

Rethinking Emotional Engagement in Human Rights Education through Affective Justice

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This conceptual paper suggests the notion of 'affective justice' as a means to critically address the problem of sentimentalism within Human Rights Education (HRE). Originating in sociolegal studies affective justice focuses on how legal frameworks for human rights generate embodied, affective experiences that allow learners to engage deeply with notions of justice. By examining how these affective dimensions shape learners' understanding of human rights, the paper argues that affective justice offers a valuable framework for countering critiques that emotional engagement with human suffering risks devolving into 'cheap sentimentality.' The analysis suggests that affective justice not only enriches HRE theory but also fosters meaningful, reflective practices among learners. The paper concludes by outlining future research directions to further explore how affective justice might be applied in educational contexts to deepen critical engagement with human rights and promote ethically grounded responses to global injustice.

Keywords: sentimentalism, Human Rights Education; affective justice; theory; emotion/affect.

Introduction

Sentimentalism in Human Rights Education (HRE) refers to the tendency to evoke strong emotions in learners through exposure to stories of suffering or injustice without fostering deeper and more critical engagement (Zembylas, 2016). The intention is for learners to develop more empathy, sympathy, and compassion through such exposure. However, while emotional responses can be powerful in the process of learning about human rights, sentimentalism risks oversimplifying complex issues. This may entail reducing learners' reactions to transient feelings of pity or sympathy that may not translate into meaningful understanding or action. Hannah Arendt (1994) used the term "cheap sentimentality" to warn against emotional engagement that lacks a foundation in thoughtful and ethical reflection as it can lead to superficial responses rather than a sustained commitment to justice (p. 251). Applied to this conceptual paper, the design and implementation of HRE can run the risk of falling into the trap of "cheap sentimentality" Arendt (1994) discussed. An ongoing challenge for HRE scholars and practitioners is the question of how to develop theory and practice that circumvent superficial sentimentalism and guide learners toward a balanced approach combining affective engagement with critical analysis and ethical responsibility.

This conceptual paper introduces the notion of affective justice as a tool to critically address the risks of sentimentalism in HRE. Originating in sociolegal studies, affective justice emphasizes how legal frameworks for human rights produce embodied, affective experiences that enable deeper engagement with justice (Clarke, 2019). Kamari Maxine Clarke (2019) defines affective justice as “people’s embodied engagements with the production of justice through particular structures of power, history, and contingencies” (p. 5). Clarke (2019) highlights the need for a balanced approach that combines emotional engagement with awareness of the structural dimensions of justice and power. This paper draws on affective justice to explore how human rights as legal instruments shape affective and embodied experiences, through which learners interpret and enact their understandings of human rights and justice. By examining how emotions influence learners’ perceptions, this paper argues that affective justice provides a robust framework to counter critiques that emotional engagement with human suffering may lead to superficial or “cheap” sentimentality.

This paper extends the concept of affective justice and its three interrelated components (Clarke, 2019) to articulate how understandings and practices of justice and human rights in the context of HRE are affective. These three components—legal technocratic practices, embodied affects, and emotional regimes—come together to provide compelling conceptual tools for exploring the affective mobilization of human rights and justice in HRE. The analysis discusses how the concept of affective justice may help scholars and practitioners in HRE to pay attention to the complexities of efforts to inspire such feelings in learners while avoiding the pitfalls of sentimentalism in education.

The field of HRE is situated between two major critiques. On the one hand, the literature has criticized HRE for promoting a predominantly juridical approach—one that frames human rights primarily as legal entitlements. This emphasis risks neglecting the affective and embodied aspects of human rights violations globally, potentially leading learners to adopt a detached, rationalist view of human rights (e.g., Zembylas & Keet, 2018, 2019). On the other hand, critics warn against an uncritical sentimental approach in HRE that uses narratives of suffering merely to ‘emotionalize’ human rights learning in superficial ways as it can trivialize complex issues (Zembylas, 2016). Sentimentalism in HRE should not be framed as an either/or choice. A third pathway exists.

Understanding and learning about human rights occurs through a juridical lens and in relation to the affective and embodied realities of human suffering. The combination of both can enable educators and scholars to grasp the nuanced interplay between human rights as legal frameworks and as lived felt experiences. This is where the concept of affective justice provides a lens that integrates legal understanding with emotional and embodied dimensions of justice. Such a framework can create a more holistic and transformative approach to HRE. This paper aims to expand the theoretical and analytical toolkit available to HRE scholars and practitioners. By theorizing affective

justice, this paper seeks to illuminate how human rights can be understood not just as legal instruments, but also as embodied, emotional experiences that shape how learners come to comprehend, challenge, and advocate for human rights and justice. While it draws upon relevant literature in human rights historiography and pedagogy, its central purpose is conceptual—to propose affective justice as a generative lens for reconsidering the intersections of emotion, law, and social change within the domain of HRE. This theoretical intervention may spur further applied inquiry into the affective dimensions of HRE, both in terms of scholarship and practice.

The paper unfolds in four sections. First, it examines emotion's role in human rights historiography, discussing how anti-emotionalism has influenced the United Nations' (UN) approaches to human rights and humanitarian issues. Second, it analyzes sentimental education of human rights, addressing critiques of suffering-centered narratives in HRE while exploring recent proposals to move beyond these limitations. Third, the paper discusses the concept of affective justice and demonstrates how it enriches our understanding of human rights and justice. Finally, applying this framework to HRE the paper shows how such lens can productively bridge the gap between human rights as legal instruments and as embodied experiences while remaining mindful of the pitfalls of sentimental approaches.

Emotion in the Historiography of Human Rights

The body of scholarship dedicated to exploring histories of emotion has risen since the turn of the 21st century (e.g., Plamper, 2015; Reddy, 2001; Rosenwein, 2005). Despite these developments, the intersections between human rights and histories of emotion "have been unusually few" (Burke, 2017b, p. 125). Roland Burke (2017b) examines how:

For a subject that necessarily speaks to some of the most primordial concerns and needs of the human person, the study of the postwar human rights project has often been sterilized of passion. [...] The disciplinary formations that tended to dominate the scholarship have been impersonal and structural; long catalogues of legal treatises and procedural evolutions, intricate disquisitions of the philosophical basis for particular sets of rights, and highly theorized analyses of the political order implicit in the international human rights system. (p. 125)

There have been exceptions, of course, such as the work of Lynn Hunt (2007), who provides a history of human rights that recognizes the crucial role of empathy ('sympathy' in the 18th century) in coming to imagine that all humans are equal. The author's analysis of the 18th-century novel and its sentimentalism (see also, Schuller, 2018) makes the important point that all people are fundamentally similar because of their inner feelings. Hunt's (2007) discussion of torture and cruel punishments is crucial in understanding how the dominant way of thinking rooted in instilling pain in others

fell apart and was replaced by a new understanding that recognized in all people the same sentiments.

Burke's (2017a, 2017b, 2020) analysis traces a significant shift in the role of emotion within the historiography of human rights over the past two centuries. The histories of 18th and 19th-century social movements, such as abolitionism, demonstrate that the latter successfully incorporated emotion to mobilize humanitarian and human rights projects. However, the postwar period from 1950 to 1980 reveals an interesting ambivalence. Human rights diplomacy at the UN during this time exhibited an anti-emotional tendency, perceiving emotionalism as pejorative, particularly within the United States (Burke, 2020). In contrast, the history of modern rights movements shows that emotional mobilization is crucial to human rights advocacy (Burke, 2017a, 2017b). According to Burke (2017b), the postwar human rights movements built upon the empathetic mobilizations of the abolitionist movement that came before. While these later human rights efforts manifested in diverse ways and addressed diverse causes, Burke asserts they were ultimately driven by the same deep-rooted, centuries-old impulse—the power of human empathy.

Revisiting the emotional history of modern human rights movements, then, reminds us that mobilizing emotions is important for the promotion of human rights. For example, Keys (2014) shows that human rights in the United States (US) during the 1970s moved to the center of public concern as a response to dramatic events such as the civil rights movement and the Vietnam War. Human rights mobilization during this time entailed an emotional dimension that reacted to the US's foreign policy failings (Keys, 2014). The emotions of guilt and shame emerging from the Vietnam War played a significant role in US political debates between liberals and conservatives, who interpreted these and other emotions (e.g., patriotism) differently. Keys' (2014) attention to emotions and their influence on human rights mobilizations highlights that exploring human rights through the lens of emotion is important in human rights theory and practice.

Contrary to the vital role of emotion in human rights movements, human rights diplomacy has historically displayed a marked hostility toward emotionalism. In his analysis of UN human rights diplomacy from 1950-1980, Burke (2017a, 2017b, 2020) identifies a clear "unease about any emotional component to human rights advocacy" (2017b, p. 128)—what he describes as a "structural feature of Western diplomacy and rights advocacy" (Burke, 2017b, p. 128). The historiography of human rights highlights the importance of emotion in this field of activism and struggle. It also reveals diplomats' persistent reluctance to openly embrace emotion as a legitimate source of power and influence. Specifically, Burke (2020) analyzes how a "self-conscious aversion to 'emotionalism'" (p. 306) has shaped American engagement with human rights and humanitarian issues from the early 1950s onward. This dynamic, Burke (2020) argues, relied on an unhelpful binary that denigrated emotion—readily identified in other countries—"as a marker of immaturity and impropriety" (p. 307).

In the immediate years after the adoption of the 1948 Universal Declaration of Human Rights (UDHR), which inspired countless human rights movements in subsequent decades, hope was abundant especially among ‘Third World’¹ representatives in the UN’s Commission on Human Rights (Burke, 2017a, 2017b, 2020). In this initial period of the UN, “the battle for the soul of human rights was defined by hyper-ambitious developing countries versus quibbling, and allegedly heartless, legalists from the Western world” (Burke, 2017b, p. 129). For example, Third World diplomats were accused of voting based on ‘feelings’ (e.g. concerning South Africa’s apartheid regime or the Israeli-Arab conflict). The US delegations in the decades following the 1950s expressed their skepticism about the ‘emotional’ approach to diplomacy that developing countries adopted (Burke, 2017b).

The hopeful outlook that had previously characterized the human rights movement underwent a significant shift in the decades following the 1960s and 1970s (Burke, 2017a). During this period, according to Burke (2017a), a palpable mood of anger and rage dominated the UN’s human rights program. This shift occurred as it became increasingly apparent that the world’s major powers, including Western nations and the Soviet bloc, remained largely oblivious to the cries of vulnerable countries who fought for decolonization and liberation struggles. Instead, these powers had adopted a narrowly legalistic, juridically codified view of human rights (Burke, 2017b).

This brief and certainly incomplete historiography of emotion in human rights movements and diplomacy highlights two important insights into human rights theory and practice. First, while older human rights movements from the eighteenth 18th and 19th centuries were overtly sentimentalist in language to purposely invoke empathy, postwar human rights movements seemed to have become gradually more modest (Burke, 2017b). Human rights diplomacy, especially that of Western powers, was consciously anti-emotional, branding any responses from Third World countries as overly sentimentalist (Burke, 2017a, 2017b, 2020). The second insight is that regardless of this discrepancy about the role of emotion—i.e., aversion to emotionalism in human rights diplomacy at the states’ level; embrace of emotions in human rights advocacy at the level of social movements—emotions are crucial in understanding and advancing human rights. Paying attention to the emotional dimension of human rights, then, is an important aspect of human rights theory and practice. The next section discusses how a sentimental education of human rights can entail risks that should be addressed to overcome the skepticism that exists from bringing into the classroom sentimental narratives about the suffering of humanity.

¹ Although the term ‘Third World’ has since been critiqued and abandoned, this is the term Burke uses (following the historical use of the term in the initial period of the UN), so I want to be consistent with both history and the literature.

Navigating the Pitfalls of Sentimental Human Rights Education

Two major concerns have been expressed in recent years in debates about the philosophical and moral foundations of human rights and HRE (Zembylas & Keet, 2018, 2019). On the one hand, a purely juridical foundation of HRE may lead learners to an impersonal and rationalist understanding of human rights. On the other hand, an overly sentimental approach that aims to invoke certain emotions (e.g., empathy) about human rights violations and injustices may lead learners to superficial or ‘cheap’ sentimentality. Both of these concerns highlight the need to find a balance in the interplay of human rights as both legal instruments and affective embodiments. An either/or approach is unproductive; a binary understanding is unreflective of the complexities entailed in understandings and practices of human rights.

Over 25 years ago, Richard Rorty (1998) proposed an approach to the education of human rights that focused on the concept of ‘sentimental education.’ Rorty (1998) contended that the emergence and spread of human rights culture owed more to evoking emotional narratives and empathy than to simply increasing moral knowledge. He argued that what is truly needed is cultivating “an increasing ability to see the similarities between ourselves and people very unlike us as outweighing the differences” (Rorty, 1998, p. 181). The aim of this sentimental approach to the education of human rights is to foster sympathy and solidarity, which would make individuals less inclined to view those who are different from themselves as somehow less than human (Rorty, 1998). Other discussions of Rorty’s views highlight how sentimental education represents a broader cultural, historical, and political project focused on re-educating people as emotional and moral beings, rather than just as rational actors (Barreto, 2011, 2017).

Previous research argues that Rorty makes a significant contribution to discussions surrounding the role of emotions, particularly sympathy and solidarity, in the context of human rights and HRE. However, there are two major pitfalls to his proposition (Zembylas, 2016). First, the line between ‘sentimental education’ and ‘affective indoctrination’ (Zembylas, 2022) is thin. As Rorty (1998) himself points out, we achieve better results if we try to “manipulate” (p. 176) people’s feelings by telling them sad and sentimental stories like *Uncle Tom’s Cabin*² that stir sympathy for others whose rights are violated. As he writes: “The goal of this sort of manipulation of sentiment is to expand the reference of the terms ‘our kind of people’ and ‘people like us’” (Rorty, 1998, p. 176). Affective indoctrination—understood as the emotional coercion or manipulation that, arguably, any form of education might use to be effective—is likely to invoke harm in learners, even if it is justified under the premise of good intentions (Zembylas, 2022).

² *Uncle Tom’s Cabin* (1852) by Harriet Beecher Stowe is an anti-slavery novel that follows the lives of enslaved individuals, particularly Uncle Tom, a deeply religious and compassionate man who endures cruelty under different owners. Through its emotional storytelling, the novel seeks to evoke sympathy and inspire moral outrage against slavery.

Rorty's proposition for sentimental education may constitute a form of affective indoctrination in that it entails a conscious 'manipulation' of learners' feelings.

The second problem is that Rorty's proposition for sentimental education may unwillingly invoke uncritically and cheap sentimentality in two ways (Zembylas, 2016). First, by reducing justice to individuals' feelings of sympathy and solidarity, there is a risk of backgrounding structural conditions of inequality; and, second, by assuming that promoting sympathy and solidarity will automatically lead to transformative action, there is a risk of instilling pity and what Megan Boler (1999) calls 'passive empathy'. The former way entails the danger of individualizing and psychologizing human rights violations and injustices, leaving it up to the individual to take action rather than encouraging structural changes. The latter limits itself to a superficial sentimentalist reaction in which individuals feel momentarily 'bad' for witnessing others' pain and then move on with their everyday lives. Both of these concerns are also raised in Berlant's (1998, 2000) landmark critique of sentimental narratives that injustices and human rights violations cannot be reduced to feeling bad about others' pain.

In response to the question of how to sensitize individuals and societies in contemporary times to respond to global human rights violations, Barreto (2017) suggests bringing these two perspectives together:

Being an individual and collective endeavor, the actualization or strengthening of the human rights culture is to be pursued in a long-term process aimed at advancing the sentimental education of individuals and societies concerning the virtue of sympathy – a “global moral warming” of the political culture of our times. (p. 68)

According to Barreto (2017), the resources based on which to advance this sensibilization are to be found in a variety of spheres, including religion, philosophy, science, ethics, law, literature, and the arts. The project of advancing the sentimental education of individuals and societies in human rights and HRE is based on the idea that sentimental narratives will sensitize individuals and societies, leading them to take transformative action. However, as noted earlier, these assumptions are pragmatically and morally questionable. As Woodward (2004) reminds us:

The experience of being moved by these sentimental scenes of suffering, whose ostensible purpose is to awaken us to redress injustice, works instead to return us to a private world far removed from the public sphere. Hence, in a crippling contradiction [...] the result of such empathetic identification is not the impulse to action but rather a “passive” posture. [...] The genre of the sentimental narrative itself is morally bankrupt. (p. 71)

This critique highlights the risks of narratives of sentimentality such as voyeurism and passivity; these risks evoke superficial feelings of sympathy and pity for sufferers, rather

than transformative actions that make a difference in sufferers' lives (Zembylas, 2016). It is for this reason that in this paper I have argued for a critical-sentimental orientation in HRE, namely, an approach that values sentimental education as a point of departure for nurturing the role of emotion in human rights and humanitarian struggles, yet it takes a critical stance towards the fetishization and sentimentalization of narratives of suffering.

A critical sentimental education in HRE approaches stories of human rights violations and injustices with *both* criticality *and* affective engagement, highlighting the importance of criticality towards structures of power and injustice and inspiring affective engagement that addresses human rights violations through specific actions (Zembylas, 2016). I have claimed that there are three important dimensions for a critical sentimental education of human rights. First, a critical orientation to sentimental education of human rights does not only recognize the role of emotions and suffering in human rights struggles and injustices but also identifies and addresses the dangers of cheap sentimentality. Second, a critical orientation to sentimental education of human rights offers an alternative vision of agency and solidarity for learners, by engaging them in pragmatic everyday actions that lay the seeds for systemic and structural change. Third, a critical orientation to sentimental education of human rights creates pedagogical spaces for cultivating self-empowerment, solidarity, and action-oriented empathy with others. These three dimensions provide a conceptual grounding for reframing the sentimental education of human rights in ways that address productively the concerns described earlier. However, this grounding would benefit from other concepts to address the risks of superficial sentimentality in the design, implementation, and delivery of HRE. One of these concepts, as suggested next, is affective justice.

Affective Justice and Human Rights

Clarke (2019) discusses the notion of affective justice to highlight that the production of justice is entangled with affects and embodied practices that are embedded in structures of power and history. Seeing justice through the workings of these affective embodiments demonstrates that justice mobilizations do not gain their power through legalistic processes, but rather through the entanglements between legal and embodied practices (Clarke, 2019). For example, legal instruments such as the UDHR and subsequent covenants on civic, political, and economic rights make sense through practices that are manifest as both legal processes and embodied practices. Seen through this lens, affective justice "reflects the way that people come to understand, challenge, and influence legal orders through the biopolitical instrumentalization of technocratic knowledge as well as through their affective embodiments, interjections, and social actions" (Clarke, 2019, p. 5). It may be argued, then, that the notion of affective justice provides a way of conceptualizing how affects are intertwined with justice and human rights as discourses, practices, and legal orders.

Justice and human rights as discourses, practices, and legal orders cannot be fully grasped without attending to “the various affects that are grounded in the deep-seated histories and inequalities whose dispositions are sometimes already inscribed in people’s psychic or emotional worlds” (Clarke, 2019, p. 8). The feelings of injustice expressed through anger by Black communities in the US constitute a key component of mobilizations against racial oppression and human rights violations. These affective responses are inextricably linked to complex histories of slavery and structural inequalities. To understand human rights mobilizations, it is crucial to examine how the legacies of the past continue to shape people’s embodied and emotional experiences. Comprehending justice and human rights within a specific site requires exploring not only the formal application of human rights as legal frameworks but also the complex affective landscapes through which individuals and communities come to ‘feel’ and engage with human rights and justice in their everyday lives.

This emphasis on the affective dimensions of understanding and learning about human rights occurs not solely through a juridical lens for HRE. By incorporating an analysis of affective justice, HRE can move beyond a narrow focus on the legal and institutional aspects of human rights and instead cultivate deeper understandings of how the lived, emotional experiences of rights-holders shape their capacities for critical consciousness, empowerment, and social transformation. By foregrounding the role of emotion, embodied experience, and the effects of history and power, the affective justice lens can enable more contextually grounded and critically informed approaches to teaching and learning about human rights. Rather than presenting human rights as abstract legal principles, HRE informed by affective justice can cultivate a deeper engagement with how rights are felt, negotiated, and enacted in the lived realities of diverse rights-holders and communities. This, in turn, can encourage learners to engage more meaningfully with human rights as transformative tools for addressing systemic injustices and promoting social change. In the following, I discuss in more detail the components of this framework. The last section of the paper focuses on the contributions of this approach to HRE.

Clarke’s (2019) framework of affective justice consists of three key components: legal technocratic practices, embodied affects, and emotional regimes. Analyzing these interrelated elements can help scholars recognize that human rights instruments, such as the UDHR, are not neutral tools that inherently create justice. They operate within complex fields shaped by histories, power relations, and structural inequalities. Human rights instruments can serve to reproduce the very power structures that have influenced their development and application. However, they also embody spaces where global and local manifestations of human rights can play out in new, potentially more transformative ways. Understanding these nuanced complexities is crucial for examining how human rights discourses and practices should be promoted and engaged in different contexts around the world.

Legal Technocratic Practices

The first component that underlies Clarke's (2019) framework of affective justice is legal technocratic practices. According to Clarke, this component examines how legal codes, instruments, and procedures are formulated and then leveraged to exercise power over bodies and communities. For instance, in the journey leading up to the drafting, negotiation, and ratification of the UDHR, as well as subsequent international human rights covenants, the process was imbued with a range of affects and emotions. The diplomatic deliberations, political bargaining, and cultural translations involved in codifying these landmark documents gave rise to feelings of hope, frustration, compromise, and historical significance among the various stakeholders. Similarly, the management of human rights violations in different contexts produces classifications of 'perpetrators' and 'victims,' which are underpinned by affective narratives and visual representations about the suffering of those whose rights have been abused. These legal technocratic practices of categorization and representation can have profound emotional resonances, shaping public sympathies and mobilizations around human rights issues. Clarke (2019) argues that these legal technocratic practices often work to displace or background other conceptualizations of human rights. For example, the formal legal language and jurisprudence of human rights can sometimes obscure the deep-seated political, economic, and historical factors driving mass rights violations. Comprehending the affective dimensions of these juridical perspectives is therefore vital for grasping the complex realities of human rights in practice.

Embodied Affects

The second component of Clarke's (2019) framework is embodied affects—how physical, bodily experiences of emotion become embedded within particular social and cultural conditions. For example, powerful sentiments like anger, pain, and hope are often deeply felt and manifested through the body concerning global and local human rights controversies. When people feel that their rights have been violated and that justice has not been delivered, these embodied affective experiences can produce powerful forms of refusal, resistance, or attempts to redirect the emotional effects into alternative practices and understandings. Clarke provides illuminating examples of how such processes of actively refusing, directing, and redirecting the meanings of justice and human rights can shift perceptions of culpability and instill empathy in particular directions. Sentimental narratives of human suffering, for instance, may operate as key resources through which embodied affects and understandings about rights and justice are generated, circulated, and transformed. How activists, survivors, and bystanders physically inhabit, express and mobilize these sentimental portrayals of violation and injustice can have profound impacts on how human rights issues are framed, responded to, and ultimately engaged with by diverse audiences. Importantly, these embodied affective experiences are always grounded within specific social, cultural, historical, and political contexts. The physical sensations, emotional registers, and expressive practices associated with human rights struggles are never autonomous or universal but are profoundly shaped by the particularities of people's lived realities, identities, and

positionalities. Attending to the component of embodied affects, therefore, requires situating human rights within the complex intersections of the body, affect, and the social conditions that structure how rights are felt, articulated, and mobilized.

Emotional Regimes

The third component that underlies Clarke's (2019) framework of affective justice is emotional regimes. This component is intimately connected to the other two, as it involves the normative emotions, emotional displays and embodied affects that shape understandings and practices of human rights and justice. The notion of emotional regimes, drawn from Reddy (2001), refers to the "set of normative emotions and the official rituals, practices, and emotions that express and inculcate them" (p. 129) within a given social and cultural context. Clarke (2019) uses this concept to examine how these emotional regimes shape the affective climates that underpin people's engagement with human rights issues. For example, public campaigns that frame human rights as universal and non-discriminatory instruments serve to reinforce affective, embodied, and discursive meanings of inclusion. As Clarke (2019) explains, "Appeals to sympathy or empathy mobilize the power to activate citizens, crafting the human rights citizen-consumer as an actor who has choices about what to prefer and how to engage" (p. 19). In this way, particular emotional norms and imaginaries are produced and circulated about human rights. However, people's actual emotional responses may not always align with the dominant emotional regimes operating within a specific site. Individuals and communities may experience, express, and redirect their feelings about human rights and justice in ways that resist or transform the normative emotional landscapes. Attending to this third component of emotional regimes is therefore essential for grasping the full complexity of how affects, embodied experiences and legal-political frameworks intersect in the lived realities of human rights.

HRE and Affective Justice

This last section proposes that the concept of affective justice holds significant conceptual potential to enrich the field of HRE. By offering a framework that foregrounds the role of emotion, embodiment, and situated cultural contexts in human rights, affective justice enables scholars and practitioners in HRE to address the limitations and pitfalls of sentimentalism in productive ways. The notion of affective justice provides a means of articulating the affective and embodied dimensions of justice and human rights, reorienting understandings, and practices in both critical and emotive terms. This conceptual lens can expand the vocabulary available to HRE theorists and educators, turning greater attention to the affective modes through which learners see, engage with, feel, and speak about human rights and their violations.

Building on this foundation, this section outlines how the framework of affective justice can inspire new affective, moral, and political imaginaries within the field of HRE. By emphasizing the centrality of emotion, embodiment, and social context, affective justice

offers a generative pathway for reconceiving the pedagogical approaches, curricular materials, and learning objectives that animate HRE theory and practice. An affective justice-informed approach to HRE might prioritize cultivating learners' capacities for empathetic engagement, embodied understanding, and critical self-reflection around the complex, culturally situated realities of human rights struggles. Rather than presenting human rights as abstract legal principles, this perspective encourages educators to facilitate deeper explorations of how rights are felt, negotiated, and enacted in the lived experiences of diverse rights-holders and communities. Ultimately, the aim is to demonstrate how the conceptual lens of affective justice can enable more holistic, contextualized, and transformative approaches to human rights learning and teaching. By bridging the affective and the juridical, this framework holds the potential to mobilize the emotional, ethical, and political dimensions of human rights in ways that empower learners to become more engaged, empathetic, and effective advocates for justice.

The concept of affective justice offers HRE scholars a valuable theoretical framework for situating justice and human rights within the realm of embodied affects. This approach foregrounds how the enactment and expression of emotions are fundamentally shaped by historical, social, and political contexts. For example, when learners within a particular setting feel and articulate their affective responses to human rights violations, these embodied practices directly inform what ultimately comes to be understood and accepted as justice and human rights. By introducing a conceptual language that illuminates the inextricable links between affective practices and normative understandings of justice and rights, the affective justice framework enables HRE scholars and practitioners to examine these processes in much greater nuance. They can trace how certain situated conceptions of justice and human rights become produced and consolidated through the very emotional expressions they give rise to.

To illustrate this, consider a community that has experienced systemic discrimination and abuse of their rights. Within this community, feelings of anger, trauma, and a deep sense of injustice may manifest in public protests, grassroots organizing, impassioned calls for accountability, and educational settings. The affective register of these actions—the embodied ways in which rights-holders articulate their suffering and demand redress—directly shapes what 'justice' comes to mean and demand in that setting. Conversely, the dominant emotional regimes and norms upheld by state institutions or international bodies may work to delegitimize or sideline the affective articulations of marginalized groups, privileging alternative justice imaginaries. By foregrounding these dynamics, the affective justice framework enables HRE scholars and practitioners to move beyond simplistic notions of human rights as abstract legal instruments. Instead, they can illuminate the contingent, culturally embedded processes through which the very meanings and practices of justice and rights are continually negotiated, contested, and transformed through affective modes of engagement. This, in turn, can inform more contextually grounded, critically-reflective approaches to HRE.

The second component of Clarke's (2019) affective justice framework—that of embodied affects—offers particularly generative insights for scholars and practitioners in the field of HRE. This lens provides guidance to closely examine the entanglements between affects/emotions and the discourses surrounding justice and human rights, as these play out within specific cultural, historical, and political settings (Zembylas, 2023). For instance, studying these affective entanglements in a postcolonial context such as Australia, Canada, and South Africa may help HRE scholars identify how learners, educators, and their broader communities express embodied emotions about the colonial past, and how these shape their understandings of ongoing injustice and human rights violations. A sentimentalized discourse around the colonial era, characterized by the circulation of emotionally charged narratives and images, can be approached critically through the lens of affective justice. This framework enables an analysis of the contours of affect that not only structure modes of emotional expression, but are themselves conditioned by histories, power relations, and individual/collective responses. By turning attention to how affects and emotions become linked to justice and human rights within educational discourses, practices, and policies HRE scholars and practitioners can begin to illuminate the affective and biopolitical dimensions of coloniality. This includes interrogating the risks of continuously reproducing and sustaining sentimental practices that serve to obscure or background structural injustices against marginalized communities (e.g., Indigenous populations). This affective justice-informed approach contributes to enriching understandings of how embodied affects about justice and human rights are generated, distributed, reproduced, sustained, and/or transformed through the pedagogical spaces and public discourses of HRE.

The affective justice-informed approach to HRE raises several broader questions that warrant further exploration through research and pedagogical practice. What new moral and political imaginaries might be invoked in educational settings when sentimental narratives about justice and human rights are reoriented in both critical and affective terms? How might this reorientation change how learners and educators come to “see, engage, feel, and speak about both perpetrators and those victimized by violence” (Clarke, 2019, p. 39)? Delving deeper, what do the specific affects and emotions expressed by learners tell scholars and practitioners in HRE about how they respond to structural injustices and human rights violations, both locally and globally? How might unpacking their privilege and complicity shape these affective responses?

These lines of inquiry create openings for rich, contextually grounded empirical investigations of affective justice within HRE. Such investigations have the potential to reveal how embodied affects are expressed, circulated, and negotiated within classroom spaces and beyond, and how they may work to reinforce, challenge, or transform the normative emotional regimes surrounding justice and human rights. HRE scholars and practitioners equipped with an affective justice framework can leverage these insights to develop more nuanced, ethically attuned pedagogical approaches that empower learners to grapple with the emotional complexities of rights-based struggles. For example, an

affective justice-informed HRE curriculum might guide learners to critically examine their affective investments in dominant human rights narratives, while simultaneously creating opportunities for them to explore alternative, marginalized articulations of justice rooted in the lived experiences of oppressed communities. This could involve engaging with embodied testimonies, artistic expressions, and grassroots activist practices that foreground the felt dimensions of rights violations and social change. By pursuing this line of inquiry, HRE can move beyond simplistic notions of human rights as abstract, universal principles, and instead cultivate learning environments where the political, moral, and emotional stakes of rights-based struggles are authentically grappled with. This, in turn, can empower a new generation of human rights advocates who are equipped to navigate the complex, contextual, and affective realities of justice-making.

The third component of Clarke's (2019) framework—emotional regimes—provides a valuable lens for analyzing how educational discourses, practices, and policies shape particular emotional climates within classrooms and schools, particularly concerning notions of justice and human rights. Emotional regimes dictate the types of feelings deemed acceptable or expected within educational settings, thereby influencing how students perceive and react to social issues. For example, an emotional regime that promotes pity and cheap sentimentalism in schools is likely to portray children in a poor African country as 'victims to be saved' by Western benevolence and compassion. This framework suggests that by casting justice and human rights in terms of sentimental responses to suffering, such practices may inadvertently promote a sense of pity rather than genuine solidarity. As these responses circulate—through images, words, narratives, and social media—they perpetuate Eurocentric perspectives, portraying Western actors as compassionate saviors while obscuring the complex histories of colonialism and the ongoing impact of Western interventions (Clarke, 2019; Zembylas, 2023). Incorporating the concept of affective justice may allow HRE scholars and practitioners to critically engage with these emotional regimes. They can question and challenge how emotional responses are constructed within different cultural, educational, historical, and political contexts and historical eras. This approach encourages a more nuanced understanding of justice and human rights; one that resists oversimplified narratives of pity and instead emphasizes accountability, relational understanding, and an ethical commitment to equity.

Conclusion

Incorporating the concept of affective justice can advance theoretical and empirical work in HRE highlighting how affective responses to (in)justice and human rights violations manifest in specific educational settings. Affective justice can enable HRE scholars and practitioners to investigate further how justice and human rights are experienced emotionally in daily life, revealing the connections between juridical perspectives and the embodied, affective dimensions of these concepts. By examining justice and human

rights in classrooms through this dual lens, HRE practitioners can discern how certain affective mobilizations—such as anger or solidarity—have the potential to inspire transformative action. Emotions and responses to human rights violations create a powerful, critical space where human rights mobilization takes shape, both within and beyond the classroom.

Expanding HRE beyond a strictly juridical framework is essential, allowing for a richer, multidimensional understanding of justice and human rights. This shift need not lead to superficial sentimentality; rather, as this paper suggests, concepts like affective justice offer a robust foundation for critically examining how emotions and affects are mobilized concerning justice and human rights. Such an approach opens pathways for HRE where emotions, legal frameworks, and historical contexts converge to bring justice and human rights into everyday understanding and practice. The intersections of power, history, and embodied affect offer an opportunity to reconceptualize how HRE is organized, practiced, and evaluated. Embracing these complexities in the classroom and beyond invites HRE scholars and practitioners to create spaces where justice and human rights are not only learned but also lived and experienced in meaningful, transformative ways.

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References

- Arendt, H. (1994). *Eichmann in Jerusalem: A Report on the Banality of Evil*. Penguin Books.
- Barreto, J. M. (2011). Rorty and Human Rights: Contingency, Emotions and How to Defend Human Rights Telling Stories. *Utrecht Law Review*, 7(2), 1-20.
<https://doi.org/10.18352/ulr.164>
- Barreto, J. M. (2017). Feeling Human Rights: The Emotional Art of Viola, Salgado and Botero. In Gephart, W. & Leko, J. (Eds.), *Law and Arts: Elective Affinities and Relationships of Tension* (pp. 65-90). Vittorio Klostermann: Frankfurt am Mein.
- Berlant, L. (1998). Poor Eliza. *American Literature*, 70(3), 635-668.
- Berlant, L. (2000). The Subject of True Feeling: Pain, Privacy, and Politics. In S. Ahmed, J. Kilby, C. Lury, M. McNeil & B. Skeggs (Eds.), *Transformations: Thinking Through Feminism* (pp. 33-47). Routledge.

- Boler, M. (1999). *Feeling Power: Emotions and Education*. Routledge.
- Burke, R. (2017a). Emotional Diplomacy and Human Rights at the United Nations. *Human Rights Quarterly*, 39, 273-295. <https://www.jstor.org/stable/44488990>
- Burke, R. (2017b). Flat Affect? Revisiting Emotion in the Historiography of Human Rights. *Journal of Human Rights*, 16(2), 123-141. <https://doi.org/10.1080/14754835.2015.1103168>
- Burke, R. (2020). 'Real Thinking': American Human Rights Diplomacy and the Perils of Anti-Emotionalism, 1950-1980. *Diplomacy & Statecraft*, 31(2), 306-325. <https://doi.org/10.1080/09592296.2020.1760036>
- Clarke, K. M. (2019). *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback*. Duke University Press.
- Hunt, L. (2007). *Inventing Human Rights: A History*. W. W. Norton.
- Keys, B. (2014) *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Harvard University Press.
- Plamper, J. (2015). *The History of Emotions: An Introduction*. Oxford University Press.
- Reddy, W. M. (2001). *The Navigation of Feeling: A Framework for the History of Emotions*. Cambridge University Press.
- Rorty, R. (1998). Human Rights, Rationality and Sentimentality. In R. Rorty, *Truth and Progress: Philosophical Papers*, 3 (pp.167-185). Cambridge University Press.
- Rosenwein, B. H. (2002). Worrying About Emotions in History. *American Historical Review*, 107(3), 821-845. <https://doi.org/10.1086/ahr/107.3.821>
- Schuller, K. (2018). *The Biopolitics of Feeling: Race, Sex, and Science in the Nineteenth Century*. Duke University Press.
- Woodward, K. (2004). Calculating Compassion. In L. Berlant (Ed.), *Compassion: The Culture and Politics of an Emotion* (pp. 59-86). Routledge.
- Zembylas, M. (2016). Toward a Critical-sentimental Orientation in Human Rights Education. *Educational Philosophy and Theory*, 48(11), 1151-1167. <https://doi.org/10.1080/00131857.2015.1118612>
- Zembylas, M. (2021). Rethinking Political Socialization in Schools: The Role of 'Affective Indoctrination.' *Educational Philosophy and Theory*, 54 (14), 2480-2491. <https://doi.org/10.1080/00131857.2021.2006634>

- Zembylas, M. (2023). Challenging Sentimental Narratives of 'Victims' and 'Perpetrators' in Postcolonial Settings: Thinking With and Through Affective Justice in Comparative Education. *Compare: A Journal of Comparative and International Education*, 53(7), 1152–1169. <https://doi.org/10.1080/03057925.2021.2017766>
- Zembylas, M. & Keet, A. (Eds.). (2018). *Critical Human Rights, Citizenship, and Democracy Education: Entanglements and Regenerations*. Bloomsbury.
- Zembylas, M. & Keet, A. (2019). *Critical Human Rights Education: Advancing Social-Justice-Oriented Educational Praxes*. Springer.