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Article abstract

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Abstract

The enactment of the Education Modernization Act by the government of Manitoba in early 2021 proposed several structural changes to the governance and delivery of provincial education. The related documents had a strong emphasis on improving the achievement of all students, making them future-ready and strengthening parental involvement. But through a post-structural theoretical lens, in this paper we provide a critical analysis of Bill 64 showing how despite potentially relevant claims of equity and diversity promotion the government discourse is neither modern nor necessarily better, as it claims to be. Rather, the proposed Education Modernization Act reifies mainstream worldviews and ideas that have been proclaimed since the beginning of the 20th century and which are today empowered by a global neoliberal mindset. We conclude arguing that a non-totalizing response to the Other is a necessary and yet missing disposition in any genuine social justice education.



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Neoliberal reform efforts have been influencing public school policy globally for decades. In Canada, it seems that historically, neoliberal reform efforts have been slower to take hold and have done so less dramatically—but perhaps more insidiously. In the last few years, there has been a dramatic shift in the Canadian landscape, in which conservative provincial governments have been making sweeping and aggressive reforms to educational systems. Typical of the neoliberal playbook, these governments assert an educational crisis (poor test scores), decry public spending (high taxes for little economic return), resolve reform (increased efficiencies and standardization), which they promise will result in vast improvements (less spending and greater economic return). The Manitoba Government has recently joined other conservative provinces in these efforts, releasing sweeping legislative reforms that privilege the elite, marginalize minority groups, and ultimately threaten the democratic institution of public education. Although the case presented here is situated in Manitoba, it is an exemplar of other such political moves nationally and internationally.

In this paper we provide a critical policy analysis of Bill 64 through post-structural lenses. Drawing primarily from the works of Immanuel Levinas (1972, 1982, 1995) and Jacques Derrida (1978, 2000a, 2007), we pursue this analysis based on the understanding that an ethical relationship or the pursuit of equity can only take place through the opening up of possibilities and resistance to closures. In other words, my relationship with the *Other* (the capital “O” indicating the infinity and irreducibility of an *other*) must be one that upholds their alterity rather than trying to determine or impose who they ought to be based on my own understandings and expectations. But as Derrida (2000b) argues, a fine line separates hospitality from hostility—a seemingly ethical gesture may in fact be a totalitarian act, as Levinas would say, one that reproduces and reifies one’s own worldviews.

In our *act*-ive reading of the Bill, we unpack the claims and proposed solutions of the Manitoba government’s “Modernization Act” with a special particular focus on how the paradoxical discourses of modernization both echo curriculum theories from the past century, and at the same time, reflect current neoliberal reform ideologies. In doing so, we illustrate how these discourses of modernization presented in the government documents pose serious threats to marginalized students by maintaining a system which claims to welcome diversity but that in fact reifies homogeneity to the detriment of the Other. We believe this discussion is not only urgent for the sake of students’ well-being (which goes beyond test scores) but necessary for any political or educational system that claims to be democratic and welcoming to diversity.

Context

In March 2021, the Manitoba Ministry of Education released *Bill 64 – The Education Modernization Act* (Legislative Assembly of Manitoba, 2021) in response to an Education Review commissioned in 2019 by the conservative government. If passed, Bill 64 would replace *The Public Schools Act*, enacted in 1987. Accompanying the Modernization Act, was a report from the government responding to the Commissioners’ report and framing the legislation, entitled *Better Education Starts Today: Putting Students First* (Manitoba Education, 2021). The Report situates the Act in the context of an educational and economic “crisis” as was clearly presented by the Minister of Education:

Our system is at a critical point. Manitoba’s education system has some of the highest spending per student, yet our students are at or near the bottom of national and international rankings. Per capita, we have the highest number of school

divisions and trustees across all provinces. There are 37 duplicative bureaucracies across Manitoba built on an inconsistent funding formula reliant on education property taxes. For too long, “local voice” has focussed on setting tax rates and repetitive collective bargaining. (Manitoba Government, 2021, p. 3)

The proposed solution is expressed in sequence:

We need a provincial system that is consistent, efficient and focused on student success—built from the bottom up versus top down. We want a system that knows how valuable parental voice is at the local school level and will look at empowering it. We want a system that focuses less on bureaucracy and more on ensuring resources and energy are spent in the classroom, where they are needed most. We must ensure our teachers, staff and school leaders can excel at fostering learning and supporting student success. (Manitoba Government, 2021, p. 3)

Divided into 16 parts and 377 sections, this Education Act retained many components of its antecessor (the Public Schools Act) but also proposed major changes to the organization and governance of the provincial education. At the heart of the proposal is the “urgency in improving student achievement in Manitoba schools” (Manitoba Government, 2021, p. 5). In order to do that, the government claims to be committed to:

Shift more resources to the classroom to ensure that student learning and achievement come first; unify our education system with a focus on accountability for results so our children perform better and stop falling behind; give parents and caregivers a greater role in their children’s education by actively participating in the design and oversight of the system; ensure that all students are ready for lifelong success regardless of where in the province they live; ensure that teachers, school staff and leaders have the capacity, knowledge and tools they need to support student performance. (Manitoba Government, 2021, p. 4)

In the Report, the government observes how the disturbances caused by the COVID-19 pandemic shed light in many areas that needed to be improved in the provincial education and how important it is for students to be ready for an ever-changing world. However, while the Act is heavily future-oriented, it is inevitable to see the resemblances of both the primordial era of curriculum thought and current neoliberal ideologies.

It is important to note that the Act itself includes few or no mentions of terms such as, *equity*, *special learning needs*, and *Indigenous students* that appear with certain emphasis in the *Better Education Starts Today: Putting Students First* report (Manitoba Government, 2021)—which is at least questionable. The *Respect for Human Diversity* policy is one of the only two places in the Act where there is some elaboration on the school’s responsibility towards minority students—the other being the role of Community Schools, which is to cater for the well-being of socio-economically disadvantaged and to be a place where students’ cultures are reflected. However, it is not even necessary to focus on the silence in the former document to detect serious issues and paradoxes with the government’s claims and arguments in the latter document. The Report has an entire section focused on students with special learning needs and another one on Indigenous students. It is stated, for example, that “[Indigenous] students need to see themselves reflected in the space and in the texts they interact with by incorporating Indigenous ways of knowing and being in classrooms” (Manitoba Government, 2021, p. 16). At first sight, it seems as if the government is fulfilling its mission to promote equity. Indeed, many of the claims can be

considered relevant when individually analyzed. However, looking at the details of the Act and the discourses surrounding those punctual claims, there are critical paradoxes, tensions and absences that not only neutralize those alleged equity efforts but also reify an educational system that privileges white, able-bodied, heterosexual and upper social-class students.

Future and Market-Oriented Education

A major emphasis in the government documents is to ensure that students are future-ready. For example, the Report strongly recommends focusing on “skills and abilities students should have when they finish high school to be able to transition to advanced education, employment or other opportunities” (Manitoba Government, 2021, p. 13). Although the so claimed “modernized” education is characterized by being skills-ready—a discourse which is accompanied by a profit-driven mentality—the same was evident in Franklin Bobbitt’s (1918/2017) arguably pioneer curriculum which claimed that, “Education must take a pace set, not by itself, but by social progress” (Bobbitt, 1918/2017, p. 11). As Flinders and Thornton (2017) observe, “Bobbitt wanted to maximize output (i.e., student learning) at minimum cost (i.e., paying teachers)” (p. 3). Seeking to make students ready for the future, Bobbitt “saw the aim of schooling as matching individuals with the existing social and economic order” without questioning “whether the existing social and economic order was just” (p. 3). Thus, a century ago, curriculum was already seen as means to an economic end; training students for employability and income generation.

Despite claims of “modernity”, the similarities between Bill 64 and the curriculum thought of the early 20th century are evident. Seemingly opportunistic, the government uses the context of COVID-19 (which caused a delay in the release of the Commissioners’ Report and the subsequent government responses from March 2020 to March 2021) as an example of how students have to be ready to adapt to unforeseeable circumstances. Despite the value of such claim, what is paradoxical is how the “unpredictable” future is already being dictated today. In that way, not only is the government defining who the student has to be in order to thrive but education ends up being portrayed as a mere means to a financially-productive end.

Neoliberal ideals are embedded throughout the Report and are evident in phrases such as, “The education system must work with partners to holistically support needs of children and youth, including mental health and wellness and responding to the impacts of poverty on learning” which follows, “Pathways to further education and employment must reflect student and employer needs” (Manitoba Government, 2021, p. 17). Once the premise of the purpose of education is to prepare students for future education and work is established, student well-being, albeit articulated as a core concern, becomes reduced to a coping mechanism in order to become employable. In turn, who students are today becomes secondary and meaningless.

Analyzing the purposes and role of neoliberal education reforms, Brown (2015) observes that:

these reforms embrace culture so that citizens will either reinterpret or replace their culture’s unique features through notions of consumerism...so that they can become life-long learners who gain the knowledge and skills needed to enter the marketplace so that they can become earners who narrate their lives through self-regulated acts of consumption. (p. 247)

As such, the market discourses of neoliberal education are present-oriented only insofar as they

surveil, measure and regulate students through the use of targets and benchmarks to improve students' "outcomes" and schools' ranking positions. The future-orientation of the value of students reflects the "economization of subjects" (Brown, 2015, p. 33) constituting human beings as human capital, and students as market actors.

The shifting construction of human beings from that of political actors to human capital is significant, in that it erodes the citizenry of a moral or ethical life (Brown, 2015). When humans are constructed as human capital, they become valued only for capital generation, which has the effect of increasing individualism and competition, increased inequities between players, and privileging homogeneity in (re)centering particular norms. In an education system where students are valued in terms of market logics (based on economic productivity and future-valuation) those who cannot or do not comply with such logics are devalued. For example, students who present with differing physical or cognitive abilities or with social-emotional challenges, hence perceived as potentially not financially productive, become unwelcome in/by such a system that seeks a particularly viable student. These students become positioned as deviants, problems or failures, exiled by a system that deems them unrecognizable (Butler, 2010; Janzen, 2019). Thus, the Modernization Act reverberates with Bobbitt's 100-year old claims where social progress is thought to be attained through maximizing outputs and where maximizing outputs is valued over an inclusive citizenry. In current times, Brown (2015) reads such neoliberal ideals as a "rationality through which capitalism finally swallows humanity" (p. 44).

What we are questioning, thus, is not the market logics of "modernized" education in itself. After all, the current educational system has demonstrated to work very efficiently for at least one century, creating advantages for the mainstream elite who can use minorities as a propulsor. Just like in slavery times, it is unlikely that those who benefit from a particular system will oppose to it. However, any government or institution that genuinely wants to welcome diversity must challenge a system in which some considered less humans than others. The Modernization Act not only provides a rigid definition of a successful future but, by doing so, devalues and deprives minority students from who they are today. Only by stepping outside of the ark can one see who, for being considered impure, is left out. The problem is not the rain nor the ark itself, but the sovereign force that determines that there is only one way to escape the flood and, based on race, (dis)ability, gender or income, approves the entry of some humans while reproving others.

Standards, Achievement and Outcomes

The Report states that one of the four pillars for "student success" is: "Improve learning and outcomes for all students across the province through high and measurable standards of excellence" (Manitoba Government, 2021, p. 9). Paradoxically, the report also claims that "a one-size-fits-all approach will not work now or for the future" (p. 28). While none of the government documents defines what "modern" means, modernization is unquestionably positioned as "the key to success". Indeed, the pervasiveness of terms such as *standards*, *achievement*, *success*, and *outcomes* seem to be ontologically accepted as good and desirable.

The strong emphasis on measurable objectives became popularized in North America throughout the 1960s and 1970s, as evidenced in James Popham's (1972/2017) work. Flinders and Thornton (2017) observe that curriculum designers such as Popham "argued that pre-specified, clearly stated, and measurable objectives are essential to curriculum planning" (p. 70), especially in order to determine the success of a program. Popham's epistemological approach to curriculum

and teaching was that of technical rationality. Popham advocated for method of teaching that reduced knowledge to discrete bits of information, articulated in clear objectives, implemented through detailed instructional design, and measured through various proficiency levels of the stated performance objectives. Even at the time, Popham's approach was challenged, for example, by Elliott Eisner (1967/2017), who argued that teaching is a much more complex and dynamic than Popham's behaviourist, means-end approach entailed.

A means-end approach is a common feature of neoliberal policy-making and the hyper-focus on "what works" (Ball, 2016; Biesta, 2007). Through evidence-based research and what seems to have worked well in other places, decisions and policies are made as desirable and necessary. In that way, what once "seemed unthinkable become *over time* the common sense and the obvious of policy, as 'what works' and as 'best practice'; they become embedded in a 'necessarian logic'" (Ball, 2016, p. 4, italics in the original) to guarantee economic success. Neoliberal imperatives have shaped education on the basis of individualism, competition and accountability (evidenced through quantifiable and monitorable standards) thus making students "children of the market" (Keddie, 2016, p. 109; cf. also Shin, 2016).

As Shin (2016) argues, in the discourses of corporate-driven educational reforms:

students are constructed as consumers, educational practices as services, faculty/teachers as employees or service providers, and education as resources or product. The accountability of education is thus determined by the ability to provide students with skills required in the labour market". (p. 511)

In this way, one of the 10 imperatives for change, which is "Close Achievement Gap for Indigenous and Non-Indigenous" (Manitoba Government, 2021, p. 6), is easily disguised as a moral, ethical and respectable move rather than the tokenistic gesture it in fact represents. Indigenous students, like students with disabilities, become a box to be ticked in the Act "package" rather than a lens through which diversity is conceived.

What is being questioned by the government are the outcomes and gaps between Indigenous and non-Indigenous students, not the curriculum, standards or measures adopted. For instance, while the report claims that "learning environments for Indigenous students must infuse culturally and evidence-informed strategies that embed Indigenous ways of knowing, being and doing" (Manitoba Government, 2021, p. 16), it also heavily focuses on making students "better equipped with the relevant future-ready skills needed to succeed in tomorrow's workplace" (p. 17). Indigenous scholars warn against materialistic educational systems whose purpose is "to be useful cogs in the economic machine" (Stonechild, 2016, p. 5). Godlewska et al. (2013) also demonstrate how neoliberal reforms are shaped by uncritical multiculturalism and thus allow assimilationist policies of Indigenous peoples whereby to make them "equal" to non-Indigenous students imply stimulating their participation in the labour market. Indeed, Indigenous belief systems are not only diametrically distinct from materialism but also to the idea that progress is straight-forward and upward (Friesen, 2000; Stonechild, 2016).

Therefore, despite some of the claims in the Report appearing potentially relevant and progressive, when considered critically, one can see the promotion of crumbs of diversity, holding banners of inclusion and tokenistic allusions to reconciliation but not unsettling the existing mainstream and colonial system which determine how and who students have to be in order to be "successful". As Eve Tuck (2013) has asserted, neoliberal ideologies reflect the values of settler colonialism, a structure in which Indigenous students experience dispossession and erasure in

public schools. As Tuck iterates, such neoliberalism is nihilistic, in that it represents a “prioritizing of profits over human, community, and ecological well-being, resulting in the destruction of habitats, cultures, land and water” (p. 339). It seems incompatible, thus, that the structural, educational or policy changes described in the Report or the Act could attend to these values described by Tuck and other Indigenous scholars.

As aforementioned, the Report places strong emphasis on the fact that Manitoba ranks among the lowest in national and international rankings of student achievement. Such statements may cause one to hold firmly that there is a crisis in the education system and that goals to have “the most improved performance in Canada” (Manitoba Government, 2021, p. 4) could be seen as desirable. However, while literacy and numeracy are not inherently good or bad in themselves, the phenomenon of *learnification* of education, in which the language of learning has overshadowed questions of educational purpose, content and relationships (Biesta, 2009), creates the question of whether students’ success can be reduced to what can be accounted for and measured by standardized tests.

Although any institution requires certain criteria to be established, what is alarming is how standards are taken not as the rule of thumb but as the scientific truth intended to describe the quality of education and inherent student success. Rather than acknowledging each student as an individual with unique abilities and interests, and thus how success may look differently for each one, Bill 64 states that methods and procedures for assessment, standards and outcomes to be achieved, and the performance measures to be used are to be regulated by the minister and applied indistinctly to all students. Moreover, there is no mention the inclusion of Indigenous perspectives in the curriculum nor efforts to unsettle colonial structures in the education structure itself. While the Report highlights the creation of an Elders and Knowledge Keepers in Schools Initiative to promote Indigenous views in the curriculum, the document also proposes to “embed regular monitoring, analysis and reporting of Indigenous student achievement data as part of provincial student data and reporting” (Manitoba Government, 2021, p. 16).

In that way, all students are welcomed to succeed as long as success involves performing as defined: “achieving a successful learner identity through high performance on standardized academic tests and achieving a successful worker identity—that is, being economically successful—through attaining the appropriate credentialing from education” (Keddie, 2016, p. 109). Underachieving students on those measures, however, are met with anxiety, self-doubt, guilt and dissatisfaction about themselves (Keddie, 2016).

As it seems, the aforementioned goal of closing the gap between Indigenous and non-Indigenous students is thus not about questioning the gap itself: considering the historic and current effects of colonialism or examining the curriculum to ensure students seem themselves in it. Rather, it aims to find ways to make Indigenous students conform to the current system (which creates this gap), to graduate, and hence to improve the province’s position in national and international rankings. When success is defined *a priori* according to mainstream standards reflective of colonial imperatives, it is not surprising that students who do not fit the white, able-bodied, heterosexual, native English speaker, upper social-class will not find a high position in educational rankings. When standards, created and reinforced by mainstream forces and dominant groups, are the educational ends, performativity becomes the engine that propels “neoliberal methods of disqualification” (Shanouda & Spagnuolo, 2020), and non-mainstream students, such as Indigenous students and students with disabilities, are pathologized and failed even before entering the classroom.

Parental Involvement

One of the major changes proposed by the Education Modernization Act is to have a formal parental engagement “at the school level and in the design and oversight of the overall education system” (Manitoba Government, 2021, p. 10). This will be done through the implementation of School Community Councils (replacing informal parent councils) and the creation of a Provincial Advisory Council for Education. At first glance, the proposal seems like a meaningful way to connect parents of marginalized students, who are often judged by schools for not being engaged with their child’s education in the ways expected (Leonardo, 2009; Teclé & James, 2014; Vincent, 2017). As Dei (2008) explains, shared responsibility and the concept of community are “central to any articulation of an antiracist and antioppressive approach to transforming the school system” (p. 359). According to Education Modernization Act,

As a partner in education, a parent (a) acts as the primary guide and decision-maker with respect to their child's education; (b) takes an active role in their child's educational success; (c) ensures that the parent's conduct contributes to a safe, caring and inclusive learning environment that fosters and maintains respectful and responsible behaviours; (d) encourages and advances collaborative and positive relationships with principals, teachers and other school staff providing supports and services in the school; and (e) engages with their child's school community. (Legislative Assembly of Manitoba, 2021, 4.1)

In neoliberal educational policies like this, parenting is presented as, “the way to ensure the child’s success, and parents, mothers in particular, are firmly positioned as the individuals responsible for the child’s emotional, social, educational, and physical development” (Vincent, 2017, p. 542). However, Vincent (2017) observed that intersectional dimensions of identity (e.g., class, gender, race, disability) obscure parental involvement policies and shape the ways in which families get involved with their child’s education in non-binary ways. The aim, Vincent argues, should be:

to construct a living, dynamic relationship, a dialogue of equals, between teachers and parents, and one which focuses in particular on developing a conversation with those parents who appear to lack the particular social and cultural resources to allow themselves to be easily heard in school. (p. 549)

But in order for a dialogue to exist, there must be at least two speaking parties—a dialogue is non-existent when one of the parts is taken as immovable, the one and only standard of success. Parents are to make sure that their children get the best education but what constitutes “good” education is taken for granted: one that reflects neoliberal and racial capitalist rationales.

Early in the 20th century, Jane Addams (1908/2017) pointed out the discrepancy immigrant children can find between their homes and their new school and how despite the benefits that education can bring to the immigrant child, a standardized curriculum disengages students and creates disharmony between them and their community. However, in seeking to address the perceived issue, Addams reengaged in a discourse that was paradoxical (e.g. by claiming to create “universal standards” rather than local), essentializing (e.g. “We send young people to Europe to see Italy, but we do not utilize Italy when it lies about the schoolhouse” [p. 57]), and patronizing (e.g. “the public school is the great savior of the immigrant district, and the one agency which inducts the children into the changed conditions of American life” [p. 55]). Adams’ work illustrates how detecting disharmonies in the system is not enough to pursue equity and that it is necessary

more than good intentions to unsettle ingrained beliefs of colonial societies. No pivotal change can take place when one of the parts is holding firmly to its privileges and assumptions.

The shortcomings of comfortable actions can also be observed in the proposed Act with the creation of Provincial Advisory Council on Education, which is to be comprised of one representative from each regional catchment area and one representative from the Francophone school board. According to the Report, "this advisory council will provide the Minister of Education with direct parental advice on matters relating to the education system. It will ensure that the Minister is able to take local considerations into system strategic planning and decision making" (Manitoba Government, 2021, p. 32). What does not seem to be taken into account in this planning is the fact that the Manitoban visible minority population is largely concentrated in the province's capital, Winnipeg (Statistics Canada, 2016). In fact, while 89% of Manitoba's visible minority population reside in Winnipeg, the proposed school district that will encompass Winnipeg, will have only one parental representative on the Provincial Advisory Council. How will this council ensure that parents of minority students are included and indeed, driving conversations that are needed to bring about change? With only one representative, parents of various minority groups will have little to no power to influence decisions through the formal School Community Councils. It also remains to be answered what this consultation with parents entails and how these volunteer councils will ensure that parents whose languages and multiple work schedules prevent them from participating or attending school meetings during business hours allow them to have decision-making power. As it seems, the current proposal runs the risk of, once again, privileging mainstream voices while silencing the already disadvantaged by the system.

A similar movement emerged in the Education Reform in Ontario in the 1990s. Shaped by discourses of democracy, self-reliance, and family values, the purpose of that reform was to "to insert Ontario into the global marketplace, thereby ensuring that schools would be able to produce a cheap and compliant labor force" (Dei & Karumanchery, 1999, p. 115). That uncritical approach to equity and diversity affirmed that school councils would be able to advise school principals on matters such as curriculum changes, setting budget priorities, responding to province-wide testing results, and establishing the code of student conduct but discourse of parental voice in schools was skewed to protect mainstream interests (Dei & Karumanchery, 1999).

As a consequence of neoliberal discourses, parents are required "to develop self-sufficient, self-regulating children who achieve in a range of academic and non-academic areas" (Vincent, 2007, p. 544). However, Dei (2008) had already observed how "the cult of individualism in accounting for school success also avoids any institutional responsibility for failure" (p. 354). Conversely, "individualism within neoliberal discourses locates responsibility for educational success and failure with the student—as a matter of free will or choice" (Keddie, 2016, p. 110). While the Report emphasizes "the need for belonging and community and the important role families and schools play in student success and well-being" (Manitoba Government, 2021, p. 17), it also individualizes success "in a way that does not encourage a sense of community ethic and belonging" (Dei, 2008, p. 354). Indeed, the strong investment in competition fostered by neoliberal discourses foment performativity not only across provinces and countries (as the Manitoban documents evidence) but also among students (Keddie, 2016). Within a neoliberal rationale, success is not taken on an individual basis but in relation to and against others. Therefore, any pursuit of community within the school, between teachers and students, and across families is

neutralized (cf. Gallagher, 2016) and “underachieving” students and their parents are the ones to blame for not reaching the infallible and unmovable standards.

Is a Modernized Education a “Better Education”?

Despite Bill 64 being defined as a “modernized education”, the claims of the current educational reform are far from being new. The pursuit of efficiency (i.e., highest results with the lowest cost) can be traced to at least since the arguably official beginning of the curriculum field, when “improved” schooling was heavily informed by the industrial era and scientific management and sought through procedural efforts to increase efficiencies and maximize outputs. These curriculum moves from a century ago reverberate with familiarity in the present day. In the 21st century, however, neoliberal ideologies are not just in politics and economy, they are in the hearts, souls and minds of society—which include government authorities who develop educational policies (Ball, 2016).

Based on the premise of decreasing the cost and the bureaucracy and increasing student achievement, there are numerous other problematic aspects of the Act that could still be discussed, such as the stipulations about religious and language freedom, teacher performativity, and the managerialism of education. Indeed, the increasingly pervasive enterprising education agenda has been noted by several scholars (Ball, 2016; Mccafferty, 2010; Shanouda & Spagnuolo, 2020; Shin, 2016) and is clearly evident in the Report, for example: “As leaders of their school community, principals need to operate clearly within the management domain” (Manitoba Government, 2021, p. 23).

While Bill 64 is almost completely silent in terms of gender and racial diversity (the only place where it receives attention is when addressing the Respect for Human Diversity policy, which was already present in the previous Act), the report dedicates a considerable portion to Indigenous students and students with special learning needs although with paradoxical claims. The Bill states that the Respect for Human Diversity policy must “accommodate student groups or student activities that promote gender equity, anti-racism and the awareness and understanding of, and respect for, people who are disabled by barriers and people of all sexual orientation and gender identities” (Legislative Assembly of Manitoba, 2021, 138.3.c)—a discourse not very different from the previous Public Schools Act, which raises the question of what then will be different for marginalized students this time. Additionally, these accommodations are articulated as a means to support student-initiated groups with no indication of structural, policy or curriculum changes within the Act that aim to better reflect, respect and advocate for full equity and inclusion of human diversity.

On the one hand, it is understandable that the government would choose to at least briefly mention Indigenous and students with disabilities in the Report and address all other marginalized individuals in claims such as: “all Manitoba students to succeed, no matter where they live, their background, or their individual circumstances” (Manitoba Government, 2021, p. 8). It is also important to observe that it is not possible nor desirable to seek to name or categorize “diversity” exhaustively. In fact, “the other is the other only if his alterity is absolutely irreducible, that is, infinitely irreducible; and the infinitely Other can only be Infinity” (Derrida, 1978, p. 104). In other words, because the Other (as absolute other) is infinite in their alterity, trying to understand (i.e., grasp, comprehend) them is an attempt to reduce their alterity to what the self can contain—thus an act of violence towards their uniqueness (Levinas, 1972, 1982, 1995). However, the other side of

the coin is that the self's responsibility is to "say yes to *who or what turns up*, before any determination, before any anticipations, before any *identification*" (Derrida, 2000a, p. 77, italics in the original).

Analyzing Levinas' work, Derrida (1978) argues that any attempt to make present that which is infinite is a totalizing act. Thus, while any educational policy will always be violent, perhaps the major shortcoming of the so-called "modernized education" is its failure to make room for the dissatisfaction that must accompany every response to the Other. By defining who students ought to be in order to be rewarded with the label of "successful" and taking standards as necessarily immovable, education becomes a pre-packaged and marketable commodity to fulfill economic and political forces rather than an opportunity for students' subjectification (Biesta, 2009). As Biesta (2017) reminds us, an education that is concerned about students' subjectification is not only concerned with what society/the education system might want from and for them, but is also concerned with ways in which students can "be(come) subjects in their own right" (p. 28).

Brown (2015) shows that even when cultural and linguistic differences are acknowledged by government documents, that is, even when "the state standards note that it is important to have materials in the classroom that reflect children's culture and background" (p. 243), what is considered achievement and success remains the same. Thus, when the structure is not challenged, the result is an effort to make students fit the existing mold—something that is clearly evident in the government's discourse: "Once the standards are set, we can focus on student learning, instead of navigating uncertainties" (Manitoba Government, 2021, p. 26).

Before claiming that modernized education is better, what has to be clarified is what the purpose of education is and what constitutes good education. While qualification and socialization can be legitimate aims, a fundamental but neglected component in "modernized education" is how it can contribute to students' uniqueness to flourish. Biesta (2009) calls this "subjectification", which is "precisely *not* about the insertion of 'newcomers' into existing orders, but about ways of being that hint at independence from such orders; ways of being in which the individual is not simply a 'specimen' of a more encompassing order" (p. 40, italics in the original). Helping students develop skills such as literacy and mathematics (i.e., qualification) or passing along societal norms and values (i.e., socialization) can surely be beneficial, but should not be ends in themselves nor everything. When human beings are detached from their subjectivities modernized education becomes a synonym for a white-straight-able-bodied algorithm programming for profit making.

Bill 64 notes that the Respect for Human Diversity policy is to be written "with due regard for the principles of The Human Rights Code" (Legislative Assembly of Manitoba, 2021, 138.1). While this is an understandable standard, Levinas (1972) argues that even human rights conventions are a by-product of the Enlightened totality-driven western philosophy. In a similar vein, Derrida argues throughout his works that "the metaphysical gesture of Western philosophy includes a *hierarchical axiology* in which the origin is designated as pure, simple, normal, standard, self-sufficient, and self-identical, in order to *then* think in terms of derivation, complication, deterioration, accident, etcetera" (Peters & Biesta, 2009, p. 21, italics in the original). While the shortcomings of humanism were often discussed by Levinas and Derrida, Walcott and Abdillahi (2019) go further and argue that even the current struggles against the common conceptualization of human as male, white, and heterosexual, do not escape the European conception of humanity. These revisions, they emphasize, work on "its flexibility by adding to it and elaborating it, but not changing in any radical sense its foundational claim as the only way of conceiving of human life" (Walcott & Abdillahi, 2019, p. 24).

Derrida (1978) was probably right when he argued that there is no escape from metaphysics and that seems to be germane to any educational act. But what that also shows is that social justice education must be shaped not by unshakable standards but by undecidability in the response to the Other. When striving for every student's success is a synonym of pursuing equity or justice, it is ultimately necessary that educators do not try to define what success looks like for justice is the "breaking of the law", what escapes the law. "Good" education is not a treatment that works for every context, but knowing what is "educationally desirable in particular situations" (Biesta, 2007, p. 20)—an understanding that is diametrically opposed to a neoliberal approach to education, such as what Bill 64 proposes.

If justice is defined, then it is not justice anymore but a new law—and where there is a law there is an imposition rather than unconditional welcome. As Walcott and Abdillahi (2019) put it, "freedom is the gap or space between breaking the law and the re-imposition of the law or its variant—that is violence" (p. 70). In addition, where there is a law it is possible to claim to have followed it or not—as performativity achievement rewards. Justice, conversely, belongs to the Other "because I'm responsible for the other ... it is the other who decides in me, without in any way exonerating me from 'my' responsibility" (Derrida, 2007, p. 455). It is only the Other who can claim to have received justice as it abides not in the law but in the "ethical resistance in the face of the other" (Edgoose, 2001, p. 123), in the singularity rather than the universal. Therefore, justice is always *to come* (Edgoose, 2001; Peters & Biesta, 2009).

We urge educators to recognize that equity or inclusion is not achieved by having diverse students in the same class all seeking "achievement" in the same outcomes. This resistance should be actively pursued in every moment for education is never static—it should rather be understood as in constant reform. However, such reform must be in response to each student's uniqueness not merely to current economic and political rationales. For instance, rather than spending \$150,000 with bus adds and billboards advocating for its own claims (Robertson, 2021), the government could be investing in professional development for teachers to be better prepared to teach minority students. The Universal Design for Learning model (which is theoretically promoted in Manitoba), for example, should not be limited to students with disabilities but rather fostered by every teacher in responding to the uniqueness of each individual student and with the genuine participation of their parents.

Assessment, achievement, and outcomes cannot be conditioned to the government's agenda whilst irrespective of students' strengths, needs and interests. Education will only be "better" when not reduced to reaching premeditated results but as an act of openness to *what turns up*—conceptualizations that must be urgently revised in Bill 64. While the uncertainties of a genuine ethical education will likely be uncomfortable for those who pursue it, only such resistance may in fact value students without categorizing them (or their families) as failure. "Better education" must start with the present, deconstructing power and privileges, decentralizing whiteness, decolonizing systems, resisting totalizations of the Other and unconditionally responding to the uniqueness of whoever enters in a classroom where seats have not been chosen for them.

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