

On Student Rights

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for the Radical Caucus

Students must have the right and responsibility, these authors assert, to experience learning as the unity of thought and action through progressive social practice. Schools must have the right and responsibility to do what they can to assure that students exercise this right and take this responsibility.

STUDENT rights and responsibilities are meaningless if they are understood only as rights within schools and responsibilities to schools while excluding more general social rights and responsibilities. Such a narrow definition buttresses the school's refusal to allow students to engage in social action as a legitimate part of their education. It allows schools to channel the expression of rights into activities like student council and to perpetuate the myth that responsible student behavior is demonstrated by exercising such rights (for example, voting for student body president, selecting the homecoming queen).

It also defines as irresponsible any activities that threaten the school's absolute control over students or the rigid boundary that isolates schools from the struggle for human rights outside the world of the classroom. Acceptable student rights and

responsibilities are thus rendered one-dimensional and absurd. For example, now that the Vietnam war is "over," students may "study" it. But, when organized protest against U.S. imperialism in Southeast Asia was a central event in our nation's social experience the schools refused to even recognize the Movement's legitimacy, much less encourage or allow students to study and participate in it.

Two Propositions

Today schools remain steadfast in their refusal to sanction student involvement in struggles for social justice. We assert, however, that it is both the right and the responsibility of young people, as citizens and as students, to study and engage in progressive¹ social action as part of their education. This interpretation of student rights and responsibilities is based on two propositions fundamental to revolutionary dialectical ma-

¹ As defined by left groups, "progressive" is used to describe those actions that directly oppose oppression and imperialism.

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terialism.² The first proposition is a belief in the unity of theory and practice: of knowing and doing.

Our practice proves that what is perceived cannot at once be comprehended and that only what is comprehended can be more deeply perceived. Perception only solves the problem of phenomena; theory solves the problem of essence. The solving of both these problems is not separable in the slightest degree from practice. Whoever wants to know a thing has no way of doing so except by coming into contact with it, that is, by practicing in its environment.—Mao Tse-Tung, "On Practice."

While educators pay lip service to the principle that learning is a result of the synthesis of knowing and doing, its rigorous application to schools is seen as a problem. The pervasive American myth that schools are ideologically neutral leads most educators to believe that if some students are allowed to learn through the practice of working with the Farmworkers Boycott Committee others must be allowed to learn by working with The Christian Anti-Communist Crusade or the American Nazi Party. This concern for "equal time" is a pseudo-problem which arises out of the assumption that form can be separated from content or that thought can be separated from action. The same dialectical view, which posits the unity of form and content, thought and action, also holds that all social resources and institutions should be used for human liberation rather than for exploitation and oppression.

Our second proposition is, then, that resolution of these "dichotomies" necessarily entails progressive action. Therefore, as we stated earlier, students must exercise the right and responsibility to experience learning as the unity of thought and action through progressive social practice. Furthermore, schools must have the right and responsibility to do what they can to assure that students exercise this right and take this

² "Dialectical materialism" is the philosophical basis of Marxist thought. It encompasses an epistemology that differs sharply from idealist and mechanical epistemologies. Mao Tse-Tung's essay "On Practice" is a good introduction to this mode of thought.

responsibility. It would, however, be incorrect for schools to encourage students to engage in any action which strengthens exploitative and oppressive social relationships because there can be no right to oppress. Oppression does not serve education because it requires that masses of people be prevented from perceiving their interests and acting in harmony with them.

Our view is a distinct departure from the attitudes prevalent among most of those who are also concerned with student rights and responsibilities. The issue is usually approached from a legal or a social reconstructionist perspective. There is, for example, a growing body of case law which supports the constitutional rights of students against oppressive administrative practices (for example, *Tinker v. Des Moines Independent Community School District*, *Burnside v. Byars*). The *In re Gault* decision of the Supreme Court held that "whatever may be their precise impact, neither the Fourteenth

On the cover . . .

One of the most important cases dealing with the rights of students is that of *Tinker v. Des Moines Independent Community School District* (1969). In this case, heard before the Supreme Court, two high school students (John Tinker and Christopher Eckhardt) and a junior high school student (Mary Tinker, John's sister) were suspended from their respective schools in Des Moines, Iowa, for wearing black armbands to school to protest U.S. involvement in the Vietnam war. Their action defied the prohibition of this activity by school authorities. The problem in this case occurs where First Amendment rights of students conflict with school rules.*

Mr. Justice Fortas, in an eloquent opinion for the majority stated that:

. . . the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct. . . . It was closely akin to "pure speech" which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment.

* See: A. E. Wise and M. E. Manley-Casimir. "Law, Freedom, Equality—and Schooling." In: Vernon F. Haubrich, editor. *Freedom, Bureaucracy, & Schooling*. 1971 Yearbook. Washington, D.C.: Association for Supervision and Curriculum Development, 1971. pp. 46-73.

Amendment nor the Bill of Rights is for adults alone.”

Legal Action Is of Limited Value

We agree that litigation in the light of such Supreme Court rulings can be a useful tactic. It may serve to restrain some school administrators and help achieve or consolidate certain important rights. However, the practical value of legal action is limited in several ways: (a) The Supreme Court and lower courts cannot be relied upon to interpret the Constitution progressively. (b) Litigation is expensive, frequently too expensive for students and their families. (c) In their rulings the courts often assert that the particulars of each case warrant different conclusions. This effectively blocks the general acceptance of many rulings and necessitates more litigation. A single successful court case often leads to only the smallest and most specific remedy possible. (d) Most students, parents, and school officials are ignorant of the legal rights of students. Illegal violations of student rights are routinely accepted in many schools because of ignorance and because such rights fly head-on into the prevailing culture of the schools and the culture of the society which sustains the schools. Haberman states the case clearly:

The great difficulty in dealing with students' rights is that the preponderance of rules by which schools are managed are traditions which cannot be contested legally since they exist in the school culture and not on paper. Everything from gum chewing to waiting outside in the rain before the building can be "officially" opened is more likely to be done as a result of school traditions than as an implementation of a school board policy or a written administrative regulation.—Martin Haberman, *Student Rights: A Guide to the Rights of Children, Youth, and Future Teachers*.

(e) Finally, there is no reason to believe that any court action would or could lead to the establishment of the kinds of rights and responsibilities we have proposed for students.

The social reconstructionist position would ask us to believe that it will be possible to transform society using a "new wave" of students who have been nurtured in the prac-

tice of democracy in school. The critical flaw in this position is that while holding out the promise of social transformation it actually returns the focus of the problem almost completely to the schools. One can almost hear the social reconstructionist arguing for the project method as the precursor of the revolution.

Social reconstructionists fail to recognize that oppression and exploitation are a fundamental characteristic of class structure in the U.S. and cannot be altered by tinkering with the schools. The social reconstructionist position is grounded in the assumption that there is a theory called democracy which exists separate from the practice of the social institutions which are said to embody it. "Democracy"—existing outside of its corrupt incarnations—is seen as the vehicle for reforming social institutions and making them more democratic. This is a commodity view of democracy and we reject it. Democratic theory cannot be separated from democratic practice. The idea that democracy can be installed in any social institution the way ITA or "Career Education" or other curriculum changes have been installed in schools is incorrect.

Under capitalism a small number of people own the machinery needed to produce the goods we need and control our fiscal and production policies. While it is true that we elect our government, it is not true that by this act we control its policies. Policy is controlled by corporations (I.T.T.) and trusts (the oil industry) both legally through the right of property ownership and extralegally through such practices as influence peddling.³ The subsequent erosion of individual control over one's day to day existence has made increasing numbers of people subject to ever greater exploitation.

Subjection in minor affairs breaks out every day, and is felt by the whole community indiscriminately. It does not drive men to resistance, but it crosses them at every turn, till they are led to surrender the exercise of their will. Thus their spirit is gradually broken and

³ The classic treatise on this subject is Lloyd's *Wealth Against Commonwealth*. A more recent book is Galbraith's *American Capitalism*.

their character enervated. . . . It is vain to summon a people, which has been rendered so dependent on the central power, to choose from time to time the representatives of that power. . . ."—Alexis de Tocqueville, *Democracy in America*.

A sense of individual impotence short-circuits collective action. However, collective action is essential because we don't have "democracy" in this country; we have the contradiction between certain democratic political rights and our subjection to racist, sexist, and economic exploitation. In these circumstances democracy can be extended only in the collective struggle to resolve this contradiction. Specifically this means a struggle between the classes of people whose interests are on opposite sides of the contradiction.

The same contradiction controls the condition of "democracy" in the schools. While teaching about the principles and practices of democratic political rights, schools routinely violate those rights in order to prepare the young to be unrebelling functionaries in a capitalist social system—a system responsible for the perpetuation of inequality between classes, races, and sexes. Since schools serve to ratify the social structure rather than to change it, social reconstructionist efforts to transform society through the schools are doomed to failure.

To us, then, the social reconstructionist view of student rights and responsibilities has less to offer even than the legal view. We affirm, instead, a view that emphasizes the unity of thought and action and the validity of progressive social struggle as a right and responsibility of students and teachers.

Steps in Implementing These Views

There are concrete steps which can be taken consistent with our view of the rights and responsibilities of students and educators:

1. Put aside the view of "democracy" as a commodity that can be installed like ITA, and with it abandon the school's traditional response to the question of student rights which is, in essence, to find some things the kids can "safely" vote on.

2. Study the concrete contradictions of democracy in your own school and community. What are the circumstances in your school and community which reflect the democratic/anti-democratic contradiction?

3. Engage students in this analysis, under your guidance.

4. Devise with the students specific actions through which students, teachers, and others can combat the anti-democratic aspects of their situation.

5. Establish democratic procedures with the students through which points 3 and 4 can be carried out. These procedures include three major components:

- a. Treat investigation and action dialectically rather than serially. Investigation directs action, action produces new events to be incorporated into the investigation.

- b. Develop a collective method of discussion, analysis, and criticism, in which the purpose is to use everyone as a resource in order to get the fullest knowledge and develop what is likely to be the most successful action.

- c. Master the collective democratic method of making decisions by consensus rather than by vote.⁴

Even such small steps as these entail risks for a teacher because they threaten to resolve the contradiction in favor of a newer and fuller meaning of democracy. But the source of the risks is also a source of strength. Any anti-democratic aspect of school the teacher wishes to struggle against is necessarily offensive to others besides the teachers. The teacher has natural allies both in the school and the community. Once you have identified the issues the task becomes one of organizing your allies. To talk of student rights and responsibilities as we have is to see the teacher as an organizer who must identify allies among his fellow teachers, the students, and community members to develop a program organized around issues specific to his situation, guided by the principles of dialectical analysis. □

⁴ A useful statement of the rules of conduct of such collective discussion can be found in Mao Tse-Tung's essay, "Combat Liberalism."

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