

Curricular Rights

*Defining Essential Learning
in the Context of Human Rights*

By

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The third person who made this book a reality is the most important one in my life, Viviane, my wife. She is not only an exemplary wife and mother, but also a perfect embodiment of true companionship: she is always by my side, even when my ideas are strange and my plans are vague (which happens a lot, by the way). I love to say to her in various ways, “Just come with me; I will explain everything on the way.” And I love even more to hear her reply, “Be what it may, I will stay by your side.” I am really the luckiest husband in the world.

Other people helped me to develop, improve, and review the text and its arguments. Special mention must be made of Timothy Brennan Jr., a dear friend of mine who is always there to help, especially with translation and reviewing: Timmy, you are a brother to me. Another special mention is for Dorcas Ross, a homeschool mom and a good friend who thoroughly reviewed the manuscript and provided very thoughtful insights that were crucial to the version you are reading now.

Anyone familiar with my background knows that my journey began with homeschooling in 2008, which now feels like a distant memory. I have remained committed to the legal defense of homeschooling, and I likely always will. I am incredibly grateful for how homeschooling has transformed my life, particularly in my understanding and practice of education. This would never have been possible without the passion and commitment of countless homeschool families I have met throughout these years, in Brazil and several other countries. To all the homeschool families, my love and appreciation for all the good you are bringing into the world. My deepest desire is that this book can be a helpful tool to advance your deserved freedom.

In the end, as it was in the beginning, and always, there is the grace of God. Years ago, He saved my life, giving me a meaning worth fighting and dying for. Now, I ask him to be worthy of all the graces He laid upon me.

Preface

I met Alexandre over breakfast in Dublin. It was January 2022, and I was attending a conference on educational reform. Having arrived late the day before, I went down for breakfast and, noticing that we both had the same disoriented look—and were wearing the same conference lanyard and badge—we decided to sit together. What was meant to be, for both of us, a practical way to avoid staring at our phones during breakfast ended up forging a connection that has lasted to this day. Like the beginning of a joke—“a Spaniard and a Brazilian walk into a breakfast in Dublin”—a conversation started that still hasn’t ended. A good sign of how far that breakfast took us is the fact that I’m writing these words nearly four years later.

During that breakfast, we realized that Alexandre’s academic interests and later professional experience resonated closely with my concerns and the work I do as director of the Swiss NGO OIDEL, not to mention an evident personal affinity.

Since then, Alexandre and I have had the good fortune of continuing that breakfast conversation in various settings: at academic forums, such as those organized by the Education Law Association (ELA); at political gatherings; and at OIDEL’s Summer University, where his participation is consistently among the highest-rated by students. I can confidently say I have significantly benefited from my conversations and reflections with Alexandre, who has always been remarkably generous with me.

I am very grateful that Alexandre has allowed me to write a few introductory words for his book *The Theory of Curricular Rights*. The subject is far from trivial. One of the key issues we at OIDEL have been monitoring for years—an issue that continues to intensify discussions

around education both nationally and internationally—is the matter of curricula. For example, many of the civil society organizations consulted during the preparation of OIDEL’s Freedom of Education Index 2023 report noted that future curricular reforms were the most likely to restrict freedom of education.

Curricular proposals often carry ideological ambitions, and just as often are justified by political urgency, or as a reaction to it. Curricula have been used too frequently as tools for political agendas and social transformation, distorting the true nature of the right to education and sidestepping social problems that are not, at their core, educational.

Alexandre’s work in this book is both important and courageous for three reasons. First, because it is written with a critical distance from political immediacy. Second, because it places the discussion where it belongs: within the framework of human rights. Moreover, third, because it offers a proposal that allows us to think about curriculum in an increasingly pluralistic world, one in which having a shared conversation is becoming ever more difficult.

Anyone who knows Alexandre knows that he is not afraid to step outside of his comfort zone. This book is yet another example: it tackles a complex, uncomfortable topic—and does so with great skill.

Once again, thank you, Alexandre.

Ignasi Grau Calizzo

General Director

Organisation Internationale pour le Droit à l’Education et la Liberté d’Enseignement (OIDEL)

Introduction

“Every book, every volume you see here, has a soul. The soul of the person who wrote it and those who read it and lived and dreamed with it.”

— Carlos Ruiz Zafón, *The Shadow of the Wind* (from *The Cemetery of Forgotten Books* series)

This book began to take root in my soul about 35 years ago. To be more specific, it was on October 2, 1990, during a cloudy afternoon in the small town where I lived with my family in Brazil. At 15, I faced a dreaded Organic Chemistry test, but I chose to read about the Olmecs instead, sparking my lifelong quest to understand the purpose of education.

I often wondered, “Why do I have to learn this?” One day, a more courageous colleague asked one of our teachers the same question. The teacher replied, with brutal honesty, “Because it will be in the test.” I found this answer to be insufficient, and my search for a more authentic response ultimately shaped the course of my life.

On that fateful day, one thing increased my tension: I had to study for a test that I believed would be useless for my future. At the same time, I was yearning to dive into a captivating and extensive collection of books on world history. In the end, my heart won out, and I happily spent my time reading about the history of the Olmecs in Mesoamerica. The next day, I did just enough to achieve the minimum passing grade. The most important thing was that the torment was finally over.

I do not remember much about my years in elementary school and high school, except that I was a typical shy student who often faced

bullying. The true education that shaped my life took place in a very special library—not the municipal one I frequently visited, but the one at home. My father, a middle-class accountant who grew up in rural poverty, had a deep passion for books and knowledge and instilled this love in me. Even today, I can confidently say that one of my greatest pleasures in life is discovering and creating knowledge. Unknowingly, I began to understand the difference between schooling and education.

Education should empower everyone to lead a fulfilling and authentic life, a theme throughout this book. With this belief in mind, I left home and graduated with a law degree from one of the best universities in the country. However, my experience was far from easy. I faced numerous challenges while away from home and dealt with the doubts and uncertainties that come with youth. At one point, I even considered switching from Law to Geography, a long-standing passion I am now sharing with my son.

In 2002, I was selected in a highly competitive public tender and became an attorney at the Central Bank of Brazil. At the same time, I began teaching Criminal Law and Procedure at a local university. However, the profound boredom I often experienced served as a clear indication that a fulfilling life was still out of reach for me.

I can say that the passion for knowledge saved me. Teaching and writing became my leading passions. Somehow, the meaning of life was hidden inside the words and could be found in writing them.

Everything changed on another cloudy afternoon in 2008. As usual, I was feeling incredibly bored, so I turned to writing to keep my mind occupied. The specific content did not matter; I just needed to write. That day, I decided to write about homeschooling. It marked my first encounter with education law, igniting a passion that would change my life forever.

Much of my writing has been forgotten, both by me and by my few readers. However, this small article I wrote advocating for a homeschool family facing prosecution in Brazil had unexpected repercussions. I soon realized that it was the first legal opinion in the country supporting homeschooling. As a result, I became Brazil's leading legal expert on the subject, since there were no others in this field. Several homeschooling families approached me for assistance, and I began providing legal advice to the growing homeschool movement in the country.

Fast forward to 2010, when I was appointed as the legal director of the Brazilian Homeschool Association. My role rapidly expanded, and I became a prominent international authority in my field. In 2013, I helped to found the Global Homeschool Exchange, an international network of homeschool leaders. In 2016, I hosted the second Global Homeschooling Conference in Rio de Janeiro and served as the primary author of the "Rio Principles," the first human rights declaration on homeschooling. Since then, I have lectured in several countries on topics related to homeschooling, educational pluralism, and educational law.

Between 2013 and 2014, I fulfilled an old dream by pursuing an LLM at Vanderbilt University in the United States. During this time, I learned the complexities and nuances of North American legal language and witnessed the importance placed on educational freedom and parental rights, which I found deeply inspiring. I believe that dreams should never grow old, and even though I was significantly older than my colleagues, most of whom had just graduated from college, my experience was truly fantastic.

I also found the love of my life, Viviane, with whom I have three wonderful children: Sarah and Sofia, born in 2015, and Alexandre, born in 2018. I have learned a great deal about education, and I wanted my children to experience something entirely different from what my

generation had. Education has begun to interact in fascinating and unpredictable ways in both theory and practice.

In my roles within Brazil's Ministries of Education, Culture, and Human Rights, I gained extensive experience in education and human rights. This culminated in my position as the National Secretary of Global Protection at the Ministry of Human Rights from 2019 to 2020. In this role, I was responsible for various fields related to human rights, including human rights education and the implementation of decisions made by the Inter-American Court of Human Rights. A significant achievement during my tenure was on September 3, 2020, when I successfully defended Brazil's candidacy for a new term on the United Nations Human Rights Council.

I finally decided it was time to research the right to education. For some reason, this area of law remains underdeveloped worldwide, and I aspire to propose a new theory of education law. Belgium seemed like the best place for my research—a small and unique country with two distinct regions, Flanders and Wallonia, renowned for producing some of the best beer in the world. Most importantly, Belgium has one of the freest educational systems globally.

At the end of this journey, I found myself in an apartment in Italy, conducting research at the University of Milan. Additionally, I am serving as the General Secretary of the European Education Law Association and am an international speaker, reviewing education law and policy for various international agencies. Throughout these years, I have made significant contributions to education and law, which I have summarized in this book.

Sharing my personal history is important because it shapes and gives meaning to the book you read. I invite you to view this book as a journey as well.

As we embark on this journey, it is important to ask: Who is this book really for? This book is intended for educators seeking to develop meaningful curricula, parents advocating for their children's rights, and policymakers working to align education with human rights principles.

Although education is widely recognized as a human right, the laws surrounding education are still underdeveloped, particularly in terms of the role of the curriculum. This book addresses this issue by proposing a theory of curricular rights based on human rights principles. In an era marked by post-COVID learning gaps and ongoing debates about curriculum content, this book provides a timely framework for rethinking education through the lens of human rights.

Summary

Education is a cornerstone of human development, a fundamental right, and a catalyst for societal progress. Yet, its meaning, purpose, and legal underpinnings remain contested and often misunderstood. This book embarks on a journey to clarify the concept of education within the framework of human rights, offering a robust exploration of its legal, philosophical, and practical dimensions. By distinguishing education from mere schooling or indoctrination, it seeks to establish a foundation for Education Law that aligns with human dignity and the best interests of the learner.

Drawing from international human rights frameworks, such as the Convention on the Rights of the Child, and philosophical insights from thinkers like Aristotle, this work proposes a comprehensive approach to education that prioritizes the development of individuals and their ability to thrive in a complex world. From defining education legally to examining its aims, rights, and global paradigms, each chapter builds toward a transformative vision of educational curriculum as a human right. The book introduces novel concepts, such as curricular rights, and provides actionable recommendations for policymakers, educators, and scholars.

This book does not claim to resolve all questions surrounding education but rather invites readers to engage with its challenges and possibilities. Through a blend of legal theory, philosophical reflection, and practical policy, it aims to inspire new pathways for ensuring education serves as a beacon of human rights and societal good.

The book is divided into two parts. The first part focuses on establishing fundamental legal concepts related to education. It analyzes the aims of education, explores the dimensions and requirements of

the right to education, and considers the significant educational paradigms of our time. Although this section draws heavily on philosophical and educational scholarship, it is all framed through the lens of human rights law, as the work serves as a legal analysis of education.

The first part lays the groundwork for the second part, which presents a new theory of a human rights-based curriculum. This theory places a strong emphasis on literacy as a core component of the curriculum. In the annex, the “Global Curriculum Framework” transforms the concepts from this book into a fundamental structure that aims to guarantee the right to learn for individuals globally.

Chapter I: Towards a Legal Definition of Education

This chapter defines education as an ethical and formative process that immerses individuals in a culture, promoting holistic development across mental, moral, social, spiritual, and physical dimensions. It differentiates education from indoctrination and schooling, emphasizing its lifelong and values-driven nature, which is rooted in human rights treaties such as the Convention on the Rights of the Child (CRC)¹ and the International Covenant on Economic, Social and Cultural Rights (ICESCR).²

¹ The Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly in 1989. It is a significant international treaty that defines the civil, political, economic, social, and cultural rights of children. The CRC emphasizes the right to education, as outlined in Articles 28 and 29. It ensures free primary education, accessible secondary education, and supports the development of a child’s full potential through learning that promotes respect, peace, and equality.

This convention is vital for education because it establishes a global framework to protect children’s access to quality education, address disparities, and foster inclusive environments that empower future generations. It is the most important human rights convention for the purposes of this book.

² The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations in 1966 and entered into force in 1976. It is a vital international human rights treaty requiring state parties to protect and promote economic, social, and cultural rights. These rights

It highlights the role of education in achieving personal and societal goals, its connection to cultural transmission, and its structure, which involves educators, learners, and society. It categorizes education into formal, informal, and non-formal types and examines the interplay between teaching and learning. Ultimately, it proposes ten policy recommendations to ensure that national education systems align with human rights principles, emphasizing clarity, accountability, and inclusivity.

Chapter II: Aims of Education

This chapter examines the aims of education defined in Article 29 of the CRC, focusing on their role in developing personality, talents, and respect for human rights. It discusses philosophical and legal aspects, addressing challenges like teleophobia—the reluctance to recognize the purpose of education—and ideological distortion.

The chapter proposes a framework for integrating these aims into national curricula, ensuring alignment with human rights principles to promote personal fulfillment, cultural identity, and social cohesion. By analyzing the balance between individual and societal aims, it highlights the need for curricula to be purpose-driven, culturally relevant, and adaptable, providing policymakers with guidance to create empowering education that supports democratic societies.

include access to education, health, work, and an adequate standard of living.

Article 13 specifically recognizes the right to education, highlighting its importance in enabling individuals to fully develop their human potential, dignity, and self-respect, while also fostering understanding and tolerance among nations. The ICESCR emphasizes the necessity of providing access to free primary education, progressively free secondary and higher education, and equal opportunities for everyone.

Its significance in education lies in its legally binding framework, which compels governments to prioritize education as a fundamental right. This ensures equitable access and the progressive realization of educational opportunities for all citizens.

Chapter III: The Right to Education

This chapter examines the right to education from its legal, philosophical, and social perspectives, situated within the framework of international human rights law. It emphasizes the multifaceted nature of this right, incorporating civil, political, economic, social, and cultural aspects, and utilizes the 4-A framework—availability, accessibility, acceptability, and adaptability—to ground its practical implementation.

The chapter critiques simplistic interpretations of the right, highlighting its complexity as a safeguard against ideological biases and a means to balance individual rights with societal needs. Analyzing human rights treaties and legal precedents highlights the importance of a comprehensive understanding of the right to education in ensuring equitable access and achieving meaningful outcomes, particularly for marginalized groups.

Chapter IV: Global Paradigms in Education

This chapter examines three key global paradigms influencing modern education: global educational planning, lifelong learning, and digitalization. It discusses how initiatives like the Sustainable Development Goal 4 (SDG 4) foster inclusive education and redefine learning as a continuous process that extends beyond traditional schooling.

It highlights the transformative effects of digital technologies on education, acknowledging both their opportunities and the risks they pose, particularly regarding human dignity when efficiency overshadows ethics. By situating these paradigms within a human rights framework, the chapter underscores their potential to enhance educational rights while cautioning against threats that could compromise the aims of education.

Chapter V: The Right to Literacy

This chapter argues that literacy—encompassing traditional, digital, and financial aspects—is a fundamental human right integral to education. It defines literacy not only as reading and writing but also as the ability to critically engage with the world, empowering individual development and societal participation.

Grounded in human rights law, the chapter emphasizes the universal recognition of literacy as essential for human flourishing, supported by frameworks like the World Declaration on Education for All. It offers policy recommendations for the legal recognition of literacy and the establishment of robust monitoring systems, particularly for marginalized groups, to ensure that literacy fulfills educational rights and promotes equitable learning outcomes.

Chapter VI: The Theory of Curricular Rights

This chapter presents a pioneering theory of curricular rights, asserting that the curriculum—comprising aims, content, pedagogy, and assessment—constitutes a vital aspect of the human right to education. It requires legal scrutiny to align with international human rights standards, particularly Article 29 of the CRC.

The emphasis is on shifting from mere access to education to the relevant learning, advocating for curricula that foster holistic development, cultural identity, and human dignity. A framework for minimum learning standards is proposed, highlighting essential competencies such as literacy, numeracy, and civic engagement, while striking a balance between universal standards and local innovation.

The chapter concludes with a ten-step strategy for implementing curricular rights, focusing on participatory governance, evidence-based practices, inclusive pedagogy, and transparent assessments to create a rights-based, purpose-driven education system.

Conclusion

The conclusion highlights the book's goal of developing a comprehensive theory of curricular rights related to the human right to education, informed by the author's experiences in law, homeschooling, and human rights advocacy. It summarizes six key findings:

1. The importance of precise educational concepts.
2. The purpose-driven nature of education, as defined by its aims.
3. The complexity of the right to education.
4. The need to connect education with social realities.
5. Literacy as a fundamental right.
6. The necessity of embedding human rights throughout the curriculum.

By bridging law, education, and philosophy, the book highlights the transformative power of education through literature and personal reflections. It proposes reforms for a human rights-based curriculum to promote human dignity and societal progress, inviting continued collaboration among scholars, educators, and policymakers toward a just and equitable education system.

Annex

The Global Curriculum Framework is based on the human right to education as outlined in international treaties, such as the CRC. It aims to promote holistic development—mental, moral, social, spiritual, and physical—through inclusive and equitable education systems that encourage lifelong learning and active citizenship.

The framework consists of five key sections:

1. **Core Learning Competencies:** This section emphasizes literacy, communication, and numeracy, which are essential for participating in society and contributing to its development. These competencies form the foundational basis for all learning and development.
2. **Foundational Knowledge:** This area connects learners to their cultural heritage and provides global perspectives through the arts, culture, and sciences.
3. **Human Development:** This section focuses on promoting holistic empowerment in all dimensions of life, including mental, social, spiritual, physical, and moral aspects.
4. **Skills for Autonomy and Life:** Learners are equipped with practical life skills, including digital literacy and financial literacy, to foster independence.
5. **Civic and Environmental Engagement:** Enhance awareness of geography and history while promoting civic action and community involvement.

Part I

Principles of the Right to Education

Chapter I

Towards a Legal Definition of Education

This chapter offers a comprehensive legal definition of education by exploring its fundamental elements. It posits that education goes beyond simply imparting knowledge; it is a lifelong journey that influences individuals through their culture and values. Education is distinguished from indoctrination and training; the relationship between teaching and learning is explored, highlighting the vital roles played by educational institutions in this process. Grounded in human rights law, particularly through treaties like the CRC and ICESCR, it defines education as a universal right that is crucial for both individual and societal progress. The chapter concludes with ten actionable recommendations for policymakers, designed to align national education systems with this broader perspective on education.

1. A definition of education. 2. Distinctive characteristics and types of education. 3. Teaching and learning. 4. Culture. 5. Educational institutions. 6. Educational roles. 7. The legal meaning and importance of education. 8. Ten recommendations for policymakers.

1 A definition of education

To understand the right to education, we need to define it. We will approach its definition step by step. Initially, we will examine and categorize the various aspects related to education.¹

¹ Regarding the controversies on the meaning of education, see Carr, D. (2003). Philosophy and the Meaning of 'Education'. *Theory and Research in Education*, 1(2), 195–212.

*First, education is a process, i.e., a set of acts performed sequentially, which ultimately form a unity. Generally, the education process comprises two separate acts: teaching and learning.*² However, as we shall see, only some kinds of teaching can be regarded as educational acts, and not all kinds of knowledge are considered educational.

For instance, no one would consider teaching how to produce illicit drugs or how to operate a home appliance to be educational. Moreover, the educational process may never be concluded (for example, relevant content that is taught but never learned). Therefore, education does not consist of a single act, and it is impossible to speak of “educational activities” in isolation without reference to a context.³

Moreover, education is a process that consists of two phases: external and internal. The external phase refers to teaching, which can occur in formal settings, such as school classrooms, or more informal environments, like houses and communities. The internal phase involves learning, which occurs within the student’s mind and leads to meaningful change, resulting in the lasting acquisition of knowledge, values, attitudes, abilities, or behaviors.⁴

The division of education into external and internal stages is particularly evident in the acquisition of language. The external phase, or teaching, can occur in formal and informal settings. In formal environments, teachers conduct lessons, while in informal ones, learners are exposed to the language.

² This is the reason why the education process is also known as the teaching-learning process. See Huitt, W. (2003). A transactional framework of the teaching/learning process. Educational Psychology Interactive. Valdosta State University. Available at www.edpsycinteractive.org/materials/tchlrmnd.html.

³ See Peters, R. S. (1966). Ethics and education. George Allen & Unwin.

⁴ See Kolb, D. A. (1984). Experiential learning: Experience as the source of learning and development. Englewood Cliffs, NJ: Prentice Hall.

The internal phase, or learning, begins with cognitive changes in the learner, such as internalizing grammar rules and building a mental vocabulary lexicon. Following this stage, behavioral changes occur as the learner begins to use language in conversations, demonstrating an understanding of and ability to communicate effectively. The educational process can be considered complete when consistent practice transforms these skills into fluency, enabling the learner to think, speak, and write effectively in the new language.⁵

Education is fundamentally a *process of development*. A key aspect of education is the capacity of individuals to be shaped and changed; this openness to formation is essential for the learning process. Therefore, to be educable is inherently tied to being human, as every person possesses the potential for growth and self-improvement.⁶

Education is a purpose-driven process. It serves as a tool to help individuals reach their goals rather than being an end in itself. This means that the value of education lies in its ability to help people achieve other goods, rather than being valuable solely for its own sake.⁷

Moreover, some people argue that education, or at least certain types of education, has intrinsic value and serves as an end in itself.⁸ However, these arguments mix up the importance of education with its intrinsic value. The key issue is not whether education possesses

⁵ See Krashen, S. D. (1985). *The input hypothesis: Issues and implications*. Longman.

⁶ *Idem*, p. 371.

⁷ See Dewey, J. (1916). *Democracy and education: An introduction to the philosophy of education*. New York, NY: Macmillan.

⁸ Intrinsic value is the inherent worth of something appreciated for its own sake, such as happiness or beauty. In contrast, instrumental value is based on how something helps achieve other goals, such as money or tools, which are valuable because they enable us to obtain what we desire.

instrumental or intrinsic value, but rather what purposes education serves. This topic will be explored in detail in the next chapter.⁹

Education is not only a process or means to achieve specific aims, but also profoundly rooted in values. It requires us to make judgments about what is right and wrong. People view education positively because it can enhance various aspects of a person's life, including cognitive abilities, ethical understanding, social skills, spirituality, and physical health. Therefore, education necessarily implies that something ethically good is happening to the person being educated.^{10 11}

Understanding education as a normative concept has important implications.¹² Education's outcomes are lasting, resulting in enduring improvements in an individual's character and well-being. Therefore, experiences that do not promote personal growth cannot be classified as education, even if they seem beneficial at first, but ultimately lead to results that fade over time. Conversely, there are situations where an individual may experience a lasting negative change, which can be described as true miseducation.¹³

⁹ See Gatley, J. (2021). Intrinsic value and educational value. *Journal of Philosophy of Education*, 55(4–5), 675–687.

¹⁰ “States Parties recognize the right of every child to a standard of living that is adequate for the child's **physical, mental, spiritual, moral, and social development**” (emphasis added) (United Nations, Convention on the Rights of the Child, CRC, 1989, Article 27.1).

¹¹ See Katz, M. S. (2009). R. S. Peters' normative conception of education and educational aims. *Journal of Philosophy of Education*, 43(1), 97–108.

¹² A normative concept is an idea or principle that indicates how things should be, rather than how they are. These concepts, like justice and fairness, guide behavior and decisions based on values and ideals. They evaluate actions and policies and are shaped by cultural, ethical, or philosophical perspectives. This contrasts with descriptive concepts, which simply state facts without judgment.

¹³ In *Experience and Education* (1938), John Dewey emphasizes the significance of education as a process that should foster meaningful and lasting growth. He highlights the normative aspects of education and distinguishes between experiences that contribute to long-term development and those that are stagnant or lead to regression (“miseducation”).

An example of miseducation can be seen in schools that implement rigid discipline programs to address disruptive behavior. Students often face authoritarian methods in these environments, including public shaming and physical punishment. While these practices may initially control behavior, they can lead to low self-esteem, resentment, and a lasting aversion to authority, resulting in a permanent negative impact on students.¹⁴

Education is also an initiation, a process that introduces individuals to a community. It helps people become part of various social groups and fosters a deeper understanding of humanity. Education also immerses learners in a specific culture, allowing them to appreciate the values, norms, and histories that shape their identity.¹⁵

Finally, education is also a *cultural process*, as it aims to impart culture to the next generation. This cultural transmission requires a rigorous selection of certain cultural elements created by humans that are integrated into a curriculum. That is a symbiotic relationship between education and culture: while there is no education without cultural transmission, no culture can survive without this transmission made possible by education.¹⁶

Therefore, education can be defined as *an ethical formation process by which human beings are initiated into a culture to develop their capabilities in all aspects: mental, moral, social, spiritual, and physical*.¹⁷

¹⁴ See Kohn, A. (1993). Punished by rewards: The trouble with gold stars, incentive plans, A's, praise, and other bribes. Houghton Mifflin. In this book, Kohn critiques authoritarian discipline methods, arguing that they create resentment, lower self-esteem, and undermine intrinsic motivation.

¹⁵ See Thiessen, E. J. (1985). Initiation, indoctrination, and education. *Canadian Journal of Education / Revue canadienne de l'éducation*, 10(3), 229–249.

¹⁶ Hanley, M. S. (2006). Education: Transmission and transformation. *Journal of Thought*, 41(3), 51–55.

¹⁷ See Hirst, P. H., & Peters, R. S. (1970). *The logic of education*. Routledge & Kegan Paul. The authors examine education as an ethical process focused

In conclusion, our review of the definition of education reveals that it encompasses much more than teaching. It is a process of human growth shaped by culture, human nature, and ethics. By viewing education as a journey focused on values and aims, we create a clear framework that helps us distinguish genuine educational efforts from those that seem educational but are not.

This understanding prepares us for the next step: examining the unique features and various types of education. This will help us sort out the various educational practices while focusing on the key principles that make them truly educational.

2 Distinctive characteristics and types of education

Based on the outlined concept, we can identify several key characteristics of education:

- a) It encompasses various learning processes throughout life and is not limited to traditional schooling.
- b) It fundamentally focuses on the development of the individual.
- c) It is a dynamic process that evolves according to changes in the individual's circumstances.
- d) It is inherently positive and beneficial for both individuals and society.

on the holistic development of individuals. They highlight the importance of initiating students into culture, which is crucial in developing their mental, moral, social, and other capabilities.

- e) Generally, it is a tripolar process that requires the involvement of the educator, the student, and the society in which they exist.¹⁸

Thus, education can be broadly understood as the development and enhancement of various aspects of a human being, ranging from concrete elements, such as physical development, to more abstract qualities, such as moral development. While it might be possible for a person to grow and develop without education, true fulfillment and comprehensive development can only be achieved through education. In this sense, education offers individuals the opportunity to reach their full potential.

This is the individual dimension of education, linked to the “blossoming of personality and respect for the rights of the person.” Still, there is also “a social, or collective, dimension, linked to relations with and between communities, whose survival and development depend upon knowledge and values transmitted to individuals during educational processes.”¹⁹

At this point, it is already possible to distinguish education from other forms of “human pursuits,”²⁰ i.e., from activities designed to satisfy a need or a desire. For this, three conditions must be acknowledged:

- a) *The first* is pursuing something valuable and worthwhile: education is a moral activity (education consists of doing what

¹⁸ See UNESCO. (1996). Learning: The treasure within: Report to UNESCO of the International Commission on Education for the Twenty-first Century (J. Delors, Ed.). UNESCO Publishing.

¹⁹ See Meyer-Bisch, P., & Bidalt, M. (2014). Afirmar os direitos culturais: Comentário à Declaração de Friburgo (p. 72). Iluminuras. Translated by the author.

²⁰ Referring to education as a “human pursuit” suggests that it serves as a means or tool to achieve specific goals. For a detailed exploration of educational aims, see Chapter II.

is right) and an efficient activity (education brings about results that make up for the time, money, and effort spent).

- b) *Second*, education involves the permanent acquisition of knowledge, values, beliefs, attitudes, and understanding, beyond mere skills and information.
- c) *Third*, education consists of some understanding of what is being learned and what is required for learning, i.e., education always involves some level of voluntary participation of the learner (that which distinguishes education from other processes related to teaching, such as indoctrination, conditioning, and brainwashing).²¹

Finally, three fundamental types of education are acknowledged:

- a) *Formal education* is a distinct way of learning that is separate from daily life. It aims to pass knowledge, skills, and values to new generations. This type of education happens in a regular system that the State oversees and controls. It is structured into different levels, ranging from early childhood education to higher education;
- b) *Informal education (socialization)* happens unintentionally through daily interactions and gradually integrates values, customs, and rules from the person's social groups. Key spaces for informal education include family, community, and increasingly, mass media like the Internet and TV);

²¹ This means that, since education is always voluntary, its essence is self-education (self-learning, self-teaching, and self-didacticism). "Education (*Erziehung*) is self-education; cultivation, training (*Bildung*) is self-cultivation" (Gadamer, H.G. (2001). Education is self-education. *Journal of Philosophy of Education*, 35(4), 529).

- c) *Non-formal education* encompasses planned learning activities outside the official school system, including language courses, company training, private classes, homeschooling, and public job exam preparation. Unlike informal education, which occurs by chance, non-formal education has a clear educational intention.²²

Understanding the different forms of education helps us realize that it is not restricted by time, location, or specific institutions. Instead, its boundaries are defined only by our ability to achieve its aims. Recognizing this perspective provides a basis for examining how education operates in real life. This leads us to teaching and learning, which are fundamental to the educational process.

3 Teaching and learning

Teaching encompasses a range of activities that provide students with knowledge, skills, habits, and values. These activities employ various instructional methods, including lectures, discussions, hands-on exercises, and collaborative projects.²³

Instruction is often seen as a synonym for teaching; in a more specific context, it focuses on transferring technical knowledge, such as operating machinery or installing household appliances. While teaching and instruction can overlap, legislation typically distinguishes between the two based on their respective contexts. Teaching is broader and developmental, linked to formal education systems, whereas instruct-

²² See Aranha, M. L. de A. (2006). *Filosofia da educação* (pp. 93–103). Moderna.

²³ “Teaching is the process of attending to people’s needs, experiences and feelings, and intervening so that they learn particular things, and go beyond the given.” (Smith, M. K. (2018). *What is teaching?* The Encyclopedia of Pedagogy and Informal Education. Available at <https://infed.org/mobi/what-is-teaching/>.)

ing is narrower and task-specific, often associated with technical or vocational training.²⁴

For example, “teaching” in legislation such as the U.S. Individuals with Disabilities Education Act (IDEA) refers to providing specially designed instruction to meet the unique needs of students with disabilities, encompassing a broader pedagogical approach.²⁵ In contrast, the European Union’s Health and Safety at Work Directive requires employers to provide “instruction” to employees about workplace safety and risk management, focusing on practical compliance.²⁶

While teaching is important, it is not essential to the education process. Individuals can engage in self-directed learning, allowing them to educate themselves without an instructor’s guidance, such as when someone reads a book independently or undertakes a personal learning project.²⁷

Furthermore, teaching is not always effective in fostering education, especially when it fails to create lasting learning impacts and contribute to an individual’s personal development.²⁸ For instance,

²⁴ “Education involves the learner contributing significantly to his own development, even though he might be assisted by a tutor; instruction tends to be the passive reception of data and method (techniques) to meet a specific target.” (Toye, M. (1971). *To educate ... or to instruct? Industrial and Commercial Training*, 3(12), 588–589.)

²⁵ See United States Congress. (2004). *Individuals with Disabilities Education Act*, 20 U.S.C. § 1400 et seq. Available at <https://sites.ed.gov/idea/>.

²⁶ See European Union. (1989). Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. *Official Journal of the European Communities*, L 183, 1–8. Available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31989L0391>.

²⁷ See Knowles, M. S. (1975). *Self-directed learning: A guide for learners and teachers*. Association Press. The author emphasizes that education can happen outside formal teaching, highlighting learners’ ability to educate themselves through self-directed methods.

²⁸ See Illeris, K. (2004). *The three dimensions of learning: Contemporary*