila & Kallioniemi, 2017, 544–545) and by student teachers. The feminist aspect of human rights takes seriously the *experiences* (cf. Binion, 1995, p. 511) of the realisation of human rights and equality in everyday life: in this case, the realisation of equality and HRE in the experiences by student teachers. This is connected to the suspicion of formal declarations of jurisdiction or educational policy (cf. Parisi, 2017). Accordingly, discursive reading in sub-study II offers a different approach to the data and historical reproductions of (in)equalities. Unveiling discursive practices provides a novel interpretation of the persistence of inequalities in education in a country that identifies itself as a champion of equality and human rights.

The process of discursive reading as qualitative inquiry is not simply described as linear coding of the data (St. Pierre & Jackson, 2014). The process was interesting because I noticed how my thinking evolved from sub-study I to II and I could see new important angles in the data. This required theoretical considerations and discussions. This outlines how the interaction of theory and data is not linear (Jackson & Mazzei, 2023). In sub-study II, I explain the chosen theoretical frame (ambivalence, ignorance and innocence), which evolved in a complex interplay between theory and data (St. Pierre & Jackson, 2014; St. Pierre, 2021) and opened a new aspect for analysing the processes of persisting inequalities (cf. Aiston & Walraven, 2024). The process of discursive reading occurred in different time periods: for example, I started analysing the curricula and HRE policies when I was working in the Human Rights Centre in 2017 and during several years (especially 2019–2021) I followed all references to HRE. This gave me a view of the level of policy discourses on HRE which provides, as I will explain in chapter 5, a different reality than the one that student teachers experience. I also noticed differences in the use of concepts between education and human rights policies (education prefers ‘*tasa-arvo*’, equality or democracy instead of human rights).

The historical perspective and reading started to evolve in discussions with professors and researchers about their several decades of work with equality, democratic education and human rights. This was a key experience for me, as I noticed with tragicomic amusement that I was in a historical project wheel – a “merry-go-round” of temporary equality projects (Ahmed, 2017; Aiston & Walraven, 2024, p. 9; Brunila, 2009; Payne, 2009). When reading discursively the students answers, some of the students’ descriptions “stood out” as key experiences or left a mark in my memory and “pulled me back to” them (MacLure, 2013, p. 661). This experience of something “standing out” could be described similarly as Maggie MacLure (2013) describes how data starts to “glow”:

[T]he emergence of the glow as something not under our conscious or intentional control as analysts: the grammar assigns agency to the detail that arrests our gaze and makes us pause; the connections that start to fire up; the conversation that gets faster and more animated. (MacLure, 2013, p. 662)

I came back to these experiences in our discussions with my co-authors and our conversations led to the conceptualisations. For example, I describe some of these experiences as shifting from ignorance or innocence to responsibility in sub-study II (Kasa et al., 2023).

4.2.3 Philosophical inquiry

Philosophy provides a unique and indispensable perspective for education and social scientific research in general (Bridges & Smith, 2007) because research is unavoidably theory-laden and value-based (see Yanchar & Williams, 2006, p. 4). Philosophy does not only provide a secondary function in supporting research, but it encompasses the whole project (Bridges & Smith, 2007). Thus, it is necessary to clarify the philosophical position in research.

In philosophy, the reduction of analysis into “methods” in the meaning utilised in empirical sciences can be problematic for various reasons. One problem is that philosophical analysis or “method” cannot be detached from the way a researcher or philosopher thinks, reads, listens (Ruitenber, 2009) and develops one’s ideas with its aim to provide a unique and theoretically informed approach. Furthermore, philosophy studies topics that are not *fully* empirically measurable. Morality and values can be approached philosophically or empirically but the moral – and its normative – questions are not reducible to empirical or descriptive results (Holma & Hyytinen, 2015). Following what Katariina Holma calls “the ancient idea of disassembling and reassembling (sometimes called analysis and synthesis, or reconstruction” (Holma, 2009, p. 336) was a key “methodological” approach in my philosophical inquiry throughout this thesis.

Next, I present the steps of my philosophical analysis. I constructed the rough lines of philosophical inquiry drawing on structures of systematic analysis utilised by other philosophers of education (Holma, 2009; Holma & Mälkki, 2011; Leiviskä, 2016; Pyy, 2022) but adjusting the process according to this research's theoretical choices and the phenomena of HRE. Additionally, I illustrate how the principles of contextual sensitivity, conceptual awareness, critical reflection, coherence and creativity were part of the process (Yanchar & Williams, 2006). When presenting the steps of inquiry, I specify why this philosophical approach was necessary for this research on HRE that was motivated by the scarcity of current theoretical, moral and philosophical analysis of the topic.

Steps of the philosophical inquiry – the process of disassembling and reassembling

- (1) *Proposing an initial hypothesis and a research problem*; First, the initial interest in this thesis was that I wanted to take a closer look at the critical and feminist approaches to human rights and HRE. The motivation behind this was the increasing disillusionment and questioning of human rights principles and the double reality described concerning HRE. My hypothesis was that the criticism might shed light on the obstacles to human rights and HRE by revealing the reasons for opposing HRE. Part of this step was to increase my understanding of the *contextual sensitivity* (Yanchar & Williams, 2006) of HRE although this requirement continued throughout the study.

Analysis stage of disassembling

- (2) *Conceptual awareness and studying the relevant literature concerning the problem and hypothesis*; I studied the critical HRE literature, theories, arguments and justifications. This step required taking a closer look at the philosophically relevant questions: how have human rights been justified and argued for in the previous literature? What kind of arguments, concepts and theories emerge?
- (3) *Critical reflection* and the search for lines of argumentation *for* and *against* the initial hypothesis and then comparing these in a critical manner; Step 2 led me to analyse the foundations and justifications of human rights theory because the philosophical analysis of HRE's foundations and justifications was scarce. I found a discrepancy between "orthodox" human rights research and poststructuralist, postcolonial and (some) feminist accounts, which seemed somewhat insurmountable in the current debate. Yet, the moral

philosophical use of concepts (e.g. universality and normativity) was vague in the criticism.

Synthesis stage of reassembling

- (4) *Revising the initial hypothesis based on the findings.* I started to reconsider the critical approaches because of the philosophical problems I noticed: it was not clear how the critical approaches would not lead to relativism and there was a lack of moral philosophical analysis of key concepts (e.g. universalism and normativity) that were questioned or simply denied by influential accounts. Similarly, as Holma and Heidi Hyytinen (2015) noticed problematic consequences in the empirical studies lacking philosophical analysis or detail, I started to notice problems in claims and their implicit moral philosophical arguments. In this step especially I revisited the *coherence* (Yanchar & Williams, 2006) of arguments.
- (5) *Constructing the argument of the study and supporting it with relevant references to the literature.* I started to look for theoretical options. At this step, especially in sub-study III with Anniina Leiviskä, we constructed a novel theoretical stance for HRE through nonideal theorising. This theoretical position pays attention to the criticism but does not deny a minimum understanding of universality, that is necessary for defend a non-bargainable moral core of human rights and HRE.

Presenting the process through these steps is partly artificial because the process was not fully linear. However, it reveals the general lines of philosophical inquiry that encroach upon this thesis. The process of philosophical inquiry was evolving from the beginning to the end, developing especially in the theoretical sub-study III. For example, steps 2 and 3 were an ongoing process throughout this thesis. The result of analysis in 2–3 led to looking for alternative theoretical routes, resulting that in steps 4–5 the initial hypothesis needed to be revisited. Finally, in step 5 I chose, together with my co-author in sub-study III, nonideal theorising. Following Stephen Yanchar's and David Williams's (2006) suggestions for an eclectic approach, special attention has been given to contextual sensitivity, coherence and critical thinking. The philosophical inquiry itself brings attention to conceptual and theoretical awareness. Also, creativity manifested itself in this study design by combining qualitative methods and historical and philosophical inquiry.

Additionally, something I find important to note in relation to coherence is that the call for it does not mean “overly restrictive uses of method” or “unrelenting demand for seamless consistency at all costs” (Yanchar & Williams, 2006, p. 9). Rather, research was guided by a larger theoretical purpose. Furthermore, it can even be argued that a form of inconsistency is part of our moral lives (Hämäläinen,

2020) and human rights and HRE are part of this. Philosophical inquiry also involves, in my understanding, the finitude of ideas; especially in the handling of moral issues, I see that striving “[f]or ideals to be ethical [...] they *must* be fallible” (Alexander, 2007, p. 126). The idea of embracing fallibility in science does not mean that we should not strive for the best possible use of current knowledge and means to attain it (Holma & Hyytinen, 2015). Instead, it is being open to counterarguments and better options (Alexander, 2007). Especially in topics like HRE, it is necessary to grasp the openness and never “ready” nature of these ideals as a researcher and teacher.

4.3 Research ethics and position of researcher

In this section I present general ethical topics, issues in the empirical work and the position of the researcher. In this study’s empirical and theoretical part, the values of honesty, justice, respect, truthfulness, and integrity in referencing and interpretation has been guiding the work. I present ethical issues relating to my position as necessarily involved in the generating of data and interpretation, so an ideal of “pure objectivity” or impartiality in a fully detached sense is questioned. However, striving for truthfulness is an important part of all research. This involves, for example, not distorting the data for one’s own benefit. In general, this study has been committed to the principles of the Finnish National Board of Research Integrity’s definition of responsible conduct of research.

Human rights themselves provide a basis for many ethical standards in research and beyond (e.g. respect of self-determination and human dignity of participants). There are special issues to consider in human rights research. Ulrich (2017) summarises the five main categories for professional ethics: 1) no-harm issues, 2) recognition and respect with communication issues, 3) beneficence and justice, 4) collaboration and conflict of interest, and 5) scientific and professional standards (Ulrich, 2017, p. 195). Especially from the perspective of human rights research, I will consider the no-harm and beneficence and justice principles. Ulrich describes how the ethics of communicative interaction resonate with human rights principles such as participation, non-discrimination, social inclusion and respect for the dignity of the human person (Ulrich, 2017, p. 203). Additionally, something very important to consider is in communicative interaction to recognise the Other’s competence to form independent value commitments that may be in conflict with one’s own (p. 204). This does not lead to an obligation to stay silent: “When confronted with extreme views or patterns of abuse, passive acceptance can be construed as a moral failure” (p. 204). Witnessing abuse entails the ethical imperative to seek remedial actions (ibid.). These principles resonate with what Corinne Lennox and Yeşim Yıldız (2020) describe as activist scholarship in human

rights consisting of core human rights principles of non-discrimination, the right to participation and the obligation of accountability.

The data was handled respecting privacy regulations throughout the research process. After I had constituted the data in the course, the data was stored in a private access physically locked container. In the data collection phase of student teachers' perspectives during their compulsory pedagogical studies, the European Union's General Data Protection Regulation's ([GDPR], EU, 2016) data minimisation principle was followed, meaning that no personal identifiable information was generated. This was because there was no special need to get exact background data and the decision increased the safety of students so that anonymisation has been respected throughout. As the questionnaire was qualitative and no quantitative methods were part of this study, no detailed background knowledge was necessary.

Self-determination of students was respected throughout the process and participation was fully optional. Anonymous answering was emphasised to encourage honest answers and to protect participants. All subjects were adults and could legally give informed consent. Only those answers with clear written consent were included in the analysed data. When analysing the data and writing research, special attention was given to ensure that students were not identifiable. The additional student essay data (n=15) utilised in the sub-study II was generated by asking for written consent from students. As soon as the essays were singled out, the data was anonymised, numbered and essays stored in a private folder that was disconnected from any references to students' background information. I was the sole analyst of the essays and only anonymised, non-identifiable extracts were distributed to and discussed with my co-authors.

Human rights can be considered a sensitive research topic because the topic can be emotionally charged or may include information that invades privacy like expressions of political views, sexuality or gender, values, worldviews etc. that might be risky in some contexts (Cohen et al., 2007, pp. 119, 124). In some societies, for example, in totalitarian regimes, educational research itself can be sensitive or restricted (Cohen et al., 2007, p. 120), and especially topics like human rights could be out of the question. Finland is a relatively democratic and officially human rights-respecting country (World Justice Project, 2023), but as everywhere, there are complexities and threats of possible mistreatment based on personal information.

Because it was anticipated that the data might involve personal information, for example, about worldviews, political views and hesitations, Data Processing Impact Assessment (EU, 2016, article 35) was made. For example, students expressed hesitations to confront the racist and sexist behaviour of those in positions of power over them, as this would run risks for their future careers. In these topics, the no-harm principle (Cohen et al., 2007, p. 59; Ulrich, 2017, p. 195) is important to think

about in the widest sense and non-identifiability is especially important. An important ethical step involves assessing the principle of no harm and the risks of indirect harm. This includes the possible harms after publication. Thus, anonymisation is necessary. In human rights research, the risks of indirect harm may include context-specific factors or subtle forms of discrimination based on participants' opinions or value commitments.

Direct harm can be triggering traumatic experiences (Ulrich, 2017). For example, examining minority experiences of discrimination repeatedly can be harmful to the subjects, if they repeatedly expose their traumas and suffering but may not get any betterment of their conditions. Thus, considering the non-harm principle is connected to the principle of justice and beneficence of research in general. This can be asked in general: Does the research contribute to the promotion and protection of human rights (Ulrich, 2017, p. 201)? In the context of this research, the aim was to provide knowledge on equity and human rights in education so that the possible problems could be better addressed and, for example, the realisation of human rights and non-discrimination in education could be increased.

4.3.1 Taking experience seriously and problems of “giving voice”

The problem of interpretation and the question of the scientific nature of experiences is central to any qualitative research which strives to respect subjects while acknowledging our limits in understanding others. In this part, I problematise the aspect of “giving voice” (cf. Alcoff, 2009; Spivak, 1988) to students while in this study, following the principles of honesty, truthfulness and beneficence, I have tried to respect students' answers in the best possible way. Feminist scholarship and philosophy have contributed extensively to the research on the epistemological and ontological pitfalls of experiences (e.g. Alcoff, 2009; Jackson & Mazzei, 2009; Ramazanoglu & Holland, 2002). As I have already stated, one problem with the abstractions of human rights has been the exclusion of minorities or women's experiences (Binion, 1995) which has led to incomplete legal applications and invisible inequalities.

Qualitative data that was generated by the questionnaire for student teachers does not mean that it provides “direct access” to students' voices (Jackson & Mazzei, 2009). It provides a partial view of the descriptions of experiences as written data and the presentation of results are based on my interpretation as a researcher. Written communication is only a part – and a very reduced and possibly distorting – part of the experience. When I refer to student perspectives, I refer to these written descriptions.

Postcolonial scholarship outlines the problematics of “giving voice” to others and, concerning subalterns, its impossibility (Spivak, 1988). Although the analogy

of subalterns is not directly suitable in this context, Spivak's characterisation has implications in general for the problems of giving voice to anyone. In addition, in feminist philosophy it is a central question, who can speak for who (Alcoff, 2009). The group of students in this thesis responding is heterogeneous yet selective. The students responding are not assumably "marginalised" but rather privileged⁵⁵. However, students' status, in general, is disadvantaged in the sense that they are not all in the place to influence policies. Despite the limitations of qualitative research, more properly informed practices and policies can be enhanced when students are asked.

This thesis' background in critical and feminist theories in educational sciences follows the line that social scientific research is not produced in isolation of the world and people or beyond power. My position as a researcher reflects on the chosen topics and their emphases due to the necessary limiting process of research. This does not reduce the whole research project to my subjective interests; for example, in treating and interpreting the empirical data, my role is to critically reflect my position and treat the data as truthfully as possible. This means also taking the data seriously: I do not invent students' responses and I take their descriptions as "real". It would be ethically problematic to take their experience or reports of misconduct as just an "interpretation of reality" (cf. Peltola, 2014).

Connected to ethical concerns, feminist researchers have often tried to report the experiences of abuse through victims' voices and struggled to provide enough "facts" of abuse to be taken seriously (Ramazanoglu & Holland, 2002, p. 129). Grounding feminist knowledge to some extent in experiences implies "the necessity of making connections with extra-discursive realities – the hidden power relations that exist and happen outside language. These connections are difficult to justify" (Ramazanoglu & Holland, 2002, p. 125). Any claims of direct connection to material realities can be contested. However, people live in real bodies, in a world and within relationships (Alcoff, 2000). Because discourses have real consequences on people's lives, the knowledge of these influences cannot be inferred simply from ideas or language. Real effects are variable and complex, and "knowledge of them requires empirical investigation as well as interpretation of experience" (Ramazanoglu & Holland, 2002, p. 130). The political necessity to confront real power relations pushes the feminist knowledge to explore experiences. Despite the ontological pitfalls, taking seriously the reality of women's and other marginalised experiences provides a powerful challenge to male-centered knowledge (p. 136). In

⁵⁵ In Finland, access to teacher education is highly selective, requiring top grades or success in the entrance examination and usually students are quite homogenous (e.g. middle class) in their backgrounds (see Brunila & Kallioniemi, 2017). However, students are not reducible to any single category.

this study, students' perspectives provide a powerful optional way to look at the official discourses (sub-studies I, II) on HRE or the ideals that people may have.

4.3.2 Position of researcher

My two positions are deeply entangled with this thesis: the first as an HRE project worker and the second as a human rights proponent. As I presented concerning the activist scholarship of human rights (Lennox & Yıldız, 2020), it is necessary to be transparent with my normative commitments. This thesis is committed to human rights, equity and critical thinking. As I explain in my conceptual understanding, I see human rights as involving a political element although they are not *only* about politics – they also involve legal and moral stances. I also explained why I see it as necessary to talk about HRE explicitly. I am openly committed to the promotion of human rights and equity in line with the public legal responsibilities but also in the moral sense that I, for example, see that defending the human dignity of *every* student is the responsibility of all teachers. Still, there is room for other discourses of justice: everyone does not have to use “human rights language”, but everyone has the moral responsibility to intervene if, for example, a student is being bullied, discriminated, injured or suffering (in other words, securing their human dignity).

When I was generating the data for this thesis, I was working as a project planner in the *Human Rights, Democracy, Values and Dialogue in Education – Developing Education for Democratic Citizenship and Human Rights Education in Teacher Education* project 2018–2021. In addition, during this PhD research, I have been consulting government officials on the state of HRE. This dual role of working partly for the government and being a critical researcher has been somewhat painful, which I will elaborate on more in the section describing painful practice. It has been painful to recognise the patterns of inequalities while feeling powerless in striving to change issues by repeatedly reporting research results. One problem in project culture is making individuals responsible, which shifts the focus away from societal responsibility, which in turn is very problematic (Ahmed, 2017; Brunila, 2009; sub-study II). Kristiina Brunila describes how individual equality project workers feel like there is a flame in the torch within them that moves them forward: participants describe how they cannot “go back” after becoming aware of inequalities. On the other hand, a supportive community is perceived as highly important. Some feel like securing the flame, which can go out if they stop (Brunila, 2009, p. 143–146). For me, the source of strength and relief has been the human rights community: researchers, educators, governmental officials, lawyers, activists, children and youth in support of the cause.

Reflecting on my shifting role from that of a student teacher to a project worker to a researcher, I notice points where my thinking has changed. When I first learned about human rights law when I started projects on equality practice and an

internship at Amnesty International, I was amazed at how little knowledge teacher education had acquired of human rights commitments. When I got the opportunity to work with these topics in the Human Rights Centre, I was excited because I saw the potential for these topics to clarify teachers' obligations in securing equality in education, and every day it became clearer to me what human rights principles meant in the practice of a constitutional state. I saw the reality of how many people were protected with actual human rights legislation and the equal treatment that was required. I thought (somewhat naively) that if people would know something about typical legal complaints on the continual human rights violations committed in schools, they would stop. When I started to work again with teachers, this picture started to crumble. I noticed the many demands for educators, the complexity of institutional structures, the attitudes that many held against legal aspects and human rights and a sort of "reluctance" to listen to research results. This reluctance was further analysed in the sub-study II while trying to understand the history of exclusions of equality and human rights topics in teacher education. On the other hand, many students appreciated HRE (sub-study I).

Education's central task is to avoid indoctrination. As a teacher or project worker my role is not to "enlighten" anyone in a top-down or patronising way – I have continuously learned from students, children, minorities, colleagues etc. This does not reduce the importance of, for example, higher education's role in providing knowledge and critical thinking (Wheelahan, 2010). HRE's knowledge gaps can be recognised and HRE can be presented in multi-perspectival way, where students can decide for themselves what they think. From a legal perspective, it is every education professional's responsibility to follow public law regarding their work⁵⁶. Thus, every professional should have enough education to be able to follow human rights regulation. Nowadays this is not being realised.

As part and parcel of self-reflexivity, it is important to reflect one's own ignorance and innocence. As a white person who has grown up in a welfare state benefiting from the globally unequal distribution of resources, I have benefited from many privileges (e.g. whiteness, free education, and health care). Our context influences our vision. Although I would have experienced, for instance, sexism as a woman, many inequalities are rendered out of my reach. Thus, I have emphasised listening to different groups and often marginalised perspectives. The realities of discrimination of several groups (Roma, Sámi and other Indigenous people, Black people etc.) are not a first-hand experience for me although I have learned *something* about these while listening/reading/(un)learning. Education is a space

⁵⁶ The Finnish Constitution's (1999/731) Section 2 states that "The exercise of public powers shall be based on an Act. In all public activity, the law shall be strictly observed."

where ethical and critical reflection can be initiated together. This is the responsibility of any ethical school system.

4.3.3 Ethical complexities – Power and representation

There are various issues concerning power structures that emerge in human rights and HRE. In this part, I will refer briefly to global power imbalances concerning human rights and colonialism, anthropocentrism and representation in HRE.

Although colonialism is present in the roots of international law (Kapur, 2006; Koskenniemi, 2002), I follow Adami's interpretation that the negotiation of human rights in 1948 was intersectional and, for example, the non-Western women delegates had a much bigger role than the dominant narrative admits (Adami, 2016, 2018a, 2019, 2021; Adami & Plesch, 2021). If human rights are seen as a colonial project, it can be asked, is all HRE partaking in the perpetuation of an historical power imbalance, where others are deemed less adequate if they do not conform to human rights principles? My position follows Khader's description of being openly anti-imperialist (Khader, 2018) which critical HRE, in my view, needs to be as well.

A legitimate topic that has been gaining increasing attention is the climate crisis and criticism of anthropocentrism. Are human rights contributing to human exceptionalism, the legacy of the Enlightenment project, and thus, the destruction of the environment that is fuelling the climate crisis? My short answer is no. Human exceptionalism refers to the idea that humans have special rights in the world and leads to human-centric thinking discarding all non-human existence and entanglements. Naturally, hearing the word "human rights" hastily implies that human rights and human exceptionalism are intertwined. However, this is not a necessary conclusion and is rather a false dichotomy. Following the ideas of Cora Diamond and Ann Chinnery, saying that being human has moral worth does not necessarily lead to speciesism (Chinnery, 2019, p. 119; Diamond, 1991).

I am inclined to think, following eco-feminist Val Plumwood (Plumwood, 1993), that forms of oppression are intertwined: the way that humans oppress other humans reflects how humans oppress animals and nature. Forms of oppression are based on false dualisms like human-nature, emotion-rationality, mind-body, and so on, where typically women and "Others" are placed to the side of animal, nature, emotional and bodily creatures that need to be disciplined (Plumwood, 1993). Thus, dismantling oppressive attitudes toward humans and non-humans is important. However, it is out of the scope of this thesis to expand the theoretical analysis to eco-feminism although I have referred to the emerging possibilities for combining eco-feminism, feminist new materialisms and HRE (chapter 3, see Bozalek et al., 2019). Additionally, I do not believe that focusing only on the environment or non-humans would resolve all oppressive structures that are part of social injustices. Although the world would be less human-centric, there would still be a need for

ethical reflection concerning human interactions. Human rights are one way to institutionalise, criticise and improve societies where humans interact. Additionally, increasing attention is given by human rights activists to resisting climate change and environmental destruction with demands for human rights mechanisms and intergenerational justice (Pegram, 2018; Powless, 2018). These topics are gaining greater importance. Without a life-sustaining planet, there are no human rights or human life.

Another ethical issue in HRE is representation, power and heroines. The dilemma of representation emerges in practical implications when choosing descriptions of human rights violations; what is chosen and what is left aside. HRE is problematic if presented only from the perspective of some interest group. Alcoff describes how “Who is speaking, who is spoken of, and who listens is a result, as well as an act, of political struggle. Simply put, the discursive context is a political arena” (Alcoff, 2009, p. 123). Potentially problematic is a victim imaginery where there are fixed categories or reproductions of saviours, savages and victims (Mutua, 2002). Victimisation can be dehumanising (Kapur, 2006). In feminist research, the saviour complex has been articulated in general (Brunila, 2009). For example, Alcoff describes the “speaking for others” as a problematic which is often born of a desire of mastery or to privilege oneself as a champion of a just cause to achieve praise (Alcoff, 2009, p. 132). In education, the white saviour complex has been influential in representations (Aronson, 2017) and these attitudes should be resisted. However, as Alcoff explains, in some instances speaking for others is the best option. Withdrawing totally from this option is based on a metaphysical illusion: The problem of representation underlies all cases of speaking for (oneself or others)⁵⁷ (Alcoff, 2009, p. 120). We should enhance speaking *with* others rather than *for* them (p. 128).

However, feminist approaches have also emphasised the importance of listening to the victims in the first place (Ackerly, 2008; Hessler, 2023). In addition, moral reflection of human rights does not need to follow any simplistic lines of “good” and “bad” (Mutua, 2002) or totalising corrupt moral truths. Aspects of victimhood may connect to broader vulnerability in humanity; in a nonideal world, cruelty and violations are possible for everyone (Shklar, 1989, 1990). Society should be organised in such a way that one does not need to be a heroine or a saint to stand against injustice (Shklar, 1990). As Simone Weil writes, some of us are left to suffer like a “half crushed worm” (Gaita, 2000, p. 18). In responding to the variety of unpredictable situations, we need human rights protections.

⁵⁷ “In speaking for myself, I (momentarily) create my self – just as much as when I speak for others I create their selves – in the sense that I create a public, discursive self, which will in most cases have an effect” (Alcoff, 2009, p. 120).

4.3.4 Moral ambivalence and painful practice

A critical scholar in Finland is, however, confronted with a contradiction. Such a scholar is in the incongruous position of criticising a country praised across the world for its success story in education, equality and human rights (see sub-study II). Equality scholars have, for instance, characterised the difficulty of countering and criticising inequalities in Finland because – in the image that has been successfully created of Finnish education – equality is seen as something that has already been achieved (Brunila, 2009; Holli, 2003; Toivanen, 2015). I call this a part of the painful practice of running into “walls” that Sara Ahmed describes as “hardening of histories into barriers in the present” which equality and diversity workers confront (Ahmed, 2017, p. 135). Becoming aware of the historical legacy of inequalities and related suffering can be challenging for the researcher/teacher. However, in my view, moral ambiguity is present if one takes inequality seriously. Gaita describes, for example, the moral reality of some atrocities that can be revealed to us truly, only if we read, for example, reports from the Holocaust with “bleeding eyes” (Gaita, 2000, p. 89). Any other way would not truly indicate that one understands what is read.

The revealing of moral suffering and pain connects to teaching HRE and equality in education especially in striving to truly reveal the problems of injustice and inequality (cf. Todd, 2002). It is a potentially painful practice for teachers and students to be involved with ethical complexities. This process involves the necessary awareness of moral incompleteness and ambiguity. This may be part of the problem when teachers withdraw from HRE, reporting that human rights are too conflictual or feeling that their skills are inadequate (sub-study I, II; Struthers, 2016). Persisting with moral incompleteness, pain and ambiguities is part of the practice.

However, I also see that critical HRE can support teachers. Teachers need spaces to discuss, reflect and learn to be ready to engage with these topics. An interesting ethical contradiction in teaching topics like atrocities is what Judith Suissa calls “the morally unthinkable”, drawing on Gaita (2000): students should be guided into the moral reality where some topics are seen as unthinkable and at the same time make sure that the reality of some atrocities is never doubted (Suissa, 2016). In the context of HRE, this means that the reality of human rights violations should not be doubted but at the same time moral atrocities of human rights violations are presented following Theodor Adorno’s thought of “never again” (Adorno, 1998). This does not reflect only the most unbelievable moral catastrophes but also a spectrum of moral concerns; witnessing inequality, hearing the victims, and accepting experiences and knowledge that depart from our own worldviews or current structures of understanding.

One moral ambivalence in the topic and positionality as a critical scholar is the appreciation of the realities of subjects of research – in this case, teachers and

teacher educators – and their work and striving to “do their best”. Many teachers realise equality and human rights in their everyday practices in challenging circumstances. I have criticised in sub-study II the complicity with inequality by simply taking the position that “I am doing my best and this is enough”. On the other hand, it is a real issue. For critical scholars, it is important to acknowledge the limits of criticism and education. Researchers should appreciate the nonideal reality in which teachers struggle. For this aspect, I hope that the nonideal approach suggested in this thesis can offer insights. Additionally, it is important to notice the emphasis on analysing inequalities as structural and historical problems; pointing out problems in teacher education is not to accuse individual teachers. Rather, it outlines the general problems of inequality in which we all partake. No one is “innocent” because striving for justice, equality and human rights is an endless task in our nonideal societies and institutions. And some bear a bigger responsibility due to their more powerful stance – such as government officials in relation to citizens or teachers in relation to students. A teacher works in an invaluable position of ethical possibilities.

4.4 Limitations of this thesis

Concerning the empirical part of this study, there are limitations concerning the data, methods and interpretation. First, the generated data from student teachers’ perspectives (n=311) is not representative. It provides a collection of different teacher-groups representatives but the students who answered the questionnaire do not fully “represent” the whole group they are a part of. The data was constituted in the biggest teacher education programme in Finland in the capital city with a diverse population in Finnish scale. In a different unit geographically elsewhere, the results might look different. Concerning the policy document data, one possible problem in documentary analysis is that the documents are not written for the purpose of research (Cohen et al., 2007). A profound analysis of the respective stakeholders’ interests was not possible. However, this was not a significant problem due to the research aim of the discursive reading. Despite this, policy documents (as all data) provide only a partial view of the events. Due to the lack of research on HRE in general, we do not have a comprehensive picture of the state of HRE in all Finnish schools nor in every teacher education.

Both methods (content analysis and discursive reading) involve limitations. Content analysis “reduces the data” to main categories. Discursive reading provided an option to read the data from different angle. Despite the chosen methods complement each other, there are also limitations in discursive reading. It has been criticised for its lack of systematicity (Cohen et al., 2007, p. 391) as it is possible to choose a limited perspective in the data. This can risk grasping the independence of the phenomena (ibid.). However, from a feminist and critical perspective, there is

no neutral place for the researcher (Alcoff, 2009). In addition, I have described the process of theories intertwining with the qualitative analysis (Jackson & Mazzei, 2023). Different theoretical frameworks and aspects would have been possible.

Limitations of the philosophical inquiry are connected to the necessity of making choices in the theoretical approach. I needed to limit the scope of used theories resulting in attention to the nonideal theory. However, the research problem could have been approached from several other perspectives as well. I was looking for options on the theoretical impasse I found between “orthodox” accounts and critical theories concerning human rights. One interesting option would have been to direct the research towards moral education, moral theories or philosophical analysis of the foundational vs. anti-foundational approaches to HRE.

Additionally, as I have explained my approach as an eclectic one, an obvious theoretical limitation is connected to the problem of not thoroughly analysing, for example, mainly one philosopher’s theorising. This would have been the more “usual” approach in the field of philosophy of education (e.g. Pyy, 2022; Zamotkin & Leiviskä, 2024), but this was not a suitable choice in this thesis because it would have limited the possibilities of approaching the research problem from an interdisciplinary perspective. Consequently, in future research, there could be more detailed analysis of, for example, Shklar’s philosophy or other non-ideal theorists and their implications for human rights and HRE.

While the interdisciplinary analysis of HRE is a strength, one limitation is connected to the multidisciplinary nature of this research. Multidisciplinary research leads to the problem of the necessity of limiting the scope of each discipline handled. In this thesis, for example, this research cannot grasp all the nuances of legal, historical and philosophical research on the topic. There are limitations in all methods and approaches, and thus, in this thesis, methods complemented each other.

5 Research articles and findings

In this section, I summarise the findings from the sub-studies I–III. All sub-studies shed light on the realisation of HRE and the research problem of the double reality of (in)equality in education from their respective angles. Each sub-study responds partly to the main RQ 1: How does a critical revisiting of HRE’s ideals (legal, political, moral) enhance the theory and practice of critical HRE, making HRE and education more responsive to inequalities? The first two sub-studies are empirical and respond to RQ 2: How are the legal and political ideals of HRE manifested in Finnish teacher education? The sub-study III is theoretical and responds to RQ 3: How can HRE’s ideals be revisited to better respond to inequality in the nonideal circumstances of education?

5.1 Sub-study I: State of human rights education in teacher education and Finnish student teachers’ perspectives

These issues [democracy and HRE] are not self-evident in the end. You grow into them, they can be learned. If you follow public discussions, you can see that there is a need. (student teacher)

Important topics and it’s frightening how little many know about them. (student teacher)

Sub-study I was published as a journal article “Human rights and democracy are not self-evident’ – Finnish student teachers’ perceptions on democracy and human rights education” in *Human Rights Education Review* (Kasa, Rautiainen, Malama & Kallioniemi, 2021). The context, from the perspective of 2019, was that there was a lack of research on the topic, and at the policy level, HRE was strengthened in the latest curricula reforms (FNAE, 2014, 2018, 2019). The previous surveys were made in 2013 (Rautiainen et al., 2014; Human Rights Centre, 2014). Together with my co-authors, I wanted to know whether the situation had improved at the level of teacher education. In addition to analysing the situation in Finland, international comparisons of the implementation of HRE were also made.

The use of concepts was connected to the aim of this article: how are the political and legal ideals – stated in legislation and policy documents – translated into

teacher education and into student teachers' perspectives of their studies. Thus, in the interactive lectures, the official Finnish government's commitments (e.g. CoE, 2010; UN, 2011; CEDAW; CERD; CRC; CRPD; ECHR; ICCPR; ICESCR and other human rights commitments) were shown and discussed with students. However, the understanding of HRE was not reduced to law and the ethical considerations and complexities were presented as well. This study's main focus in relation to RQ 1 and RQ 2 was to explore how the political and legal commitments are realised.

As a frame of analysis, together with my co-authors, I utilised the distinction of implicit and explicit HRE (Osler & Skarra, 2020) and national exceptionalism to characterise the situation in Finland. The previous studies suggest that HRE has been implicit (Human Rights Centre, 2014; Matilainen, 2011; Rautiainen et al., 2014; Toivanen, 2007) meaning that it has been carried out without explicit references to human rights content. We claim that the previous studies suggest a form of national exceptionalism, where democracy and human rights are seen as self-evident in Finland. Consequently, there has not been an urgency to promote explicit democracy and HRE even though, in 2014, the survey ordered by the MinEdu suggested that democracy and HRE should be made a more visible part of curriculum texts and operating culture (Rautiainen et al., 2014). Similar implementation problems of HRE occur internationally. Teachers are seen as central actors in promoting HRE but there is a lack of systematic teacher education (Ahmed et al., 2020; Robinson et al., 2022). The implementation of HRE has often been done through short-term projects that depend on individuals (Mahler et al., 2009).

The results of content analysis of the student teacher data (n=300) show wide references to the topicality of democracy and HRE issues. In total, 89 % (n=297) said it should be a compulsory part of teacher education. 96 % (n=298) said it should be a general part of teacher education. Those who responded negatively said, for example, "compulsion does not increase the willingness to understand things" and that Finnish people know already. General-values jargon was stated as self-evident; rather, concrete examples were hoped for. Various reasons were given as to why democracy and HRE should be part of teacher education: the current lack of teaching, the fundamental importance of democracy and HRE in education, and references to curricula and law.

Through content analysis of the data, categories were constructed to get an idea of the main topics that students referred to (see Kasa et al., 2021, p. 77). The categories most referred to, as important topics in democracy and HRE in teacher education, were 1) rights and responsibilities, 2) equity and gender equity, 3) democracy, agency and participation, 4) practical skills, 5) diversity and inclusion, 6) ethics, 7) discrimination and 8) encounters in general.

In comparison to the international studies, there were divergences and similarities. Students indicated hesitation in some topics and concerning their own

competence, lack of knowledge of the legal ground of HRE and age-appropriate teaching (Cassidy et al., 2013; Struthers, 2016). HRE was articulated also as an “ethical backbone” which is close to Danish teachers’ responses, seeing HRE as helpful (cf. Decara, 2013) rather than as only controversial (Cassidy et al., 2013).

In a general analysis of the state of democracy and HRE in Finnish teacher education, we concluded that the explicit references to democracy and human rights in national curricula (FNAE, 2014; 2018; 2019) seem not to have been transferred to university teacher education curricula comprehensively. Thus, to answer RQ2, the political and legal ideals are not realised in the intended manner based on the research on university teacher education and students’ views. The differences in the emphases of teacher education have been growing, producing differences in the abilities of graduating students to include democracy and HRE in their work. Some reasons are project-based steering and profiling of universities. Results are typical of an educational system based on autonomy. Progress is slow and democracy and HRE do not have a strong educational research tradition or status in Finland as, for example, subject didactics has. Academic freedom is an important value, and it is one reason the Finnish government has “outsourced” their responsibility of the promotion of HRE to universities. This forms a discrepancy between Finland’s human rights commitments and the realisation of HRE in teacher education.

We noticed that in the previous studies, there were no signs of urgency for democracy and HRE (Rautiainen et al., 2014) and human rights were perceived as self-evident (Matilainen, 2011). Thus, we contend that the data reflects societal change and that the notion that democracy and human rights are self-evident needs to be challenged in Finland. Students see democracy and HRE as important parts of their professional training, giving various reasons from ethical support to legal arguments. They also indicated hesitations due to a lack of sufficient training. For the next sub-study II, my colleagues and I wanted to understand more deeply why this lack of education continues.

5.2 Sub-study II: Revisiting the discursive practices of equality and human rights in teacher education – Reproducing inequality through ambivalence, ignorance and innocence

The second sub-study was published as a journal article “Reproducing inequality through ambivalence, ignorance, and innocence – Revisiting practices of equality and human rights in Finnish teacher education” in *Educational Review* (Kasa, Brunila & Toivanen, 2023). The aim was to ask why student teachers are still reporting too little education on equality and human rights, despite the improvements in law and policy. Equality is an important concept here connected

to human rights because they overlap in theory and practice. Additionally, the empirical aim was to compare the history of equality work to the emerging work of HRE in teacher education. Promoting equality in teacher education started already 50 years ago in the 1970s and human rights emerged in the 1990s⁵⁸. In this sub-study, my co-authors and I argue that Finnish teacher education has an ambivalent role of representing itself as “exceptional” while reproducing inequalities. Furthermore, this alleged “exceptionalism” does not enable a focus on equality and human rights policies goals.

Finland is being represented as a success story of equality, education and human rights by, for example, MinEdu and corporations (MinEdu, 2016; Sääntti et al., 2021). On the other hand, various forms of discrimination and inequalities persist in relation to gender, sexuality, minorities, race, ethnicity, disabilities, and exclusions from who can be normal (Helakorpi, 2020; Honkasilta et al., 2016; Juva, 2019; Kurki, 2019; Lehtonen, 2021). In addition to responding partly to RQ 1, this sub-study responds from a more structural and historical perspective to RQ 2: How are the legal and political ideals of HRE manifested in Finnish teacher education?

Sub-study II provides a twofold analysis: 1) an historically informed discursive reading of the past 50 years⁵⁹ of project-based interventions for equality and human rights work and 2) an analysis of the discursive practices of teacher education formed also with student teacher data (n=311). The data was read with discursive reading and unveiling “discursive practices” (Foucault, 1989) concerning equality and human rights in Finnish teacher education. The focus was on three points: 1) what we know and do not know about inequality in education, 2) why educational inequalities continue and 3) the re-analysis of explanations. To answer these separate focuses, we started by examining what the historically persistent neglect of equality work in teacher education in Finland teaches us about the “new” emerging neglect of HRE in teacher education. We highlight the persistent inequalities in Finnish education and show how equality and human rights issues intertwine.

The theoretical approach draws on critical and feminist theories. This applies a form of critical and feminist HRE that is sensitive to power relations and differences (Adami, 2014a; Binion, 1995; Xanthaki, 2019). For the re-analysis, we constructed a general theoretical frame to re-examine critically and highlight the analytical role of ambivalence, ignorance, and innocence, which reproduce inequalities. This analytical frame is a novel contribution to feminist critical HRE research.

⁵⁸ Interestingly, human rights had been already suggested as a common basis for ethics subject in 1968 in the “battles of” worldview education (see Hämäläinen, 2024, p. 156). However, these suggestions were not successful, and the topic was somewhat forgotten (ibid.).

⁵⁹ The focus was broader in sub-study II in analysing the historical perspective with the secondary data (Brunila et al., 2005) of the whole thesis. Special focus concerning the whole thesis was on human rights policies 2011–2021.

Ambivalence means the condition of modern policies, where we are expected to live in peace with ambivalence (Bauman, 1991). In education, one may champion equality and human rights but become painfully aware of how teachers are part of unequal structures (Chubbuck & Zembylas, 2008). Ignorance can be perceived from epistemic, strategic or moral perspectives. Epistemic ignorance is simply a lack of knowledge, for example, of human rights conventions. However, people can actively resist equality-related knowledge (Ylöstalo, 2013; Ylöstalo & Brunila, 2018). This forms a position of strategic ignorance (Tupper, 2013). Moral ignorance is alleged ignorance, where serious moral issues are set aside such as denials of occurring genocides or slavery (Moody-Adams, 1994).

We first illustrate how there has been a history of equality work in education with various projects since the 1970s (Brunila et al., 2005; Brunila, 2009, 2010; Lahelma & Tainio, 2019). However, inequality has remained. There are several explanations: the project-based implementation has required active individuals which has made the work dependent on individuals, but it has not been successful in changing structures. There seems to be a historical amnesia where the same project goals are initiated repeatedly. In the big picture, educational and equality policies have remained separate fields and educational policy has systematically disregarded equality policies goals (Brunila & Kallioniemi, 2017; Brunila, 2009, 2010). To conclude the results from the historical reading of equality and human rights work, we noticed that the same separation and pattern is emerging with human rights policy when looking at HRE and teacher education. For both equality and human rights work in education, implementation through short-term projects has remained characteristic.

Discursive reading of the student teacher data reveals how students describe ambivalent positions in which they report difficulties in recognising and interrupting inequalities they experience while teaching. Also, some describe how painful it is to realise how little they have known although they have thought of themselves as being broad-minded, understanding, aware of inequalities and neutral. We interpret the assumption of being “neutral” and “doing their best” to be enough as alleged innocence. We characterised how innocence and ignorance are privileged positions (Helakorpi, 2020). The assumed position of a teacher to always “know better” (Hakala, 2007) forms an ambivalence and complexity with ignorance. Strategic ignorance is connected to the resistance of inconvenient knowledge, e.g. concerning equity (Mills, 2007; Sullivan & Tuana, 2007; Tupper, 2013; Ylöstalo, 2013; Ylöstalo & Brunila, 2018). The “innocence” was broken in some students’ descriptions by acknowledging responsibility:

*I realise painfully well how little I have known. [...] I did not consider it my duty to participate actively. My goal has been to teach in a neutral way and without causing much harm. [...] At the moment, I think it is my **duty***

[emphasis added] to promote a good and equal world by all possible means.
(essay no. 14, class student teacher, Kasa et al., 2023, p. 157)

Our analysis describes separate discursive realities concerning equality and HRE. Ambivalence, ignorance and innocence partake in these discursive realities of public narratives and student teachers' experiences. We have explained how (Figure 3) there are different rough lines of discursive practices in Finland: (1) the public narratives constituting "exceptionalism" and (2) students' experiences, which describe a different reality. The third line of discourse is the recognition of problems by international and national human rights and equality stakeholders, but their strivings are neglected because of the "exceptionalism" narrative, or short-term projects are initiated. This neglect can be interpreted as Ahmed describes the "brick walls" that equality workers face (Ahmed, 2017, p. 135). These walls were present in our data.

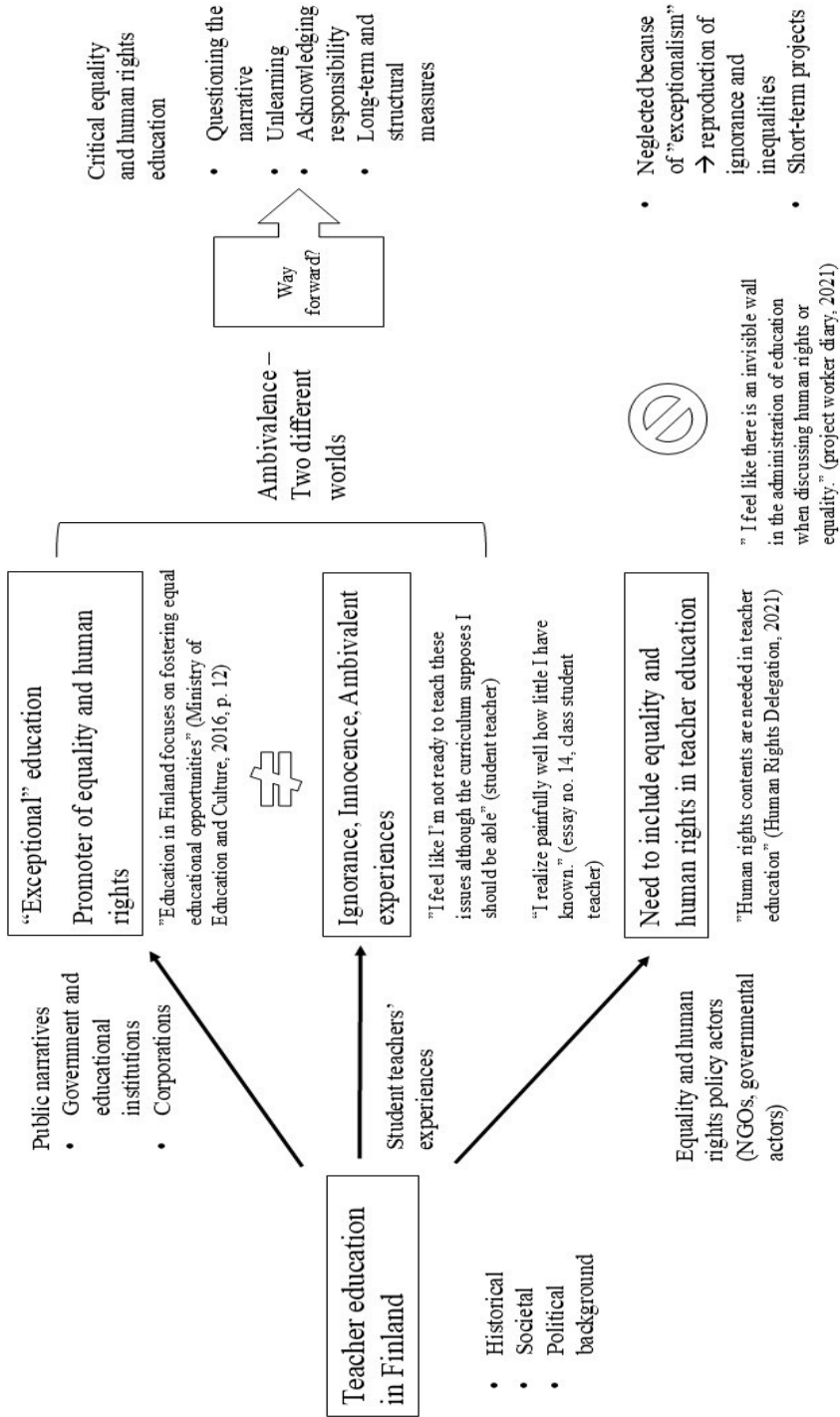
In conclusion, this study describes the problematics of short-term project-based management policies as a means to impact societal or structural inequalities. The theoretical approach of critical and feminist HRE in sub-study II provides a frame of analysis for ambivalence, ignorance and innocence in unveiling inequalities. Accordingly, this sub-study II answers both RQ1 and RQ2, that utilising these critical concepts for HRE can be more responsive to inequalities rather than starting with the abstractions, ideal concepts or characterisations at the policy or legal level. For the legal or political ideals of equality or human rights to be realised, there is a need for critical reflection and adequate structural changes. For educational policy and practice, we suggest that recognising and addressing ignorance, innocence and ambivalence are the vital parts of critically analysing the sustaining power or dismantling of inequalities. Our results highlight the call for profound critical reflection on historically shaped power formations in teacher education and educational policies regarding HRE to advance the structures in the deconstructing of inequalities.

5.3 Sub-study III: Resisting dehumanisation through nonideal human rights education

*Dehumanization undergirds the wrongfulness of different forms of injustice (oppression, discrimination, domination) in their various contours (sexist, racist, heteronormative, trans*phobic, ableist, and classist injustices). Dehumanization is not another form of injustice – rather, it is that which makes forms of social injustice unjust.* (Mikkola, 2016, p. 2)

Figure 3 Discursive practices of teacher education, equality and human rights education in Finland. This Figure is published in *Educational Review* (Kasa et al., 2023, p. 159).

Figure 3: Discursive practices of teacher education, equality and human rights education in Finland



The third sub-study is accepted as a journal article “Resisting dehumanisation: Exploring nonideal human rights education” in *Journal of Philosophy of Education* (Kasa & Leiviskä, accepted 2024). This article is theoretical and draws on the field of philosophy of education. Thus, its “results” contribute to the theoretical discussion concerning HRE. Its interest was responding to the criticism of human rights and HRE and to the disillusionment of the ideals of human rights. This study responds to RQ 3: How can HRE’s ideals be revisited to better respond to inequality in the nonideal circumstances of education? This article offers a theoretical renewal to the current theoretical discussion on critical HRE.

Human rights and HRE have been criticised for being too idealised, decontextualised and overemphasising law (Kapur, 2006; Keet, 2015; Xanthaki, 2019; Zembylas & Keet, 2019). More specifically, the notion of abstract universality and normativity have been criticised, for example, by poststructuralists, feminists and postcolonialist scholars (Kapur, 2006; Todd, 2010). Some criticise that human rights are presented as the only moral language trumping others (Baxi, 1998; Todd, 2010). Others suggest, drawing on agonistic theories, that claiming any moral truth would illegitimately depoliticise rights. Thus, these approaches see rights as inherently *political*, deriving from hegemonic struggles (Hoover, 2013; Zembylas, 2017). The criticisms offer important insights for revising HRE. However, some of them lead to moral philosophical problems. We see that the *moral* stance of human rights is necessary and thus, a minimum moral non-bargainable core needs to be defended. If universality and normativity, for instance, are abandoned altogether, it is difficult to morally evaluate, criticise or defend any action beyond given contexts. Furthermore, if the moral core or any kind of normativity is declined, it may turn against the very normative aims that the critical discourses are also striving to achieve, such as the aims of furthering social and global justice.

To respond to these complexities, Anniina Leiviskä and I suggest in this sub-study III a way of nonideal theorising. Nonideal theory takes seriously the real, lived injustices as a starting point but does not deny normativity (e.g. Ackerly, 2008; Mikkola, 2016; Mills, 2005). Nonideal theory offers a different way to approach ideals such as human rights. For example, Avishai Margalit describes the goal of a *decent* society instead of a *perfectly just* society (Margalit, 1996). We draw on the work of Shklar, Ackerly and other nonideal theorists (Anderson, 2013; Khader, 2018). Shklar argues for a skeptical form of “barebones” liberalism meaning that there are necessary minimum structures in society that need defending (Shklar, 1986a, p. 5). Human rights can be interpreted as these constraints of power. However, the use of power causes always collateral damage that needs to be critically examined and demands special vigilance for public officials and citizens.

In this study, we argue that resisting *dehumanisation* forms a negative non-bargainable moral core for HRE to evolve its practices and gain its normative force. We claim that resisting dehumanisation is a form of *uncontroversial moral claim*

(cf. Hand, 2014) in HRE. We suggest that dehumanisation is based on a nonideal universalism that has been articulated in different nonideal theories (Ackerly, 2008; Shklar, 1989, 1990; Khader, 2018). For Shklar, the worst evil – *summum malum* – is fear of cruelty (1989). Shklar claims that cruelty is the ultimate goal of societies to resist (Shklar, 1990). One key issue we highlight in Shklar’s theory is passive injustice which means that people can fail to resist injustice when they see it. On the other hand, one problem is not seeing the injustice or human rights violations in the first place (as explained in chapter 3) which requires a space in HRE to learn *seeing differently* (Ackerly, 2008). Nonideal HRE can do precisely this.

Definitions of characterising “human” and “humanity” based on rationality or autonomy, have often excluded women, children, Indigenous people, persons with disabilities etc. (Diamond, 1991; Kittay, 2005). The claimed universal subject of rights has often been “white, Christian and propertied male” (Kapur, 2006, p. 673). Exclusions from “humanity” should not lead to denying a moral stance of HRE but, rather, these kinds of corruptions should be morally criticised. Through nonideal theorising, it is not necessary to give a definite positive definition of the human which could lead to unresolvable metaphysical debates. Instead, it is more urgent and necessary to learn to recognise forms of dehumanisation, that is, exclusions of humanity that undergirds social injustice (Mikkola, 2016).

Dehumanisation is a phenomenon that is familiar across the world; it is present in discrimination and oppression and is particularly visible in the moral psychology of war (Kronfeldner, 2021; Smith, 2020). In the moral psychology of war, others are characterised as less than human by constructing a division between “us” and “them” and characterising the opponent as “insects” or “rotten apples” to be destroyed (Frick, 2021; Glover, 1999; Smith, 2020). In addition to the atrocities, it is important to notice, that dehumanisation need not be cruel. It can be consistent with ostensibly “benevolent” acts of slave owners or with romantic admiration for the “nobility” of people, like Indigenous people, considered sub-human (Gaita, 2000). Inhuman treatment has throughout history been articulated by decolonial scholars (Fanon et al. 2021/1961, Wynter, 2003).

Nonideal theorists have argued for different negative concepts to be the moral grounding of injustices, for example, humiliation (Margalit, 1996), misrecognition (Honneth, 2014) and cruelty (Shklar, 1989). We claim that they are all part of dehumanisation. For example, describing a violent racist attack as misrecognition would severely underestimate the damage done. We claim that dehumanisation is part of the importance of emphasising the phenomena that *make us care* about human rights or human dignity rather than engaging in endless metaphysical debates (cf. Kaufmann et al., 2011). We define dehumanisation as having specific moral meaning and characterising the negative core of human rights violations.

Finally, based on our theoretical analysis, we suggest a pedagogical account of nonideal HRE that has not been previously done. Drawing on Shklar (1989, 1990), nonideal HRE 1) gives injustice its due, 2) disturbs passive injustice and 3) fosters the sense of injustice based on nonideal universalism. We claim that actual cases of dehumanisation can enliven the moral and political imagination of students. Starting with the real violations and injustices in society renders HRE more credible to students. Additionally, it provides opportunities to find ways to influence together through the learning of human rights structures and critically examining them. For example, histories of exclusions and resistances can be studied through nonideal HRE: history of dehumanisation of Indigenous people and LGBTIQ+ people can be explored, and simultaneously the evolution of rights and successful resistances where oppressed people have managed to make governments accountable. Resisting stable identity categories is an important part of utilising counter-narratives and outlining the uniqueness of voices (Adami, 2014a, 2014b, 2018b). Although constant criticism is part of nonideal HRE in our imperfect world and societies, nonideal HRE does not lead to despair. Rather, it inspires hope as real injustices are addressed and discussed honestly. The special benefit of a negative approach to morality (Allen, 2001) and nonideal HRE is its potential to foster students' sense of injustice, disturb passive injustice and increase moral sensibility and full moral understanding.

We have suggested that dehumanisation as the *summum malum* (Shklar, 1989) in the context of HRE constitutes a universal notion to be resisted. From a philosophical perspective, Shklar's theory is eclectic (Shklar, 1989) and consciously avoids full moral doctrines. This can be seen as a weakness from a justificatory perspective or a strength for its flexibility to consider actual historically contingent situations. However, we have interpreted Shklar's work as offering a unique and timely philosophical perspective on the academic debate concerning HRE and offered a novel theoretical opening to advance critical nonideal HRE. In responding to RQ3 (How can HRE's ideals be revisited to better respond to inequality and realised in the nonideal circumstances of education?), we claim that there is a vast potential for nonideal HRE to offer a novel perspective in revisiting the ideals of HRE and responding to nonideal circumstances of education and society. In responding to RQ1, this approach is more sensitive to inequalities than focusing only on HRE's moral, legal or political ideals, either in the theory or practice of HRE. This sub-study's strength is its defence of the moral core of human rights which prevents anyone from sinking and emphasises the voices of the excluded. As Chinnery (2019, p. 122) has it,

we should focus especially on our moral responsibility for the most vulnerable among us [...] whose human lives may lie at the furthest margins of our

imagination, and who may stretch, or even exceed, our capacity for sympathy and empathy.

We see that the importance of defending a universal moral core of human rights and HRE is especially important at a time of increasing polarisation and simultaneously with a pressing need for global cooperation to solve global crises.

6 Reflections across studies and conclusions

This thesis aimed to critically examine the realisation of the legal, political and moral ideals of HRE so that HRE and the field of education in general could better respond to inequalities and injustices. The gap between theory and practice, or ideals and realities has been outlined (Hessler, 2023; Zembylas, 2017). The main research question (RQ1) was how does a critical revisiting of HRE's ideals (legal, political, moral) enhance the theory and practice of critical HRE, making HRE and education more responsive to inequalities? I have provided a novel reading of the research problem on the double reality of (in)equality in education through critical nonideal HRE. In this section, I reflect across sub-studies to answer RQ1 and make conclusions from the empirical studies, theoretical part and present the general arguments of this thesis. In addition, I will critically elaborate on the results and limits of this thesis and suggest future lines of research.

I have examined the “no problem” problem of the lack of HRE, and inequalities plaguing education. Rhode (1991) describes how much the question we ask concerning equality changes the narrative: if one asks what progress has been made concerning equality, we may give a list of legal and political advances, for example, of the last 100 years. If one asks what progress have we not made, the answer might resemble more like the myth of Sisyphus, where we continuously fight against the same inequalities, and how many of us are still rolling the same rock up the hill (Rhode, 1991, p. 1732). This thesis has asked both questions: I have examined the evolution of HRE in the past 75 years and found progress at many levels. On the other hand, I have noticed the continuum in the history of equality fights, where I am rolling the same rock as many generations before me (addressing human rights violations like racism, gender-based violence, income disparity, lack of equal education, discrimination of Indigenous people and other groups). In this concluding chapter, I reflect on both the explanations behind the continuum of inequality and potential ways forward.

One of the key insights in this thesis relates to our (in)ability to see inequalities; for us to be able to dismantle inequalities in education, we must first learn to see them in the first place. I argue that the theory and practice of HRE are incomplete if they focus only on the legal, political and moral ideals because then inequality or

injustice are not taught to be seen in the first place and teachers do not receive proper training on HRE. The novel theoretical approach of nonideal HRE supports teachers in nonideal circumstances of education. I outline the potential of critical HRE to enhance seeing the invisible inequalities among us to create more just educational institutions.

I will present the answers to RQ1 through empirical studies (I, II) and theoretical study (III). My main conclusions and arguments concern 1) teacher education (empirical sub-studies I & II), 2) theory (sub-study III), and 3) the interdisciplinary and cross-sectoral cooperation on HRE:

- 1) Based on the empirical research, I argue that teachers are not ideal actors who know by themselves how to implement HRE without training that enhances legal knowledge, critical thinking and ethical sensibility. Furthermore, nationally adequate HRE in teacher education is not implemented through short-term projects or official declarations of values, but structural decisions should provide spaces for teachers to learn the legal basics, critical and ethical sensitivity concerning HRE before entering (and during) working life.
- 2) Based on the theoretical research, I argue that nonideal HRE can transgress the impasse between universalistic and liberal theories of human rights and their feminist and postmodern discontents because it takes criticism seriously, focuses on real injustices and human rights violations, but does not deny the non-bargainable moral core of human rights. I have defended a novel form of universal moral core through nonideal theory (nonideal universalism). Consequently, the novel approach of nonideal HRE suggested in this thesis helps to unveil injustices and dismantle them when teachers receive critical HRE involving legal, moral and critical perspectives increasing moral sensibility.
- 3) An interdisciplinary conclusion is that the fragmentation of the policy sectors (educational, human rights, and equality policy) and disciplines (law, education, political and moral philosophy) concerning HRE prevent the enhancement of proper HRE that requires an interdisciplinary approach to avoid the simplifications of law, education or morality. Restricting attention only to each sector's own ideals (legal, political, moral, educational) prevents them from interacting and identifying the problems concerning HRE. The provided nonideal perspective allows us to revisit the ideals critically without abandoning them entirely. Some critical theories may discard the ideals too quickly.

In what follows, I elucidate these claims and their background.

6.1 Empirical conclusions – Inadequate realisation of human rights education

For the empirical part of this study (sub-studies I & II), the research question (RQ2) was: How are HRE's legal and political ideals realised in Finnish teacher education? This was explored by analysing student teachers' data (n=311), policy documents (n=90), and existing research on the topic. One conclusion that emerges is the general observation of distorted vision concerning HRE; there is a tendency to see human rights violations as happening far away – not in one's own context or close to home (cf. Barton, 2015; Osler, 2016; Rodríguez-Gómez & Russell, 2022). Thus, critical HRE has the potential to challenge national exceptionalism, question the idea of teachers as ideal actors, and broaden moral vision to see injustices and inequalities also closer home.

Sub-study II expanded the exploration to structures and policies. We proposed an analysis frame for critical HRE based on feminist theories and illustrate how ambivalence, ignorance and innocence partake in thinking that human rights are “self-evident” (Matilainen, 2011) or to the idea that nothing needs to be done. This is a form of privileged irresponsibility (Tronto, 1993) that is upheld by wilful ignorance (Bozalek & Zembylas, 2023). Ambivalence represents itself in terms of how some values are held as important – such as cherishing the idea that “we as educators enhance equality and human rights” – and, on the other hand, how the aims of HRE or equality policies are not realised in education where racism, sexism and other forms of discrimination continue (e.g. Helakorpi et al., 2023; Honkasilta et al., 2016; Juva et al., 2020; Lehtonen, 2021; Masoud et al., 2021; Ylöstalo & Brunila, 2018). The ambivalence of values and principles contra realities connects to the broader research problem of this thesis; that is, the gap between ideals and realities.

Ignorance and innocence are part of the process that allows inequalities to continue; teachers and teacher educators might be ignorant of human rights law, but this is not seen as an important fact, because teachers are also represented as morally innocent, that is, incapable of wrongdoing. In critical race studies and feminism, these concepts have been connected to white innocence and ignorance (Danewid, 2017; Mills, 2007; Sullivan & Tuana, 2007) regarding racism and inequalities concerning race. Ignorance is not only “innocent”, but it can also be strategic (Tupper, 2013; Naskali & Kari, 2020; Ylöstalo & Brunila, 2018). People are not willing to accept knowledge that can limit their power. One of the conclusions in the empirical part is that some teachers might be epistemically ignorant. But from another perspective, teachers might not embrace human rights which casts responsibilities and regulations on them requiring equal treatment. Consequently, teacher education produces ignorance of HRE which can also be strategic in serving the interests and power of teachers.

One of the problems that hamper the change for enhancing proper HRE equally for everyone is the divisions between disciplines and policy sectors. Sub-study II outlines how human rights and education policies are detached from each other. There is a risk that continuing this way, similar results will be repeated that have already been demonstrated concerning equality policies (Brunila et al., 2005; Brunila, 2009, 2010; Lahelma & Tainio, 2019; Ylöstalo & Brunila, 2018) and teacher education, and proper change will be compromised. Short-term projects can help in testing ideas or establishing cooperation between universities, but they have not provided structural change concerning equality or democracy in teacher education (Brunila, 2009; Hansen, 2016; Lahelma & Tainio, 2019). In conclusion, HRE cannot be enhanced in teacher education with short-term projects or value declarations, but improvements require long-term continuous efforts and structural changes. As a policy suggestion, especially MinEdu in Finland should start implementing its own suggestions (Gretschel et al., 2023; Männistö et al., 2017; Rautiainen et al., 2014) and not just starting surveys, working groups or short-term projects. Structural, sustainable change needs to be discussed with higher education providers and teachers. Universities' autonomy is rightly an important value to be defended but it does not remove MinEdu's responsibilities. As public power, MinEdu should not treat human rights and HRE as any other competing topic (digitalisation, positive pedagogy, social and emotional skills etc.) but take seriously their obligation to enhance human rights stemming from human rights legislation.

The conclusion I make based on these empirical results is that HRE's realisation is inadequate in Finnish teacher education. I argue that it is a mistake to think that teachers learn human rights and equality by themselves, but that HRE requires proper teacher education where human rights law, policies, morality and critical reflection are intertwined. The legal and political ideals of HRE and equality do not emerge by themselves without proper, continuing efforts to enhance structural changes in teacher education. Realising everyone's right to understand human rights (UN, 2011) requires structural changes in teacher education and support for teacher educators. This requires cross-sectoral cooperation between human rights, education and equality policy. However, only policies or laws are not enough; proper education needs to occur at the level of educational institutions' realities. In this process, teachers, students and children need to be involved and part of designing HRE that would work in practice.

One reason for neglecting HRE in education might be its institutionalised, legal language that often poorly fits everyday life in schools and education. When we talk about justice or values in education and with children, it is more usual and perhaps more suitable to use the languages of care and love (Freeman, 2011; Gaita, 2000). However, combining political, institutional and care aspects is necessary (e.g. Tronto, 1993). I see the institutional and caring aspects intertwined and this should

be communicated clearly in teacher education. On the other hand, when love, care and goodwill fail, we need rights (Freeman, 2011; Lundy & Martínez-Sainz, 2018). Thus, in our nonideal societies and educational institutions, the explicit language of human rights is necessary to protect those who are not properly cared for. This means taking seriously the dark side and reality of educational institutions – discrimination, exclusions and the reproduction of inequality.

6.2 Theoretical conclusions – Enlivening the moral and political imagination through nonideal human rights education

The third theoretical research question (RQ3) is: How can HRE's ideals be revisited to better respond to inequality in the nonideal circumstances of education? The theoretical part was interested in the increasing criticism concerning human rights and HRE. As I explained the steps of my philosophical research in chapter 4.2.3, I started to explore the various criticisms of human rights and HRE stemming from feminist, postcolonialist, poststructuralist and various critical schools of thought (e.g. Adami, 2014a; Coysh, 2017; Kapur, 2006; Keet, 2015; Todd, 2010; Zembylas, 2017; Zembylas & Keet, 2019). Although these criticisms vary in their emphases and schools of thought, many of them share a suspicion of universals, normativity and moral declarations of human rights. Often the governmental discourse (e.g. by the UN) is seen as suspicious or problematic (Keet, 2015; Coysh, 2017).

Something I found problematic was the current criticisms' emphases on anti-normativity, anti-universality, anti-morality and anti-realism. Questioning of normativity, universality and morality connect to suspicion on the use of power; who gets to decide the “norms”? Is the proclaimed “universality” truly universal, or does it consist of a set of assumptions that reflect the values of the powerful (Kapur, 2006)? Are human rights used as “trump cards” to suffocate political discussion (Ignatieff, 2001)? Anti-realism means a disconnect of some social sciences from the real existing human rights system. It seems that because of the corrupt or hypocritical use of power in the world, the whole human rights project is found to be suspicious. However, I would emphasise the distinction between morality and the corrupt, pejorative uses of “morality” (Gaita, 2000). The hypocrites do not have the right to define the moral philosophical use of concepts. If the liberal “subject of rights” is depicted as “white, Christian and propertied male” (Kapur, 2006, p. 673) we should use moral criticism to challenge these kinds of distortions and exclusions.

While these criticisms are valuable and important to listen to, one of the biggest problems in the current critical HRE scholarship is how to distinguish these accounts, philosophically, from relativism. How do they avoid relativism, if universalism, normativity and morality are questioned? Some have suggested the ethics of Levinas and the responsibility stemming from “the Other” (Douzinas,

2000; Todd, 2010). While these are important contributions, it would be important to reach beyond the dyadic I-Other relationship in ethics. Many accounts claim that we need more ethical reflection (Kapur, 2006; Keet, 2015) but this project is still incomplete. One of the contributions of this thesis is trying to bring this discussion on morality forward while simultaneously paying attention to the criticism.

In this thesis, I have defended a theory that has hitherto been neglected in the critical HRE scholarship: nonideal theory. My suggestion is that nonideal theory and the nonideal HRE I suggest can include the criticism but does not deny the non-bargainable moral core of human rights. Thus, to respond to RQ3, nonideal HRE can enhance the way for critical HRE that critically evaluates the ideals of HRE but does not deny the necessity of structures of society or core moral principles. Thus, it takes a realistic stance toward society, emphasising urgency in response to injustices (Shklar, 1989). Consequently, I argue that nonideal HRE has the potential to overcome the impasse between universalistic accounts of human rights and their feminist, poststructuralist and postcolonialist criticisms by offering a way that is both sensitive to criticism but does not deny the universal moral core. This universal moral core is articulated through the notion of nonideal universalism (cf. Ackerly, 2008; Khader, 2018; Shklar, 1989).

In sub-study III, this nonideal universalism was described through the negative concept of dehumanisation. I grounded the forms of dehumanisation as connected to the invisibilities of inequalities and human rights violations (Ackerly, 2008). I claim that, by putting resisting dehumanisation at the centre of education and nonideal HRE, this resistance can dismantle the theoretical polarisation between the classic human rights accounts and various critical theories: dehumanisation can be seen as the counterside of positive ideals like human dignity, ubuntu or common humanity⁶⁰. Appeals to resist dehumanisation connects critical theories ranging from decolonialism and feminism to critical pedagogy (Abu Moghli, 2020; Fanon et al., 2021/1961; Freire, 1972; Mikkola, 2016; Rorty, 2011; Wynter, 2003). A crucial part of the force of nonideal HRE is enhancing the political and moral imagination of students against actual cases of dehumanisation. I suggest that educating to resist dehumanisation is crucial for preventing human rights violations ranging from invisible and subtle mistreatment to genocides.

I have defended dehumanisation as providing a basis for immanent criticism that connects to the wider nonideal approach to society that Shklar describes in her philosophy (Shklar, 1986, 1989, 1991). Furthermore, Shklar's philosophy has not

⁶⁰ Positive moral ideals vary; moral philosophical approaches to human rights have described the importance of human dignity (e.g. Nickel, 2021; Tasioulas, 2015); Gaita describes common humanity (Gaita, 2000) and South African responders have described ubuntu as the philosophical background of human rights. *Ubuntu* is African philosophy emphasising community, compassion and relationality (Becker, 2021, pp. 56–67).

been previously utilised in the critical HRE discussion. Nonideal HRE has the potential to revisit and include concepts like response-ability (Bozalek & Zembylas, 2023) to overcome privileged irresponsibility (Tronto, 1993) and increase responsiveness to injustices. Shklar's moral and political philosophy offers a philosophically fruitful and promising way out of the problems concerning current critical HRE (anti-realism, moralism, normativity). I have defended a reading of Shklar's philosophical normative content along the lines of Bajohr (2020). I am aware that many draw on Shklar to inform their anti-foundational approaches to, for example, human rights (Stullerova, 2014) but I agree with Bajohr (2020) that reading Shklar does not support full anti-foundationalism. This discussion is still in the beginning and there is room for various interpretations. I have read Shklar as providing a current and promising approach to analyse the ills of our time (rising authoritarianism, polarisation, crumbling of common values). Shklar's criticism of utopia, uses of power, law, and a realistic approach to politics does not lead to a dystopic mindset (Benhabib, 1994) but, rather, emphasises injustice.

Shklar's philosophy has a sense of urgency in its need to respond to injustice and cruelty; that is the *summum malum*, our "moral imperative" that in our nonideal worlds always remains – unfortunately – current. This requires forms of teacher education that can offer student teachers places to *see differently* (Ackerly, 2008) or facing humanity (Todd, 2010) with its dark side; that is, seeing the inequalities and injustices through enlivening political and moral imagination. However, this is not just a negative task; I suggest that the injustices clarify the importance of ideals such as caring for and respecting others, justice, human dignity or common humanity.

This thesis has approached HRE with an unprecedented combination of educational science, human rights law and moral philosophy. It therefore contributes to many debates from a new perspective: human rights law should be taken more seriously in educational sciences and the specificities of educational science and moral education are relevant for successful HRE. The reduction of morality to a pejorative "trump card" (Ignatieff, 2001) reflects the poverty of the current understanding of morality in social science (cf. Freeman, 2011). This kind of reduction loses the many ways of talking about justice, rights and care in education that are crucially moral questions.

6.3 Transcending disciplines and sectors of society – Educational, moral and legal perspectives complementing each other

One conclusion that emerged during the research is that the disciplinary lines or boundaries between fields (education, law, philosophy, sociology) can hamper the enhancement of HRE. There are several ways in which this division of roles or

labour prevents progress: policy lines hamper cooperation between education, human rights and equality policy. The strict lines between disciplines in universities can lead to neglect of the reality of other disciplines' achievements: for example, problems emerge, if education refuses to take seriously the advancements in human rights law (see sub-studies I & II); lawyers may not take seriously the importance of respecting the autonomy of educational institutions or the criticisms by feminists or critical scholars (Rhode, 1991; Tallgren, 2023); policy actors neglect the research results of social scientists that the best way to influence structural problems is not short-term projects (sub-study II); philosophers might neglect practical implications or feminist criticism concerning theorising of human rights (Hessler, 2023). I will present in this section these problems in relation to HRE through law's ideals, political ideals and moral ideals.

Concerning the law's ideals, lawyers may hold to the ideal that the law is enough. If there is a gap between the law's principles and realities, it might be fixed with more regulation or law (Sandefur, 2009, p. xvi). In the case of human rights, lawyers have suggested more oversight of laws for education (see Mäntylä et al., 2021). While there might be pros to this – for example, repairing the inability to deal with serious bullying and the protection of children – there are possible threats that I already presented in the form of the legalisation on education. External law enforcement should be a last resort. We should invest in the prevention of human rights violations, and HRE is crucial for this with its underutilised enormous potential.

What comes to political ideals, political actors may have a belief that the current forms of making policies, such as short-term projects, are enough. Or that if we have politically normative documents such as the curricula where human rights are included, the rest takes care of itself. This thesis' results indicate that this assumption is a mistake (sub-studies I & II). One big problem that has emerged in this research is the distance between policy sectors like educational policy, human rights policy or equality policy. If educational policy neglects suggestions from human rights and equality policy (as presented in sub-study II), enhancement of HRE in education is prevented. It seems like educational policy driven by the MinEdu in Finland prefers to operate with concepts other than human rights⁶¹. The conclusion is that cross-sectoral cooperation is needed.

Regarding moral ideals, people may have the belief that because their values are equality or they think that they act respecting human dignity, they are good people or teachers. This idea connects to the idea of moral innocence as the incapacity of

⁶¹ For example, economic and working life concerns are increasingly referred to (Säntti et al., 2021) or digitalisation has overtaken MinEdu's other priorities such as climate change, equality and human rights when resources are distributed (see Brunila & Kasa, in press/2024). In projects, MinEdu refers to equality (MinEdu, 2016, 2019a, 2019b).

doing wrong outlined in sub-study II. On the level of policies and institutions like teacher education, value commitments such as democracy and human rights (cf. Rautiainen et al., 2014) can be seen as a – false – guarantee that democracy and HRE are already in order. Having a value does not automatically lead to acting in accordance with this value or principle. *Thinking* that a moral ideal is important is not enough. It can lead to the neglect of human rights law or the actual societal measures to claiming human rights. In the current state of HRE in Finland, the right to HRE (UN, 2011) is neglected in the sense that all students and teachers would get an education on human rights in a nationally equal manner. One reason is the alleged moral “exceptionalism” regarding human rights and education which leads to the neglect of HRE. If we want to secure any form of transformative HRE, we need to condemn the hypocritical uses of human rights language that, for example, depicts stereotypical lines of recrimination between nations.

To conclude on the interdisciplinary contribution, I claim that the overly strict divisions between disciplines or lines of policies hamper the enhancement of proper HRE. As I explained in the part on interdisciplinarity (3.1.), I see that all disciplines have an important function in producing specialised knowledge of certain topics (e.g. law, education, philosophy). In many socially scientifically relevant phenomena like human rights and HRE, an interdisciplinary approach is crucial for the proper understanding and successful implementation of them. The division of disciplines or fragmentation of sectors in government can create and uphold problems of practice. The interdisciplinary approach I have suggested has the potential to narrow the gap between theory and practice or ideals and realities that many have problematised (Rhode, 2004; Sandefur, 2009; Zembylas, 2017).

The general contributions of this thesis can offer novel insights into the philosophy of law on human rights as well as a novel approach to critical HRE. In educational terms, this thesis contributes to understanding HRE’s connection to moral education and complements equality education with the emancipatory potential of the whole existing human rights system.

6.4 Suggestions for future research and critical reflection on the results

This thesis could only take the first steps toward novel theorisation or understanding empirically what the situation of HRE in Finnish teacher education and the education system is. Here I present several future possibilities for empirical and theoretical research as well as critical evaluations of the choices and results of this thesis. There is a general scarcity of HRE research in Finland (Kylänpää et al., 2024; Lehtomäki & Rajala, 2020; sub-study I). Thus, future empirical research is full of possibilities in Finland. For example, because this thesis’ data comprises preservice teacher education, it would be interesting in the future to understand

how in-service teachers see the possibilities of including HRE as part of their work and what kind of problems they face in pursuing it. Perspectives of children and youth could be explored on HRE with participatory methods. One interesting research topic would be a comparative study on structural and sustainable approaches to how HRE or global education can be integrated into teacher education. How have social and environmental sustainability, for instance, been included in teacher education across the world? It is urgent in the era of global crises to research and think about sustainable, structural approaches in teacher education.

Because the Finnish curricula (FNAE, 2014, 2018, 2019) are quite explicit on human rights content, it could be studied as to how the curricula are being realised. How do teachers navigate the emergence of new concepts in the curriculum and practices in education? There are some studies that focus on this (e.g. Gretschel et al., 2023; Kasa et al., 2023) but a broader examination would be important. Another topic arises from the notion, based on the slow progress of Finland's HRE practices in education. This can be described as "silent resistance" (Kouros et al., 2024) in the education sector for human rights discourse. It would be interesting – and yet challenging, because people often deny any resistance – to research what constitutes this resistance. Why is HRE seen as perhaps undesirable by teachers or educational policy actors? What are the obstacles? Connected to these problematic attitudes, it would be interesting to make a profound historical analysis of Finland's relationship with human rights and HRE, as the discourse has not been unproblematic when reflecting on the influence of the Cold War (see Halme, 2008) and Russia.

Another line of research would be the practical application of critical HRE: what do teachers think they need to be able to include critical HRE as part of their work? When it is practiced, what can go wrong? There are only a few studies and reflections on this (Todd, 2010; Zembylas et al., 2017). How do students and children perceive the best way to learn about human rights and do critical HRE? The form of critical HRE I suggested, where critique, morality and law are balanced, is admittedly demanding for teachers; they would need at least a minimum understanding of human rights law, reflect their stance on moral dilemmas, awareness of critical perspectives and readiness to undergo further training. To this end, a professional and research-based continuing education would be a good option for teachers. This kind of education could also provide places to research and discuss the occurring problems in the practice of education, and researchers could provide up-to-date research results.

Conclusions about the inadequacy of the state of HRE in Finnish teacher education can be questioned by pointing out that human rights related topics are or might be taught implicitly in teacher education. There is no comprehensive view of what happens in each lesson across teacher education units. However, educational

research is always limited and often operates with small data which can still be informative. Yet my conclusions are based on all known available resources and research we have on explicit HRE from Finland before this thesis (e.g. Gretschel et al., 2023; Human Rights Centre, 2014; Kylänpää, 2022; Mahler et al., 2009; Matilainen, 2011; Männistö et al., 2017; Rautiainen et al., 2014; Toivanen, 2007) and data constructed in this thesis. The focus on explicit HRE can limit the exploration of practices for social justice; indeed, researching everything related to equality, social justice or sustainability would have been beyond the scope of this thesis. Furthermore, I have emphasised the strengths of choosing explicit HRE to democratise rights and educate people that can utilise, criticise and evolve the human rights system in resisting injustice.

There are several possibilities for theoretical and philosophical research in the field of HRE because theoretical research is scant on HRE (Coysh, 2017; Al-Daraweesh & Snauwaert, 2013). There are manifold ways to explore further the theoretical background and strengthen the arguments behind human rights, HRE and critical HRE. In the future, it would be interesting to see more critical human rights and HRE research that provide options beyond postmodernism and poststructuralism without collapsing to the “orthodox” accounts or simplifying legalism. This is not merely a theoretical interest but important in responding to the disillusionment and distrust of human rights.

One option would be in analysing the foundationalism and anti-foundationalism discussion in the context of HRE, which has already been studied concerning human rights (Kuosmanen, 2014): What particular questions arise in the foundations discussion concerning education? Thus far a somewhat neglected line of critical HRE research would be the explicitly feminist forms of HRE: what kind of HRE would we get if we paid special attention to the feminist philosophising? This work has been done by some, for example, utilising postmodern and relational theorising (Adami, 2014a, 2021; Todd, 2010) but there are many other philosophical directions to take: what kind of critical feminist HRE would emerge from care ethics? Feminist theories on moral and political education have emphasised, for example, care and attention (Glendron, 2016; Smeyers, 1999; Tronto, 1993). Attention could have been another possible theoretical route to approach the topic of invisibility that I presented in this thesis. Much more research is to be done on analysing the relationship between moral education and HRE. Furthermore, eco-feminism would be an interesting theoretical approach for evolving HRE that is more responsive to posthumanistic concerns (Bozalek et al., 2019; Plumwood, 1993). Moreover, critical HRE scholarship could benefit from Black or Afrofeminist openings (e.g. Salami, 2023). This thesis contributes to the feminist discussion through nonideal theorising which has been enhanced by various feminist philosophers in metaphysics, philosophy of education, and societal

research (Ackerly, 2008; Anderson, 2013; Mikkola, 2016, 2018; Khader, 2018). However, this line of research could be developed much further.

While the presented nonideal approach provides theoretically novel insights into the current critical HRE discussion, there are critical aspects to consider when taking this direction. If one commits to nonideal theorising, is there a threat of devaluing the ideals? Perhaps an account between ideal and nonideal theory could be more suitable in education (e.g. Thompson, 2015). The problem of devaluing ideals can be avoided because I have presented the strength of nonideal theory being that it does not deny the ideals or normativity (Mills, 2005) but offers a methodological approach to consider and dismantle injustices. Despite this, the presented account can be criticised for being too negative vis-à-vis education. Is it not the proper role of education to provide positive moral aims? The strength of the critical approach is that as we might not agree with the positive aims, it is easier to agree that, for instance, cruelty or dehumanisation needs to be resisted. However, there is a potential problem in education that gives priority to injustices: Can it avoid breeding cynicism or despair? Adami rightly presents how there are limits in social justice education and how it might be ethically questionable to make children guilty of societal problems that they have not created and have limited possibilities to influence (Adami, 2017b). Although I agree with Todd (2002) that social justice education involves pain, nonideal HRE does not dwell on despair. Quite the contrary, presenting only the ideals – without a proper engagement with injustices that students see around them – can lead to cynicism of the purpose or relevance of those ideals. Rather, nonideal HRE offers real ways for students to influence the perceived injustices.

Another challenge for the suggested account in this thesis is the emphasis on the invisibility of inequalities and human rights violations. How can one teach something that is invisible? No teacher is outside the structure of power hierarchies, which can produce epistemic ignorance and the inability to see all the inequalities existing in society. Despite this being a demanding task, it is not the responsibility of an individual teacher. Although individual teachers have the power to choose (in autonomous education systems such as Finland) how to present the topics in education, they are not alone responsible for the systemic failures. Consequently, teacher education has a crucial role in preparing future teachers to act responsibly and offer readiness to see and repair injustices.

Overall, critical reflection on the results of this thesis may lead one to ask whether the account I suggested is critical enough. Suggesting improvements and structural changes to teacher education includes the risks of increasing governmentality, institutionalisation and mainstreaming of HRE that some may see as problematic. Those who would insist on an incessant criticism of HRE and human rights themselves as fundamentally problematic endeavours, would probably say that this approach is not critical enough. However, I share the concern

with Ely-Yamin (1993) that focusing only on criticising can lead to apathy and despair and undervaluing the hard-won historical struggles for rights. Accordingly, I suggest critical HRE that begins by repairing injustices and includes the hope that transgresses current inequalities and nonideal circumstances by enhancing the moral and political imagination. Furthermore, one future direction for critical theory would be in exploring the possibilities of post-critical theory (Hodgson, Vlieghe & Zamojski, 2017; Latour, 2004) which shares many concerns with this thesis on critical theories. There is a potential problem in critical theories where the hermeneutics of suspicion extends to paranoid reading (Sedgwick, 2003) concerning everything related to human rights. Theories criticising governmentality may fail to distinguish forms of good governance – such as ensuring fair or equal treatment – from suspicious enforcement of domination. Hodgson, Vlieghe and Zamojski emphasise that there are principles worth defending (2017). Developing post-critical theory would have been an alternative theoretical route in this thesis and is a very promising approach for future HRE research⁶².

A critical question concerning this thesis could be this, for instance: Is human rights or HRE the best form of education to enhance social justice? After all, HRE's ideas, such as treating students with dignity, can be enhanced implicitly. In addition, it is necessary to avoid legalistic education, which can turn into a top-down form of anti-education (Keet, 2015) in the worst case, if laws are presented as monolithic truths and critical reflection is denied. It is not guaranteed that teachers use HRE discourse in mindful ways: it is possible to distort HRE into conservative, acritical use of power with questionable outcomes such as “othering” stereotypical images (e.g. Okafor & Agbakwa, 2001). Consequently, it is not self-evident that simply increasing human rights knowledge or HRE in teacher education would translate into ethical and critical practices. Accordingly, critical reflections and research need to always be included in HRE. It is an endless task in our incomplete, unequal, nonideal societies and world.

One of the biggest philosophical themes that this thesis raises is the role of moral philosophy with a variety of possible directions (e.g. Gaita, 2000; Murdoch, 2014/1970; Tronto, 1993) beyond the currently used philosophers like Levinas and Arendt. This provides a wide field for future research: there would be a need for more detailed analyses of morality concerning human rights and its practical implications concerning HRE. In this thesis, I could offer initial steps. For example, Hessler (2023) has started to analyse the feminist political approach's usefulness for the abstract moral philosophising of human rights scholars (Hessler, 2023).

⁶² In its current forms, it also involves complexities as some may perceive HRE as an instrumentalised aim of education.

Many moral philosophical questions are left unanswered in the scope of this thesis: in the current trend, the treatment of moral questions concerning society that is done in political philosophy has led to forms of immanent criticism that this thesis also contributes to. What are the possibilities for transcendental theorising of morality concerning HRE? Is there room for a moral theory that would transgress the emphasis on politics without constructing obscure metaphysical debates and concepts on which people disagree? What are the sources of moral authority when religion, rationality and shared values are losing their force? How can we transcend morally the practicalities or particulars when there is a legitimate shift to emphasise contextual sensitivity instead of abstract referrals to parochial values? How to define moral sensibility in increasingly diverse societies? The task of moral philosophers has often been to situate themselves beyond practicalities or contingencies in societies: this may lead to developing nuanced, abstract and ideal theories whose weakness may be their inability to morally motivate (Freeman, 2011) or be relevant in political practice (Hessler, 2023). However, it seems to me that there is a need for moral philosophising that can offer important abstractions of values and principles that secure their importance beyond failed practices and can resist moral relativism and scepticism. I have offered one option with the nonideal HRE but giving more answers to these broad philosophical questions is the task of future research.

6.5 Broadening moral vision and disturbing passive injustice – What is at risk if human rights are neglected?

I have perceived the nonideal HRE as being able to bridge the gap between ideals and realities, or theory and practice. Nonideal HRE can reveal the double realities of (in)equalities in education and society and help address injustices together with students. I have suggested structural change in teacher education where teachers are supported in handling these complex issues in education in our morally complex world. The global crises require putting the resistance of inequality and injustices at the core of education. Observing the trends in education, where pressures to individualised learning and competition in capitalised markets increase (Mertanen et al., 2022), casts a worry for making room for complex societal, moral and philosophical reflections in education. In this final section, I underline what is at risk if human rights are neglected.

Human rights can be a question of life and death moving along a continuum from the subtle mistreatment and invisible human rights violations (Ackerly, 2008) entangled in our mundane practices of everyday life to outright genocides. HRE is an important aspect in all education. Its proper application or neglect has far-reaching consequences in society. If HRE is neglected, society's ability to resist

injustice and defend the weak and marginalised is being compromised. People's right to know their rights is not realised and, thus, possibilities to act are limited when goodwill is betrayed, or power is abused. Ignorance of the relevance of human rights leads to weakening democracies and societies, where people fail to defend human rights as a crucial part of inclusive democracy or pillars of the rule of law. This underlines the strength of this thesis' epistemological and ontological approach: human rights should be treated as a real part of society, not just as empty rhetoric, discourse or power battles (Dembour, 2010).

Critical HRE is a crucial part of enhancing global justice – and as I would suggest, *seeing global injustice* in the first place – in our world in crises. We are already witnessing the crumbling of global international hard-won historical achievements and orders. Education plays a key role in resisting dehumanising moral disasters such as World War II, and the promise of better when the human rights system was begun in earnest. UDHR (1948, preamble) states how “*disregard and contempt for human rights [...] have outraged the conscience of mankind*”. Moral societies depend partly on the moral conscience of people. I have suggested that this moral conscience can be educated by emphasising a sense of injustice, broadening moral vision and disturbing passive injustice through enlivening the political and moral imagination.

The topic of moral conscience resonates with the death of thinking that Arendt described after watching Adolf Eichmann on trial after the fall of the Nazi regime on crimes against humanity⁶³. Arendt asked, “*Could the problem of good and evil, our ability to distinguish right from wrong, be connected to our ability to think?*” (Arendt, 1978, pp. 4–5). Arendt describes thinking as a lonely endeavour which it is. In education, I would emphasise also the relationality, moral and political imagination that can be distorted or repaired in relation to others. The nonideal approach of this thesis has outlined persistent forms of ignorance within education which can also be remedied through education. From a nonideal perspective (e.g. Shklar, 1984), vices like stupidity and ignorance are a constant part of human life. If we want to educate people who do not contribute to injustice or participate in passive injustice, perhaps the ability to recover moral conscience (Bryan, 2022) and broaden moral vision is one of the most urgent tasks of education amid global crises. In this, critical HRE and the approaches suggested in this thesis offer a way to recover the moral conscience and resistance to oppression and injustices. Nonideal HRE can broaden the moral vision to see invisible injustices, disturb the false excuses from responsibility, and overcome the distortions of vision concerning HRE.

⁶³ Eichmann responded to the judge in Jerusalem “*Officialese [Amtssprache] is my only language*” (Arendt, 2006, p. 48) when he was asked to describe a response differently. Arendt described this as Eichmann's inability to think beyond clichés (Arendt, 2006, pp. 48–49).

Negative concepts like invisibility and dehumanisation as theoretical and practical starting points can help teachers to foster moral imagination, vision and ways to work together to solve real societal problems. However, this requires proper teacher education that provides profound critical HRE, which currently appears not to be the case. Nonideal HRE does not lose sight of the moral core of HRE and is sensitive to injustices. Despite being incessantly critical, instead of cynicism, apathy and despair, it offers hope that grapples with our real incomplete societies. It is a dialectic of nonideal circumstances – critique, failures of humanity – and on the other hand, the defence of core values, morality and hope to repair parts of our world. It is about justice *enhancement* without aiming to perfect justice achievement (Sen, 2009). Nonideal HRE respects the barebones of our society – including principles of human rights – as resisting the worst atrocities and preventing no one from sinking, while hoping we can all do more. Finding respect for the non-bargainable universal moral core of human rights is necessary amid polarising societies and in a world, where global cooperation is required to solve global crises.

7 Epilogue – Planting seeds in the ruins

Human-rights work can be put into two categories: seed planting and fire brigade. In the long-term, the former is of greater strategic significance even if the latter remains urgent at all times. (Ramcharan, 2018)

Some atrocities escape words. Reflecting on the world right now and ongoing human rights violations is painful. As I have been typing this, Israel has bombed civilians, hospitals, schools and children in Gaza, and the escalation recently extended to Lebanon. Israel is accused of genocide (International Court of Justice [ICJ], 2024; International Criminal Court [ICC], 2024a) and gross neglect of international humanitarian and human rights law is occurring in the wake of Hamas's attack on Israel, killing civilians on 7 October 2023. Over 40,000 Palestinians and 1,200 Israelis have been killed (UN Office for the Coordination of Humanitarian Affairs [OCHA], 2024) and over 20,000 children are missing (Save the Children, 2024). In Sudan, 11.5 million people are displaced (UN High Commissioner for Refugees [UNHCR], 2024). Some of the atrocities call to mind Gaita's concept of the morally unthinkable (Gaita, 2000): for instance, drones shooting civilians – and especially children – to death, if they survive the bombing of crowded places⁶⁴, exceeds one's understanding. Are we really witnessing this? Have we not learned anything from history? Despite feeling devastated, we need to rise up to resist dehumanisation and injustices – how to plant seeds in the ruins? These past years, especially the last two, have been a terrible and heartbreaking time to write about human rights and to finalise this thesis. Crises have been escalating to new heights with no end in sight during the progress of this thesis.

Remembering back when I started working with human rights around 2014, ten years ago, the journey of human rights globally has been going downhill. Although some say the '90s were the golden age of human rights, it might be ahistorical to claim that enhancing human rights has ever been easy. Human rights are often a result of struggle (Osler & Starkey, 2010). My time with human-rights issues has been witnessing the worsening conditions for the international world order.

⁶⁴ See e.g. BBC 13.11.2024: "Gaza surgeon describes drones targeting children" <https://www.bbc.com/news/articles/c78q3vpy2gqo>

Although human-rights actors started to point out many warning signs already ten years ago (and many before me), I could not anticipate what was coming. Still, many warnings from human rights advocates have not been taken seriously by governments and other stakeholders. Looking back a decade, one can start, for instance, with the Syrian war, the refugee movement in 2015, increasing hate crimes in Finland (Rauta, 2017), worldwide success of authoritarian and populist leaders, increasing polarisation, advancement of an anti-gender movement (Honkasalo, 2022), and setbacks for sexual and reproductive rights (e.g. in US, 15 states banned abortion, Amnesty, 2024). The global Covid pandemic hit in 2020, deepening inequalities. After Russia's extended invasion of Ukraine in 2022, it can be said that a new era began, in which some countries do not even pretend to respect human rights anymore. In 2023, the Taliban erased women from public life in Afghanistan (Amnesty, 2024). Last year, 2023, in Finland, hate crimes were at their highest peak since record-keeping began (Rauta, 2024). Donald Trump was again elected in November 2024 as the US president, despite sexist, racist and criminal behaviour. Climate change proceeds with inadequate responses from governments. I remember listening to children making excellent – and wiser than I have heard from many adults – speeches on the necessity of climate action in front of the Finnish Parliament house in 2019. Greta Thunberg's words rang in my head "*This is all wrong. I shouldn't be up here. I should be back in school*"⁶⁵.

After the events of 2023, Amnesty reports how the promise "never again" that was made after World War II is crumbling (Amnesty, 2024, x). That promised future is eluding us now and shows, instead, how the situation is ever worsening and challenges us to bring our will and abilities to stop these developments. As I have suggested in this thesis, perhaps our way to a better future is to "face humanity" (Todd, 2010) in its full sense. In the face of these events, the functional emphasis of human rights is shifting even more toward the "fire brigade" (Ramachadan, 2018). Amid dark times, today, 21 November 2024, as I am finalising this last section of this thesis, the ICC has issued arrest warrants for Benjamin Netanyahu, Yoav Gallant and Ismail Haniyeh for crimes against humanity and war crimes committed (ICC, 2024b).

At the same time, looking back ten years in Finland, human rights took a historical step forward in the Finnish curriculum in 2014. In addition, there has been increasing attention to HRE in the last decade in Finland. In my view, agreeing with Ramachadan (2018), HRE can be a significant "seed planting" for the socially sustainable future of constitutional states. Talking about HRE and being aware of the developments in the world, it has been painful to confront the rhetoric of exceptionalism in Finnish education which creates the image that HRE is not

⁶⁵ Thunberg gave a speech at the UN Climate Action Summit in 2019.

needed. How easily we forget the past. How easily we close our eyes to the injustices near and far. Possible lessons to be learned are that governments would benefit from listening to human-rights advocates (cf. Ackerly, 2008). Reacting to the root causes of suffering and inequalities might help humanity overcome the potential group narcissism (Fromm, 1967) – meaning how people extend their narcissist self-interest to a group that doesn't care for others – that lives and thrives in uncertain times and enhances authoritarianism. This requires long-term thinking and getting back to basics.

I am just hoping we choose to foster education, truthfulness, moral reflection and plant seeds for a better future in the ruins with emphasis on equity, human rights and sustainability. I agree with Freire's idea of critical hope as an ontological need that requires practice to become historically tangible: without hope, we don't even have a struggle (Freire, 2004, p. 2). Gaita describes the fundamental role of love in our lives (Gaita, 2000). Recent happenings and the pain involved have made me think about how love and pain are intertwined. We feel pain and grief when something important is broken. Gaita and Simone Weil describe how often the worst forms of evil and suffering escape rights' discourse (Gaita, 2000). However, rights are a way to talk institutionally and societally when the order is unjust (Freeman, 2011). We need the language of love and care, but we also need institutions in our fraught world. Gaita describes a shared wish in humanity to: *"[S]ee me fully as a human being, as fully your equal, without condescension"*. Often this takes the form of social justice *"because of its insistence that our state and civic institutions should, to the degree that is humanly possible, reveal rather than obscure the full humanity of our fellow citizens."* (Gaita, 2000, p. 72). Ethically responsible and sensible HRE may foster ways of being that respond to this shared wish – resisting dehumanisation and supporting institutions that resist injustice.

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