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RECEIVED 22 April 2025

ACCEPTED 25 June 2025

PUBLISHED 11 July 2025

CITATION

Grau Callizo I (2025) The right to education in a pluralistic world: balancing the pluralistic approach of the right to education and minimum requirements.
Front. Educ. 10:1616074.
doi: 10.3389/feduc.2025.1616074

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The right to education in a pluralistic world: balancing the pluralistic approach of the right to education and minimum requirements

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The core of the right to education lies in its ability to foster the full development of the human personality, as recognized by international human rights treaties. Education is not merely a political or economic tool, but a fundamental human right that enables human beings to engage with the shared cultural, moral, and social achievements of society. In a pluralistic world, where cultural identities are diverse, the right to education must balance the cultural identity with the need for common knowledge and understanding. This balance cannot be achieved without a partnership of trust between families and public authorities through the establishment of human rights based minimum educational standards.

KEYWORDS

right to education, educational pluralism, educational minimum standards, human rights, parents, educational policies

1 What is the core of the right to education?

Education is at the heart of many discussions regarding pluralism. Usually these discussions are addressed exclusively from a policy and sociological perspective, but this is not the frame in which this discussion belongs. First and foremost, education is a human right. This is what the international community agreed upon when they adopted, in 1948, the Universal Declaration of Human Rights (UDHR). The recognition of education as a human right is not just a lyrical exercise—it has profound implications. Human rights are essential to guarantee the “*dignity and worth of the human person*.”

2 Why is the right to education critical to grant the dignity of the human being?

The primary aim of the right to education—“*the full development of the human personality*,” as stated in the UDHR—has been consistently reaffirmed in numerous international, regional, and national legal instruments.

However, this reference did not appear in the first draft of the Declaration. It was thanks to the representative of the World Jewish Congress, who stressed the importance of a spirit guiding education in order to avoid the atrocities that preceded the drafting of the UDHR (Stanfield, 2021).

From a human rights perspective, this inclusion shows us that it is not enough for education to be free, compulsory, available, and accessible. Education is essential to our dignity,

as it allows us to develop not merely as labor force or political subjects, but as human persons.

With this in mind, we can now explore more deeply the relationship between education and dignity. To understand this connection, we must reflect on human nature. Mounier defined the human being as “*an inside that needs an outside*” (Mounier, 1936). Bearing that in mind, it is through education that the child is introduced to a new world—scientific discoveries, social norms, moral principles—and through this introduction, the child learns how to belong, grow, think critically, and transform the world (Arendt, 1972). Education enables human beings not only to construct their own cultural identity but also to live meaningfully within a given culture. Without education, the child would not be able to know and connect with the *outside*, and would not be able to develop an *inside*, with behavior more akin to a beast than to a person. Perhaps for this reason, the former director of OIDEL, Alfred Fernandez, used to say that denying education is denying humanity.

3 How can we grant this right in an increasingly plural world?

In 2021, the UNESCO report *Reimagining our futures together: a new social contract for education* was published to assess emerging challenges related to the right to education. One of the key challenges identified in the report is the need to go beyond education focused solely on professional skills, emphasizing instead the importance of helping students discern who they are. The report states “*If human rights is to guide the new social contract for education, students’ sense of identity – cultural, spiritual, social, and linguistic – must be recognized and affirmed, particularly among indigenous, religious, cultural and gender minorities and systemically marginalized populations. Appropriate recognition of identity in curriculum, pedagogy, and institutional approaches can directly impact student retention, mental health, self-esteem, and community well-being*” (International Commission on the Futures of Education, 2021).

The world is more complex, diverse and rapidly changing. According to the IOM, almost 281 million people lived in a country other than their country of birth, about 128 million more than 30 years earlier, in 1990 (153 million), and over three times the estimated number in 1970 (84 million) (International Organization for Migration (IOM), 2024). Alongside this, today we can observe an unprecedented exposure to different ways of life, beliefs, and values. Culturally homogeneous countries—as we have traditionally understood them—are becoming increasingly rare. We can find yoga in Germany, K-pop in Mexico and Christians in Dubai. In this context, how can we both recognize all cultural identities and allow them to flourish within the framework of a single national institutional curriculum and pedagogy? From a human rights perspective some clues can be given.

3.1 The limits of the state as a neutral provider

Before the release of the UDHR, in most modern countries, when societies start being more secularized and less homogeneous, the main approach to dealing with diversity was a neutral State provided,

secular, one-size-fits-all education. Good examples of this approach were Ferdinand Buisson in France, John Dewey in the United States, and Maxim Gorky in the USSR. This formula is still the favorite in no few contexts. However, this simplistic solution has proven to be incompatible with the very nature of education. Back in 1903, in a discussion of the same kind, Jacques Clemenceau warned that “*In teaching, it is necessary for the teacher to say something. It is necessary to take a stance. It is necessary to express whether they approve or disapprove. When they reach the history of Tiberius and have to explain the drama of Judea, what opinion will they have?*” (Clemenceau, 1903).

More recently, in the same line, the educational theorist Charles Glenn argued in *The Myth of the Common School* that formal education inevitably presents pictures or maps of reality that reflect particular choices—choices about what is certain and what is in question, what is significant and what is unworthy of notice. According to Glenn, no aspect of schooling can be truly neutral (Glenn, 2002). We can go further: in these spaces where we require a “why,” neutrality is not an inconsequential matter. The Canadian philosopher Charles Taylor warns that behind neutrality often lies the reflection of a hegemonic culture, which, *de facto*—though subtly and unconsciously—becomes discriminatory (Taylor, 1994).

3.2 A human rights approach to a relevant education in a plural world

Neutrality cannot be achieved. Then, how do we provide children with an education that “takes a stance”? When there is a conflict of worldviews regarding the “full development of the human personality,” how do we decide which one prevails? In drafting the UDHR, the international community was aware of two things: the lack of agreement on what is critical for the “full development of the human personality” and the abuses of the State under the guise of neutrality.

In these discussions, the representative of the Permanent Mission of the Netherlands argued “*the family should be given primary responsibility for education because it was in the family that children first learned the methods of living within the community, and so the family could not be replaced by any public or private institution*” (Stanfield, 2021). After further discussion, article 26.3 of the UDHR acknowledged that “*Parents have a prior right to choose the kind of education that shall be given to their children.*” Since then, the liberty of parents to choose schools for their children and to ensure religious and moral education in accordance with their convictions has been recognized in numerous international and regional human rights treaties.

In light of the growing diversity of the world, it is essential to critically examine the scope and limits of parental rights and educational pluralism. Two key sources of tension can be identified in this context. First, there is an increasing participation of private actors in the field of education (UNESCO, 2015; Global Education Monitoring Report Team, 2021). Second, there is the scope of “minimum educational standards.” From a human rights perspective, educational pluralism has traditionally been framed within the boundaries of these minimum standards. However, in increasingly pluralistic societies, where the cultural conversation has shifted and fragmented in recent years, this debate has become more contentious. A report by OIDEL (2023) highlights that tensions surrounding educational pluralism have risen in many countries since 2016, and

these tensions are expected to continue growing. While states and international agencies seek to balance growing demands for pluralism with the need for a core curriculum that promotes equal opportunities and shared dialog, more communities and parents call for alternative education options that are “acceptable” and “adaptable” to their children’s needs (UN Economic and Social Council, 1999).

In light of these tensions, it is critical to position the actors according to the rights and responsibilities they hold. The right to education belongs to the child, but they cannot be held responsible for taking important decisions about it until they are mature enough. In the complex context of today’s world, which actor should decide what constitutes the best education that is “culturally appropriate (...) enabling children to develop their personality and cultural identity, and to learn and understand the cultural values and practices of the communities to which they belong, as well as those of other communities and societies” (UN Committee on Economic, Social and Cultural Rights (CESCR), 2009)?

Regarding education, we can affirm that from a human rights perspective, the family—“the natural and fundamental group unit of society” (art.10 ICESCR)—play a critical and irreplaceable role. On the one hand, recent advances in neuroscience have underscored the vital importance of the unique and permanent parent–child bond for a child’s development (Carmona, 2024). On the other hand, despite major cultural shifts in recent years, families remain uniquely positioned to transmit diverse worldviews, linguistic traditions, and religious beliefs. No other actor—neither the state, nor the designated representatives of various communities, nor the unions—possesses the same capacity for adaptability, commitment, and mediation between an inherited culture and tradition and a new, evolving cultural reality. Most of social, religious or cultural challenges children have are shared with the members of their families, because of that human rights frameworks presume that parents are best placed to determine what is in their children’s best interests, and they are recognized as holding specific educational responsibilities and consequently rights (UN Committee on Economic, Social and Cultural Rights (CESCR), 2009).

The recognition of this responsibility comes with the assurance that their decisions do not contradict the foundational aims of education as defined by international norms. To this end, major international treaties stipulate that public authorities may establish “minimum educational standards” applicable to both parental liberty and “the liberty of individuals and bodies to establish and direct educational institutions.” These education standards should support, not undermine, the freedom that is part of the right to education (Beiter, 2006; Coomans, 2004).

3.3 Educational pluralism, family and inequalities

Until now, the educational system could seem like a way out, an accommodation, for families who do not belong to the mainstream culture. But, how should the scope of educational pluralism be rethought in light of new challenges? At this point, it is important to show how not taking a pluralistic approach to the right to education can indeed lead to inequalities.

One of the common temptations when addressing educational inequalities is to focus solely on the socio-economic dimension.

However, a truly holistic approach to inequality must also consider the broader question of development. In this regard, we should look beyond equal access to identical resources and also consider the freedom individuals have to lead the kinds of lives they value. This idea has been developed by Nobel laureate Amartya Sen, who has emphasized that education is a key element of this framework (Sen, 2001).

Undeniably, cultural imbalances in education can significantly affect academic performance and hinder the full enjoyment of the right to education. This is why, according to the Committee on Economic, Social and Cultural Rights (CESCR), education must be both *acceptable*—meaning relevant and culturally appropriate—and *adaptable*, so it can respond to the needs of evolving societies and diverse cultural settings (UN Economic and Social Council, 1999).

Along the same lines, a recent report by the UN Special Rapporteur on minority issues, Nicolas Levrat, offers key recommendations to address the challenges faced by minorities in education, highlighting the essential role of parents. The report advocates for the creation of participatory platforms that involve parents in the design, monitoring, and evaluation of education policies—framing this as a baseline requirement. Moreover, it calls for the recognition of educational pluralism, stating that “States should support minority-led non-governmental schools, based on human rights principles, enabling them to offer free and culturally relevant education aimed at preserving and promoting the cultural, linguistic, and religious identities of minorities” (Levrat, 2015).

Equity is not giving everybody the same. A fair treatment of non-mainstream groups in the public square is to enable them to negotiate their identity in equal footing. If during the educational process, which is the moment in which they learn who they are only the mainstream or wealthy families are the ones that can have access to acceptable and adequate education. How this inequality will be overcome?

4 Conclusion: overcoming the tensions from a pluralistic perspective

Historically, “education has also been used to violate the cultural and religious rights of children, for example, as a vehicle for assimilation” (International Commission on the Futures of Education, 2021). This remains a concern even today. The right to education is essential for ensuring that every human being can fully develop as a person within a culture and society. At the core of the right to education, pluralism is not justified by the free market or parental rights alone, but by the child’s right to an education that responds to life’s fundamental questions—an education that equips them to engage in shared conversations as equals with others. There is no one-size-fits-all formula for ensuring pluralism. Moreover, the rapidly changing world would require that to be an ongoing conversation. We can mark two cornerstones that are needed in all cases in order to achieve educational pluralism:

- A participatory framework of minimum requirements based on human rights—not driven by ideological agendas—under which it is clear how non-governmental actors can exist and operate.

- A recovery of the notion of trust in families—recognizing their primary role in education.

Some policies in certain countries serve as a good example for others on how to develop an educational pluralism system that respects human rights. For instance, the Netherlands, where the government funds 36 kinds of schools on equal footing, including district, Catholic, Jewish, and Montessori enabling families and children to have an acceptable and adequate education (Bernier, 2017).

Author contributions

IGC: Writing – review & editing, Writing – original draft.

Funding

The author(s) declare that no financial support was received for the research and/or publication of this article.

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