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# Human Rights and Student Rights

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THE past 60 years have brought remarkable strides in the age old struggle for human rights. Little by little we have seen such rights affirmed for various groups and classes and serious efforts mounted to bring them ever more fully to expression. Somewhere people can be found assiduously working for the rights of almost any group one can name.

So we have seen the rise of labor and the formation of unions proclaiming the rights of the working man, Social Security and Medicare to protect the rights of the elderly, child labor laws to protect children from industrial exploitation, health and welfare agencies to maintain the dignity and integrity of the poverty stricken. We have passed legislation to protect the rights of every conceivable minority including the criminal, delinquent, retarded or mentally ill, almost everyone, that is, except *students*.

In the midst of all this concern for minority groups the rights of the student still stand sadly neglected. Stoutly we proclaim our belief in the democratic principle

that when men are free they can find their own best ways. Applied to our young, however, we frequently add "but not in this case," or "they are only children," as though the democratic doctrine was the exclusive property of adults. As Jerry Farber has suggested in his book *The Student as Nigger*,<sup>1</sup> we treat our youth as though they were an unacceptable minority group.

Our behavior too often proclaims that students are exempt from the rights of the rest of humanity; whatever dignity and integrity they possess can be violated with impunity. The rights of citizens guaranteed in our Constitution by the Bill of Rights are set aside in many a public school. So, students' persons and lockers may be subjected to "unreasonable search and seizure," a protection guaranteed by the Fourth Amendment to the Constitution. Students may be

<sup>1</sup> Jerry Farber. *The Student as Nigger*. New York: Pocket Books, 1970.

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required to testify against themselves, a violation of the famous Fifth Amendment, or held accountable without "confrontation with their accusers" or awareness of "the nature of the evidence held against them," a right assured by the Sixth Amendment.

In addition to our great Constitution the basic rights of man have been clearly set forth in recent years by the "Universal Declaration of Human Rights" adopted by the United Nations in 1948.<sup>2</sup> The United Nations Assembly also called upon all member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read, and expounded principally in schools and other educational institutions without distinction based on the political status of countries or territories."

Despite this noble intention it is probable that very few students in America are even aware of the existence of this document, much less acquainted with its contents. Even more recently, in 1968 the Council of Europe gave effect to the Universal Declaration by adoption of "The European Convention on Human Rights" signed in part or in whole by most of the countries of Europe.<sup>3</sup> Despite these magnificent affirmations of the basic rights of all human beings we continue to act as though such noble concepts were never intended to be applied to students.

## Is Man Naturally Evil?

The treatment of students as second-rate citizens grows out of age-old assumptions about the nature of man and the growing organism. Somehow, our forefathers came to the conclusion that a child is not basically human. The Middle Ages Doctrine of Original Sin held that the human organism is conceived in evil and is, therefore, untrustworthy and unpredictable, bound to go bad if not held in tight control. Depend-

<sup>2</sup> Copies of the "Universal Declaration of Human Rights" may be obtained from the United Nations Headquarters, New York City.

<sup>3</sup> This document can be obtained from the Directorate of Information, Council of Europe, Strasbourg, France, or from the United Nations Headquarters in New York City.



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ability, according to such a view, only comes with age and human rights must be earned by good works. This conception of human nature is deeply rooted in our culture, widely held in religious dogma, and confirmed by distorted observation. It is even supported by "science" in behavioristic, managerial approaches to psychological thought.

More recently, we have come to doubt this concept of the nature of man. As Maslow and other humanistic psychologists have pointed out, the basic nature of man is not primarily negative. Rather, it is essentially positive as each person is motivated from birth to death by a never ending search for self fulfillment. Given fruitful conditions for growth, this basic drive for self-actualization will move the human organism toward health and fulfillment if the way is open.

Seen in this fashion the basic character of man is basically positive, trustworthy, and predictable. If he turns out badly, it is not because of his nature but a function of the kinds of experiences with which he is surrounded in the process of growing up. As Earl Kelley once said, "Whenever we despair

about our youth we need to remind ourselves that they were all right when we got them.”<sup>4</sup>

If the universal need is for self-actualization, then, if we are successful in creating the conditions for freedom, the organism must move toward self fulfillment. The practice of medicine is based upon this concept that given freedom, the organism's own resources can be counted upon to move it toward health. The practice of counseling, psychotherapy, and good teaching is also based on this concept.

What is more, if a person is free to move toward self-actualization and is deeply in touch with society, he must, of necessity, behave in ways constructive both to himself and his world. The truly free person, open to experience and deeply identified with his fellows, cannot behave in ways destructive to others, for that would diminish his self. This is a principle very difficult for many persons to grasp. It is directly at odds with the frequently heard belief that “if you let up on control, they will certainly revert to their basic evil qualities.” The principle, nevertheless, seems true and is repeatedly illustrated in the processes of psychotherapy, where it can be clearly observed that as the counseling process succeeds in helping a person to freely explore himself and his relationships to the world, he spontaneously moves toward healthier ways of behaving.

### **Their Own Best Ways**

The democratic principle holds that “when men are free they can find their own best ways.” In the light of that principle the educational problem becomes a question of creating the conditions for human freedom. In an atmosphere of freedom the human organism can be counted upon to move in healthy directions. Respect for human rights is a primary ingredient in such an atmosphere.

A world like ours in which we are all so dependent upon one another demands trustworthy citizens. Few of us could live very

long out of touch with other people in the kind of world we have created. Whether we like it or not, we are totally dependent on the good will of thousands of others whom we have never even seen or heard of. Students deeply imbued with the importance of caring for others and ready and willing to carry their share of the common load are an absolute necessity for the health of society.

Caring, dependable persons are not produced by denying human rights. Quite the contrary, respect and caring and responsibility are learned, like everything else—from experience in situations where rights of self and others are valued and practiced. From studies of adjustment and maladjustment we now understand that health and self-actualization are functions of fulfillment; illness and maladjustment are the fruits of deprivation. Deprivation leads to depravity, while fulfillment leads to health and self-actualization. Denial of human rights leads to violence and revolt or apathy and despair, depending upon how adequate students feel to beat the system. Clearly, then, concern for student rights is not just a nice idea espoused by do-good humanists. It is a primary ingredient of the learning process itself. Students simply learn better when their fundamental rights are respected.

### **Will Rights Result in Chaos?**

Whenever we talk of student rights there is an immediate demand for student responsibility as though people were fearful that giving students their rights would surely result in chaos or loss of control. Implicit in such demands is the idea that student rights must be earned by good behavior. Students must *work* to deserve their rights. This is certainly an unfair demand for we do not apply it to adults. “Rights” are what people have. They are “givens.” They do not have to be earned. We have them just because we are human. They cannot be suspended with impunity except under extreme duress and, even then, only as a consequence of due process.

Responsibility is the product of at least two important personal perceptions: (a) a

<sup>4</sup> E. C. Kelley. *In Defense of Youth*. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1962.

feeling of such internal strength that one can safely drop his own defenses or set aside his own immediate needs for the sake of some larger value, and (b) a feeling of identification or "oneness" with other people. It is hard to see how either of these feelings can be expected to flourish where student rights are not respected. Responsibility is not a *cause* of behavior; it is a product of experience. It is learned like any other topic or subject by success experience with tasks progressively paced to student capacities. Responsibility is learned *by being given* responsibility. It is *never* learned from having it withheld. It cannot be demanded as the price for respect of student rights. On the contrary, respect for student rights is a condition necessary for the development of responsible human beings.

Respect for student rights is also a condition for effective learning which, after all, is the business of education. One of the most important contributions of modern psychology is contained in our understandings of the self concept and its vital role in human growth and development. Positive concepts of self provide the individual with an internal security and strength from which he can deal more effectively with the world.

Seeing one's self as able, acceptable, wanted, respected, as a person of dignity and integrity has far-reaching positive effects on the learning process. Studies have also shown that systematic attempts to improve the self concepts of students result in large scale decreases in discipline problems, improved relations of students with students and students with teachers, in addition to improved learning in subject matter. Student self concepts affect every aspect of student behavior and learning. It is even possible that what students learn about themselves in the class-

room may be far more important than the particular subject matter they are currently confronting.

Positive concepts of self are not learned from denial of student rights. They are acquired from personal experience of respect and concern for personal rights, from being treated as valuable citizens, as persons of dignity and integrity. Respect for student rights is thus an important factor in creating an atmosphere for effective growth and learning. Rogers has stated the principle of "positive regard" as a necessary condition for human growth and development and counselors have long since learned that deep respect for the dignity and integrity of the individual is conducive to rapid and more effective exploration of self and the world (learning). The same principle is equally understood by effective teachers.

It is clear that the self concepts of students are vital factors in the processes of learning. That fact cannot be suspended because it is inconvenient. The basic laws of learning cannot be disregarded except at peril of making ourselves less effective.

It seems to me we ought to seek the protection of the rights of students simply because we love them. Students are human beings and so are entitled to human rights equally with all other members of society. In fact, because they are weaker and less able to fend for themselves, it should be even more important to respect and protect student rights from exploitation. But even if we did not seek the protection of student rights for such humane reasons, schools ought to protect and respect student rights because the subject matter we have to teach and the nature of the democratic society our educational institutions are designed to foster are learned much better when we do. □

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