The rise and fall of human rights in English education policy: inescapable national interests and PREVENT

Robert A. Bowie
bob.bowie@canterbury.ac.uk

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**Abstract**

The article interprets changes in human rights education (HRE) in English school policy on values which have increasingly been framed by PREVENT and a move from international to national expressions of values. It reveals the extent of the impact and nature of this change on HRE in school policy for the first time. It reports changes from minimal to maximal expectations compounded by an increased focus of school performance. It broadly illustrates the extent to which values is politically framed and significantly how recently ‘sudden’ political changes in the UK can be seen as part of a change trend which is almost 10 years old. It draws on Schwartz’s theoretical structure of values, Baxi’s conceptualisation of rights and Lohrenscheit’s notion of learning *about* and learning *for* human rights as these respectively reveal conceptual clarity in values, human rights and pedagogy.

**Keywords:**

Human rights, British values, curriculum, policy, civic, national, values, prevent

Robert A Bowie is Principal Lecturer in the Faculty of Education at Canterbury Christ Church University, UK.

The rise and fall of human rights in English education policy: inescapable national interests and PREVENT

Robert A. Bowie\*

Faculty of Education, Canterbury Christ Church University, UK

\*Corresponding author. Faculty of Education, Canterbury Christ Church University, Canterbury, Kent, CT1 1QU, UK Email: bob.bowie@canterbury.ac.uk

Though 2016 was marked in the UK by political changes that seemed to suddenly and unexpectedly overturn development towards an international rule based approach to governance and values, through the referendum vote to leave the European Union, this article shows that this political change was clearly signposted by the the PREVENT and Fundamental British Values policy agenda.

It was said that this was the age of universal human rights (Henkin, 1990: xvii), a binding global ethic founded on universal values and mutual respect. However, the professed universality of human rights is implicitly and explicitly questioned in international human rights statements themselves (UN General Assembly, 1993) and by scholars who identify their western nature and origin and limitations (for example Baxi, 2003:104; Pannikkar and Sharma, 2007: 61-63). Nevertheless, the hope that many cultures could find commonality with aspects of commonality in western articulations of human rights (Pannikkar and Sharma, 2007; UNESCO, 2015) and a worldwide rise in human rights education was a feature of this age (Ramirez et al., 2006). This impacted on English education policy since the signing of the *Convention of the Rights of the Child* (hereafter CRC) (UN General Assembly, 1989) but a period of change has interrupted the internationalizing march of this ‘age’ in the UK fuelled by concerns linked to international and terrorism PREVENT. The article draws on national curriculum guidance including advice from Ofsted (the inspection agency for English schools) which brings inspection implications and legal requirements of schools.

This article utilises three lenses to interpret how the policy documentation addresses and situates rights, offering conceptual clarity in important ways. Shalom H. Schwartz’s research on universal values offers a theoretical scheme (1992, 2005) that interprets values by their motivations. His scheme incorporates conflicts and congruities including self-transcendence (universalism and benevolence), conservation (conformity, tradition and security), self enhancement (power, achievement and hedonism) and openness to change (self-direction, stimulation and also hedonism). Applying Schwartz’s scheme to rights references in policies reveals their conceptual framing. Rights can one the one hand be conservational, as articulations and expressions of national values and character or on the other, they may denote the liberties of the citizen freeing them from state oppression.

A second conceptual lens overlaps Schwartz’s scheme with specific historic concepts of rights. It is informed by Upendra Baxi’s broad analysis of the characteristics of rights and his distinction between ‘the rights of man’ and ‘universal and international rights’. The ‘rights of man’ of the 17th, 18th and 19th centuries in European philosophy and political thought were conceived as civil or national rights of citizens. They sought to emancipate (male) citizens and sometimes could be linked to international movements, the clearest example being the link between France and America with Thomas Payne and the *Declaration of the Rights of Man* and the *US Constitution* (Baxi, 2003; Moran, 2013). However, rights can be seen as revolutionary or empowering for all if they are universal and international (Baxi, 2003). It is the professed intention of the UN declarations and conventions on human rights that they should have this revolutionary or empowering force. They should transcend national interests and situations enabling and empowering an individual offering basic legal protections from their government. Their intergovernmentality and universal recognition express aspirations that supersede national sovereignty in the hope of safeguarding citizens from abuse by government. Whether these aspirations are fulfilled is debated. Some argue their generality and lack of precision permits much wider diversity at the level of implementation even to the extent of undermining their universality and power (Posner, 2014). Others reject this criticism (Hannum, 2015) on the grounds it fails to recognize that the key purpose behind contemporary international human rights was to safeguarded those excluded from legal protections.

Baxi’s account of contemporary *international* human rights is a maximal vision of rights for humanity, involving the protection of rights for every human being, irrespective of citizenship, nationality, culture, creed or any other distinguishing feature. In this international vision of rights, all can come to the table and share their stories of injustice and suffering in the contemporary human rights era (Baxi, 2003). Baxi’s lens complements Schwartz’s theoretical scheme specifically focusing on the contours of rights discourses in recent times. Baxi (2005) concludes that human rights are the product of struggle which includes resistance against some features of global capitalism while Osler claims (2015) HRE is a site of struggle for human rights and democracy. A key dynamic in changes in education policy identified in this article is the movement from reluctance to an embrace of the internationalism and universalism of human rights, followed by a return to a more nation focused conserving conception of rights.

A third lens illuminates the educative dimension with the distinctions between learning *about* rights and learning *for* rights. Lohrenscheit (2002) describes learning about rights in terms of knowledge and understanding of the origins, history and relevance of human rights, rights controversies and debate and human rights practices and processes. Tibbits (2002) sees two variants within this. One concerns values and awareness of rights and the other professional accountabilities. Learning *for* rights enriches and brings change, even transformation which entails empowerment, solidarity, resistance and struggle. Such education is a matter of justice and is essentially political for it seeks to redress power imbalances. This pedagogical lens compliments both the theories of human rights and the categories of values, articulating the kind of transformational change education might realise.

**The possibility of an age of rights in education**

The CRC (UN General Assembly, 1989) (ratified by the UK in 1991) brought a legal duty to uphold the articles of the convention and the education obligations for all children which include the development of respect for human rights and fundamental freedoms (UN General Assembly, 1989: Article 29 1 a-e) as well as respect for parents, cultural identity, language, national values and for civilisations different from his or her own background. This education should prepare the child for life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin, as well as respect for the natural environment. This is what is commonly meant as *Human Rights Education* (hereafter HRE) (Lenhart and Savolainen, 2002; Reardon, 1995; UNESCO, 1998; UNHCR, 2005).

HRE incorporates a diaspora of moral educational projects including peace education (Tibbitts, 2008), citizenship (Osler, 2000), education for sustainable development (Jensen et al., 2015) and personal moral development (Covell and Howe, 2001). Studies have shown that the commitment to the CRC and the effectiveness of implementation is affected in local contexts by constitution and culture. Bromley’s (2011) study of civic education text books used in British Colombia in Canada saw human rights framed within national identity. Al-Nakib’s (2012) study of a school in Kuwait reveals the difficulty of developing education for human rights and democracy in an authoritarian structure. The engagement was thin and perceived to be a threat, such that the initiative was quickly curtailed. İnce’s (2012) study of civic education textbooks in Turkey identifies the difficulty of developing rights in a context where policy emphasises the dominant identity at the expense of significant minority groups. These illustrate aspects of the distinct multilayered national and international dynamics within HRE. Human rights can be conceived as a foundation of national identity (Canada), as a superficial covering of distinct national politico-cultural structures (Kuwait) or as a threat to national identity (Turkey).

Establishing the balance between respect for human rights and fundamental freedoms and national values in education policy is challenging. There is a risk of a democratic deficit brought on by the loss of national civic identity and duty (Etzioni, 1993; Glendon, 1993), and a risk of western colonial reach (Adelman, 2011; Wang, 2002). Universal human rights may undermine local embrace (Al-Daraweesh and Snauwaert, 2015). This research suggests that insecurity around national values creates a desire to assert or consolidate established traditions and undemocratic forms of government are resistant to the democratising and inclusive agenda implicit in HRE. It suggests HRE depends upon genuine change in governmental structures in matters of democracy or lessons taught will always be subverted by a reality that pupils perceive.

International priorities for education are situated alongside national priorities. In the UK, the signing of the CRC coincided with the establishment of a National Curriculum for English Schools in the 1988 Education Reform Act. A commitment to an international education was made as the government took national control over curricula. This began the period in which different UK governments engaged with HRE within national education policies and wider public life. Human rights were linked to English law through international conventions and through the Human Rights Act (1998).

**From reluctance to ardent advocacy of human rights**

There was no mention of *human* rights in the national education documents on moral education produced under the Conservative Government in the period after the 1988 Education Reform Act. Though the UK had signed the CRC in 1990, and ratified it a year later, policy on moral education and values did not adopt the language of the CRC. English schooling should have civic and national moral qualities and Sir Ron Dearing, chairman of the *School Curriculum and Assessment Authority* (SCAA), published his report in 1993, suggesting the curriculum ‘… should develop an appreciation of the richness of our cultural heritage and of the spiritual and moral dimensions to life. It must, moreover be concerned to serve all our children well, whatever their background, sex, creed, ethnicity or talent’ (Dearing,1993:18). Spiritual and moral life was linked to historic notions of culture and identity. The 1995 publication following the Dearing review suggested school values should include respect for the rights and property of others (SCAA, 1995:5) a feature of the British rights tradition with its connotations of ownership and privilege.

Prior to the election of Tony Blair in 1997, English curriculum documents did not specify human rights in guidance on moral education. Rights and responsibilities (of the citizen) remained the main articulation of any kind of rights education well into the New Labour government period. In 1999, a stated aim of the curriculum referred to responsibilities and rights (DfES/QCA, 1999) as part of children’s spiritual, moral, social and cultural development (hereafter SMSC).

The general moral idea of civic rights and responsibilities was located in SMSC documentation which contained the more developed guidance on moral education for English schools. These notions differed from the wider ranging and expansive notions of a global moral code conjured by the *Universal Declaration of Human Rights* (UN General Assembly, 1948). Expansive and socially transformative commitments that feature prominently in the UN documentation and wider international discourse on human rights, go beyond property rights and civic duties and emphasise protections and entitlements that the state is held accountable to rather than a concept of national rules. The curriculum did not specifically require the study of the *Universal Declaration of Human Rights* or the CRC.

SMSC documents did not advance a strong ‘statist’ vision of national rights. They did not assert a detailed account of national morality with particular virtues, values or moral norms aligned to a particular system or national narrative but there were some suggestions of the essential ideas that English schools should promote. *National Curriculum Handbooks* articulated these values: ‘We value truth, freedom, justice, human rights, the rule of law and collective effort for the common good’ (DfEE and QCA, 1999: 147-149). The guidance suggested there was general agreement about the values that schools could base their teaching and ethos on and expect the support and encouragement from society about (DFES & QCA, 2004: 219). The 1999 *Inspection Handbook* also focused on encouraging students to develop their own values sets and learn to manage living in a society with the different values around them. This was to entail:

[…] extending pupils’ knowledge and understanding of the range of accepted values in society; developing relevant skills and attitudes, such as decision-making, self-control, consideration of others, having the confidence to act in accordance with one’s principles and thinking through the consequences of actions; and promoting at an appropriate level, an understanding of basic moral philosophy and the skills of analysis, debate, judgement and application to contemporary issues. (Ofsted, 1999: 68)

The focus of the policy was the development of pupils’ own morals as well as an awareness of diversity of moral views in Britain rather than the promotion of a strong shared national consensus around values or indeed a universal moral culture of rights. The focus was on negotiating a plural and relativist environment as an individual and regulating personal behaviour through the teaching and promotion of principles rather than reward or fear of punishment. There was not a strong sense of transcendental aspiration, change or transformation. Human rights were mentioned but international documents were not. Particular historical narratives of liberation (for example anti-slavery and women’s emancipation) were not linked to an national account of rights though they are part of the development of human rights (Freeman, 2002; Hunt, 2008). There seems to have been a general reticence towards either a strong promotion of national values or a radical universalism.

Change did not come quickly. In 2003, Ofsted issued detailed guidance on teaching SMSC*.* Pupils were to explore and develop moral concepts and values including rights and responsibilities as things to be valued and appreciated (Ofsted, 2003: 17, 20). Education about rights was portrayed as an important component of moral education alongside the other important moral values mentioned previously, including truth, freedom, justice, law and collective effort for the common good. Moral education continued to be seen as supporting the pupil’s own knowledge of their own principles and those of others, along with a shared sense of respect and consideration but this did not amount to either a maximal vision of national values to be enforced, or participation in the global project of international and universal human rights. Instead the emphasis seems to have been reflective of a personally-subjective, and culturally-relative approach to moral education. Pupils clarify their values learning *about* more than *for*, without a particularly concrete articulation of a shared moral vision.

Universal and international human rights were present in other parts of the curriculum. From its introduction to secondary schools in 2000, citizenship education provided a focus (Banks, 2007; Gearon, 2003, 2007; Smith, 2003) for Lohrenscheit’s learning *about* human rights as it concerned the ‘knowledge of the genesis, history and relevance of human rights and central human rights documents and instruments and the differing controversies and facets of them’ (*National Curriculum Handbook,* 2002: 176). The curriculum documentation focused on knowledge and understanding rather than social transformation.

**A curriculum *for* human rights**

By 2007 the policy was changing with a clear move emphasizing a self transcendence and openness to change towards an international vision of rights and a commitment to societal transformation. The *National Curriculum* (QCA, 2007a) articulated the most developed promotion of a human rights culture in moral education policy. Producing people who were *for* human rights was a curriculum aim. Young people should become responsible citizens who make a positive contribution to society, challenge injustice, are committed to human rights for all and strive to live peaceably with others. Citizenship Education would address issues relating to social justice, human rights, community cohesion and global interdependence, and encourage pupils to challenge injustice, inequalities and discrimination (QCA, 2007b: 27). Students would explore different kinds of rights, obligations and responsibilities including political, legal, human, social, civic and moral. This move towards learning *for* human rights (Lohrenscheit, 2002: 176) drew together respect, responsibility, solidarity, and personal and social transformation. The motivations for these human rights values were about change and liberation. Pupils would ‘explore contested areas surrounding rights and responsibilities, for example the checks and balances needed in relation to freedom of speech in the context of threats from extremism and terrorism’ (DCSF, 2007: 29). They were encouraged to explore topical issues as a way of engaging with values and principles underpinning human rights, specifically equality (QCA, 2007b). There is here both an aspiration to ‘transmit basic knowledge of human rights issues and to foster integration into public values’ (Tibbits, 2002: 164) with a hope for societal transformation. By the end of the last Labour government, there was a closer alignment than ever before between the English curriculum and the professed aims of HRE; a closer explicit correlation between the commitment expressed in the signing of the CRC and government education policy which cast British pupils and citizens as global champions of human rights. The reticent relativity that marked earlier expressions had been replaced with a stronger moral purpose for education – that of social and global change – a universal perspective of human rights with values that transcended local circumstance. This could be considered the high water mark of a curriculum in favour of international human rights, but the tide was about to turn, as a change of government was to bring about a reversal, or at least interruption, to the rise of human rights and HRE.

**British rights for British schools (in England)**

The Conservative-led coalition government launched a new national curriculum for children in September 2014. The new curriculum continued to emphasise that, ‘Every state-funded school must offer a curriculum which is balanced and broadly based and which: promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepares pupils at the school for the opportunities, responsibilities and experiences of later life.’ (DfE, 2013: 5). The curriculum stated that moral education would provide pupils with an introduction to the essential knowledge they need to be educated without particular reference to human rights. Citizenship Education retained its place in the National Curriculum including content around the rights and responsibilities of citizens, local, regional and international governance and the United Kingdom’s relations with the rest of Europe, the United Nations and the wider world. This included human rights and international law. The new curriculum stepped back from the language of global and social change but focused on the conservation of shared national values. The new curriculum made no reference to ensuring young citizens challenge injustice or become committed to human rights.

The transformational and transcendent dimensions had been removed. The political right had been wanting to remove the *Human Rights Act* for some time and replace it with a *British* *Bill of Rights* (Horne and Maer, 2011). This was a Conservative policy pledge for both 2010 and 2015 elections (Conservatives, 2015). The Liberal Democrat coalition partner prevented its replacement initially (Klug, 2010) but the 2015 Conservative majority government has proposed its abolition and its replacement with a *British Bill of Rights*. PREVENT, fundamental British values, extremism and anti-terrorism have marked the debate around the values schools should promote in recent years. This has led to complex negotiation of how national interests stand in relation to human rights and education. In a speech about Islam and British values, the then Prime Minister David Cameron said:

I believe a genuinely liberal country [...] believes in certain values and actively promotes them. Freedom of speech, freedom of worship, democracy, the rule of law, equal rights regardless of race, sex or sexuality. It says to its citizens, this is what defines us as a society: to belong here is to believe in these things. Now, each of us in our own countries, I believe, must be unambiguous and hard-nosed about this defense of our liberty. (Cameron, 2011)

Cameron argued human rights were an essential component of liberal values and stressed they were compatible with Islam. This articulation of 'Britishness' is made at a time of heightened concern about terrorism and the radicalising of young people. Cameron refers to rights as part of the conservation of Britain's liberal values, national traditions, rather than as an expression of a shared international solidarity.

Though a comprehensive national values definition is not found in the curriculum documentation, new *Teacher’s Standards* (DfE, 2012) required teachers to show tolerance and respect for the rights of others, and prohibited them from undermining fundamental British values ‘including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those of different faiths and beliefs’ (DfE, 2013: 14). Linked to the Prevent Strategy (cf. Bryan, 2012), this was bolstered by revised SMSC requirements that schools would be inspected on (SMSC, 2014). Schools must now promote these values as a form of child safeguarding to protect them from radicalisation. Sir Michael Wilshaw, Chief Inspector of Ofsted, gave notice about changes to forthcoming inspections. Under the title ‘Achieving a broad and balanced curriculum’ his letter stated,

A school’s curriculum must comply with the legislation to give pupils the opportunity to study a wide range of subjects. In addition, provision for pupils’ spiritual, moral, social and cultural (SMSC) development should promote tolerance of and respect for people of other faiths, cultures and lifestyles. Good teaching in a broad and balanced curriculum, underpinned by an effective approach to the SMSC development of children and young people, will help to prepare them for life in modern Britain. (Wilshaw, 2014)

From 1 September 2014, inspections paid greater attention to the breadth of curriculum in this regard, and commented in more detail on its effectiveness in inspection reports. Developing tolerance and respect for others of different faiths (both key features of HRE) was retained in general policy language and education policy. This came alongside a more traditional notion of civic or national rights as part of the notion of fundamental British values which inhabited the core of a British approach to human rights, rather than advocating children become global champions to transform the world. The pendulum had swung from the late Labour Government emphasis on education for universal and transformational rights for all, to national and conservational rights of the citizen.

# Reframing values in education

It took half a century for the United Nations’ idea of HRE (UN General Assembly, 1948: Article 26) to appear as a priority for the English school curriculum. The earlier phase of the Labour government seemed more relativistic in its approach to moral education with minimal expectations around national moral agreement but towards the end of the Labour period human rights and the commitment to social and global change were expressed as moral aims of education. However, rights may be conceptualised in national or international terms. At times the English National Curriculum has included the moral aim to serve human rights (QCA, 2007a) but since 2010, under Conservative-led Governments, education policies have focused on national and civic attitudes (McLaughlin in Carr et al., 2008: 79). There has been a change to promote a national values education agenda.

Changes in moral education guidance for schools show a move from a focus on social change towards values conservation, from international values to local and national understandings of rights and values, and from a more individualist and libertarian attitude towards moral beliefs, towards a communitarian expectation. There is a retraction from the commitments made in the Labour government’s curriculum in 2007, but a more nuanced range of factors should also be observed.

First, the international human rights education project is itself one that has to negotiate difficulties, in particular around accusations that human rights are historically and philosophically western (Gearty, 2008; Pollis and Schwab, 1979: 4; Wang, 2002). The western ‘accusation’ is rejected by others (eg Donnelly, 2007 and Ramcharan, 1998) although there are well documented disagreements regarding cultural diversity and universality in international human rights conferences and statements that advocates of HRE acknowledge (Baxi, 1997). Asserting national values on grounds of tradition is arguably easier than trying to promote global universals in a time of global uncertainty, terror and conflict.

Second, key themes from HRE remain in guidance on moral education, notably around tolerance and respect for those of different faiths. There are some striking similarities in the language of some of the text in the values labelled ‘fundamental and British’ and the language of HRE in international documents, which both refer to tolerance, respect, freedom and democracy (UN General Assembly, 1989; DfE, 2014). The context around this language might lead to differing interpretations but the language is not significantly different.

A third observation relates to the focusing, labelling and framing of fundamental British values as national, rather than international, and particular, rather than universal. The substantive difference is not in the text, but the differing frameworks implied by the policies. International human rights are monitored and enforced by the intergovernmental superstructure of declarations and conventions, intergovernmental bodies and courts. This stands over and above local laws and systems. With fundamental British values, national structures facilitate the policy: PREVENT officers and school inspection agencies judge compliance with government values policy, and school leaders monitor the professional aspects of teachers’ standards which refer to British values, through training, appraisal and other employment procedures. These systems and structures create a distinction as they locate concepts within national moral guidance, rather than international human rights authorities. It makes a significant application of enforcement through accountability tools of performance management and organisational control of schools (West, Mattei and Roberts, 2011): Ofsted inspections, league table positions, school appraisal, leadership and governance improvement/replacement models, ostensibly brought in to improve academic standards, might constitute a new moral inquisition where clarity of moral purpose and organisational management systems combine forces to address the climate of public fear and uncertainty.

 The focusing of the selection of values mentioned in the new in terms of state ,,: and could offer a more realistic balance between national and international interests and aspirations.

Nevertheless, this will trouble those who maintain that rights discourse does and should focus on restraining the power of the postmodern leviathan state (Baxi, 1997:143). The power of states to define national curricula mean that though human rights exist to protect individuals from the state, government defined HRE may curtail that protection by distorting or limiting human rights (Bowie, 2016: 49). However, to negotiate national agreements around rights into meaningful and embraced practices requires some interconnection between locally held values and internationally pronounced laws. This negotiation must also interconnect with the many traditions found in any nation that has experienced significant migration. Internationalist hopes and ambitions have been curtailed by PREVENT and its associated national concerns and fears, and the balance between these two priorities has been changing in education policy, perhaps more quickly and significantly than was generally realized.

The UK’s ambivalence towards human rights is long standing. The 1998 *Human Rights Act* triggeredvociferousdebate (Gordon et al., 1996) and a media backlash (Clapham, 2007: 2). Foreign policy problematics around interventions in Iraq, Afghanistan and Libya may have tempered claims about British citizens as leaders against universal injustice. Governments once pursued policies that advanced universal rights but now policy seeks to replace the *Human Rights Act* and the oversight of the European Court of Human Rights with a *British Bill of Rights* and a restatement of national sovereignty (The Conservatives, 2015; Cabinet Office and Her Majesty the Queen, 2015). The international and universal reach of human rights has encountered resistance from national democratic interests and fears around the PREVENT agenda have tempered educational goals.

**Conclusion**

An analysis of human rights in education policy reveals quite different political conceptions around what the moral formation of children in schools should encourage, in terms of social change or conservation, local or international allegiances, and moral education as state protection or advocacy around protection from the state. Different governments, at different times and facing different situations, come to different conclusions about what values education should encourage or facilitate. Policy change indicates underlying change, inconsistency and uncertainty around the negotiation of national and international values in English schools. It is clear that there has been a significant change of direction in education policy since the curriculum of 2007 driven by PREVENT and fundamental British values and the concerns around international terrorism and cohesion. However much there might be a feeling that the 2016 political events reflect a sudden unexpected change towards nationalism and away from internationalism, education policy was a signpost towards that direction of travel. Whether this marks an abandonment of human rights education, or a new phase of development towards a locally, nationally conceptualized HRE remains to be seen. This need not necessarily be interpreted as a loss of an ideal or indeed an obituary for HRE. Advocates of human rights like Baxi have identified key concerns about human rights development in the interests of global business (2006) and critics have questioned whether they have delivered all they set out to (Posner, 2014). The 21st century may still be an age of human rights and an age of HRE. The possibility might be that this age is framed not by internationalist cosmopolitan conceptualizations of values but national or republican conceptualizations of values.

# Disclosure statement

No potential conflict of interest was reported by the author.

# Notes on contributor

Robert A Bowie is a principal lecturer in the Faculty of Education at the Canterbury Christ Church University. His research focuses on human rights education, religion and education and beliefs and values in education.

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