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Ontologies and possibilities of human rights: Exploring dissensus to facilitate reconciliation in post-conflict education contexts

Abstract

In light of growing critique of human rights and human rights education, this article explores ontologies of human rights, the possibilities they present for dissensus and how this could influence human rights education in post-conflict education contexts towards reconciliation. We draw on Dembour's (2010) categorisation of the different schools of human rights and Ranciere's (2004) two forms of rights to explore possible constructing points of dissensus. The data obtained in a NRF funded project Human rights literacy: A quest for meaning (Roux, 2012), indicate that student-teachers are disillusioned by human rights and perceive a conflict between what human rights are (contextual) and could (idealistic) be. While we concur with Keet (2015) that there is a need for "Critical Human Rights Education" (Keet, 2015) we focus on human action and the structuring of dissensus within political, social and educational spaces as crucial to the continual formulation, claims, rejection, amendments and recognition of human rights. In conclusion, we pose that human rights education should be a continual dissonant process, enabling moments of dissensus within intersecting spaces of (non)existing rights.

Keywords: *action, dissensus, human rights, human rights education, ontology, post-conflict education contexts, reconciliation*

1. Introduction

During the last two decades, human rights education (hereafter HRE) has become an integral part of international discourses on education policy (Baja, 2011). The Member States of the Council of Europe define HRE as educational programmes and activities promoting equality in dignity in conjunction with intercultural learning and empowering minorities. Mihr (2015: 535) describes HRE as a "concept based on acknowledgement, awareness, empathy, empowerment, and the actions of people to change a current situation in accordance with human rights values, norms and standards". The link between human rights and education is stipulated in the preamble of the Universal Declaration of Human Rights (1948; hereafter UDHR). The UDHR (1948) also serves as the blueprint for HRE curricula and pedagogical texts (Keet, 2015). In recent years, however it

has become clear that the field of HRE is conceptually imprisoned, unproductive, conforms to declarationism and is uncritical (Keet, 2012; Keet, 2015; Zembylas, 2016). Human rights and HRE have lost their dissident and rebellious spirit (Kapur, 2006)

In line with the global and local focus on HRE and human rights in education, South Africa has based its post-apartheid curricula on the premise of the *Constitution of South Africa* and the *Bill of Rights* (1996). The Manifesto *on Values, Education and Democracy* and the *Bill of Responsibilities for the Youth of South Africa,* which were published in 2011, emphasise the rights and responsibilities relating to equality, human dignity, education, social justice and equity as well as non-racism and non-sexism, respect and reconciliation (Verster, 2014). Data from the NRF funded project Human rights literacy: A quest for meaning (Roux, 2012) indicate that despite the availability of multiple policy documents on HRE and human rights in education, student-teachers lack knowledge of human rights and many seemed to be disillusioned to the possibilities of human rights and HRE to bring about reconciliation and social change. Although reconciliation carries assumptions of restoration, harmonisation, coexistence and of going back to pre-existing relations (Krog, 1998), within South African contexts, this is impossible. South Africans need a-new conciliation within a constitutional democracy premised on human rights values. If, however, as Keet (2015: 47) argues, HRE accepts that "things are what they are" and through this acceptance normalises inequalities and other human rights violations, it has lost any emancipatory and transformative capabilities to renew the South African society.

In light of recent critique of human rights, HRE and student-teachers' responses to the questions in the survey used to collect data for the project referred to above, this article explores ontologies of human rights, the possibilities they present for dissensus (Ranciere, 2004) and how this could influence HRE in post-conflict education contexts. The responses cited below imply that the student teachers concerned perceive two conflicting sides to the nature of human rights: an idealistic expectation and a contextual reality. They see these as fixed and static and in direct opposition to each other:

> *Are you questioning the REALITY/CONTEXTUAL [emphasis original text] nature of human rights or the idealistic nature hereof? (SurveyQ74)*

> *In an idealist world, human rights would be great value. (SurveyQ74)*

There are multiple ontological stances to human rights. Donnelly (2007), in advocating for the relative universality of human rights, argues that although universality in terms of the functionality and overlapping legal consensus on human rights can be defended, ontological and anthropological universality remains an empirical, philosophical and political impossibility.

For Ranciere (2004) there are two forms of rights. Firstly, written rights describing all humans as free and equal in for example, documents such as the UDHR (1948). Written rights express the abstract ideal that all members of the human family have the inalienable right to freedom, dignity, equality, justice and peace. These written rights assume the possibilities of the existence and non-existence of human rights (Ranciere, 2004). While the first form of rights includes the (non)existence of human rights, the second form of rights is concerned with human action and creativity within the intersection of (non)existing human rights. It alludes to those (humans) who decide to "use" their rights by constructing dissensus (*ibid*).

Scholars such as Stenner (2011), Parekh (2007) and Dembour (2010) attempted to explore the ways people make sense of human rights. Stenner (2011) explored subjective understandings of human rights and concluded that 'ordinary people' understand human rights as grounded universals, radical political action, socio-political constructions and agreements balanced against responsibilities. Parekh (2007) and Dembour (2010) used human rights academic literature to explore ontological stances on human rights. Parekh (2007) explores Arendt's notion of human rights (that human rights are the conditions making human life possible [Parekh, 2007]) in relation to essentialist and anti-essentialist groundings of human rights. Essentialist groundings concern the notion that human rights are related to essential features of human beings or morality. Anti-essentialist groundings have a refusal to employ metaphysical principles to human rights in common – human rights are based on affective, pragmatist and/or communal interests (Parekh, 2007).

In exploring the question: what are human rights? Dembour (2010: 2) works on the assumption that "different people hold different concepts of human rights". She groups academic writings on human rights into four schools of thought: the natural school, the deliberative school, the protest school and the discourse school (Dembour, 2010). The typology of the four schools of thought on human rights should not be regarded as fixed categories but rather as identifications of connections and intersections among broad orientations to human rights. Scholars such as Simmonds (2014), Verster (2014), Becker (2013) and Baja (2011) have explored the possible implications for HRE and human rights in education because of Dembour's (2010) typology. Baja (2011) for example, uses Dembour's typology to position three ideological approaches to HRE. Although Dembour (2010) has human rights critiques in mind, Baja (2011) orientates her three ideological orientations (HRE for global citizenship, HRE for co-existence and HRE for transformative action) as fluctuating around fixed human rights universals as reference point (Keet, 2015, Becker, De Wet & van Vollenhoven, 2015). In this article, Dembour's categories and its possibilities are used as a point of departure in the search for intersecting spaces of human rights critique in which humans can act and dissensus can be constructed (Ranciere, 2004; Parekh, 2007).

We pose the following research questions: What possibilities do various ontological stances on human rights hold for the construction of dissensus? How do these influence HRE in South Africa? Our aim is to show how contending ontologies see (non)existing human rights and what they could contribute to constructing points of dissensus in order to facilitate reconciliation within post-conflict education contexts. We argue that the possibilities of human rights lie within intersecting ontological spaces where dissensus could be constructed (Ranciere, 2004; Žiżek, 2005). Within such spaces, human rights and HRE can be an object of discussion among 'everyone, everywhere'. Human rights and HRE can be renewed within political, social and educational spaces by continually formulating, claiming, rejecting, amending and recognising human rights anew (Azoulay, 2014).

2. Theoretical underpinnings

Central to ontological explorations of human rights and the identification of possibilities for structuring dissensus, is the possession paradox of human rights. The universal and abstract nature of human rights described in the UDHR (1948), (which acts as a blueprint for HRE [Keet, 2015]) is based on the premise that all humans have human rights by virtue of being human and that all humans are equally and unalterably human (Donnelly, 2007). This however, only indicates that if human rights exist or are accepted within certain contexts then

those humans share human rights equally (Donnelly, 2007). However, the statement that all members of the human race are free and equal is paradoxical (Donnelly, 2013; Dembour, 2010). Donnelly (2013) argues that having a right is of greatest value when one does not have it. The paradox is that one can 'have'; and 'not have' (enjoy) a right at the same time. Ranciere (2004: 302) explains this paradox when posing that human rights are held by all humans (the subjects of rights) "who have not the rights that they have and have the rights that they have not". Although, for example, all human beings might be included in abstract rights, the subjects of human rights are continually being constituted and separated by means of in(ex)clusions in the global sphere of capitalism, imperialism and neo-colonialism (Becker & Du Preez, 2016; Žižek, 2014; Zizek, 2005; Ranciere, 2004). The possession paradox of human rights exposes the intersecting spaces of (non)existing rights in which possibilities for human action and dissensus present itself.

In the aftermath of World War II, there was strong interest in identifying principles that would protect individual human rights. One result was the drafting of the UDHR (1948) based on the natural rights theory. A natural law approach to human rights contends that a legal system can only be effective if it meets the demands of values that have eternal and universal aspects: "[it] can be viewed as an attempt to work out the principles that might reconcile the 'is' and the 'ought' in law" (Shestack, 2006: 5). Scholars from the natural and deliberative schools rely on principles of law to define human rights and to address the possession paradox; the natural school looks to positive law and the deliberative school to constitutional law (Dembour, 2010). In discussing ontological questions, scholars of the natural school argue that human rights are 'obvious' and exist as law (Donnelly, 2013). Scholars from the deliberative school, on the other hand, argue that human rights are the consensually agreed upon political principles expressed in constitutions (Dembour, 2010). Although the deliberative school like the natural school grounds human rights in law, it regards human rights as agreed upon, providing a political, global and local 'code of conduct' (*ibid*).

The natural school argues that natural rights influence conventional human rights norms and documents and affirm the core principles of human rights. The notion of natural rights does however not clarify what constitutes human rights and how many rights there are/ could be. The inability of abstract, universal and natural rights to translate into substantive rights highlights the possession paradox of human rights. The illusion that abstract rights translate into changed social realities furthermore aids the distrust in human rights and HRE (Keet, 2015; Becker & Du Preez, 2016). An alternative would be to define human rights as 'invented' – as political decisions, customs and conventions (Law, 2007). Those in the deliberative school argue that global justice requires a system of international human rights law. They draw on the principles of the social contract as conceptualised by Rawls (Shestack, 2006). These are that equally positioned humans with respect for power and freedom come together and through dialogue reach consensus on matters of justice and human rights (*ibid*). Consensus remains relevant and beneficial to many contexts but in post-conflict contexts, such as South Africa, the possibilities of equally positioned humans are limited. Ranciere (2004: 306) cautions that consensus (especially in unequal power relations) means "closing the spaces of dissensus" and that in reaching consensus, the abstract rights of all who "do not have rights while they have rights" are tentatively and temporarily turned into real rights (*ibid*). Dissensus is relegated to being a consensual process in which rights are distributed and each part of the social body obtains the best that it can hope for (*ibid*).

Dissensus is constructed when humans act, as the subjects of human rights, on the given. A dissensus is not a conflict of interest, values or opinions; it is a reaction on what is given (Ranciere, 2004). It is the decisions and actions of humans related to an inherent (non) existence of human rights within the framework of written human rights. Within the intersecting spaces of the ideals of abstract rights and the non-existence thereof in social reality, humans choose to use their rights. They take what is assumed to be given or assumed to be "what they are" (Keet, 2015) and continually create and re-create human rights. Those who fall into the protest school view ontological questions from a socio-historic and a struggle perspective in which human rights are defined as the aspirations of the oppressed (Dembour, 2010). Heyns (2006) argues that human rights and legitimate resistance such as acting and reacting in intersecting spaces of (non)existing human rights can be seen as the flipsides of a coin. He refers to this as the 'struggle approach' to human rights, captured in the expression *human rights/legitimate resistance* (*ibid*).

For scholars in the protest school, a struggle approach to human rights is intimately tied to the historical development of the ideals of human rights. They argue that human rights *should* exist and that they *should* be embodied in the continual and historical fight for the rights of the oppressed (Dembour, 2010). The political affirmation of human rights in the UDHR (1948) did not result in a peaceful post-historic world characterised by global democracy, as was the hope. As Ranciere (2004: 297) argues, "the territory of 'posthistorical' and peaceful humanity proved to be the territory of new figures of the Inhuman". History cannot provide a full account of the validation and ontologies of human rights. A single authoritative account or interpretation is not possible. The historical perspectives that we have, merely capture what human rights were/are at a specific time and in a specific place and space.

We argue that although the continual critique of human rights and HRE (Keet, 2012; 2015; Zymbalis, 2016) is of the utmost importance, the actions of humans on the given is crucial to the continual renewal of human rights and HRE. Acting on the given and structuring dissensus, Arendt (1958), Keet (2015) and Ranciere (2004) argue that this is only possible in political spaces. Political spaces form the intersections of "the abstract literalness of the rights and the polemic about their verification" (Ranciere, 2004: 308). It is important to note that Ranciere does not refer to NGOs or political groups who claim or use rights *for* others. The subjects of human rights act on the given and use *their* rights within political spaces. Closing social and political spaces by consensus or by interventions, for example, disable possibilities for dissensus and render human rights of no value. They become the rights of victims and the rights of those who are unable to enact their rights (Ranciere, 2004). When human rights are of no value they are passed on as acts of charity, "along with medicine and clothes", to those who are subjected to the "inhuman" (Ranciere, 2004: 308). Human rights become humanitarian rights, opening up possibilities for humanitarian intervention and invasion (Ranciere, 2004).

In a reaction to what they perceive as the imperialist and neo-colonial nature of humanitarian rights, scholars in the discourse school argue that human rights do not exist and are only talked about (Dembour, 2010). Discourse scholars argue that a replacement for human rights, as a possible emancipation project, should be searched for (Dembour, 2010). Neocosmos (2006) argues that humans are imprisoned by essentialist notions of human rights as judicial subjects/objects and passive victims. Scholars from the discourse school focus their critique of human rights on exclusions (within the frame of abstract rights), the failure to acknowledge the other, identity politics, the moral and political core of universal

rights and the capitalist premise of such rights (Becker & Du Preez, 2016; Zembylas & Bozalek, 2014; Cistelecan, 2011; Žižek, 2005; Rancière, 2004). Kapur (2006) argues that normative claims, such as that human rights enable processes of progress, the assumption that human rights are universal and the structuring of the subject of human rights as an atomised, insular and liberal being, illustrate the dark side of human rights.

We have thus far explored the typology of the four schools of thought devised by Dembour (2010) in relation to Ranciere's (2004) two forms of human rights. We argue that the ontological stances of the natural school and the deliberative school point to the (non)existence of human rights: the intersection of the ideals of human rights and the non-existence thereof. Scholars from the natural school rely on the law to address this while those in the deliberative school put their faith in consensus on internationally accepted principles of human rights. Scholars from the protest school view human rights from a socio-historic perspective. They argue that human action and reaction within intersecting spaces of what human rights are (given) and what human rights could be, make it possible to recreate human rights continuously. Discourse scholars claim that when human rights become humanitarian rights within imperialist, capitalist and neo-colonialist frames of reference, spaces of dissensus are closed so no acting on the given is possible. What possibilities do these intersecting ontologies pose for reconciliation and HRE in South Africa?

Simmonds (2014) and Verster (2014) contend that in order to think laterally about human rights, HRE should embrace contending conceptual frameworks, ontological and epistemological stances and explore the many possibilities they present. Simmonds (2014) relates Dembour's (2010) typology of the four schools of thought on human rights to the three dimensions of HRE proposed by the World Programme for Human Rights (2010-2014). These three dimensions are knowledge and skills (which Simmonds [2014: 136] relates to the natural school), values, beliefs and attitudes (which Simmonds [2014: 136] relates to the deliberative school) and action (which Simmonds [2014: 136] relates to the protest school). Keet (2015) however argues that human rights educators should acknowledge that the conceptual and pedagogical tools of dominant HRE programmes (including the World Programme for Human Rights [2010-2014]) cannot respond to the challenges human rights face globally.

Keet (2015: 49) pleads for "Critical Human Rights Education" (CHRE). CHRE is premised on the task of education to critique the categories (the given) in which it is structured (Keet, 2015). He argues that CHRE should be regarded as a political activity, should be anti-declarationist, should strive towards a new pedagogical language rooted in human wrongs and that it should have as a purpose the constitution of human agency illuminating the possibilities of action (Keet, 2015). Although we agree with Keet (2015) on the need for CHRE, we focus our attention on the importance of human action to renew human rights and HRE. Linking the essence of education as continual renewal (Arendt, 2006; Becker 2015) to the renewal of HRE, we argue that the essence and purpose of education and HRE are possible through human speech and action in moments of dissensus. In this regard, HRE specifically, should assume responsibility for the world and for every new generation, who as the future of humanity, are to renew the world by acting on the given (Arendt, 2006; Becker, 2015).

If the essence of education (and therefore HRE) is the renewal of the world, it requires HRE to create a niche as "counter-hegemonic practices" in order to recreate human rights and HRE continuously (Keet, 2012: 22). Jansen (2009) proposes nine key elements of a post-conflict pedagogy of which a pedagogy of dissonance seems particularly appropriate for this

context. Acting on the given by means of a pedagogy of dissonance requires a "commitment to locate, interrogate and engage" (Jansen, 2009: 267) knowledge about and experiences of (non)existing human rights. Within spaces of dissonance, dissensus can be constructed through speech and action. Human rights and HRE can be renewed by continually formulating, claiming, rejecting, amending and recognising human rights anew (Azoulay, 2014).

A brief explanation of the project and data collection processes follows before selected data are presented and discussed.

3. Human rights literacy: A quest for meaning

This article forms part of the dissemination process of a NRF funded project Human rights literacy: A quest for meaning (Roux, 2012). The project aimed to determine the knowledge field of HRE in teacher education at South African faculties of education (Roux & Du Preez, 2013). The project group collected qualitative and quantitative data using three different collection processes: a walk-about, a survey and small focus-group discussions (Roux & Du Preez, 2013; Becker, De Wet & Parker, 2014).

The purpose of the 'walk-about' was to probe the understandings that under- and postgraduate students (from various faculties) have of human rights. The 'walk-about' was conducted on three university campuses in two provinces. Convenience sampling was used to explore the domain and inform the questions developed for the survey (Gillham, 2008; Flick, 2009). Eighty students participated in the 'walk-about' (Becker *et al.*, 2014).

Purposive sampling (Cresswell, 2013; Pidgeon & Henwood, 2004) was used for the survey phase of the data collection process. Three levels of sampling were employed during this phase. First, three institutions were selected. Six different campuses were then chosen from them. These were situated in four provinces. The team referred to these as *sites*. This was done by means of stratified purposive sampling in order to illustrate subgroups and facilitate comparisons (Ritchie, Lewis & Elam, 2009). Finally, the team focused on first and final year pre-service teachers in teacher education programmes at the institutions in question. A total of n1192/4953 student teachers accessed the survey (Becker *et al.*, 2014).

Following the survey, small focus-group discussions were conducted on the six sites to validate data collected by means of the previous two collection strategies and to re-evaluate the literature, ontologies and epistemologies (Roux & Du Preez, 2013). The sizes of the focus groups varied from three to nine participants. A total of n68/1192 students were selected by means of snowball sampling (Cresswell, 2013; Gillham, 2008)

This article aims to explore different ontologies and the possibilities (political and social) they offer for structuring dissensus and facilitating reconciliation. We have therefore decided on a critical phenomenological approach so that we can draw on existential phenomenology (the nature of human rights) and critical Marxism (the possibilities for political and social action towards reconciliation) (Jehanson, 1984). For the purpose of this article, the qualitative data from the three collection processes were analysed by means of discourse analyses (Potter, 2004).

The data include written (comments in survey) and spoken text (walk-about and focus group interview data which were digitally-recorded and transcribed *verbatim*). We have referenced the data in terms of the data source: *Walk-About* for responses from the 'walk-about', *Survey Q24* (the number indicates the question number) for qualitative data that

emanates from the survey and *s1y4m2* for data emanating from focus-group discussions. For example, s1y4m2 refers to data from a focus group at site 1(s1), fourth years (y4) second meeting (m2).

4. Lived experiences and idealistic expectations

Firstly, all qualitative data were read holistically. The next step was to select and analyse data excerpts pertaining to various ontological stances, the possession paradox and the possibilities of structuring dissensus. A student teacher from site 5 described various ontological stances to human rights as follows,

> *It's like people tend to use the word human rights but without knowing what is/are human rights. You say I've got a right and I'm a human being but what is human rights? Let's start from there how would you define human rights? If you were to ask me what is human rights and then someone else we will all have different views on what are human rights (s5y1m1).*

During the first focus group discussions 34 of the 68 student teachers (50%) at all six sites qualified their *yes* answer to the question whether human rights exist, indicating that they were aware of the possession paradox of human rights:

> *It is [human rights] we don't know, not a reality to us, it is like a book that is on a shelf but we have never opened the book and seen the book and touched the book (s5y1m1).*

> *It does exist but I feel at a certain level. Some children do not have the right to go to school. At some schools like in rural areas children do not have the right to go to school or they do not have money to help them to go to school or like shelter. There is no funding. Sometimes the houses are not properly built – people get sick easily and stuff. So I feel it is existing but it's not… (s1y1m1).*

> *…in the rural areas – those people – there are certain rights that must be obtained, actually, that they are having, but those people that are in power they do not respect their rights… (s6y1m1).*

These student teachers agree that human rights exist but then qualify their answers by pointing to their experiences of human rights as, *"like a book on a shelf*; *So I feel it is existing but it's not".* In the second excerpt, the word *but* is used to express the conflict related to the (non)existence of human rights.

In trying to make sense of the possession paradox, some student teachers took a nihilistic stance to human rights similar to that of scholars from the discourse school (Dembour, 2010). The following excerpts illustrate this.

> *My problem is, it is all sweet words like human rights and those things, like human rights and democracy, it is a lot of sweet words, but many times it is only words (s3y4m2).*

> *It is a way of the government to control people as people but they put it in a way as if they are helping us. Most of the times they use human rights against us (Walk-About).*

The second comment expressed the view that human rights mask and structure relations of power in which humans remain objects, passive and powerless. The student teacher used phrases such as *to "control people as people"* to describe relations in which humans remain victims. The masking of such relations within human rights discourse is reflected in "*they put*

it in a way as if they are helping us. Most of the times they use human rights against us." The first comment relates to the discourse school's perception of human rights as only 'spoken about' (Dembour 2010: 11): "*all sweet words; but many times it is only sweet words".*

In trying to understand and/or solve the possession paradox, some student teachers look to the law, the constitution and/or the government.

> *They [human rights] do exist – like in the Constitution it states that as long as you are a human being you have rights (s1y4m1).*
>
> *Because people have rights – human rights are in our constitution… (s6y4m1).*
>
> *Laws or aspects that protect each and every individual in a country to make that particular person a free and responsible person (SurveyQ12).*

These comments allude to the understandings of human rights embodied in the constitution and the law. These student teachers seem to align themselves with the natural and deliberative schools (Dembour, 2010). They regard human rights as given, *"because people have rights; as long as you are a human being you have rights".* It seems that they see the constitution, *"like in the Constitution it states…"* and the law, *"Laws or aspects that protect each and every individual in a country"* as holding the solution to the possession paradox.

Other participants regarded the government as the source of human rights and the protector of human rights.

> *And also politicians what are they doing to enforce these rights because yes in schools, as she said life orientation teachers you a little bit, it's a little bit, an inch, you know of the rights and how they are listed and labelled. But what is our government doing because rights came from them. We feel that is the source of it, what are they doing because at election time, yes they are all about the rights…if you lack education there is no way you are going to do something about that… (s5y1m1).*
>
> *I think it does exist however the rights of people are violated like women their rights to life, are violated, especially in abusive relations and if they report it nothing is done. So it does exist but it's violated. And the government is not doing much about it (s1y1m1).*
>
> *…The government must make sure that everyone has proper education, proper medical care, proper housing (s1y1m1).*

Comments such as *"But what is our government doing because rights came from them"* and *"the government must make sure"* might stem from understandings gained from a socio-historic perspective of human rights. Student teachers link the existence and validity of human rights to the birth of democracy in 1994.

> *I think of the struggle, the tragic things that Nelson Mandela and the rest of the underprivileged nation in the apartheid era had to go through to get equal rights and to be free in a democratic land (Survey Q12).*
>
> *I have experienced human rights because like referring to what we have been told about the earlier years before 1994 and seeing that time and comparing it with this time it is very different… (s1y1m1).*

These two excerpts move from phrases depicting oppression (*struggle, tragic things, underprivileged nation, had to go through*) to a utopian notion (*get equal rights and to be free*

in a democratic land). Defining human rights in terms of socio-historic perceptions that seem to be aligned with the protest school is reflected in phrases such as *"seeing that time; comparing it with this time; the struggle; the things that Nelson Mandela and the under-privileged nation in the apartheid era had to go through"*. The reference to "*get equal rights and to be free in a democratic land"* refers to written rights inscribed in *The Constitution of South Africa* and *The Bill of Rights* (1996) post-1994.

It seems that student teachers are not optimistic about the possibilities of structuring dissensus or about people in South Africa using their rights. Student teachers argue that "*people don't know their rights*, *they are powerless"* and that people *"are not aware of the fact"* that they have rights that they should use:

> *Because I feel it is limited in the sense that as human beings we don't know that we have these rights. We don't know what rights are in order for us to express our rights or love our rights (s5y1m1).*

> *…but people are sometimes not aware of the fact, I mean, the kind of rights they have (s2y1m1).*

> *It's governed by a monetary basis because people with power and money they stand up quickly and say I know this right but people that don't have money they are like scared to say I have this right to education, I have you know, they don't take the power because they are actually powerless (s5y1m1).*

Student teachers argue that there is a lack of knowledge on human rights: *"not aware of the fact; we don't know that we have these rights; we don't know what rights are"*. They also argue that a divide exists between those who have money and those who do not. The former readily lay claim to their rights, while the latter are *"like scared to say I have this right*; *It's governed by a monetary basis"*. These factors add to the (im)possibilities for structuring dissensus within intersecting spaces of (non)existing rights.

5. Discussion

The preamble of the UDHR (1948) which speaks of "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family*"* is echoed in the comments of student teachers who take the view that human rights are given and grounded in law (s1y4m1; s6y4m1; SurveyQ12). From the data, however, it seems that student teachers are trying to make sense of what human rights are and could be and whether human rights exist (s5y1m1). During the first focus group discussion, fifty per cent of student teachers from all six sites indicated that they were aware of the possession paradox of human rights.

Student teachers stressed a lack of knowledge about human rights (s5y1m1; s2y1m1). Knowledge of what human rights are/could be is a pre-condition for structuring dissensus. A critical and dialogical approach in the classroom is necessary when teaching-learning human rights. Du Preez (2012) argues that research conducted between 2005 and 2011 indicates that the teaching of human rights was monological and uncritical, thus disregarding the spirit of a participatory democracy and the possibilities for structuring dissensus. Such teaching methods bring one question to the fore: how much learning actually takes place regarding human rights (Du Preez, 2012). The student teachers are of the opinion that not much learning regarding human rights occurs (s5y1m1).

In our view, understandings based on a socio-historic and struggle perspectives of human rights in the South African context inhibit possibilities for structuring dissensus. The snapshot images of history (Survey Q12; s1y1m1) may lead to assumptions that human rights post-1994 are given, fixed and static – as the comments that prompted this exploration indicate. The perception that the government are the givers and protectors of human rights (s5y1m1; s1y1m1) presents barriers to structuring dissensus. Student teachers argue that the struggle (pre-1994) resulted in human rights and as the government is the source of human rights, the government is responsible for enabling citizens to use their rights (s5y1m1; s1y1m1). Such perceptions disable the constitution of agency and the possibilities of political action relating to human rights (Keet, 2015).

Waiting for government to bestow substantive rights on its citizens often leads to the structuring of power relations masked by universal and declarational human rights discourse (Walk-About*;* Keet, 2012). When the subjects of human rights do not use their rights, human rights become humanitarian rights in the form of charity dispensed to the poor, women, children and the elderly in rural areas by government and/or NGOs (s1y1m1) (Ranciere, 2004). The closing of spaces in which dissensus can be structured by means of consensus or humanitarian rights can only be detrimental to a sustainable democracy and reconciliation.

In order to enable speech, action and dissensus in political spaces, educators should acknowledge that declarationist pedagogies have very limited disruptive capacities (Keet, 2015). The possibilities of human rights and HRE lie within the intersecting spaces of (non)existing human rights. In post-conflict societies such as South Africa, dissensus present possibilities for new ways of co-existing and (re)conciliation when the subjects of human rights choose to use their rights. The first step would be to restructure the South African curriculum by introducing a participatory and critical approach to teaching-learning human rights, which student teachers confessed to know little about (s1y1m1; s5y1m1). Dissonance, Jansen (2009) argues, becomes possible when the curriculum includes multiple knowledges (in this instance multiple ontologies of human rights) within a social justice framework. This would facilitate dialogue, discussion and critique of the given and encourage teaching-learning towards developing possibilities of structuring dissensus so that critical citizens use their rights towards reconciliation.

6. Conclusion

The comments from the student teachers that prompted this exploration point to the possession paradox of human rights, or, as Ranciere (2004) argues, the first form of rights. What human rights are and could be, the realistic and idealistic nature of human rights, are inherent to the nature of human rights. This implies that HRE should be a continual dissonant process, enabling moments of dissensus within intersecting spaces of (non)existing rights. It is a process in which humans act, interact and react on the given in recreating human rights and HRE when they choose to use their rights. The implications and possibilities for reconciliation in post-conflict educational contexts thereof are multiple.

Acting on the given and structuring dissensus requires a participatory and critical approach to teaching-learning human rights. In post-conflict educational contexts, it also requires a pedagogy of dissonance made possible by the inclusion of multiple ontologies of human rights within a social justice framework (Jansen, 2009). This would facilitate dialogue, discussion and critique on the given and actively teach-learn towards possibilities of structuring dissensus so that critical citizens use their rights and move towards reconciliation.

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