THE TEACHING OF HUMAN RIGHTS

Proceedings of the Conference held by the
Human Rights Commission and UNESCO
in Adelaide, 25-27 August 1983

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INTRODUCTION

From the 25-27 August, 1983, the Human Rights Commission, in association with the National Committee of UNESCO, conducted a National Conference and Workshop on the teaching of human rignts.

The Conference was seen as a sequel to the UNESCO-organised conference reported in Teaching Human Rights, An Australian Symposium, (ACIDS, 1981). The latter discussed philosophical issues of the nature of human rights and possible justifications for teaching them. This Conference, on the other hand, had a deliberately practical aim and was designed to start where the 1981 conference ended.   It started from the premise that, in order to teach, or teach about, human rights educators themselves should be involved.

The Commission had planned a Conference of this kind for some time, focused on tertiary education. To this end it had arranged for Alex Castles to assemble, as a basic document for the Conference, details of all human rights courses at tertiary level. The outcome, published as the Commission's Occasional Paper No.4, Compendium of Human Rights Courses in Australian Tertiary Institutions, was available as a background document for the conference.

By a coincidence, it emerged that the Australian division of UNESCO was considering some form of Conference for secondary school teachers, with the same objects in view. Accordingly, the two agencies combined their efforts. The result was the conference whose proceedings and outcomes are recorded in this Occasional Paper No.6 of the Commission.

It was assumed, in planning the Conference, that at a minimum, human rights in Australia should encompass those rights laid down in the International Convenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Declaration of the

Rights of the Child; the Declaration on the Rights of Disabled
Persons and the Declaration on the Rights of Mentally Retarded
Persons. It was also taken as granted that such rights should
be promoted in and by educational institutions.   As such, the
Conference was concerned with identifying the means by which

human rights concepts are transmitted to others.   It was not so
concerned with analysing the nature of those concepts
themselves.

The specific aims of the Conference were:

    1.   to promote the teaching of human rights issues in all
       educational institutions;

    2.   to supply up-to-date information on the current human
       rights situation in Australia and current developments
       in curriculum development;

    3.   to provide a forum for the exchange of information and
       experience on human rights teaching between educators
       from a wide range of backgrounds;

    4.   to explore future needs in this area and to establish a
       continuing framework for further work in human rights
       education.

The Conference was divided into two main strands:

    1. education in schools; and
    2. education in tertiary institutions

The first strand - education in schools - covered issues
relating to:

    1. the implications of human rights for educational policy
      and administration within schools, e.g. the educational
      rights of children with reference to participation,
      discipline, avoidance of sexism and racism, compulsory
      sport etc.;

2. methodologies for teaching, integrated vs piecemeal approaches etc.;

3. curriculum - a review of materials which have been used in Australia and elsewhere (including a report on the progress of the Commission's own initiatives in this area).

The second strand - <u>education in tertiary institutions</u> - was divided into three workshops:

1. medicine, biology, social work and other care giving;
2. politics, law and administration; and
3. multicultural education and the humanities. A number of possible issues were canvassed in each case.   For example:

<u>the medical/care givers workshop</u>

  - the hidden human rights curriculum in existing courses;

  - the rights of persons with disabilities;

  - the limits to paternalism: duties of care as against the right of the client to make her or his own decisions/mistakes;

  - those circumstances (if any) in which a professional might justifiably force an adult to accept constraints "for her or his own good";

  - privacy and medical records;

  - terminal care and the rights of the dying;

  - access: poverty and ethnicity;

- the rights of the mentally ill;

- the medical model as a putative "prison for the permanently disabled";

- the divided responsibilities of the social worker;

- the rights of the aged.

the politics, law and administration workshop

- the "right to discriminate", and any reasons for not doing so;

- a social covenant or the rights of society against the individual;

- privacy - one right or many;

- freedom of information;

- self-determination - freedom of the person;

- justifiable limits to freedom of expression;

- affirmative action, positive discrimination, or the status quo;

- social justice vs human rights approaches;

- ways of informing those "at the bottom" of their rights;

- ways of securing rights when it is the government that has denied them;

- submissions to inquiries, and better ways of

  gauging public opinion;

- the rights of "less-than-persons": prisoners, the mentally ill, the unemployed;

- the teaching of human rights in courses outside traditional law studies;

- "preaching or teaching", and whether human rights can ever be the subject of value free teaching of the sort found in more "pure" sciences.

the multicultural/humanities workshop

- whether teaching about other cultures through "bare facts" increases understanding, or increases stereotyping;

- whether professionals should receive compulsory multicultural training, and if so, what its content should be;

- intellect vs passion, dealing with feelings, self-awareness as an Australian blind spot, and whether one can teach empathy;

- facilitators or barriers: the responsibilities of multi-cultural educators to the ethnic groups they teach about;

- anti-racism training, productive and counter-productive approaches;

- the empty centre: whether the real problem is the lack of a core Australian culture, or whether it is possible to understand other cultures without first understanding one's own;

- common elements in teaching about minority cultures and dividing lines;

- ways of handling cultural variations in ethical norms;

- women's studies as minority studies;

- institutional racism and sexism;

- integration vs pluralism in course design;

- conflicts of interest in the placement of courses.

Opening Address

Human Rights and Community Education

Senator the Hon. Gareth Evans

There are several reasons why this is an auspicious occasion. First, the combining of forces between the Human Rights Commission and UNESCO to arrange this seminar reflects the integration of Australia's human rights activities with international organisations and in particular with the United Nations which has been the catalyst for so many significant international agreements on human rights and anti-discrimination matters. Those agreements have been and will continue to be directly relevant to the Australian Government's legislative initiatives in the human rights area: it was UNESCO, after all, that sponsored the now-famous (or for some people infamous) World Heritage Convention!

Secondly, I am optimistic enough to believe that we are on the verge of an exciting new phase in human rights legislation in Australia. I made it clear during my term as Shadow Attorney-General that a Labor Government would give a high priority to the protection of fundamental rights and liberties. Our election policy spelt out a dozen specific initiatives in this field. After a good deal of preparatory thinking, we are now about to embark full steam on the mplementation of the major core of those initiatives and a Bill of Rights and associated package of measures. As a first step I have just established a small task force, involving officials and outside experts, which is to work up the amending legislation over the coming months: this meets for the first time on Monday. Even if all this activity amounts in the end to nothing else, it will mean a lot more human rights law for teachers to teach!

The third and probably most important reason for thinking of this as an auspicious occasion is that I regard the topic of this Conference, "the teaching of human rights", as of crucial importance. It is almost a self-evident proposition that the widest possible awareness of and sensitivity to human rights issues is a necessary precondition for the enjoyment of human rights in a civilised society   It can only enhance the quality of individual lives and the nature of our social arrangements. The better educated we are in human rights matters, the less necessary are the legislative and administrative protections of these rights. In the long run, I suggest that education will be of far more utility than any regulation or control mechanism could be.

The "teaching of human rights" is of course a vast topic. It is unlikely that the three days that have been set aside for this Conference will be sufficient to exhaust the subject, nor indeed would three weeks be. The main focus of the conference is naturally one on teaching as a formal institutional process. The published aims of the Conference are directed at educators, at human rights courses, at "promoting the conscious teaching of human rights issues in educational institutions".

I approach this Conference more from the other end of the telescope - from the perspective of the learning of human rights, not just through formal education processes but through the creation of conditions in which concern for human rights becomes part of every citizen's conduct of his or her daily activities. Much can be done through the formal educational processes and I strongly support developments in that direction, but I am necessarily concerned with the teaching and learning of human rights in the broader community and amongst those who for one reason or another are beyond any formal instruction.

What do we see when we survey the Australian human rights landscape? There is, first, a growing realisation within the community of the importance of human rights both in the world at large and in Australia.

For some it is no more than an awareness that human rights are a good thing, without much consideration of the implications of that general proposition for daily life. For others, human rights issues arise only in other countries for, in their view, that is where the oppression occurs, that is where human rights are most frequently breached, and there is nothing wrong in Godzone country.

But for very many there is an increasing awareness that human rights are not metaphysical abstractions, that they have a concrete, practical significance, affecting every one of us. The learning process has already made real advances in this direction, with many human rights claims - particularly by specific groups like Aborigines, migrants, women and homosexuals - being given a more sympathetic hearing than would have been believable a decade or two ago.

Hand in hand with a greater awareness of human rights, there is an increasing perception of the need to protect and promote them. This flows logically and inevitably from the realisation that human rights are not, again, mere abstractions, but are fundamental defining characteristics of human existence which should regulate our behaviour towards each other. When individuals come to appreciate the immediacy of human rights to their own lives, when they understand that they have rights that others should respect and duties to respect similar rights of those with whom they have contact, then they appreciate the need for proper safeguards and protections against infringement of those rights.

While it is pleasing to observe the changing attitudes to human rights in the last few years, I am by no means satisfied that enough has been achieved. We have really only begun the task and while there have been a number of constructive initiatives - more often at State than Federal level - the challenge lies ahead.

What can be done to improve the position in the future, what tools are available to help in the task? One of the more obvious tools for promoting a greater awareness of human rights is legislation. In recent times Australian legislation, Commonwealth and State, has dealt with a wide range of human rights, principally in the area of protection against discrimination. Such legislation has been a response to a perceived community need, requiring sometimes permanent, sometimes temporary action to maintain or advance the position of particular groups in our community, to assist in educating members of our community to an appreciation of the rights of others and to provide a means of redress where none has existed for infringement of rights.

Properly thought-out and implemented, legislation can have a threefold effect: it can protect, it can advance and it can educate. In the context of this Conference I should like to focus on the educative function of legislation, and I should stress that I regard this as of equal importance to the other functions of human rights legislation I have identified.

The very enactment of legislation informs the community that problems exist, it identifies the problems as worthy of remedial action and it prescribes means of resolving them. Legislation, and those responsible for its administration, can provide incentives for the co-operation of community groups in programs of assistance for disadvantaged people. Legislation can educate individuals in the community, for example, by providing subsidies to employers to facilitate the employment of handicapped persons so that the employment potential of such persons can be realised; or by imposing statutory requirements such as building standards so that in planning our buildings we are made to realise the needs of others.

Laws can have an effect quite apart from the individual cases in which they are employed and enforced. Human rights legislation, merely by being on the books as an unequivocal declaration of public policy, can I believe substantially modify the behaviour of people in a position to discriminate.

What is important here is not just the role of the law as a bludgeon, dangling civil or criminal sanctions over the heads of the potentially disobedient. Rather, in the words of the UK Race Relations Board - that point emerges more clearly in the discrimination area - anti-discrimination legislation "gives support to those who do not wish to discriminate but who feel compelled to do so by social pressure" and "reduces prejudice by discouraging the behaviour in which prejudice finds expression".

Legislation, that is, can create a situation where it is the discriminator who is seen as the non-conformist and non-discrimination the accepted social value and it can create a situation where the vicious discriminatory spiral - of prejudice leading to poorly-paid jobs and squalid living conditions, leading to more prejudice and so on - can be broken.

Law may not be able, and perhaps should not try, to affect what people think, as distinct from what they do. But when it comes to discrimination - and particularly racial discrimination - prejudiced thoughts and discriminatory behaviour are inextricably cross-linked; if legislation, by controlling outward behaviour, can indirectly and over time have an effect in reducing prejudice, then so much the better.

Whether these aims and effects of anti-discrimination laws are realised in practice will, of course, depend on the particular character of the legislation in question: how well it identifies the problems to be solved, how it is to be enforced, and how effectively it is implemented. Much will also depend on whether or not systematic community education programs are simultaneously carried out as part of the policy of the legislation itself.

At a Commonwealth level, the principal agency charged with the promotion of observance of human rights is of course our co-host the Human Rights Commission, established under the Human Rights Commission Act 1981. The Commission has under its

Act the obligation to promote and protect rights enshrined in four United Nations instruments: the International Covenant on Civil and Political Rights, the Declaration of the Rights of the Child, the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons

In the discharge of this obligation the Commission is empowered to investigate and conciliate complaints of violations of human rights by reference to these instruments. Where a settlement of a complaint cannot be achieved the Commission reports to the Minister and that report is tabled in the Parliament. Amongst its other functions the Commission can also examine and report on whether existing and proposed legislation is or would be inconsistent with any human rights, and can report on action which needs to be taken by Australia or by the Parliament on human rights matters.

Two particularly important functions of the Commission in the present context are "to promote an understanding and acceptance, and public discussion, of human rights in Australia and the external Territories" and "to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting human rights and to co-ordinate any such programs undertaken by any other persons or authorities on behalf of the Commonwealth".   (s.9(1)).

While established in good faith and administered with good will, it must be said that the Commission, as it is presently constructed under the previous Government's legislation, is of only marginal benefit as an effective means of protecting rights, since it gives to persons whose rights have been infringed no real remedy, and applies only to Commonwealth laws and actions. It may inquire into alleged breaches of human rights, at the Federal level, and attempt to effect settlement. But, at the end of the day, all it can do is to report to the Minister and the Parliament.

That is not to say the Commission has not, under the dedicated leadership of Dame Roma Mitchell and Mr Peter Bailey, been doing some useful work in investigating, conciliating and reporting. It has prepared, among other things, useful reports to government on citizenship, mental health, testamentary .juardianship, the Commonwealth Crimes Act and on the deportation of convicted aliens and immigrants, together with three occasional papers on the subject of incitement to racial hatred and the propagation of racist propaganda. Reports the Commission is currently working on include aspects of the Broadcasting and Television Act, corporal punishment in schools, and by-laws on Aboriginal reserves.

The Commission can also perform functions conferred on it by other Acts. With the coming into operation of the Commission in December 1981, the administration of the Racial Discrimination Act was vested in the Commission and - in a move much criticised by the then Labor Opposition - the Commissioner for Community Relations became a subordinate officer of the new Commission. While the integration of the Racial Discrimination Act administration into the Human Rights Commission has meant some desirable rationalisation of resources, particularly in the area of promotion and public education, it has in practice been at the price of some loss of identity and visibility for the Community Relations Commissioner and his staff.

The Racial Discrimination Act 1975 was the first major piece of Commonwealth human rights legislation. That Act, enacted by the Whitlam Government in the exercise of the Parliament's external affairs power, implements the International Convention on the Elimination of All Forms of Racial Discrimination which Australia ratified on 30 September 1975.

The Act applies throughout Australia, which means it binds all residents and Governments of Australia. The Act contains general prohibitions of racial discrimination together with provisions to deal with specific types of racial discrimination such as discrimination in employment, for example, by failing to employ a person or by imposing adverse terms or conditions of employment, on account of the race, colour or national or ethnic origin of the person or any relative or associate of the person.

The Act establishes formal machinery for the investigation and conciliation of complaints of discrimination by the Commissioner for Community Relations who can call compulsory conferences, if necessary, to help achieve settlement of complaints. Where a complaint is not settled, a certificate to this effect is issued and the aggrieved person can take action in the courts to seek various orders or damages to redress the wrong. Fortunately, the need to progress to this stage has proved the exception rather than the rule.

The legislation is based on the principle that conciliation and negotiation in the first instance is the appropriate way to deal with complaints of violation of human rights. The most important result of this approach is to educate the individuals concerned, to assist an offending party to appreciate the nature of his actions and to draw his attention to the wider human rights considerations which make his behaviour unacceptable.

Recourse to the court-enforced sanctions has been a last resort. But it must be acknowledged that there is some educative value in the existence, and sparing use. of such sanctions and the review of the Racial Discrimination legislation now proceeding will be looking very closely at the effectiveness of the present enforcement mechanisms to deal with the more intractable cases. The attachment of penalties is the

clearest indication that these are serious matters, that the community will not tolerate flagrant and persistent violations of rights.

The Human Rights Commission will also be exercising functions under the Sex Discrimination Act, when that legislation has passed through the Parliament. The 2ax Discrimination Bill was introduced into the Senate on 2 June 1983 and will be debated this Session. The Bill, which is based on the recently ratified Convention on the Elimination of All Forms of Discrimination Against Women, makes unlawful discrimination on the ground of sex, marital status and pregnancy in areas of employment, education, the provision of goods, services and facilities, in the disposal of land, in the activities of certain clubs and in the administration of Commonwealth laws and programs.

The Bill, which embodies the same basic enforcement mechanism as the Racial Discrimination Act, reflects provisions in existing State anti-discrimination legislation in New South Wales, Victoria and South Australia, and in addition contains certain novel provisions such as prohibitions on discrimination in the form of sexual harassment in employment and education.

With the Sex Discrimination Bill, as with the Racial Discrimination Act, the Human Rights Commission is given specific functions to promote understanding and acceptance of, and compliance with, the whole body of Commonwealth human rights legislation. The Commission is also charged with the task of undertaking research and educational programs for the purpose of promoting the objects of the legislation.

So far as the Human Rights Commission is concerned, then, the objective of teaching human rights is both implicit and explicit - implicit in the sense that the existence of legislation and the operation of its conciliation and enforcement mechanisms itself involves a consciousness-raising

process, and <u>explicit</u> in that community education and the
promotion of wider understanding of human rights are specific
jobs the Commission is given to perform.

Both prongs of this approach place a heavy
responsibility on the Human Rights Commission, to be defender of
and protagonist for human rights. It must be firm in its
pursuit of the high ideals enshrined in the legislation, yet
alive to the fact that ideals cannot be achieved instantly, that
attitudes cannot be changed overnight.

I have been indicating over quite a long period the
Labor Party's intention that the Commission be substantially
overhauled - not because of any lack of confidence in its
personnel, but because of weaknesses in the Fraser Government's
legislation which gave it birth. The task force I mentioned
earlier will be conducting a wide ranging review of the
structure and role of the Commission, and of the operation of
human rights legislation at the national level.

We propose to upgrade the role and status of the
Commission, increase the resources available to it, and broaden
its jurisdiction to cover the general oversight of human rights
issues - whether those issues are raised by a national Bill of
Rights, or arise out of the operation of the existing Racial
Discrimination Act, the proposed Sex Discrimination Act or such
other similar legislation as may be subsequently introduced
(e.g. relating to privacy protection, or discrimination on the
grounds of physical or mental disability).

Most agencies that operate in these areas perform a
similar mix of functions - investigation, conciliation, perhaps
some litigation, research, education and reporting to government
- and there seems no good reason why these functions should not
be capable of integration within the one organisation under the
one roof. Not every aspect of the operation of human rights
legislation can be conveniently consolidated in this way: but

by and large it is certainly possible for the system (and this goes as much for the situation within the States as within the Commonwealth) to be much less fragmented than it is.

Whatever the final shape and role of the Commission **I** have not the slightest doubt that community education in human rights will continue to be one of its central functions.

Bill of Rights

To my mind the most exciting and far reaching proposal of all the human rights initiatives the Government has in mind is the enactment of a national Bill of Rights. This legislation, to be drafted - I hope - in succinct and accessible terms, should play a significant educative role in alerting the community to the nature and importance of those civil and political rights which have been traditionally regarded as crucial in civilised societies.

I hope to be able to introduce the Bill later this Session or early next year and to have it lie before the Parliament long enough to allow ample time for public debate to take place. This public debate is really the first stage in the public education process. If it is as vigorous and constructive as I hope then many Australians will for the first time begin to realise what a charter of rights is. It will set them thinking about just how their own lives measure up to the standards it sets.

What the general community will, I hope, quickly come to realise about this Bill of Rights is that it is meant to be a dynamic social document. It is intended to affect people, to influence them, to shape their behaviour. One of its main aims is to make every person in this country aware of just what the fundamental human rights and freedoms are, to remind them that rights and freedoms which they regard as precious to themselves are possessed in equal measure by all others. Just as they

would resent any interference with their rights so must they recognise the rights of others and refrain from interfering with or violating them.

The Human Rights Commission will, here as elsewhere, have an important educative role to play.

The courts too will play their part in applying and enforcing the legislation. The detailed way in which this will operate is still to be sorted out, but the basic idea is that the Bill be able to be called in aid by any person in the course of any civil or criminal (or tribunal) proceeding in which the interpretation of another statutory provision or of a common law rule is involved. Thus, for example, a draconian street march law, which had no regard at all to the principle of freedom of peaceful assembly, might be "read down" in its application to ensure that that right was given recognition.

The Bill of Rights would be a shield rather than a sword: it would not be able to be used by someone seeking to rely directly on a provision of it to <u>itself</u> found an action for an injunction, variation of contract, damages or such like. Written this way the Bill of Rights would still be an effective weapon, but might be more generally acceptable than the more far-reaching Murphy Bill in 1973.

The <u>educative</u> function of a Bill of Rights of this kind should be obvious. It will, above all, become a basic term of reference in any legal activity, whether it be legislating, interpreting or litigating. It Will become a standard by which legislation is judged, a guide to interpretation, a shield against legal action which is contrary to its guarantees.

Knowing that a proposed enactment can only escape its effect by means of specific and conspicuous words of exception advertised to all the world, governments and legislators will think twice before enacting legislation which unduly infringes rights. Judges, legal practitioners and citizens alike will

soon realise that this set of rights cannot be ignored, indeed they will begin to make constructive use of it in applying the law to particular cases. Progressively, I hope, human rights considerations will become part of the language, part of our social fabric.

Already some judges make use of human rights treaties as a point of reference in their judgments. In the recent case of McInnis v. R. (1979), Mr Justice Murphy invoked the International Covenant on Civil and Political Rights. In support of his decision that a criminal trial had miscarried through lack of legal representation for the defendant, he referred to Article 14 of the Covenant and its guarantee that those charged with criminal offences are entitled to legal assistance "in any case where the interests of justice so require". He concluded that "the interests of justice require the assistance of counsel at trials on all serious charges". With a Bill of Rights these tentative steps in the acknowledgement of internationally recognised standards will become explicit and firmly embodied in our mainstream legal system.

All those whose pronouncements are transmitted to a wide audience - and I mean here talk back radio presenters as well as politicians and ministers of religion - must take an active part in teaching human rights, now and after the enactment of the Bill of Rights; all sorts of people - not just judges and Human Rights Commissioners and teachers. They can help to make human rights part of our community's frame of reference, part of the language, just as "deficit" and "cost of living" are now household terms.

Harold Laski once said about the educative effect of Bills of Rights:

> "Granted that the people are educated to the appreciation of their purpose, they serve to draw attention . . to the fact that vigilance is essential in the realm of what Cromwell called fundamentals.

Bills of Rights are, quite undoubtedly a check upon possible excess in the Government of the day. They warn us that certain popular powers have had to be fought for, and may have to be fought for again. The solemnity they embody serve to get the people on their guard. It acts as a rallying point in the State for all who care deeply for the ideals of freedom."'

That statement is as valid today as when it was written a generation ago. 1984, with all the connotation and reverberation that reference sets off, will be a particularly appropriate year for Australia to enact a Bill of Rights; and it will be a particularly appropriate time for us to renew our commitment to the practice, the teaching and the learning of human rights.

<u>Footnotes</u>

1.   H. Laski <u>Liberty and the Modern State.</u> 3rd ed. (Allen and Unwin, London, 1949) p.75.

Strand One: Education in Schools

Human Rights in the Curriculum

Donald Vandenberg

The dangers that threaten the teaching of human rights warrant a general overview to establish the total context of human rights in education. Human rights should be taught in schools in conjunction with curriculum materials that have a strong focus upon urgent, controversial issues to remain within the horizons of perceived relevance and promote justice, but this most appropriate pedagogy can result in an identification of human rights with the specific issues. For example, the study of the human rights of gay, Aboriginal, or female people can create the impression that someone interested in human rights is concerned with obtaining justice for gays Aborigines, or women. This is not necessarily true. A firm prejudice against one of these groups, moreover, is more likely to result in a rejection of human rights than a reduction of the biased attitude.

A second danger threatens when students learn human rights as applicable to the assertion of their own rights, for this can result in the very narcissism and egocentricity that make it impossible to recognise one's own obligations to other people that are the main justification for the emphasis on human rights in the first place. That is, the student who learns about "my rights" might have difficulty in learning about "our rights" or "your rights" or "their rights", but human rights are characteristically "everyone's rights", i.e. universally valid obligations of each person to all other people.

The most serious danger, however, is the creation of an impression that the teaching of human rights is something that can be added to the curriculum to patch things up, like sex education, or that it can become an isolated and optional elective, like Sunday school- or that it is a trendy, partisan supplement to the curriculum, like MACOS or SEMP.

To the contrary, ideas of human rights are as old as the law of Moses, as widespread as the democratic ideologies of the seventeenth and eighteenth centuries, and as profound as the cultural ideologies of contemporary liberal democracies. Human rights are the values at the heart of the Judeo-Christian heritage. They are the ideals at the basis of democratic governance as these have become reformulated as human rights in the aftermath of World War II. Their substance is accordingly absolutely essential to the preservation of civilization as such. Instead of being added to the curriculum, human rights ought to be taught in the core curriculum as the necessary basis of everyone's moral and civic education.

Because conceptions of human rights are merely reformulations of enduring moral principles that involve universal obligations, they ought to form the ethical foundation of the entire education system. They constitute the obligations to the client inherent in the professional ethics of the institution of teaching and learning. It is therefore necessary for the successful teaching of human rights to have them also govern the way in which classrooms and schools are conducted. The children's perceptions of the way in which classrooms are conducted, and of the ways in which they are expected to conduct themselves, are a major factor in the formation of moral sensibility. The meanings acquired in the so-called hidden curriculum ought to be in accordance with human rights to enable the development of the kind of moral sensibility that can furnish an adequate basis for the subsequent explicit attention to human rights in the overt curriculum. If the latter is not

congruent with the moral perceptions developed in the actual practice of the classroom, the language of human rights will be understood very distortedly.

This means that the democratic ideals of liberty. equality, and fraternity should be operative in the conduct of classrooms and schools, for these are the human rights respectively, to intellectual and moral freedom, to equal consideration regardless of race, gender, social class, religion, politics, or physical characteristics or handicap, and to the affectionate friendliness worthy of the dignity of being together with fellow human beings.

These three fundamental rights to intellectual and moral freedom, equal consideration, and brotherly and sisterly love, however, have to be transformed to fit the age and educational development of pupils. Freedom as a human right, for example, belongs to adulthood, i-e to the fully responsible moral agent who accepts liability for punishment when the exercise of moral agency exceeds the bounds of law. School children are not fully responsible moral agents, by definition, although some degree of moral agency and sense of responsibility are developed by the time the child attends pre-school. It is therefore the child's human right to be granted the intellectual and moral freedom that can be borne responsibly, appropriate to adult moral agency which is everyone's human right.

Because such freedom belongs to all students, it is necessary to learn to conduct oneself according to the rules needed to establish equal freedom in classrooms and schools. Such learning is also one's human right because the adult moral agent willingly abides by the rules of equal freedom out of recognition of the moral agency, i.e. the dignity of other people.

Enforcement of the rules that maintain equal freedom is also necessary to establish the equal opportunity to learn. Thus the human right to equal consideration is related to the classroom through the enforcement of the rules of equal freedom. Such rules maintain equal access to the educational programme and equal educational opportunity within it. They are enforced with maximum dignity and moral effect, however, when students are obliged to repair whatever damage they have done when violating a rule. This enables them to become aware of the moral obligation defined in the rule. For example, if they damage school property, or a friendship, or the conditions of learning, they ought to repair or replace the property, and restore the friendship or conditions of learning. It is the student's human right to have reparation replace punishment wherever possible because it develops moral agency   The student's right to freedom of speech and thought is similarly enhanced and protected by having a suggestion box and/or ombudsman in every classroom and/or school and by having periodic student evaluations of the course of study in every subject.

This brief consideration of the so-called hidden curriculum supports the contention that unless students sense they have been consistently treated with human dignity and accorded their elemental rights in their own schooling, their subsequent intellectual acquaintance with conceptions of human rights will cause dissatisfaction with their own schooling or with the idea of human rights. If their own rights have been observed, however, they will have developed a moral consciousness structured by meanings that will enable them to grasp intellectual concepts of human rights with genuine insight because of their congruence with experientially developed moral sensibility.

The concern for human rights in the ethical foundation of education should therefore permeate every subject at every level of schooling (from pre-school to graduate school).

Nowhere in schools should intellectual and moral freedom be less than that for which students can bear responsibility. Nowhere in schools should there be any discrimination for reasons of gender, race, politics, religion, social class, or physical characteristics or handicap. Nowhere in schools are rules of behaviour needed except for those rules establishing the equal freedom to learn, and nowhere is it necessary to enforce these rules without first asking if it will suffice to oblige the student to repair the damage done by violating the rule.

Nowhere can it be claimed that the programme should not respond to legitimate complaints and evaluations. Nowhere is it morally justifiable to treat the student without the dignity appropriate to a person of reason and conscience in the process of developing moral consciousness.

The concern for human rights should also permeate the explicit curriculum. It is too much to say that human rights should be taught in every subject, but it can be claimed that attention to them should be given in all humanities and social sciences included in the high school curriculum. For example, if teachers of history, literature, government, anthropology, sociology, psychology, and religious education are themselves educated in human rights, they can then on their own initiative discuss the concerns for value that are inherent in their subject in terms of human rights. A course in literature, for example, can function as a course in "Ethics and Literature" if the moral predicaments depicted in the literature are discussed as ethical situations implicating human rights. This should only supplement the standard cognitive learning in these subjects, but the explicit attention to contingent ethical issues in terms of human rights is in fact necessary to convert the knowledge of academic subjects into the substance of general education. Because the aim of general education is not to produce specialists but to transmit the best knowledge for use

 in life, the explicit attention to its value aspects in terms of
human rights insures that a humanity or social science promotes
the development of the intellectual and moral characteristics of
the educated person.

        In fact, wherever values are studied, clarified, or
merely mentioned in schools, the views expressed should be
compared to the relevant statements of human rights in the
Universal Declaration of Human Rights approved by the General
Assembly of the United Nations in 1948. The contrast should
then be adjudicated in favour of the universal obligations. The
recent rightwing criticism of the schools for open-ended
discussion of values and its accompanying moral relativism seems
to me to be essentially correct, although it ought to be claimed
that methods of value clarification, discussion of moral
dilemmas, and the use of inquiry methods in the study of moral
and social values serve hegemonic functions unless statements of
human rights are introduced to use as criteria of morally
acceptable conclusions. This seems true because such methods
give the impression that all values are a matter of opinion, and
in this situation there can be no talk of justice.

        Such value clarification, discussion, and inquiry is a
useful first phase of a lesson in which students are to learn to
value something, for it can insure that perceptual awareness of
correct aspects of reality become the basis for the development
of conceptual awareness, but it is ethically correct and
pedagogically necessary that this awakening of moral
consciousness be supplemented by the addition of new
intellectual content if it is to be educative. The advocates of
these allegedly non-directive modes of studying questions of
value would probably object by claiming that the addition of
human rights' statements makes the practice didactic,
authoritarian, and indoctrinative. True non-directiveness in
the study of values, however, is pedagogically and morally
negligent, and the purpose of studying anything whatsoever in
schools is to acquire new conceptual schemata to discipline

one's study and to enable one to become aware of something new about it. The purpose of studing questions of values in schools is to learn to value things differently.

Whether pedagogy is authoritarian depends upon the dignity of the classroom procedures rather than upon the introduction of new conceptual schemata, and the complaint against indoctrination is legitimate only when the doctrine is false doctrine. The complaint is not about indoctrination as such but about the absence of truth.

The question of the truth of human rights has two aspects: whether there are any and their most adequate formulation. For the present it can be taken for granted that there are such things as human rights, and I trust that my attempt to show that there are in my book Human Rights in Education has been successful.[1] There is the right to moral agency, without which one cannot be a human being, and to its necessary conditions, such as equal freedom, equal consideration, and brotherly and sisterly love.

Concerning the most adequate formulation of human rights, it can be argued that the 1948 Universal Declaration has pre-empted the field because of its social, historical origin and subsequent influence as a cultural document. Its very general statements are much more like moral principles of universal validity than are the specific covenants based on it, and many of the problems one might have with it from ideological or philosophical perspectives disappear when reading the account of the refinement of the articles in the committee chaired by Eleanor Roosevelt. Moral and civic education in the schools cannot wait until moral philosophers agree upon some formulation of human rights, and in any case H. A. Pritchard may have been right when he asked, "Does Moral Philosophy Rest on a Mistake?" (iLad, 1912). The moral philosopher, too, can at best merely conceptualise the moral insight developed in experience on the level of moral sensibility. Bills of rights attached to

political constitutions can serve the purpose in the respective
nations, whereas the international origin of the Universal
Declaration lends it the culture-free universality needed in
moral education in any nation.

Pedagogically, the language of human rights should not
enter into the study of controversial issues in schools to
provide answers to the matter at issue. Their resolutions ought
to be obtained from legitimate partisans to them in the form of
points of view on the issues that are representative of major
groups within one's own society. Human rights should merely
serve as relatively neutral criteria of morally acceptable
solutions. For example, if there is a human right to a
subsistence diet regardless of one's employment status, the
right itself implies neither a socialist nor capitalist
economy. If it is used as one of the criteria to judge the
moral acceptability of alternative economies, it is not
immediately clear as to which one is technologically superior in
achieving the goal of providing a subsistence diet for everyone
in a society It is therefore not at all indoctrinative to
enable students to learn to use human rights concepts to
evaluate existing stances on controversial issues.

This claim is analogous to that made by the Harvard
psychologist Lawrence Kohlberg that the cognitive operations
involved in the sixth stage of moral reasoning are formal,
content-free, and neutral toward specific issues. It is also
similar to his view that people capable of moral reasoning at
the most sophisticated sixth stage in terms of universal
principles and human rights simply assume the validity of the
rights and principles they involve in their reasoning about what
ought to be done in a specific situation.

Finally, the present recommendation to use the
formulation of the 1948 Declaration merely assumes, or
hypthesizes, if you will, that there will not be a superior bill
of human rights drafted until the United Nations itself
commissions its revision, and this is what is meant by saying it
has pre-empted the field.

It is important to note that the introduction of human rights language into the curriculum wherever there is clarification of values, discussion of moral dilemmas, or study of controversial issues does not necessarily require the preparation of instructional materials for each of these areas. On the one hand, it is not clear that instructional units on human rights, or on public issues in which human rights ought to be considered, would succeed in the classroom unless the teacher is knowledgeable about human rights in general and is capable of moral reasoning at the level Kohlberg identified as stage six. On the other hand, if the teacher has this ability- then specialised instructional materials embodying human rights principles are not necessary for the entire programme. It is unlikely that teachers could acquire this ability, furthermore, through the use of instructional materials prepared for primary and secondary school students. The materials prepared for the teaching of human rights ought therefore to include a "master unit" to enable the teacher to develop the cognitive processes involved in thinking about human rights at the so-called sixth stage of moral reasoning.

Whether teachers can be educated to reason at the level of universal rights and obligations and become qualified to teach human rights is an important question- but it is more pertinent at present to consider the pedagogy for students who definitely are not capable of such reasoning. It is useful to begin by recalling Jerome Bruner's slogan that it is possible to teach any concept in an intellectually honest manner to a child of any age. For example, pre-school children can universalise their actions, for if they are asked a question like, "What if we all shouted at once?" they all shout to find out, and then they possess the correct moral insight into the rule about no shouting. Similarly, mildly mentally handicapped children and adolescents understand what is compatible with human dignity as they learn about what is nice and what is not nice. The question is not about cognitive simplification, which is exposed

to the danger of students learning about their own rights and not everyone's rights. Nor is the problem addressed by those who would prepare materials at the same Kohlbergian cognitive stage as the students', or one stage in advance of them.

Human rights should not be taught by themselves but in the context of some social issue, such as the status of women or minority groups in society, world hunger, unemployment, or the arms race. The knowledge of that issue should be stated at the cognitive level appropriate to the students' intellectual development, but the relevant human rights should enter into the matter in their adult form.

Because all classes are heterogeneous, there might always be some student who can understand human rights' talk at the "sixth stage" level of moral principles. Students primarily at stages three and four in their development will convert the statements of human rights into moral rules and apply them to the issue as rules, which is far superior to wallowing around in their own free-floating opinions from both pedagogic and moral points of view. Students below stage three will do what they do elsewhere in the curriculum, i.e. memorise them and repeat them by rote, which is also superior to the alternatives for these "pre-moral" people. It supplies the words, and with these they can gain insight into the concepts when they eventually have the appropriate life-experiences in the same way the rest of us gain deeper insight into the moral aspects of human life throughout our lives.

This analysis of the appropriate pedagogy seems a bit old-rashioned because it involves memorising the articles of the Universal Declaration in highly defined contexts for some students. It is justified by (a) the need to promulgate and preserve the knowledge of human rights as it is expressed in documents like the 1948 Declaration, (b) the societal necessity to try to educate every citizen in a liberal democracy up to a Kohlbergian stage four in moral reasoning, (c) the publicness,

universality, and correctness of human rights statements expressed at the so-called sixth stage of moral reasoning, (d) the desirability of having teachers reason at the "sixth stage" in the presence of students to enable them to rise to unexpected standards of excellence in moral reasoning, and (e) the human right of everyone to be educated to the degree of moral responsibility and moral agency of which they are capable.

It is my suggestion, furthermore, that human rights should not be taught by themselves, as if one could learn them as a set of abstract principles intellectually and also understand their significance to civic and moral conduct. I have suggested that human rights' principles be the ethical foundation of how classrooms and schools are operated, that they be introduced into any process of values clarification, discussion of moral dilemmas, or inquiry into social or moral values that are already included in the curriculum, that they form the normative criteria for any discussion of matters of value in existing academic subjects, and finally that they should function normatively in the study of controversial issues whenever such issues are studied in the curriculum. These are the issues the students will have to confront almost as soon as they leave school and enter into society as adults, and they should be studied with particular intensity in the last year of schooling to take advantage of the students' maximum intellectual maturity as well as of the last opportunity to study them in a disciplined way. In these issues, such as the status of women, handicapped people, or members of minority groups in society, problems of the economy such as unemployment, distribution of wealth, and depletion of non-replenishable resources, the arms race and control of international relations through nonviolent means, the freedom of speech, thought, expression, the press, and assembly necessary to debate these things in multi-partisan contexts, problems of law, crime and punishment, and matters connected to the right to life, such as abortion, euthanasia, socialised medicine, political executions, terrorism, and revolution - there is always a basic core of objective knowledge that can be conceptualised at whatever level

the students are most liKely to be found in their last year of
school, whether it is the sixth, ninth, or twelfthyear. There
is similarly a finite number of alternative views toward the
issues that are sponsored my the various groups that take issue
with each other that can be made accessible to students tor
their critical study by being expressed in the vocabulary or the
adults who hold them, which is largely a layman's vocabulary.
Into these issues the statements or human rights should be
thrust in their adult torn to avoid diluting the concepts if in
tact some students' aspirations are to be aroused to their
fullest significance. Any simplification has to avoid any
semblance of ideological distortion, for that would allow a
partisan cause to be transmitted as a human right, prevent the
understanding of the right as a universally binding obligation,
and be contrary to the student's right to education.

          If the issue is appropriately fleshed out with adequate
information, descriptions or actual situations, case studies,
biographical materials, literary embodiment in story and drama,
and so forth, the students can become perceptually as well_ as
conceptually aware of the situation involved in the issue. Then
they can be trusted to sense what is fair within it, providing
their preceding experience of schooling has led them to believe
that justice ought to prevail. The perception or what ought to
be done to establish justice needs only to have access to the
appropriate vocabulary to be able to conceptualise it as a human
right. It is therefore appropriate to introduce the statements
or human rights in their adult form (as they appear in the
Universal Declaration) into the curriculum at least in their
last year of compulsory schooling as the Keystones to complete
their moral and civic education.

          In other words, the course of study in controversial
issues that is herein recommended ror the last year or
compulsory education should be largely constituted by the
bacKgrouna Knowledge about toe issues drawn iron university
disciplines such as history, contemporary history, literature,

sociology, anthropology, economics, religious studies, and law.
When studying controversial issues, the students' attention
should be primarily focused upon the phenomena, structures, and
institutions of the society in which they will soon be citizens
and moral agents. They should primarily be exploring the things
in the social and human world in disciplined ways through the
use of schemata from the disciplines. This will maintain what
Freire called the transitivity of consciousness. It should
include statements of human rights as such to serve as criteria
by which to judge the value of ideological stances toward the
issues, but if attention becomes focused largely and primarily
upon human rights, consciousness will become ideologised and
fanaticised in a violation of human dignity that formulations of
human rights are designed to prevent. By enabling students to
maintain consciousness of things in the social world, the
teaching of human rights can be done with the dignity it fully
deserves.

Footnotes

1.   D. Vandenberg, Human Rights in Education (Philosophical
        Library, New York, 1983)

Teaching for Human Rights: Activities for Schools

Ralph Pettman and Sylvia Gleeson

Devising materials that might encourage school teachers to tackle human rights issues in the classroom is a fraught affair. It is fraught for a number of reasons:

> first, and most obvious, we have the controversial nature of the subject-matter itself. Human rights issues raise value-questions that many teachers, or those they serve, feel loath, perhaps simply unable to confront;

> second, when a body like the Human Rights Commission attempts to do this, professional curriculum designers elsewhere in the educational system are apt to question its capacity to design such a course. For this reason the first draft of the basic manual, Teaching for Human Rights: Activities for Schools, was professionally appraised by Don Williams, Principal Lecturer in Curriculum Design at the Canberra College of Advanced Education (author himself, with Alan Fidock, of a comprehensive course on the Aboriginals of Arnhem land), and subsequently trialled in a number of primary and secondary schools in N.S.W., Victoria and the A.C.T..
> These trials were supervised by three professional consultants, specifically tendered for the purpose: David Cohen (Macquarie University), Colin Henry (Deakin University), and Caroline Josephs (A.C.T.);

third, a number of choices have to be made as to approach, format and the human rights issues one might try to cover. Though we sought advice as widely as we could, these choices involve academic and political decisions of a very difficult kind.

Entangled above are a number of problems one could pursue at length. The simple fact remains, however, that there is a crying need for a set of materials of some sort on "teaching for human rights", evidenced by the Commission's own mailbox and the requests it receives from teachers and teacher trainers for help and advice in this area. The reason why this need is so acute becomes obvious when the existing literature is searched, and one finds how serious the paucity of such materials actually is - not only in Australia, but internationally as well. While there are excellent kits etc. on Aspects of human rights, e.g. racism, sexism, equality of opportunity, the law, there is a dearth of works that gather the diverse threads of which international human rights legislation is woven into one synoptic array.

Why this should be so is not clear. It has been 35 years since the Universal Declaration of Human Rights was made, and despite numerous conferences and symposia discussing the question of how desirable and worthy human rights teaching would be, few individuals or organisations, it seems, have ever attempted to do anything practical about it - at primary or secondary levels at any rate.

When on those rare occasions a decision la made to do something practical, three basic options present themselves. The first such option is to devise a history of human rights legislation, and it was just such an approach that the one previous effort in Australia to put a course on human rights together happened to choose. This course, called "Fair Go", and written largely under the auspices of the Curriculum Development Centre, has now been abandoned. Having to satisfy all State

education authorities, it went through an enormous number of drafts. The basic approach is one that is very difficult to bring alive even under the best of conditions, let alone those that prevailed in this case.

The second possible option is to teach human rights as preferred moral principles, working one's way through the Universal Declaration for instance, pointing out the rationale for each article and finding examples from literature or contemporary politics or history of how they have fared in the "real world". While there is much to be said for this approach, and the opportunities it allows to introduce human rights propositions right across the existing curriculum, it runs the danger of ending up a litany the repetition of particular values as "good things" regardless. It is "teaching human rights", and as a didactic device quickly turns most students right off.

The third option is to construct experience-centred materials that try to get students thinking and feeling for themselves about the issues basic human rights involve. While those wedded to the more cognitive approaches above typically find such an attempt partisan, trendy (even at worst an affront to human dignity and a denial of human rights themselves), such objections simply do not stand up in the classroom. There are cogent rationales for choosing experienced-centred, affect-based materials as the preferred option, the most powerful of which would seem to us to be the fact that human rights are claims to certain entitlements and nothing more. They are strong claims to be sure, and rights-talk is strong talk as a consequence. But there is nothing graven in granite anywhere. Human rights draw their strength from the reasons given for them, and if those reasons are not good ones, then claims for human rights will never be convincing. Students have to learn for themselves to argue the case for human rights from first principles if human rights are to prevail and if students are to see the point of meeting their

responsibilities to others when claims of this sort are made upon them. If human rights are to be "universalised", as their protagonists argue they deserve to be, then people have to know how to articulate and defend them. This means getting a <u>feel</u>, however vicarious, for the real-life dilemmas and situations involved, and this cannot be done by staying within the <u>cognitive</u> domain alone. It means not just teaching human rights or rather, teaching <u>about</u> human rights; it means teaching <u>for</u> human rights. Indeed, to the extent that those who take up the first or second options succeed, one suspects it is only in their use of examples and in their capacity to bring the litany alive. In other words, "teaching human rights" is only likely to succeed to the extent to which those doing the teaching dare enter the <u>affective</u> domain.

The third option was the one exercised in preparing the Commission materials. All the major pieces of international human rights legislation were scanned in detail, and a selection was made of ten key issue-areas. The choice was provisional, and can be amended, extended, or otherwise revised as course users see fit.

Questions were then posed pertinent to each issue-area, and a large number of activities were subsequently devised to lead both teachers and students alike into active consideration of the issues involved. It is hoped that those using such materials will be prompted to think for themselves, and to develop that capacity for creative empathy that allows one to see the "self" in the "other" and the "other" in oneself, without which the doctrine of human rights must inevitably fail.

Teaching <u>for</u> human rights is a demanding task. It raises at the outset the question of "structural hypocrisy" in the classroom, that is to say, the whole business of encouraging students to claim their human rights (and to meet their responsibilities in this regard), while systematically denying them because of traditional classroom practices, and/or the

hierarchies manifest not only between teachers and pupils, but in schools at large. On the one hand, it can be said that teaching <u>for</u> human rights is simply good teaching practice. On the other hand, having this happen or a day-to-day basis is a different matter again. It also raises familiar questions about how one tackles Any "values" course, and how one does so without running undue risks of indoctrination.

This does not mean that teachers should be daunted by the prospect. Involving school administrators and parents at the outset is a first step in making such materials a success. The basic manual has also been specifically devised to achieve maximum gain from minimal preparation. A teacher should be able to walk into a classroom with the basic manual in hand, and take the initiative (or to provide the opportunity for student initiative) from that point on.   In practice, some of the role-play activities, for example, will no doubt benefit a good deal from teacher experience with such techniques, and more importantly, the sort of confidence such experience confers. But the format is meant to be easy to use, and the fact that it is activities-based, and gets all concerned thinking for themselves, considerably lessens the risk of indoctrination.

Which leaves the question of in-servicing, and whether materials of this kind require special training of any sort if they are to be effective. It seems to us that, as far as possible, a Commission course should <u>not</u> require special training over and above that provided by the usual teacher education programs. Which does not mean that it may not prove beneficial in practice to attempt - however this is co-ordinated - to put those using the materials in touch with each other so that they may share the insights they have gleaned, and share information about the value issues involved. Those involved are also likely to get a sense of mutual support from knowing that others are working in similar ways.

The basic manual has been published by Hodja Educational Resources Co-operative, 135 Church Street, Richmond, Victoria.   They will be responsible for the commercial dissemination, both here and overseas, of the whole kit: the basic manual and the optional extras that accompany it (three booklets, Human Rights: a handbook, Human Rights for Humankind: Racism, and Human Rights for Humankind: Sexism; plus two films, one on handicappism entitled "Don't Think I Don't Think", the other on students' rights entitled "Fair Enough".) The Commission is meanwhile making initiatives, on a State by State basis, to let strategic individuals in a wide range of educational organisations know of the existence of the materials and to encourage them to take them on board.

Meanwhile, as the materials are used they will generate a stream of comments and criticisms that will be invaluable in recasting this first edition.   Materials of this kind are only a beginning. An enormous amount of work has to be done to get them known about, and used, and the process is on-going. The prospects for improvement are boundless.

<u>Being Egual - Being Human</u>

Nicole Gilding

When thinking about the relationship between sexism, education and human relations teaching, I am conscious of a fundamental contradiction between sexism, which I see as an inhibiting, constraining influence, very much an intellectual and emotional 'straight jacket', and the whole concept of education which **I** see as essentially a liberating process.   What is sexism?

Sexism is analogous to racism.   It describes discrimination based on gender, the socially constructed characteristics

ascribed to men and women.   It involves organizing peopleon the basis of these different supposed characteristics, and leads to the pre-determination of people's life choices on the basis

ot sex without regard to individual differences.   It is a denial of uniqueness and individuality among men and women and in its institutionalised form is a tool for oppression and control.

We are committed to education as a process by which each individual is developed to their greatest potential - intellectually, socially, emotionally and physically; we cannot achieve this if what we teach and how we teach is sexist because we would be (and are) offering a biased, truncated and unrealistic view of human beings and human culture.

I remember seeing this idea spelt out for the first time in the Schools Commission Report <u>Girls School and Society</u> and have held to it as a principle ever since - that sexism and good education are mutually exclusive.

When we look at the process of education as one of "becoming", of passing on to young people the collective experience and knowledge of the culture and at the same time encouraging the development of autonomy, independence and self esteem - of consciously developing young people to be effective social beings capable of initiating and sustaining meaningful relationships with others and contributing to the social, intellectual and economic life of the community; then the conflict between sexism and those desirable outcomes of education is even more sharply focused.

The development of a feminist analysis of society and the concept of sexism has provided a critical view of what it means to be human in a male society and what it means to be female. The experience is very different at almost every level.

For men it is an experience of dominance; for women, of oppression. The consequent behaviours and experiences are taught and maintained through sex role stereotypes about masculinity and femininity.

To be feminine is to be "passive, dependent, submissive, sexually receptive, subjective, emotional, nurturing and so forth. To be masculine is to be their opposites - active, independent, dominating, sexually aggressive, objective, logical, exploitive and so on. These are the stereotypes of western culture".

For both men and women the effects of these stereotypes is to limit women's options for growth. The damaging effects are much greater because attached to those perceptions about the nature of being female is a workforce and system of training and employment that is constructed on those assumptions which serve to maintain that gender division of social, political and economic power.

The dominant culture into which we introduce our young people
informally, through family socialization, and formally through
schooling, is male culture.   Women's life experience is almost
entirely absent from the overt curriculum - history is the study
of male activity in the public domain, and mathematics relegates
women to minor domestic expenditure while men manipulate
corporate accounts.

Women are present in the hidden curriculum - girls are learning
that they are not as important or as clever or as powerful as
boys, that their experiences are less valid and their
expectations of the future are (rightly) lower.

In early research Don Edgar found schools responsible for
helping to produce "incompetent" and "self denigrating" young
women.   His comments are still pertinent 10 years after the
study was published:

> ... sex is an important constraint in the development
> of adolescent competence.   Despite home background
> resources, whether good or bad, boys and girls grow up
> to see themselves as having different abilities,
> different levels of control over their own
> circumstances and differing potential futures.
> Despite greater verbal intelligence, girls see
> themselves as being less academically competent than
> boys.   Instead, many girls see themselves as being
> best at interpersonal forms of competence, a self
> characterisation accompanied by deference to others,
> low self confidence, high self depreciation and a
> tendency to blame themselves for failing which could be
> well attributed, as it is by boys, to external
> limitations.   Many girls of course are talented,
> forceful, self assertive and ambitious but this is
> where family resources and parental encouragement are
> favourable.   The clear disadvantage of having parents
> who are poorly educated and in poor low status jobs

seems to lead to the vicious circle of incompetence more commonly for girls than it does for boys. The circle is completed through the expectations of others, particularly parents, that girls do not need to work so hard at school, and do not need to aim so high. They are under more pressure than boys to conform to parental demands and such demands are more frequently to behave maturely and "get along nicely" with other people than they are to achieve academically. Boys are less passive, more likely to reject parental limits on what they wear, whom they see and what they do. While girls often teel their parents fail to understand them as people, they are still more likely than boys to accept their parents' assessment of their school-work and sporting abilities."[2]

Our experience in schools, both at primary and secondary level confirms the findings of researchers that girls and boys feel very differently about themselves and have very different expectations as a result - expectations in terms of future relationships, work and academic performance. Note for example, Work in 1978 - The Careers and Girls Project in South Australia, which investigated the perceptions of men and women held by students at Junior Primary, Primary and Secondary Schools:

... the response was totally stereotyped. Both boys and girls saw males as tough, strong and rough, with consistent mention of football. Conversely, they saw females as neat, pretty and gentle with consistent mention of housework. At the Primary Level, when asked to describe how their lives would be different if they had been born of the opposite sex their reaction was one of anger" [3]

How dare the teacher suggest something so weak and boring as being a female!

In 1981 the Project Improving Chances for Girls was initiated to explore the range of classroom strategies which could reduce the sex stereotyping of occupations so dramatically shown in the Careers and Girls Project. We knew that the 1978 intervention had been successful, but had only limited under-standing of the implications of various learning strategies.   Again, the Project Officer investigated the perceptions of men and women held among the students in the three schools involved in the project.

Again the results indicate a negative view of women.   Boys saw women as -

        feminine   good looking
        housewife   soft
        sexy   nice
        mother   stupid

The girls saw women as being

        femine   housewives
        pretty   gentle
       mother   workers
        slender   considerate
        dainty   wives   4

Both boys and girls portrayed men as decision makers - independent, responsible, in charge of house, intelligent.

Some descriptions consistently chosen by the girls indicate that attitudes may have altered a little since 1978. The girls also saw males as - rough, lazy, chauvinistic and bossy.

Obviously, although they see males as powerful, they are not entirely impressed by the way they see that power being used.

These negative and stereotyped views of men and women provide an inadequate basis for equal and caring relationships between adults and has profound long term implications for the process of parenting.

We would probably consider that being parents, raising the next generation, was a particularly important social function, yet our young people continue to see the parenting child care role as almost exclusively female - most young boys indicate in their discussions that they expect to have children and to have a relationship, but these others appear in the background, slightly out of focus in relation to their "real" life, which is a future of employment.

We have paid almost no attention to parenting in the curriculum - ideally every student should have some education in this area in the years of compulsory education, and that education should strongly emphasise the responsibility and contribution of male and female parents to child rearing, and develop skills, the growing number of single parent households, the instability of relationships, and the relative "domestic incompetence" of men, to use Jean Blackburn's phrase, makes the need urgent.

Another area of great concern is the impact of sexism on the development of young people's attitude to and experience of their sexuality.   Our experience of girls in high school is that puberty can be a real crisis, it is a turning point, the point at which academic decline sets in (year 8/year 9) and discipline problems grow, the point at which consciousness of what a girl should or should not be becomes sharply and rigidly focused.

Chandler describes this sudden change:

>   "Then almost overnight she is transformed. She reaches
>   puberty.   It is not possible to exaggerate the
>   significance of this event for a girl, though it is

frequently played down, if not totally ignored, by the adult world.   The education that she has received in school has been identical with that of a boy in it's demands that she be competitive, assertive and success oriented.   Now with the arrival of puberty she finds herself in a world radically different from that of boys, and changed forever.   Although in school her education continues along the same lines, every other aspect of her life becomes dominated by ideas which are pushing her into the traditional 'feminine' part, that she will be expected to play; the compliant unassuming role which requires her to charm boys with her dependent docility rather than compete with them with her independent intelligence[n].[5]

Nancy Friday in her book <u>My Mother Myself</u> comments powerfully about sex and sexuality and the implications of what she says are frightening if we are looking towards a more equal relationship:

> "girls ... do not admit to what is happening to their own bodies because they have never learnt that their bodies belong to them.   Girls are still being brought up to be unrelated to their own physical selves. Mothers who have themselves rejected their sexuality unconsciously encourage daughters to do the same by failing to give them a sense of the value of their own bodies and, even more serious, by failing to give them a sense of ownership of their own lives.   Daughters, in being allowed to be dependent on their mothers, are also being prevented from becoming self-dependent. Sex is then seen as something outside themselves, something done to them, not chosen. "[6]

I am concerned not just that the learnings of boys and girls are different and reciprocal, but that in that reciprocal relationship one is dominant and one subservient.   One leads

boys to live as men, with social and economic power and a limited emotional development, the other leads girls to roles as wives and mothers, emphasizing emotional development and limiting their access to social and economic independence. Neither aggression nor passivity are qualities I prize - as an educator I believe we should be concerned about sex role stereotyping because of its inhibiting effect upon human beings.

Research conducted both in America and Australia indicates that the qualities valued and defined as being "normal" are consistently "male":

> "An American couple, the Brovermans conducted research in 1968. They isolated 122 sex stereotypical personality traits and asked clinical psychologists to use these to define 'the healthy, adult personality', the 'healthy male' and the 'healthy female'. We could reasonably expect that a healthy adult would display a combination of qualities such as tenderness to others and independence, but the research showed that this was not the case. The definitions of the healthy male and healthy adult were identical, with qualities like self confidence, ambition and willingness to be adventurous rated highly."[7]

The healthy female, however, was very different. She was seen to be emotional, passive, dependent and "talkative" (given Spender's work, I'd have grave doubts about the latter). What is important, however, is that qualities **not** valued by this group of professionals defining a normal adult **were** used to define a "normal" woman. By definition then, a woman is less acceptable than a man. I do not doubt that if similar research was conducted on teachers the same double standard would emerge and it is clear from the responses of students already quoted that it is alive and flourishing in the classroom.

We as teachers need to bear these "double" standards in mind when we define the objectives of the curriculum in terms of the human qualities we seek to encourage.

Certainly any discussion about self esteem, confidence or lack of it - the psychological states of human beings - raises questions about what qualities are important, and for what purpose they are important.

It is now quite clear that the lack of confidence experienced by girls in secondary schools is a key barrier to their learning in all areas of the curriculum not typed as "appropriate" for women.   In their preparation for transition, during which girls are asked to confront the realities of society and the changing workforce, their lack of confidence emerges as an obstacle to the open, curious and unthreatened exploration of all those areas of education and employment they have the right to enter under equal opportunity legislation.

Some of the most confronting and influential work in this area has come from Dale Spender.   The topic of conversational politics has been nationally publicised.   In South Australia there has been a strong focus on classroom interaction as a basic means, available to _every_ teacher, of looking at the dynamics of teaching, the way language, space and learning is controlled and dominated by the boys.

Dale Spender's extensive and challenging writing about the processes of interaction and control in the classroom shows how important language is in rendering females and female experience "invisible":

> "My research has shown that what is happening every day in classrooms, particularly in mixed sex classrooms, is that the experience of males is being valued and the experience of females is being dismissed.   When we interviewed teachers in Britain we found that 97% quite openly stated that they gear their lessons to the interests of the boys.   The reason is simple; if the boys don't get what they want, they protest, they make a lot of noise, and no teacher wants to be seen to have

an unruly classroom.   No matter what the official curriculum is, every day in the classroom boys are getting what they want, they are talking about their topics, they are talking about contexts in which they are seen in a favourable light and in which their experience is valued.   In many mixed sex classrooms if you try to introduce topics which pertain to females and which make females feel good, if you try to talk about the history of women's struggle for education, or you try to talk about women writers, if you try to talk about women's history, and the boys get distressed, they start to make a fuss and the curriculum gets changed.

What do the students learn in those circumstances? Boys are learning that they can influence the environment, that they can be aggressive and that it works.   Girls are learning that if they are aggressive it doesn't work, they get sent outside for being unladylike.

What is going on all the time in mixed sex classrooms is that the boys are harassing the girls in a variety of ways.   They are keeping them out of certain areas, they are not letting them talk about certain subjects, they are not giving them space, they are ridiculing them.   I am horrified by the amount of sexual abuse that the boys deliver to girls, and equally horrified that it took me hours and hours of listening to classroom tapes before I even noticed it.   The fact that this harassment had been semi-invisible to me until then, shows how much a part of society I am. The next thing I noticed was that it was very, very rare for a teacher to comment on this harassment, let alone to attempt to intervene or stop it.   And some of it amounted to an absolute vilification of the girls. When I questioned the teachers concerned, first of all a lot of them denied that it had ever happened.H8

What then can be done in schools about these issues?

I would first of all say that I am confident something can be done.   I do not believe that it starts and finishes in the family and that the stereotyping that is well established even before schooling starts cannot be challenged and behaviour and attitudes modified.

There is in South Australia and other states a concerted effort from those employed in the "women's area" of education, in equal opportunity offices such as my own in TAFE, and by practising teachers •to alter the nature of the experience of schooling for students, to encourage greater self initiated enquiry both within and outside the school, to enhance students' ability to enter life after school as independent, autonomous, informed young adults capable of making real decisions about their futures, values and behaviours.

The recently released policy statement from the Education Department endorses a strongly interventionist approach - the move is not towards the creating of a sexually neutral "androgynous" curriculum, either in content or method, but towards affirmative action.   The focus is on the achievement of more equal outcomes from schooling, not just provision of a more equal opportunity.

What this has provided is a clear framework without which many teachers can legitimate what they are already doing to combat sexism, but which also places an expectation on other teachers to consider the issues and take appropriate actions.

The leadership for this process has come from the staff of the Women's Advisory Unit in the Department's Curriculum Directorate, and I believe their approach (as follows) to be both very sound, and transferable to other subsections.

A group of some 30 principals and deputy principals, opinion
leaders in the system, were nominated from each Departmental
region and were involved in staff development that was intensive
and experiential.

There were three phases -

Phase 1: An exploration of the issues, with a significant level
of input from a range of resource people.   The intention was to
confront the group with the body of information and research
available in the area.   Many expressed disbelief or discomfort
with the material.   Both men and women were involved.

Phase 2: The response from the organisers was to invite this
group to test the information and to work with them to devise
action research plans to identify and investigate an area
relevant to their work.   This action took place during the
months preceding the next intensive residential conference - at
this time participants presented the results of their own
research.   Nothing could have produced a more concerned group!

The individuals then devised action plans to systematically
tackle the problem, and left the conference to implement these.

Phase 3: This group was drawn together again to report on,
refine and exchange these strategies and to explore the regional
plans for the future, to which they would be expected to make
significant contributions.   A total of 21 residential (and
expensive) days were funded by the Department.   I believe this
level of support is both extraordinary in our system but
entirely appropriate.

Changing what happens in schools involved personal change for
the teachers who teach in them.

That change will sometimes be traumatic, sometimes a challenge, but <u>always</u> it should be given and be seen to be given the active support of our education systems at both the policy and implementation level.

The notion of inclusiveness in curriculum now currently emerging in the writings of some educators, and certainly among some of the leading feminist critics of our education system, provides, I believe, an important conceptance framework within which to address the problem of sexism in education.   If we start to ask more questions about what is <u>humanly</u> important in the development of young people we are inevitably led to an active rejection of the straight jacket of sexism.   If we talk about <u>including</u> in our education system those who have been marginalized women, aboriginals, the disabled, those with rich but "different" cultural backgrounds - we may move to a richer, more truly diverse but more equal society.   I hope so.

Footnotes

1. A. Oakley, .Sex, Gender and Society (Sunbooks, Melbourne
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3. Careers and Girls Report (South Australian Education
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5. E.H. Chandler, Educating Adolescent Girls (Allen and Urwin,
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7. T. Broverman et al, "Sex Role Stereotypes and Clinical
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Rights of Children in Schools or Peace Studies

Margaret Bailey

The preliminary programme listed this session with these
alternative titles.   The two are not distinct and separate but
rather are very closely bound up together.   The United Nations
Declaration of the Rights of the Child (1959) states as
Principle 10:

> "The child shall be protected from practices which may
> foster racial, religious and any other form of
> discrimination.   He shall be brought up in a spirit of
> understanding, tolerance, friendship among peoples,
> peace and universal brotherhood and in full
> consciousness that his energy and talents should be
> directed to the service of his fellow men";

and the preamble to the Declaration of Human Rights (1948)
states that:

> "Recognition of the inherent dignity and of the equal
> and inalienable rights of all members of the human
> family is the foundation of freedom, justice and peace
> in the world".

Those two statements describe very well the aims of Peace
Education and this is further reinforced by Article 26 in the
Declaration of Human Rights which states that:

> "Education shall be directed to the full development of
> the full personality and to the strengthening of
> respect for human rights and fundamental freedoms.   It
> shall promote understanding, tolerance and friendship
> among all nations, racial or religious groups".

If this is what'111 education should be about, why do we need
Peace Education?   The answer is, unfortunately, that we need
peace education because much of education does not promote these
ideals, but rather hinders their achievement.

One of the problems is that understanding, friendship,
tolerance, peace and universal brotherhood are not cognitive
objectives but affective objectives.   Cognitive objectives can
be cognitively communicated and most schools and education
systems are reasonably aware of these objectives and how to
achieve them.

Affective objectives however, cannot be wholly communicated by
cognitive means and will need some affective communication.
Schools often do not acknowledge that these affective objectives
will need affective methods of communication, and thus any
efforts that are made to achieve these objectives are on the
whole not very successful.

Peace education deliberately sets out to achieve these
objectives and does so by attempting to work in the affective
domain as much as in the cognitive.

It is often assumed, quite erroneously, that the aim of Peace
Education is to educate people in the area of Disarmament and
the Arms Race. This is a very narrow view which most educators
working in this area would, I teel, reject.   It is true of
course that many people come to Peace Education by this road -
and there is very obviously a need for education in this area.
However Peace Education is much broader than this.   It develops
from a concern about war (the negative aspect) to peace (the
positive aspect), which is not the mere absence of war.   Peace
encompasses understanding, tolerance and friendship between all
groups - from nation states to the people next door.   For
people to achieve peace there is a need for understanding
oneself, because it is almost a truism of Peace Education that
peace begins within the individual.

Several recent developments in the curriculum of secondary
schools have involved working toward affective objectives.
Health education, values education, personal relationship
courses and development education come to mind.   Multicultural
Education too may have affective implications.   Is Peace
Education just another to be added to the list?   In accordance
with my understanding of Peace Education I would suggest that
Peace Education in the affective domain is analogous to
Environmental Studies in the cognitive domain in its ability to
act as a synthesiser for many "subjects".   All the developing
areas of education mentioned above tend to have very similar
aims, or aims that are complementary, and to use very similar
methods of learning.

Because the methods of learning place a strong emphasis on
experiencing and developing skills in becoming aware of emotions
(i.e. are affective in character), people who are not directly
involved often find it difficult to understand or accept as
valid what is going on in these areas of education.   It is
probably true to say that the same people will be unaware of
many hidden messages that schools convey.   Thus the questioning
that develops as a result of the type of learning being
introduced is often a considerable challenge and, sadly, is seen
as a threat to accepted views of school organisation.

If the introduction of Peace Education is seen as a threat then
the situation is inevitably one of conflict.   Perhaps the
biggest test of all for those involved in Peace Education is to
put into practice in the actual work situation itself those
ideas and skills which are being learnt. Can the Peace
Educators resolve the conflict which their introduction of Peace
Education will cause?   This is a crucial question but possibly
one with no complete answer.   On the one hand we come back to
individuals and know that success or failure in this regard will
depend very much on any individual in their own individual
situation.   On the other hand it will also depend on the

response that can be generated within organisations. Indeed perhaps we should see the microcosm that is the school as a training ground for achieving the sort of objectives that were set out at the beginning of this paper and which are seen at the "macro" scale. We should not see this as schools being a training ground for the "real" world but rather as that real world in miniature. This will cause us to take a different view of what goes on in schools as it will cause us to examine what goes on in our own community (the school) by asking the question whether or not this or that is right and valid for its own sake. If we start doing this we may come up with some very different answers from the ones usually accepted.

We can take a look here at some of the Articles in the Declaration of Human Rights:

Article 5	No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment.
Article 7	All are equal before the law.
Article 9	No one shall be subject to arbitrary arrest, detention or exile.
Article 12	No one shall be subjected to arbitrary interference – with his privacy, family, home or correspondence.
Article 17(2)	No one shall be arbitrarily deprived of his property.
Article 18	Everyone has the right to freedom of thought, conscience and religion.
Article 19	Everyone has the right to freedom of opinion and expression.
Article 26	Everyone has the right to education ... Technical and professional education shall be accessible to all on the basis of merit."

If we examine these articles we can see that many of them directly apply to the school situation.   If we consider some of the common practices in Australian schools such as corporal punishment, or being made to stand in a corner - with or without a dunce's cap - we should ask ourselves how those practices relate to Article 5 - no one shall be subjected to degrading treatment or punishment.   Article 7 states that all are equal before the law, yet schools are notorious in their hierarchical organisation - A Vice Principal being more equal than an S.M. who is more equal than a first-year-out teacher, and of course adults receiving very different treatment from the children.

For example, who gets served first at the school canteen?   Who gets believed if two accounts differ about some incident - the adult or the child?   Many schools use some sort of detention system and yet Article 9 states that no one shall be subjected to arbitrary detention.   Article 21 states that no one shall be subjected to arbitrary interference with his privacy or correspondence, yet I would imagine that it is a common practice to inspect lockers, or in boarding school cupboards and drawers, and in many schools to open letters sent to students at school.   I imagine the situation where some child is playing with a computer game or reading a comic under a desk is only too familiar.   How many of us would "confiscate" the article at least for the duration of the lesson if not longer or for ever - in contravention of Article 17(2) which states that no one shall be arbitrarily deprived of his property?   Articles 18 and 19 relate to the right to freedom of thought and opinion and expression.   Do we really give students in our schools the chance to say what they think, in ways they think fit or do we rather spend a lot of time making "them" listen to "us" telling them what they ought to think and how to say things "nicely", "politely" or whatever?

When we come to Article 26 with the right of all to technical and professional education on the basis of merit we should query what we are doing to the girls in our schools who, on the whole, do not become involved in technical education and to a much

lesser extent than boys in professional education.   When girls
 and boys enter our education systems there are no marked
inequalities in their attainment levels although by the end of
their schooling there are considerable differences.   What have
we done to half the population that there are such dramatic

differences in take up at these points?   Discrimination can
take many forms, not just that between the sexes.   Are country
children really more stupid than city children?   I do not think
anybody would support this, but why in that case do a
disproportionate number of children from Hobart and its
immediate environs take up places at the University in Tasmania
when compared with children from rural areas?

It is clear that whatever schools ostensibly do the hidden
messages they convey are absorbed only too easily.

Unfortunately these messages are not those messages which
support any belief in the rights of individuals as stated in the
Declaration of Human Rights or the Declaration of the Rights of
the Child.   The messages that children learn at school are that
they live in an authoritarian, competitive and discriminating

world.   If those are the messages from school that they take
with them how can we expect people to work on any other basis?
Yet it is quite another set of expectations that are stated in

the preamble to the Declaration of Human Rights.   There is
clearly therefore a conflict between what should be happening
and what is happening; it is a conflict that those who are Peace
Educators need to resolve.

In learning about "rights" we also have to learn about
responsibilities.   It is my right not to be beaten and my
responsibility not to provoke others to take violent action.
It is my right to express my opinions freely but my

responsibility not to cause hurt or be offensive to others by so
doing.   It is my country's right not to be invaded and my

country's responsibility not to provoke agression. I can
ensure my rights and equally must ensure the same right for
others. It is my country's right to have a fair share of the

world's resources and my country's responsibility to ensure that
by so doing we do not deprive other countries of essential
resources such as food, clean water and clean air.

How do we set about learning these different messages? What do
we have to do to make sure our schools and other places of
learning are conveying the messages of the Declaration of Human
Rights?   The state of the world as it hovers on the brink of
nuclear war has shocked many into a realisation that we
desperately need what Peace Education has to offer as the
affective skills are those which are so essential to bringing
peace and understanding, tolerance and friendship among people
everywhere.

Strand Two: Education in Tertiary Institutions

Workshop One - medical/care-givers

Introduction

Elizabeth Hastings

There are some major problems in the teaching of human rights which are peculiar to people working in the health and welfare field. At the same time, nearly everybody in our community will, at some time in his or her life, require the assistance or professional advice of one of these workers, and it is very important that the human rights issues are, somehow, taught.

The people most likely to come into significant or prolonged contact with health and welfare workers are usually poor in informational and financial resources; they tend to be relatively powerless in the community and, if ill or needy, especially powerless in relation to the professional worker who "deals" with them. There is a large number of people who are "dealt with" by professionals - there also are intellectually handicapped, mentally ill, physically or sensorily disabled, old, young, unemployed, non-English speaking, illiterate, poverty stricken, bereaved, sick, imprisoned, or any combination of these.

At such times these people are vulnerable to those whom society provides to help them, and they are vulnerable to the institutions, conceptual and physical, within which they are "handled". People whose difficulty is chronic or permanent may have been treated or managed within health and welfare

institutions for a very long time, in which case their self-concepts will have been significantly influenced by those institutions and the people who work within them.

Recently, over the past fifteen years or so, the disabled rights movement has begun to articulate the experience of disability, the experience of vulnerability to the health and welfare institutions of our society. Three major models of care have been described - their effects on the recipients of that care have been noted. Briefly, the models are the medical model, which treats patients; the professional model, which manages clients; and the charity model, which looks after brave and grateful recipients.

In each of these models the person with the illness, disability or need is in the position of powerless suppliant in relation to the powerful professional. This powerlessness is sometimes complete, as in the case of those who are very ill, or those who are severely disabled. At other times the powerlessness may be experienced as more confined to certain aspects of life, as in the case of those who are otherwise independent but need housing assistance, or help to fill out a form.

A fourth model has been proposed as more appropriate for service delivery which purports to develop "independence" and "return to the community" in recipients of care. This new model is a consumer model, in which there is an equal relationship between the purchaser and the provider of a service. Within this model the previously powerless suppliants are regarded as colleagues; they are given all the information they need, in an accessible form, in order to reach a decision about the best way to approach their problems. The professional workers strive at all times in this model to return the power of information and influence to their clients.

This, of course, is where the difficulties of teaching human rights to health and welfare workers arise. The basic assumptions and predicates of the medical, professional and charity models demand that the patients/clients/recipients be dependent upon the deliverers of service to know what is best for them. These assumptions also demand that the needs of the institution (for efficiency, cost saving etc.) take precedence over the individual needs of the members of that institution. This is most apparent in the way residents are expected to fit into the needs of a nursing home rather than the nursing home fitting the needs of its residents, but the phenomenon is common throughout the health and welfare industry.

At all levels of service delivery, from occasional visits to a professional worker through to "cradle to grave" institutional care, people who use the health and welfare machinery are vulnerable to their rights being infringed. These may be any or all of their rights to privacy, to freedom of association, to marriage and family, to freedom from cruel or degrading treatment, to access to information, to vote, to expression of ideas or opinions, and so on.

This is not in any way to suggest that young men and women who enter the health and welfare professions are incipient ogres, just waiting their chance to violate the rights of others - far from it. Indeed, these people are often imbued with the desire to help their fellow human beings and so to find satisfaction in their work. The problem lies not in these budding professionals (except insofar as they generally come from backgrounds in which they have never experienced the helplessness and outrage of having their rights violated) but in the implicit assumptions and prejudices of the courses as they are taught. Our task as teachers is to find ways in which our students can discover the necessity of consideration of human rights issues in every facet of their work, and to develop courses in which an empathetic concern, outrage and desire for action are encouraged in each of them. This is not an easy task

in a society which values so highly efficiency, managerial skill and objectivity, but it is one into which we must put our imagination and effort.

Rights of Mentally Ill Persons

Susan Hayes

Distinction Between Mental Illness and Mental Retardation

There exists a great deal of confusion between the
terms mental illness and mental retardation. A mentally
retarded person is one who has significant delays in one or more
areas of cognitive, social, or adaptive functioning, which are
usually present during the early years of life. A mentally ill
person is one who is suffering from a psychiatric disorder,
which may be acute or chronic, and which may occur at any time
during the lifespan. Under existing legislation, most mentally
retarded persons are regarded as if they are mentally ill, that
is, as if they were insane. There have been initiatives in some
Australian states, however, to develop separate legislation to
deal with mentally retarded (or intellectually handicapped, or
any of the other terms currently in use) persons as distinct
from mentally ill persons, so that they may receive the
education, social training, and habilitation training that they
require, and which is appropriate for them. Nevertheless, the
subsuming of mentally retarded persons under the general term
"mentally ill" or "mentally abnormal" still exists in the
criminal law, for example.

Rights Which Should be Accorded

There are a number of rights which should be accorded
or respected, with respect to mentally ill persons. A right is
an interest recognised and protected by the law, respect for
which is a duty, and disregard of which is a wrong. The basic
rights which are at issue in the area of mental illness are:

1. due process, that is, the right to have the due
    process of law take place, according to common law
    or statutory provisions;

2. natural justice, that is, the right to have both
    sides of a case presented, with an opportunity for
    the person affected to hear the charges, and to
    respond to them;

3. the least restrictive alternative, that is, the
    right not to have severe infringement of a
    person's civil liberties inflicted upon that
    person, if a less restrictive alternative would be
    more suitable; and

4. civil rights, that is, the right to retain civil
    rights and liberties unless it can be demonstrated
    that the person is lacking the capacity to
    exercise his or her rights.

Infringement of Rights - the present situation

There are many examples of how the present situation,
either in terms of the way legislation is framed or the way in
which it is put into practice, infringes mentally ill persons'
rights, e.g. under most state legislation pertaining to mental
health, a Tribunal hears the review of a patient who is coming
up for release or transfer to another mental health facility or
change of status from involuntary to voluntary. In most
instances the Tribunal makes its own rules, which may not
parallel the rules of evidence which prevail in a courtroom. At
a recent seminar held by the Legal Aid Office of Queensland on
the proposed amendments to the Queensland Mental Health
Legislation, numerous examples were presented where the Tribunal
did not make available to the patient or his or her legal
representatives the medical records which were available to the

Tribunal and the Hospital Medical Officer. The patient's legal counsel was permitted to address the Tribunal and cross questioned witnesses only with the express permission of the Tribunal. Transfer of patients between hospitals, or between hospitals and community based residential environments, can occur without due process of law. A forensic patient who is awaiting trial, or who is being held in a mental hospital because he or she is assessed as being unfit to plead, may be denied bail. The patient and his or her legal or medical representatives have no access to medical records. There is no necessity that the patient be placed in the least-restrictive alternative. Medication and other treatments may be administered to an involuntary patient without his or her consent. Review of patients is often lacking in independence.

Forensic Patients

The rights of forensic patients are likely to be even more subject to infringements, e.g. if a person is found to be not guilty on the grounds of insanity, in some Australian states he or she may be detained at the Governor's pleasure indefinitely, without clear guidelines as to how and when the patient will be released, should sanity be regained. In New South Wales and Queensland where major amendments to mental health legislation are occurring, the concept of "dangerousness" is being enshrined as the major criterion for release of Governor's pleasure detainees or forensic patients coming up for parole. This is despite the fact that there is enormous over prediction of dangerousness by psychiatrists and psychologists, mainly because of the problems in assessing whether or not a person is likely to commit another dangerous or violent crime, or be a danger to themselves or society. In view of the problems of over prediction, and the attendant issue of holding persons who are not likely to be dangerous, in the United States of America legislation specifically defines dangerousness according to whether the person has already committed a violent or dangerous crime.

The major issue with forensic patients is that corrective services and mental health services have not yet defined their roles with respect to punishment versus treatment. If a person is found not guilty by reason of insanity and placed in a mental institution, he or she should be released from that institution as soon as he or she regains his or her sanity. There is no justification for punitive detention, on the grounds that society would expect the person to be punished for his or her crime.

Conflict Area

It is clear that a number of areas of conflict arise with respect to the rights of mentally ill persons. For example, the rights of the individual to be eccentric and to lead his or her life without interference from government agencies has to be weighed up against the safety of his or her family and the community. Sometimes mentally ill persons lack the awareness that they are in need of treatment. It is difficult to determine the extent to which an individual's eccentricity or deviancy should be tolerated. Another difficulty arises because in many areas of human anguish, a social control function is being adopted by the profession of medicine. A person who does not fit in with the normal values and activities of society is regarded as "sick" and is treated according to a medical model, rather than a social control model. Examples, currently and historically, include homosexuality, alcoholism, and drug addiction.

Another area of conflict arises with respect to the amount of control or supervision which should be imposed upon a person who is regarded as mentally ill. The right to placement in the least restrictive alternative would indicate that a mentally ill person should be given as much freedom and independence as possible. Nevertheless, in many instances, this means that the mentally ill person's family is in fear of emotional or physical abuse from that individual.

Ensuring Rights for Mentally Ill and Mentally Retarded Persons

       Rights can be ensured in a number of ways. For example, legislation pertaining to mentally ill and mentally retarded persons should provide for regular reviews of their condition, and of individual cases; and appeal from the reviewing body should be possible. The right to the least restrictive alternative can be provided for by the establishment of community-based residential living environments and such environments have the advantages of openness and access to the community and by other community members. Such access limits the possibility or opportunity for some of the more serious abuses which can arise in closed institutions. Such community based residential living environments need to be supported, however, by legislation ensuring a ratio of resource personnel to clients. There also needs to be legislation ensuring appropriate guardianship provisions, so that mentally ill and mentally handicapped persons may have a graduated form of guardianship which allows them some control over day to day decisions, rather than the all-or-nothing form of guardianship existing in most Australian states at the moment. Federal and State statutes need to be revised so that conflict between them with respect to civil rights is removed. An example is the right to vote. Under the current situation, it would be possible for a mentally ill person to vote in a Federal election, but not in a State election. This conflict arises owing to differences in legal phraseology between the various jurisdictions. Such conflict gives rise to a situation of great uncertainty for the mentally ill person, and for those persons or government agencies responsible for administering the legislation.

Teaching Human Rights in the Sphere of Mental Illness

Included below are a number of suggestions for teaching students about the rights of mentally ill and mentally retarded persons. This is by no means a comprehensive overview of the area, and doubtless creative and significant teaching programmes exist, which are not mentioned below.

With medical students, it has been found to be useful to ask the students to identify with the mentally ill or retarded person. For example, students are asked how long they feel they could spend in an institution, which they have visited, for mentally abnormal persons. They are asked what it is about such an institution which makes life there different from their own experience in institutional living. Many medical students reside in colleges on campus, or have attended cadet camps, or boarding schools, or have lived in boarding houses or hospital quarters. It is useful to ask students to make a list of the aspects of the mental institution which they would require to be changed before they would take up permanent or long term residence in such an institution.

It is interesting to ask students how they can distinguish between staff and residents of such institutions. Frequently they distinguish on the basis of institutional roles and uniforms, rather than upon the basis of observable behaviour. The question then arises that if mental illness or mental retardation cannot be readily observed, how can it be assessed? How would the students avoid making mistakes in categorising and labelling persons? It is useful to quote the examples of medical students acting as pseudo-patients in psychiatric wards, where it takes on an average six weeks for the medical students to convince the psychiatric staff that they are not insane. Students are asked what safeguards should be built into the legislation and institutional procedures in order to prevent incorrect classification, or the use of mental health legislation as a method of social control by an ill-intentioned government.

Cross cultural differences in mental illness or perceptions of mental retardation can be examined by asking students from different cultural backgrounds to describe a person whom they know who has been diagnosed as mentally ill or mentally retarded. Often, it is the case that what is regarded as a symptom of mental illness in one culture is regarded as normal behaviour in another culture. Under some religions, mentally retarded persons are revered because they are regarded as specially blessed in that they cannot sin. The Shaman in some tribal groups is likewise revered, although his behaviour in a Western society would by regarded as psychopathic. By discussing these cultural differences, students come to the realisation that mental illness is not an easily defined illness category, but rather, is subject to the norms, morals, and values of the society.

Workshop Two - politics, law and administration

Understanding Affirmative Action:
The Search for an Ideal of Equality

Gabriel Moens

I

Issues dealing with "affirmative action" have recently been debated vigorously in Australia. This interest in "affirmative action" issues is, at least in part, a response to the recent enactment of legislative provisions which pertain to "affirmative action". Thus, subsection 9(2) of the Buman Rights Commission Act 1981 states that the Commission shall not "regard an enactment or proposed enactment as being inconsistent with or contrary to any human right ... by reason of a provision of the enactment or proposed enactment that is included solely for the purpose of securing adequate advancement of particular persons or groups in order to enable them to enjoy or exercise human rights equally with other persons". In 1980, the New South Wales Anti-Discrimination Act 1977 was amended to incorporate equal opportunity employment provisions; these provisions, which require the preparation of equal employment opportunity management plans, have commonly been referred to as "affirmative action" measures. The sudden increase in "affirmative action" consultancies, as well as the frantic publication of relevant material, have also been fuelled by a decision of the Federal Government to retract "affirmative action" provisions from its Sex Discrimination Bill 1983. which was recently introduced in the Parliament. As this interest in "affirmative action" is a recent addition to our national debates, general understanding and awareness of its nature and variety is understandably

limited. Even a perfunctory survey of the relevant literature reveals that the concept of "affirmative action" is obscure and that a multiplicity of meanings has been attributed to it. Nevertheless, "affirmative action" issues continue to be discussed heatedly by many people, including those who have not been trained in the rigorous discussion of important social issues. These discussions often lead to or result in emotional exchanges between opponents. I believe, from my observations and experience, that opponents and proponents of "affirmative action" are often judged on the basis of their views and opinions rather than on the strength of their arguments.

In the main, "affirmative action" has been used as a general and unspecific term to describe a number of measures aimed at improving the economic and social status and the employment prospects of its beneficiaries. Although this definition is notoriously vague and imprecise, it nevertheless conveys that "affirmative action" programs are instrumental in bringing about a change in the distribution of burdens and benefits to some members of society. As a commentator has pointed out recently, "the designation 'affirmative action' is more inspirational than informative; it tells us more about the intentions of its users than it describes the programs they support."' Affirmative action policies, without sifting through its multiplicity of meanings, share as a common element the underlying intention of its proponents to seek the establishment of a more equitable and egalitarian society. However, as "equality" itself is an indeterminate category, the content of which must be filled in by policy makers, "affirmative action" policies could be used as convenient means to implement ideals of equality which are incompatible With one another and which are mutually exclusive. There are many competing and conflicting ideals of equality. However, for the purposes of this paper, I would like to select two ideals of equality which are particularly relevant to the "affirmative action" debates; namely, equality of opportunity and equality of result. Equality of opportunity involves (but is not limited

to) the idea that justice is accomplished when the entitlement
of individuals to certain valued rewards, including suitable
employment, is determined exclusively on the basis of morally
relevant differences. In the main, international as well as
domestic legislation regard one's race, sex or ethnic origin as
irrelevant characteristics and, consequently, interpret the
ideal of equality of opportunity as meaning that people should
be treated without regard to their race, sex, ethnic origin or
other impermissible characteristic. Equality of opportunity, of
course, may lead to or result in large disparities because
individuals possess varying aptitudes, talents and skills. In
this sense, equality of opportunity is compatible with sharp
hierarchical differences in society so long as there is social
mobility; namely, the opportunity for people "to move up and
down the hierarchy" in accordance with individual qualities.[2]
The system in which the ideal of equality of opportunity
operates could be described as a social order in which
individuals occupy places in a hierarchy of income, status, and
power that they have earned exclusively on the basis of their
demonstrated individual qualities.[3] But the idea of equal
opportunity has come under increasing attack in recent years on
the ground that this familiar ideal, with its conception of
morally relevant differences, seems too weak to combat
longstanding or entrenched inequalities and that factual
inequalities and large disparities between people must be
removed. Some affirmative action scholars argue that these
factual inequalities can be removed by the introduction of
affirmative action programs which require, or which inevitably
lead to proportional representation of groups in the workforce.
These scholars also recognise that affirmative action programs
may involve or necessitate preferential hiring, namely the
appointment, selection or promotion of people precisely on the
basis of one's race, sex or ethnic origin. Indeed, the unequal
consequences of the implementation of the ideal of equality of
opportunity is emphasised by the proponents of the ideal of
equality of result: they argue that these inequalities of
result have to be remedied if a just state of affairs is to be

obtained.[4] "Affirmative action" programs, then, employ a vision of social justice that favours the achievement of either of these two ideals of equality.

       I doubt that many contemporary Australians would dissent from the proposition that people should not be discriminated against on the basis of their race, sex or ethnic origin. Indeed, this proposition has become a moral precept, disagreement with which would be sufficient to justify a charge of racism or sexism. Thus, no human being is of greater moral worth than another or is inferior to another because of differences in race, sex or ethnic origin. In a society which quite correctly prohibits discrimination on the basis of race or sex, it could be expected that an individual's desire to acquire or obtain things of value, including suitable employment, would not be frustrated because of one's race, sex or ethnic origin. But, if we actually look at the distribution of things of value, or commonly perceived as of value, such as suitable employment opportunities, educational achievements and income, we find, as is well documented, that there are significant differences between ethnic groups and between the sexes, particularly in respect of employment opportunities. Professor Lauchlan Chipman, a perceptive commentator on topical social issues, summarises this point as follows:

> "Two claims are commonly made. The first is that in respect of most things commonly valued, Anglo-Saxons are better off than those of most other ethnic groups and males are better off than females; the second is that these distributive inequalities are largely, if not primarily, caused by overt or covert discriminatory practices which are embedded not so much in discriminatory laws, most of which have been or are being changed, but in social structures and attitudes which can only be changed rapidly with legislative backed action".[5]

Professor Chipman's second point may be elaborated further by distinguishing discrimination in the traditional sense from what is now often referred to as "systemic", "structural" or "indirect" discrimination. Proponents of "affirmative action" argue that a seemingly neutral rule or practice, which does not constitute deliberate discrimination against persons or groups, may in fact, "disadvantage" a particular group and thus result in "indirect" discrimination. For example, seniority rules for promotion may seem neutral. However, as a consequence of the application of these rules, some female employees may be disadvantaged because they are more likely than men to discontinue their careers in order to raise children. Statistical evidence of the number of women in jobs of a certain kind tends to reveal such "indirect" discrimination. The continued existence of "indirect" discrimination, which is exacerbated when a whole complex of seemingly neutral rules or practices combine to produce "discriminatory" results, leads to disproportionate representation of races, ethnic groups and sexes in the workforce.

I submit that "affirmative action" programs should aim at the identification and removal of rules and practices, which lead to "indirect", "structural" or "systemic" discrimination. An example of such affirmative measures has been developed by the American Supreme Court in the case of Griggs v. Duke Power Company.[6] Griggs was handed down by the United States Supreme Court following a complaint from a black man, Griggs. He alleged that he had been discriminated against because of his race when he was refused a janitorial job with Duke Power Company- The Company, denying race discrimination, argued that he was refused employment because he did not have a Grade 12 education, which was a requirement for the position. However, counsel for Griggs demonstrated successfully that the Grade 12 requirement had the effect of disqualifying a disproportionate number of black applicants because of their lower level of educational achievement and that this requirement was not

necessary to perform satisfactorily the particular job for which Griggs had applied. The Supreme Court, ruling in favour of Griggs, stressed the necessity to remove "artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classification".[7] Duke Power Company, in failing to demonstrate the legitimacy of its rules used to distribute positions, established invalid selection criteria which resulted in unwarranted discrimination. Consequently, the Court found that racial discrimination had occurred when a qualification required was not a genuine occupational qualification, justified by business necessity, which resulted in the disproportionate underrepresentation of blacks in the workforce. The court interpreted Title VII of the Civil Rights Act 1964, which deals with discrimination in employment, as proscribing "not only overt discrimination but also practices that are fair in form, but discriminatory in operation"[8] and that if an "employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited".[9]

Griggs is an important case because it alerts us to the possibility that employment practices which are "fair in form" may be discriminatory in practice in the sense that qualifications may be required which are not necessary for the successful performance of a particular task. These practices are discriminatory because qualified individuals may find it difficult to gain access to employment or may be treated in a discriminatory manner once they have become employed.

In Australia, the Federal Public Service only requires job related qualifications. The Service's Equal Employment Opportunity Selection Guidelines for Ethnic People state that "fair treatment in the selection process means that selectors will take into account only the inherent requirements of each position in setting selection criteria". The guidelines continue:

"Selection based on the inherent requirements of the position will ensure that if facility in written and spoken English is an important requirement, then the successful applicant must be able to demonstrate this facility. It also means that a candidate with appropriate skills and experience but a limited knowledge of English will not be at a disadvantage in applying for positions in the Service which require only basic English.

These days an increasing number of positions in the Service require bilingual/bicultural staff. Occupants of these positions need language skills and a knowledge of ethnic issues, apart from the other requirements of the job. In all such positions selectors must give due weight to these factors. For some jobs they may be of prime importance."

The Commonwealth Racial Discrimination Act 1975 imposes obligations on the Public Service to ensure that its selection processes are not discriminatory. For example, it puts the onus on interviewing officers to concentrate their assessment on the inherent requirements of the job and makes it illegal for selectors to display bias during an interview or at any stage in the selection process. This legislation also ensures that applicants are not eliminated solely because of language usage, cultural affiliation, or any other reason related to their ethnic origin and unrelated to the requirements of the job.

Measures which are taken by companies to remove arbitrary barriers to employment which invidiously discriminate on the basis of racial or other impermissible classifications, could be described appropriately as "affirmative action" programs. These programs may include, for example, the publication of statements that the employer is an equal opportunity employer, measures for improved recruiting, information campaigns aimed at locating suitable applicants where they may be found, the introduction of new training programs, revisions in the criteria for hiring and promotion, and other specific remedies which enable applicants

to compete effectively for scarce resources, including desirable employment. It could be argued reasonably that such programs are not controversial because they constitute acceptable and customary responses to discriminatory situations. These programs are sometimes referred to in the relevant literature as soft affirmative action programs because they aim at and usually concentrate on the removal of "any" artificial barriers to employment and are consistent with the principle that people should be treated without regard to their race, sex or other impermissible characteristic. The opening up of positions to minorities and women, through the introduction of "soft" affirmative action programs, conforms to the ideal of equality of opportunity which I identified in section one as involving the idea that justice is achieved when burdens and benefits are distributed on the basis of morally relevant characteristics.

However, some advocates of "affirmative action" believe that it is insufficient merely to replace discriminatory practices with a set of legitimate procedures which enables individuals to compete for valued rewards and benefits without regard to their race or sex. They claim that reparation must be made to wronged groups for past "societal" discrimination; namely, discrimination practised by the society as a whole, even though it may involve discrimination in favour of individuals who belong to "preferred" groups, the members of which were discriminated against in the past. They point out that "soft" affirmative action programs, which are consistent with the ideal of equality of opportunity, require a "comparatively long time to produce a social order free of the marks signifying its discriminatory past" .[10] Therefore, they insist that vigorous brands of "affirmative action" are needed to bring about immediate rectification of inequalities produced by past societal discrimination. These more vigorous brands of "affirmative action" programs which seek immediate social change usually involve the establishment of quotas in hiring to be exclusively filled by individuals of these groups identified as victims of past "societal" discrimination. These programs which

seek the forceful imposition of a quota are controversial
because they may result in the displacement or rejection of
those who, under traditional selection criteria, would have been
appointed to a certain position. These programs which could be
characterised as hard affirmative action programs sometimes
involve the practice of giving its beneficiaries a percentage
advantage within the scale of hiring requirements. Sometimes
they provide for the reservation of a certain number of places
in companies for members of a specific designated group. In the
United States, these practices have led to charges of "reverse
discrimination" against applicants who were better qualified
than some applicants who were selected on the basis of race, sex
or ethnicity. "Hard" affirmative action programs are developed
mainly, but not exclusively, in the field of employment and may
aim at proportionate group representation. These programs often
proceed on the implicit assumption of the discriminatory
character of our society and that "the substantial under-
representation of various groups in various educational and
vocational sectors" is evidence of "this deplorable heritage"
.[11] "Hard" affirmative action programs, then, are arguably
consistent with the second ideal of equality, which I identified
in section one as the ideal of equality of result. This ideal
is premised upon the idea that a "nearly random distribution of
women or other minorities in all jobs"[12] would be achieved or
expected to occur in the absence of

discriminatory practices.

In Australia, as indicated earlier, the New South Wales
Government has incorporated affirmative action provisions in its
Anti-Discrimination Act 1977. It established the office of the
Director of Equal Opportunity in Public Employment and requires
departments and authorities of the New South Wales Public
Service to develop equal employment opportunity management
plans. An Affirmative Action Handbook, originally prepared for
the Review of New South Wales Government Administration, guides

equal opportunity co-ordinators in this work.[13] This Handbook outlines various types of discrimination and provides information of an educative nature in an attempt to reduce or eliminate discrimination. The thrust of the Handbook is that a system which requires complaints by individuals is unsatisfactory and that this method of action which deals with specific instances of discrimination only helps a small number of well-informed or self-motivated individuals. The Handbook is based on the implicit assumption that larger numbers of persons should benefit from anti-discrimination measures and that "structural" changes are needed to bring about an equitable distribution of jobs.

Section 122J(2) lists certain provisions which must be included in management plans. Briefly, they include the following:

1. provision for the review of personnel practices, including recruitment techniques, selection criteria, promotion and transfer policies and conditions of service "with a view to the identification of any discriminatory practices";

2. provision for the collection and recording of appropriate information;

3. provision for policies, methods and programs needed for achieving the objects of the affirmative action legislation;

4. provision for the appointment of persons responsible for the implementation of management plans; and

5. provision for "the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving" the objects of the legislation may be assessed.

A review of the legislation reveals that "the setting of goals
or targets, where these may reasonably be determined" is a
critical feature of the management plan. In the Handbook, an
attempt is made to distinguish clearly between targets on the
one hand and quotas on the other:

> 'Targets are the prime motivators and guides to the success
> of an affirmative action plan. They are not mandatory
> quotas. In equal employment opportunity programs, quotas
> imply proportional hiring, i.e. bypassing remedial programs
> and hiring employees without regard to merit, in order to
> meet numerical requirements. Targets. on the other hand.
> express the expectation that desired numerical outcomes
> will be achieved by means of positive remedial programs
> ... The people responsible for setting and achieving
> targets should always distinguish clearly between targets
> and quotas, and ensure that targets are not treated as
> quotas. The difference between targets and quotas should
> be clearly explained at all EEO awareness and other
> training sessions. "14

The above statement clearly points out that targets which
are "the prime motivators and guides to the success of an
affirmative action plan" are not to be treated as quotas. This
statement, of course, is spectacularly vague because it fails to
tell us how targets should be treated. However, a possible
clarification is offered later in the Handbook:

> "Implementation of the program should be subject
> to regular statistical evaluation, and objectives
> and strategies should be revised as necessary. In
> the end, the success or failure of affirmative
> action depends on statistical results. An
> affirmative action plan is successful only if it
> results in a more equitable distribution of women
> and migrants in personnel statistics. Statistical

profiles and summaries of estimated versus actual
performance should be updated at least
 annually. "15

Affirmative action programs are not at present mandatory in
private business. The National Labour Consultative Council,
which was established by Commonwealth Act of Parliament in 1977,
recently issued a booklet Equal Employment Opportunities for
Women, which encourages employers and trade unions to be
responsible for and committed to the implementation of an Equal
Employment Opportunity Program for Women.

Controversy in philosophical and political literature is
only over "hard" affirmative action and both American and
Australian provisions display some sensitivity to making
programs appear "too hard". Their supporters seek to show that
targets are not the same as quotas, that relevant criteria for
employment are not being simply set aside, that discrimination
is on the side of those who oppose these programs. The
voluminous literature surrounding the celebrated American case
of Regents of the University of California v. Bakke[16] reveals,
often very subtly and carefully, the extent to which education
and other valued goods, such as training medical doctors, can
legitimately take into account broader social desiderata than
the individual's ability to cope with the education or training
provided. There is no doubt, however, that a strong national
and international trend in favour of affirmative action has been
growing in recent years, produced and encouraged by United
Nations support for affirmative discrimination and increasingly
widespread legislation in common law democratic countries,
providing for both soft and hard affirmative action. The trend
has produced a large body of relevant literature which displays
as much criticism of as support for "hard" affirmative action.

Footnotes

1. L.W. Roberts, "Understanding Affirmative Action", in W.E.
   Block and M.A. Walker (eds.), Discrimination. Affirmative
   Action. and Equal Opportunity (The Fraser Institute,
   Vancouver, 1982) p.150.

2. Cn. Frankel, "Equality of Opportunity", 81 Ethics, 191
   (1970-71), p.203.

3. J.C. Livingston, Fair Games? Inequality and Affirmative
   Action (W.H. Freeman and Company, San Francisco, 1979)
   p.18.

4. Roberts, supra n.1, p.153.

5. L. Chipman, "Sexual Equality and Affirmative Action - How
   Far is Too Far?" Canberra Bulletin of Public
   Administration, No.3, V.10 No.3 (Spring 1983) pp.33-40

6. 401 U.S. 424 (1971).

7. Ibid., p.431.

8. Ibid., p.431.

9. Ibid., p.431.

10. Roberts, supra n.l., p.151.

11. Roberts, supra n.l., p.157.

12. Roberts, supra n.l., p.157.

13. Alison Ziller, Affirmative Action Handbook, N.S.W.
    Government Printer, Review of N.S.W. Government
    Administration, 1980.

14. Ibid., p.25, emphasis added.

15. Ibid., p.63, emphasis added (in part).

16. 438 U.S. 265 (1978)

Workshop Three - multicultural/humanities

Human Rights Through Cultural Awareness?

Michael Liffman

In recent years, the teaching of "cultural awareness" has come into vogue, as a means of dealing with the issues we have identified as arising out of the "multiculturalism" of our society. Doctors and nurses, lawyers and teachers, clergy and lay people are being told about - and sometimes seeking information on - the different cultural patterns found amongst Australia's minority communities. Cultural awareness is being incorporated into academic programs and the activities of governments.

Sometimes explicitly, and often implicitly, the enthusiastic claim is made that the teaching of cultural awareness to the host community affords minorities the understanding and protection they have always lacked. By lifting the burden of the cultural imperialism of Anglo-celtic dominance from Australia's non-Anglo immigrant and indigeneous communities at least one of the important forms of oppression in contemporary society is eliminated. Cultural awareness teaching is therefore seen as an important route to the teaching of human rights in a cosmopolitan society.

In this discussion I wish to follow the path which is said to lead from teaching cultural awareness to the active promotion of human rights. Having attempted the journey many times in recent years, I am somewhat familiar with it, and have discovered it to be less straightforward than is usually claimed, although there is indeed a path to be followed. The problem is the false turns which lead to blind alleys. The attached map explores the path and the traps, and sketches the basis for what I want to talk about.

Once the path, and the traps, are explored, the question remains of how to teach so that students come to recognise the route. In territory as conceptually vague, and emotionally charged as this, the field is still very open, but fundamental is an appropriate balance between cognitive approaches, directed at people's knowledge, and affective approaches, directed at their feelings. Experiential techniques (simulations, role plays, etc.) have a special place here.

From Cultural Awareness to Human Rights:
the path and the pitfalls

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┌─────────────────────────────────┐
│       the concept of culture    │
└─────────────────────────────────┘

              them/us

    stereotyping
    generalisation &
    fossilisation

    Confusing
    culture with
    communication
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!understanding ones own blinkers and assumptions ;

                        total cultural
                        relativism and
                        acceptance

                        feeling of inadequacy
                        in any multicultural
                        situation

!development of skills in discriminate recognition !
            and handling of cultural factors

                        blindness to any non-
                        cultural factors

        understanding of concept of structure

race   class   gerider   role   history/experience

        understanding personality factors

    use of above
    skills in
    manipulative or
    self-directed
    ways

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┌─────────────────────────────────────────────────┐
│  clear concept of rights and entitlement in      │
│  interpersonal situation; and of strategies      │
│            of social change                       │
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The starting point for an understanding of cultural awareness is usually taken to be the concept of culture itself. To understand the concept of culture is partly a sociological exercise in anthropological analysis, and partly a more experiential work: it requires the realisation that certain traditions, values, assumptions, lifestyles are associated with certain people, places and periods in history.

This understanding brings with it, however, three types of false trail.   (In this discussion more emphasis will be given to the false trails than to the important steps to understanding.

This is not because those important steps are undervalued, but because it is specifically the false trails which I want to explore.)

The first is the "them/us" difficulty.   All too easily an understanding of the concept of culture can simply become a more sophisticated and less pejorative way of maintaining the division of the world into "us" people who share the same sort of culture and "them" - people whose odd or disliked behaviour is now understood to be due to their membership of a different culture: the "them" culture.

A related pitfall is to take the concept of culture as a springboard for a new basis for stereotyping and

generalisation.   The concept of culture can be used to give legitimacy to those stereotypes and generalisations which people are already inclined to make (e g. Mediterranean people are very demonstrative), or it can even inspire entirely new generalisations and stereotypes, by providing a basis for the explanation or the expectation of generalisable behaviour. Another variant of this is the fossilisation of culture: an excessive emphasis on the historical picture of cultures leading to the tendency to assume that certain behaviours which occurred in particular parts of the world at particular times still exist, and are still attached to people from those parts of the

world, even though they may have emigrated many years ago and circumstances may have entirely changed. Beliefs about the effect of a village background on Greek or Turkish people are an example of this sort of fossilisation.

The third way in which the concept of culture can lead to a pitfall is where this concept is used to explain a situation which in fact has nothing to do with culture but is merely one of communication. Extremely commonly, communication problems arising out of language difficulties occur between different people in a cosmopolitan country like Australia.   In many instances these problems are simply the failure to speak each other's language properly, but it is remarkable how often these problems are not understood for the simple reality that they are, but are exaggerated into a more fundamental clash of cultures. Seen as cultural clash the problems they pose are often rather formidable; understood as communication problems they may be overcome by the simple expedient of using an interpreter.

Once the concept of culture is understood, the next important step is to understand one's own blinkers and assumptions.   It is not only other people and communities which possess and are shaped by a culture; every individual, Anglo-Saxon or otherwise, host community member or immigrant, is deeply shaped by his or her own cultural background.   It is easier to perceive the cultural background of others because by definition it is alien and exotic, but only when one's own cultural background is understood can one move into a more understanding and less judgmental view of others.

The pitfall in taking this often fairly profound step is that it may lead to total cultural relativism and acceptance, especially during a period when multiculturalism has been made a strongly normative proposition, requiring that all cultures be respected and offered a full and equal place in the community.   It is easy to find oneself in the position where no critical comment about any culture or about any behaviour associated with culture

seems permissible.   Possibly the most difficult of all the
challenges facing Australia in its quest for multiculturalism is
to find that balance which on the one hand accepts and affirms
the validity of diverse cultural life in the community, but at
the same time allows negotiation between people and cultures in
the attempt to develop a more humane and just society.   It may
be that ultimately we will come to see multiculturalism as
meaning not total cultural relativism and acceptance of all -
which can be a paralysing position - but the ability of a
community to allow its members to debate particular issues on
their merits rather than because of any inherent reaction
against difference or belief in the superiority or greater right
of one culture over another.

On a more practical and day to day basis the emphasis on
cultural understanding and understanding one's own assumptions
may lead the practitioner of personal service skills into a
feeling of inadequacy in any multicultural situation.   Clearly
a total devaluing of one's own cultural background or a belief
that cultural understanding is too difficult to achieve may
cripple personal effectiveness.   There are means of acquiring a
degree of cultural understanding and there are means of being
effective even without that understanding.   Often all that is
needed is an acceptance of the fact that certain things occur or
are perceived differently because of cultural difference.   The
precise cultural context in which those differences occur need
not be understood - the realisation that they occur will be
enough to allow the flexibility, goodwill and understanding that
is needed in a one-to-one situation.

Our next step on the path to cultural awareness is the movement
from understanding the concept of culture and the way it affects
oneself to developing an understanding of the specific cultures
of others.   This is a long-term exercise in knowledge-building
directed at the development of skills in the discriminate
recognition and handling of cultural factors.   It is a major
and potentially rewarding endeavour but one which carries with

it the risk of becoming so involving that it leads to a blindness to any non-cultural factors. Culture will always be only one part of the total range of factors influencing any individual. Nor is there any formula which will explain the pattern in which culture exists alongside other factors or the overall effect of culture. Excessive attention to cultural factors to the neglect of others is one of the major perils of our current enthusiasm for cultural awareness. It is for this reason that many people, especially those with a strong political view about social rights and obligations, criticise multiculturalism for diverting attention from social processes and from sources of inequality and disadvantage. Others, from a more psychological perspective, criticise cultural awareness as failing to observe the universals in human behaviour. Cultural differences notwithstanding, they argue, there are deep fundamentals underlying all people's approach to pain, grief, good fortune and the like.

The next stepping stone to cultural awareness, therefore, is understanding the concept of structure. In this context, I mean structure to encompass the whole range of non-cultural factors. The leading ones of these would seem to be race, class, gender, role and personal and group history and experience. These are all too extensive to allow further discussion here but they are major issues alongside culture which must be encompassed within any attempt to understand people or groups.

In the same way as understanding the role of structure, alongside culture, is a vital step on the path to developing cultural awareness, so too is an understanding of the role of personality factors alongside culture. Clearly there remains the individual human and personal element in all people which is not explained either by culture or by structure, and this must not be lost in the quest for cultural understanding.

Having reached this point, the individual is well advanced on the path to cultural awareness. However, there still remains one pitfall facing the sophisticated practitioner of cultural understanding. The person with a balanced appreciation of the limits between cultural factors and others may still fail to protect human rights if that understanding is used in a manipulative or self-interested way. This comment takes us into territory beyond that to be explored here, namely the role of professionals and others in our community, but it is made in order to remind us that human rights may be infringed not only by ignorance or misunderstanding but also by intention or self-interest.

The final point on the path to developing cultural awareness in a way which promotes human rights is therefore defined here as that point where there is a <u>clear concept of rights and entitlements in an inter-personal situation and of strategies for social change.</u> Only at this point can the balanced understanding of the role of cultural awareness be directed at the protection of human rights.

Recollections of Toby's Angel

Peter Willis

Introduction

In the Bible, when Tobias was called to undergo great deeds and experiences, he was accompanied by an Angel who for the most part remained discreetly hidden emerging only in points of crisis where some clarification and modicum of support were needed.

This seems to describe my role in the Cross Cultural Orientation program at the Institute for Aboriginal Development in Alice Springs. It underlies a tentative methodological strategy to overcome one of the major pitfalls of cross cultural awareness training - the inversion of objectives and the confirming in participants of negative attitudes.

Aims

The aim of the orientation program is to introduce non-Aborigines to the Aboriginal world as described and defined by contemporary Aboriginal people. The focus is on Central Australia, but not exclusively, and in many cases the themes and treatment are relevant to the whole of Australia.

Participants in the orientation program are exposed mainly to Aboriginal speakers many of whom are in senior positions in Central Australian Aboriginal organisations. These speakers are not concerned with arguing their case or in seeking to persuade their audience. They speak to the participants as if they their audience were wanting to listen and understand. They combine trust and disclosure with a strong didactic style. They presume

they are being listened to (and not immediately judged) by
people who need and want to know what they, the Aborigines,
know. My role in the course is to ensure that the participants
as much as possible are in this presumed frame of mind and for
the most part this is the case.

Most participants attend because they want to know about
the Aboriginal world. Some are looking for information to
assist them in some specific aspect of their life, where they
will be dealing directly with Aboriginal people. Others, the
minority, have a more general interest and want to know more
about the original Australians and their world. A few are
directed to attend by their organisation and may have a less
favourable attitude, although most attending under these
conditions have usually been asked how they felt about it, or
have requested to be sent.

It is one thing to have a generalised positive orientation
towards Aboriginal people and their world. It is quite another
to develop this attitude when involved in a close exchange where
Aborigines take the leadership and establish the style of
communication. There can be culture shock, confusion and
resentment, and an attempt made to re-negotiate arrangements so
that they will reflect a more congenial style.

This is also the case in adult learning programs where
people having and using authority are also accustomed to decide
what and how they want to learn. There is always the
possibility that someone will want to question the method as
well as the context. If too many participants spend time
evaluating the method of the course they can drift into an
unsuitable frame of mind, which will impede them getting into
the Aborigines' shoes and participating actively in listening
and learning. It is this eventuality which can lead to the
inversion effect mentioned above, where not only does the
participant not learn, but he/she, who may have had a
generalised favourable attitude, begins to take on specific
hostile feelings and judgements.

My intervention as the co-ordinator/tutor is designed to minimise hostile feelings while maximising active accepting participation. This task at the Institute for Aboriginal Development has been embedded in the historical context of the cross-cultural world of Central Australia and has varied over the years.

Background

The founder of IAD, Rev. Jim Downing, developed the original cross cultural workshops in the late 1960s and early 1970s as a service to the Alice Springs community to improve community relations in the town, to dispel misunderstanding, and give accurate information about Aboriginal matters. As a Community Worker, Jim wanted to focus on clear information and open discussion and debate. The early courses were occasionally marked by fiery exchanges between speakers and community members who disagreed with his remarks. Aboriginal people participated with Jim as a team and were able to give him a great deal of support by their presence, and as a second court of appeal at question time, but they generally did not participate as speakers during the course. Downing's concern for human rights was evident during these courses. His focus on correct information, dispelling rumours, and challenging the community to respect Aboriginal rights led, among other things, to a royal commission on police/Aboriginal relations and to renewed confidence among the Aboriginal community that justice could at least sometimes be done. Even if many townspeople continued to be unfriendly to Aborigines, at least Aborigines would have equal access to community services and benefits and to the protection of the law.

When Downing went away for a time, he handed over the responsibility for running these Cross Cultural courses to the Community College of Central Australia. After one course, organised along similar lines to the original ones at IAD, the organiser, Mark de Graaf, was transferred to Darwin and for some years there were no courses organised. In 1981 the first all-Aboriginal board of IAD directed that the Cross Cultural courses be again placed on IAD's agenda, to be run by the Community Development Program. I was given the task of organising and mounting these courses.

During the ten years in which these courses had been run there had been major changes in Central Australia and the cross cultural course needed to reflect this. A major change was the development of a number of large Aboriginal organisations which provided services mainly to Aboriginal groups. These organisations employed non-Aborigines as doctors, lawyers, teachers, linguists and anthropologists, etc. all of which, when recruited, need some orientation into the Aboriginal world. At the same time the Government was attempting to employ more Aboriginal workers as public servants, health workers, etc. Non-Aborigines working with Aboriginal trainees felt the need for orientation to help them understand their Aboriginal colleagues. In addition, the combined Aboriginal Organisations in Alice Springs requested State and Federal public services to offer Cross Cultural Orientation courses to those of their number dealing with Aboriginal people.

These developments meant there was a shift in clientele at these courses. It was my task to modify the style and processes of the course to meet the needs of these new learners and also to offer greater opportunities for Aboriginal people, who had taken control of the Institute, to participate more actively in this important program which they had reintroduced.

The Current Program

The Cross Cultural Orientation Program as planned at LAD offers two kinds of courses. The first, general orientation courses are in two parts - introductory and inservice - and are the focus of this paper. The second, called "special topic courses", concern specific areas of shared life around which differences and sometimes contradictions exist between Aboriginal and non-Aboriginal approaches.

Special topic courses address such specific areas and examine the rationale - cultural and situational - behind such differing approaches in order to narrow the areas of conflict, promote mutual respect and co-operation, and improve relevant services offered in these areas.

Special topic courses have already been conducted on health related matters, in fact it was with such courses that IAD began. Additional courses on economics, power and politics, land management and ecology are being planned. These special topic courses use the same general strategy to promote cross cultural tolerance and understanding which is to be elaborated below in relation to the general orientation courses.

A Methodology to Promote Respect for Human Rights in Cross Cultural Contexts

The introductory courses begin by exposing the participants to a primary experience - a deep plunge into the traditional Aboriginal world - by a journey to and camp at an Aboriginal settlement. An Aboriginal team meets the visitors, shows them around their settlement, and invites them to traditional hunting and gathering pursuits. In the evenings, after a shared meal, there is singing of traditional songs and some dancing. The next day the visitors are invited to a religious service before a time of discussion and questioning. Some Aboriginal people

take a small group to look at traditional foods and plants, others sit and talk. The group returns to Alice Springs by nightfall. The next five days build on this experience. There are lecturers, films and discussions. Most of the speakers are Aboriginal people from Central Australia.

On the day following the trip to the Aboriginal community, everyone convenes at the IAD meeting room to begin the second part. It is at this point that I introduce a foundation for the following week's exercises. It is this foundation that has emerged as a generative strategy to ensure that the week's activities have a positive rather than negative effect. At the Aboriginal settlement I act more as a manager of the enterprise and liaison person with the Aboriginal people. I do not spend time discussing the week's course to follow, but confine myself to information relevant to the camp's activities. The first part is a raw experience. Now at the beginning of the second part I introduce some processes aimed at assisting everyone to gain the most from the time. It is the unmasking of Toby's angel.

The participants begin by talking about the trip, expressing their feelings and judgements. Having spent two days together, much of the ice is broken and it is possible for participants to speak freely about their feelings and perceptions. I ask the participants to use three adjectives to describe their experience. These are then arranged into positive and negative categories. The next phase is vital. I outline four levels of existence from which negative or positive judgements may come - personal, cultural, structural or situational. Personal refers to that individual level of existence comprising one's health, fatigue irritation, idiosyncracies and quirks. Cultural refers to manners, language, customs and style. Structural refers, in this case at least, to power relations between groups with which one may be affiliated. Situational refers to the particular set of circumstances that one tinds oneself in at a particular time. For example, applying for a driver's licence or going to the

dentist are to some extent stressful, whether or not the people interacting are from different races or cultures. It would be foolish to blame one's feelings of stress on racial or cultural factors and fail to identify the stresses of the situation itself.

Discussion around these topics does not readily categorise the reactions that people have had since most reactions are a mixture of several factors, but it has the effect of separating or distancing participants from their views and feelings and gives them a chance to become objective about their subjective feelings and to seek reasons behind them. This process can then be linked to an ideal: to become cross cultural. It is a more affirmative way of combining tolerance, respect for human rights and the cultivation of empathy for the feelings and rights of members of other cultures and it is the key to a positive outcome for the rest of the week.

In group discussions, I point out that one has the chance of doing two things during the week - becoming informed and becoming cross cultural. As Toby's angel, I carry out my role in the next four days. I am there to assist the group not to become informed - there are many resource persons to do this - but to become cross cultural.

In Cross Cultural workshops held over the last three years most participants have accepted a self critical posture during the week. This has inhibited much judgmental feed back about how one would do this or that if one was in charge. As Toby's angel I try to help participants to maintain this attitude and to identify and release critical negative feelings as being at cross purposes with their stated goals.

Conclusion

   In the three years since its reintroduction a number of
people completing the course have been profoundly moved and
imbued with a perception of the human rights dimension of much
of community relations in Australia. Some participants have
been drawn into a critical assessment of the attitudes and
behaviour of groups with which they are affiliated and to a hope
that their groups too might seek to "become cross cultural". It
is this generative response which I think is a kind of guarantee
of effective teaching of human rights to adults in this race
relations area. It is realistic in that it does not purport to
be able to change entrenched negative attitudes. It aims at
focusing and refining positive and generalised attitudes of good
will and openness. It is not a suitable process against bigotry
or racial hatred which perhaps need stronger sanctions and
encouragement than Toby needed.

Multiculturalism and Its Implications for Education

Lorna Lippmann

1.   Present Situation

        It is apparent that what Bernstein has called the
"binge of ethnic pluralism" embarked on in Australia during the
last decade has recently received some setbacks. Indeed, those
intimately connected with multicultural education would doubt
that the "binge" ever existed: perhaps a "timid tasting" would
be a more apt expression.

        The recent Federal Budget allotted increased funding to
ESL teaching (though nothing like the amount needed) and a
similar stringency applies to other aspects of language
teaching, which is an essential component of pluralist
education. There has also been backlash from conservative
elements of an emotional rather than a cogent kind. Neither of
these eventualities, however, alters the fact that Australian
society is highly diverse culturally as a result of waves of
immigration stretching back, not just since World War II, but
over 40,000 years.

        To contend that Australia is a multicultural society is
a more dubious proposition, since this would assume that the
different ethnic groups are (according to the Commonwealth
Education Portfolio definition) "equal in their access to
resources, services and political power" and this, though it may
be a social ideal, is not a reality in Australia today.

Multicultural education aims to redress a small proportion of
the inequality which the minorities suffer; it therefore implies
the taking away of privilege from some of the more established
sections of the community - hence the conservative resistance to
change.

Nathan Glazer has suggested that the ambience of the
multiculturalist or pluralist society should be one of "benign
neutrality" where the society should be:

> ... generally open to those who have no interest in a
> background defined by their descent and have no desire
> to maintain it or make claims for it; but should also
>
> be open to those who take an interest in their
> background and wish to maintain it and instil it in
> their children."

For the individual there will be push and pull factors,
forces working for cultural conformity and others for separate
ethnic identification. Those favouring conformity include the
media, the peer group, urban living and pressure from the power
elite (who are predominantly of Anglo-celtic background) and a
subscription to common social values. Among forces drawing
individuals toward differing ethnic identifications will be
familial ties, the effects of the socialisation process, the
security of belonging to a small group and the sense of personal
identity and acceptance which this brings. In the case of
Aborigines, the realities of cultural and historic difference
and the pressure of prejudice and discrimination could be added.

There are, of course, many divisions apart from
ethnicity within society such as class, sex and numerous
others. There are other, non-ethnically classified minorities.
But ethnic and racial groups are represented in all of these and
span them all.

Writers in the field of the sociology of knowledge
argue as to whether educational institutions act as agencies of
reproduction or of transformation, but most come down on the
side of reproduction. Pierre Bourdieu for example maintains:

" ...that the selection and organisation of knowledge
for transmission in the process of education is an
exercise in social control largely on behalf of those
who hold power in the society."

A recent New Zealand study of 8 schools divided them
into "successful" and "unsuccessful" categoriesl, success being
rated on results in the School Certificate examination, rates of
vandalism, and levels of truancy and of anti-social behaviour-
In the four "successful" schools, one of the three areas of
content that set them apart from the less successful was that of
multicultural education (the others being teacher expectations
and child management patterns). These schools placed emphasis
on the multicultural nature of their clientele and fostered
aspects of the ethnic culture, considerable emphasis being given
to the children's individual identity and self-esteem. The
schools did not teach about other cultures; they were
"attempting to produce learners who had competencies in and
ability to operate in two or more different cultures". Teachers
recognised that this was a political act. Pupils were being
made aware of the problems of living as a minority group and of
the potential dangers of oppression by power elites. Their goal
was essentially transformative.

The social control of the "reproductive type of school
in Australia was reinforced by the former assimilation policy,
which was officially held until 1969 and, as a sentiment, still
emerges frequently in the community at large. It advocated the
slotting in of newcomers and indigenes on the lower rungs of a
homogeneous society, still dominated by the Anglo-celtic elite.
By now, assimilation has given way in educational parlance to
multiculturalism, though this is sometimes realised in
superficial style.

2.   Aims of Multicultural Education

        Multicultural education's aims have been stated to be
"to foster the individual's sense of identity and worth and to
enable him/her to encompass a variety of cultural traditions as
a positive good". It should also give emphasis to students'
individual identity. It assists individuals to view the
multiplicity of ethnicities in their society in a positive light
as something from which they can benefit. It does not
necessarily have as its aim "tolerance" or its synonyms,
"putting up with" or "coping", with their immediate vision of
inequality of groups and cultures. (Karl Popper has pointed out
that unlimited tolerance permits the more powerful members of a
society to dominate the less powerful.)

        The term multicultural education has been used in many
ways, to denote education of the minorities and about the
minorities, to encompass Ethnic Studies and Aboriginal Studies,
ESL classes and community language courses.

        Since the whole area, however tackled, is an emotive
one, the mere retailing of facts concerning ethnicity will be
inadequate. On the other hand, a goal of attitude change could
be challenged on the grounds that it is at the same time both
manipulative and ineffective and implies a moral superiority of
educator over student. The resulting resentment is sometimes
voiced, particularly in the case of in-service training of
professionals.

        Social psychology teaches that changed practices will
bring about changed attitudes, rather than the reverse. A good
starting point for a multicultural education program is the
construction of courses and situations designed to sensitise
students to cultural difference and enable them to appreciate
that difference is not disadvantage. At the same time, they
need equipping to deal with situations of racial tension in the
workplace, as they arise. Tensions of this kind within a

school, for instance, are apt to occur and recur, but there are many teachers who deny their existence, because of inability to handle them.

Race and community relations training should not only bring about greater understanding of the issues involved, but relate that understanding to the professional world of those being trained, so that they can carry out their duties with confidence and the maximum of efficiency. Similarly, research indicates that teachers with a grounding in relevant affective techniques are more likely to tackle aspects of present-day Aboriginal affairs than those whose training has been informational only.

Multicultural education will be of great advantage to those in the Anglo as well as in other streams, since it will bring with it a realisation, quite often for the first time, that everyone, they themselves included, has an ethnicity and a value system, that the institutions to which an individual is accustomed are not necessarily the norm, the commonsense way of ordering a society. One's own cultural context becomes clearer when juxtaposed to those that are different. It should also inform as to the institutional inequalities and discrimination inherent in society.

Pluralism underlies all societies, whether it be ethnic, social, economic or gender-based and, in order to achieve anything like equality of opportunity, education must allow for these differences.

As Herskovits has said:

> "...judgements are based on experience and
> experience is interpreted by each individual in
> terms of his/her own enculturation."

3.   Component Parts

        Bernstein has stated that "education cannot compensate
for society" a statement which is not to be gainsaid.
Nevertheless, he goes on to say that educators can have a
"seedcorn" role, influencing and helping to form attitudes and
opinions. The manner in which a multicultural education program
is presented will help or hinder its efficacy; some elements
(though these are far from being a comprehensive list) which
might comprise such a program are:

 (a)   Historical Presentation

        In order to understand the present-day situation of the
        various ethnic groups, Australian history should begin
        before 1788 and should not present groups as problems
        or obstacles to be overcome. Aborigines and migrants
        require study as to their social and cultural origins,
        their impact on Australian society (and not just
        Australia's impact on them), the process of cultural
        and ethnic conflict, fusion and co-existence. Historic
        events can be tackled from multiple perspectives: for
        example, the white invasion as seen from an Aboriginal
        viewpoint. Consideration might be given to the
        different forms of prejudice and discrimination that
        various groups, and social classes within the group,
        have suffered and the historic, economic and political
        determinants affecting them. Attention could be drawn
        to the discrimination underlying social institutions,
        which is often both deep-seated and structurally
        located. Who benefits from inequities? Are there
        signs of racism in education, social welfare housing,
        the law, politics and economics?

(b)   <u>Attitudes</u>

Professionals, not surprisingly, are apt to become
defensive when it is suggested that the unintended
effects of what they do are to increase inequality.
Their attitudes can be challenged. "But I like these
Vietnamese/

Turkish students/clients" can be patronising and in any
case does not change the institutional nature of
racism.

Another frequently heard statement from professionals,
"I am not aware of a student's/client's background - I
treat everyone the same" is probably not in practice
so; in any case, treating different groups equally
compounds their inequality and denies their

difference. A strategy for racial awareness recently
tried with some success with teachers in the UK goes
something like this:

Step 1 - Talks, discussions, workshops led by moderate
whites, who give an input on black backgrounds and
cultures.

Step 2 - Contact with black adults, preferably of
similar professional status, who introduce concepts of
racism and refer to their own experience.

Step 3 - Fairly strong white-to-white sessions in which
teachers are confronted with their racism. These may
raise anxiety, defensiveness and anger, which must be
allowed to be vented and worked through.

Step 4- Encounters with militant blacks who regard
racism as endemic in white society.

There follows a thorough examination of relevant
institutions and their practices.

(c)   Ethnic Studies

Far from encroaching on time spent on basic skills,
ethnic studies can be used in schools in their
acquisition, concurrently with the development of a
better understanding both of personal background and of
the total society.

Individuals can be presented as belonging to several
groups so that Ethnic Studies do not become an exercise
in stereotyping but rather a process for developing an
understanding of both the unifying threads of ethnic
groups and the dynamic diversity of group cultures and
experiences. An ethnic culture is not uniform nor is
it static or frozen, but rather it is diverse, dynamic
and continually changing. To present, say, Greek
culture in Greece and also in Australia will illustrate
the differences fraught by such factors as the period
when migration occurred, whether the experience was
urban or rural, the differing class, economic and
political groupings, the unifying commonalities and
enriching diversity.

It is not enough to present just the aesthetics of
music, dance and poetry or surface differences in
expressive behaviour, but the experiences that these
items portray and the differing circumstances that
brought them about.

(d)   Curriculum

The selection of curriculum involves making value
judgements as to the present and possible future
characteristics of the society and of the importance to
individuals of specific items. As stated above,
control over the distribution of and access to
knowledge is one form - but only one - of allotment of
power. The process by which a multicultural curriculum
is presented should be both pluralist and
interactionist and requires an evolving

negotiation between educators, students and the
community. Additionally, it is reasonable to assume
that students are likely to take more interest in a
curriculum which they themselves have helped select.
Multiculturalism is not just a matter for the social
sciences, it can permeate the teaching of literature
and art and can be an integral part of a science or
mathematics curriculum.

(e)   Aborigines

It is not possible to present a full picture of
Australian society without recognition of the
continuing role and contribution of Aboriginal people.
Nor is it possible (given the cultural gulf between
black and white, different value systems and a
completely different history) for such a course to be
presented by whites alone. Students are entitled to
have first-hand contact with Aboriginal individuals or
organisations and also with materials devised by
Aborigines. Whatever facet of Australian life is
presented, from boat-building to cookery to art, in
order to be multicultural it must encompass the
Aboriginal contribution.

In capital cities multicultural education courses,
Aboriginal Affairs are often kept to the periphery,
depending on the vagaries of staff interest, the
rationale being that Aborigines are only a small
proportion of the population of that area. This does
not allow for the fact that professionals, like other
sections of the population, are mobile and may find
themselves in a region of high Aboriginal density at
some stage in their careers. And too, there is
something nonsensical in a course which purports to be
multicultural and which denies the centrality of the
Aboriginal situation. Aborigines rightly insist that
they should be seen in a special niche and not as just
one of many ethnic groups. Nor should the traditional
society be the only element to be discussed.

It is not difficult to present the contemporary
situation of a local group, with their assistance in
oral history and present social organisation.

Conclusion

Education to date has not been the solution to the
problems of migrants and Aborigines, it has been part of the
problem, since educational institutions by and large are biased
against full achievement by those outside the cultural
mainstream; and, as accreditation agencies, they are one of the
chief determinants of socio-economic position.

Now is the time for renewed zest in the ordering of
multicultural courses so that they will attract adherents,
achieve results and continue to fulfil the important role which
they have played in Australian education.

Footnotes

1.   P. Ramsay et. al.. "Successful and unsuccessful
         schools; a study in Southern Auckland", ANZIS, v.19
         no.2, (July 1983) pp.272-302.

Anti-Racist Teaching

Jan Pettman

Anti-racist teaching aims to better equip people to recognise and combat racism in its various forms. It often begins as a particular strategy for revealing and modifying the widespread but often unconscious or unintended racism of individuals, for example through racial awareness training. It can also incorporate a commitment to identify and oppose racism, not only in individual attitudes, but also in the way institutions work and social relations are structured in our society. The two dimensions can most usefully be considered together. Moreover, there is a danger, in focusing on the first, that it becomes yet another way of exorcising white guilt or unease without seriously challenging the patterns and processes which underpin both white prejudice and white privilege. For racist attitudes must be traced back to their material causes, and bound to their consequences, intended or unintended.

Advocacy of anti-racist teaching has recently emerged as an outgrowth of, and in some ways a reaction against, multiculturalism.

The seventies moved away from an assimilationist model of society-generated multicultural or cultural pluralist alternatives. While containing a range of ideological positions and implications for action, the predominant multicultural model came to organise around the themes of cultural diversity, social

cohesion, and equality of opportunity.[1]   Applied to education,
it identified two main areas of concern: the disadvantage, and
low achievement, of students of non-English-speaking background;
and the existence of prejudice and discrimination against these
students and their families. A causal connection was often
assumed here; for example, that by legitimising diversity and
giving it recognition within educational institutions, Anglo
Australians would come to appreciate other cultures, and so
become more tolerant; while others would benefit through
enhanced self esteem. Together, such changes should improve the
opportunities, and the outcomes, of "ethnic" or Aboriginal
students.

Multicultural is now familiar political rhetoric,
reflected in a range of government reports and recommendations,
especially in education. However, it remains both weak and
marginal on the ground, where it exists at all. Often, it
sounds like a restatement of the integrationist model that
preceded it, encouraging the expression of non Anglo cultures in
a private and social situation, but defending a core, Anglo
Australian culture, and recognising the need for only minimal
change to existing institutional arrangements, to ease the
acceptance of others into the mainstream.

Multiculturalism incorporates a range of ideological
positions, each with rather different implications for social,
political and community action.

One position, labelled demographic multiculturalism by
some[2], recognises that Australians come from many different
countries and cultures; and that many of them are maintaining
aspects, at least, of their own cultures. It accepts,
therefore, that some adjustments should be made, e.g. giving
recognition to this variety in courses taught; and in providing
English as a second language classes for those whose home
language is not English, regardless of whether or not they are
recent arrivals.

Another position may be labelled <u>cultural pluralism,</u> which asserts the values of diversity, tolerance and equality of opportunity.[3] It draws, mainly, from the liberal tradition, utilising principles of rationality, fairmindedness, and a commitment to a democratic society. This model is, basically, pluralist and, often, culturally relativist. It rejects assimilation, and asserts that all cultures are of equal value, and should be accepted as such.

Cultural relativism is a difficult position to sustain under scrutiny. Confusion arises when people assert cultural relativism as a value, rather than as a procedure; or when they also assert universalistic values like anti-racism or equality. It can lead to paralysis - or at least to a philosophical or logical deadend - for it cannot, in itself, provide criteria for developing priorities or action in the face of conflicting values.

Most, if not all, cultures are ethnocentric. Cultural relativism and universal individualism are both products of a particular social and philosophical tradition, refined in the developing western bourgeoise's challenge to aristocratic privilege. Do they then represent a further example of attempted cultural imperialism as they are foisted onto others? They represent a direct challenge to particular cultures; for example, the "there is more than one way" of cultural relativism is offensive and threatening to the many people who hold specific cultural values and regard certain of these as non-negotiable.

Multiculturalism is at present under attack precisely for its "culturalism", and its political naivety. There may be many cultures, but one is dominant. Access to its cultural capital is unevenly distributed, and unevenly rewarded. The cultural pluralism model underestimates the role of power and conflict, and reduces crucial political issues to the cultural and the personal.

These criticisms may be pursued in the area of
education, with regard to both "ethnic additive" and cultural
pluralist approaches. Two fundamental tenets of multicultural
education are now under scrutiny:

(1) that a multicultural curriculum, by being more
     relevant and enhancing self esteem, would improve
     non Anglo background students' outcomes; and

(2) that a multicultural curriculum, by providing more
     information about "others", would reduce

prejudice.

Disenchantment with these assumptions has encouraged
support for anti-racist teaching (which would inevitably include
talking about and valuing others too).[4]   Anti-racist teaching
goes beyond concern with racist attitudes and disadvantage,
seeing them as symptoms of a deeper malaise: racism. It widens
the analysis of race and ethnic relations, and comes to
different, more thoroughgoing conclusions about what the problem
really is ... and, therefore, how to tackle it.

Ideology inevitably involves explanation. The way a
problem, in this case, racism - is conceptualised, places
certain issues and options on the political agenda, and excludes
others. Anti-racist teaching thus shifts from explanations of
prejudice and under-achievement which rely on cultural
deprivation or social psychological models, to apply a socio-
political perspective with racism as its key. It reflects a
shift in focus in the politics and study of race relations, from
minority groups themselves, to their social location, and to
white dominated practices and institutions.[5]   Anti-racist
education, then, goes beyond attitudes, to the structures which
generate and sustain them.

Anti-racist teaching utilises a definition of racism
which reflects this shift, and which needs to be distinguished
from other, narrower uses.

Racism is commonly used to refer to prejudice, directed toward those who are classified on the basis of physical and often cultural characteristics. It focuses on attitudes, and draws on explanations ranging from the pathology of the attitude holder (the authoritarian personality, etc.) to normal socialisation within a culture where prejudice is widespread.

Racism may also refer to discrimination; to beliefs and practices which disadvantage members of racial and ethnic minorities. The distinction between attitudes and behaviour is difficult to maintain. Attitudes have consequences; they are, indeed, a form of behaviour. The stereotypes people hold inevitably affect how they perceive and respond to other people. The individual attitudes and social myths, the values and the practices which underlie the everyday opertion of institutions, are all intrinsic and related parts of racism.[6]

Racism is increasingly used in a strong sense, to refer to the whole range of beliefs and practices which are historically constituted, ongoing forces, which function to maintain inequality. Cultural components here are the related, but distinct, aspects of ideological and institutional racism. Racism as an ideology is highly flexible, requiring only identification of people on the basis of real or perceived physical characteristics, and the assumption of inferiority of certain categories, almost all nonwhite.   The explanation of inferiority may vary over time - from biological explanations of Social Darwinism through a cultural deficiency model which may locate inferiority in the family background, language or social location of the group. What is important is its functions: to justify or explain the "inferiority" in ways which place responsibility for that position on the victims, thereby providing a powerful rationalisation for inequality. This ideology is so deeply embedded in popular consciousness that it

functions as part of the individual's common sense or taken-for-granted beliefs about where people fit, what is right, what is normal and natural.

Racism not only affects how people identify and are valued by themselves, and by others. It exists at the level of ideas, but is also part of the social, political and economic relations which determine life chances. Racist ideas and ideology reflect and reinforce unequal access to resources, and unequal outcomes. Political, bureaucratic and academic commentaries which concentrate on racist attitudes and individual racist behaviour may be attacking only the symptoms. Meanwhile, the everyday operation of schools, welfare agencies, and police may perpetrate disadvantage among those at the bottom.

Every decision made, or not made, has consequences. The ordinary taken-for-granted operation of our institutions are loaded in favour of some, and against others. The continuing struggle over who gets what, and over what gets onto the political agenda, and what is seen as fair, continues. The social scientist, the community worker or teacher, as much as the political activist, is part of that struggle. Indeed, well-intentioned people, even non-racists, are implicated in institutional racism, and may be unaware of "the de facto racist consequences of what they accept as normal activity"[7].

This is where anti-racist teaching comes in. We are well socialised into our own culture and its definition of our roles as educators, administrators, conciliators. We may be unaware of the extent to which that socialisation, and the stereotypes we hold, influence our expectations and behaviour toward others, and our analysis of social conflicts.

One strategy aimed at overcoming this blinkeredness is anti-racist (sometimes called racial awareness) training, now gaining in popularity in Britain. It begins with the assumption that "white racism is a white problem".[8] It assumes that

whites are the primary targets for anti-racist teaching, not
because whites have a monopoly on prejudice (they clearly do
not), but because, in a country like Australia, it is usually
(Anglo male) whites who are in a position to do something about
their prejudices. It is their actions which can and do affect
others.

Anti-racist training begins, often, as a form of
sensitivity training or consciousness-raising - providing
information, asking questions, raising doubts and demonstrating
that racism is not simply a result of misinformation or
ethnocentrism. It also stresses consequences rather than
intentions. It aims to change attitudes, and behaviour, to
elicit a commitment to oppose those everyday practices and
processes which underpin prejudice and inequality. This is
necessary if anti-racist training is to avoid being co-opted
into the realm of making whites feel better on the grounds that
they are changing, while doing little or nothing to change the
lot of others. Otherwise anti-racist training can become
another strategy in the old integrationist tradition,
legitimising diversity, but distracting from questions of access
and equity. Again, it could reduce back to the personal
challenge which is crucially political.

Anti-racist training also needs to be action-orientated
if it is to avoid being counterproductive. Whites can become
very threatened or guilty when discovering the extent of racism
in themselves, their workplace, or the society in general.
Anti-racist teaching can appear as an attack on what they have
been doing, on their images of themselves as non-racists, or as
responsible professionals. To avoid nihilism or despair, they
need ways of explaining and accommodating their own and others'
racism. But reflection is not enough. They need, too, to
become empowered to act - to change themselves and things about
them.

If the whole process is so difficult, and can be so threatening, why should we bother to attempt it? Because it can be liberating, too. Some people are anti-racists already, and merely seek strategies to explore their own position and its implications for action. Others may not yet have articulated their position, but are disillusioned with or frustrated by their attempts at multicultural education, or in work with people from other cultural backgrounds. Others are already under pressure from ethnic or Aboriginal people and need to develop more effective responses to and relationships with them.

Anti-racism can be "sold" on grounds of professionalism, or efficiency, as well as on moral or ideological grounds; it can help people to do their job better or more easily (hopefully). It can also be plugged into other, already established policies and programs, e.g. in pursuit of equal employment opportunity, or anti-discrimination legislation, or under education guidelines for equity and participation.

What form antiracist action then takes depends, of course, on the situation. But an essential beginning would appear to be an explicit commitment to anti-racism, to the identification and eradication of racism in all its facets. Only then can relevant information be gathered, can priorities and criteria be established, and implementation monitored and evaluated.

Anti-racism recognises that we are all engaged in a political struggle, where neutrality is not possible. Thus it must facilitate political planning and action if it is to have any effect. What are the strategic goals, i.e. those we can set with some possibility of achievement? Which are the effective points of intervention? And how? For many are committed anti-racists, but feel they lack the skills and resources to act. They may also seek to address the complex issue of the ethics of intervention, especially where conventional or popularly accepted definitions of roles, e.g. of teachers, shies away from anything smacking of controversy or 'indoctrination'

(as if what is currently happening in schools is somehow value-free). These are treacherous waters, but ignoring them will only weaken and confuse an anti-racist stand.

All that I have said so far takes for granted that we should be anti-racist. Anti-racism needs elaboration and defence as a fundamental human right, not as a concession which good liberals, or good law makers, "give" to the needy or the less powerful.

That racism is wrong is not self evident. Indeed, it is highly contested, both explicitly, and by default, by those who accept as "normal" or natural a distribution of rights and rewards which correlates with race or culture.

So - why should teachers, policemen and women, welfare workers, and publicans treat people equally? What, indeed, does "equality" look like on the ground?

There are a variety of political, philosophical and ethical arguments against racism. A hotch potch approach would simply list them, but they spread over several different ideological positions, each with its own model of society and of human nature.

I will raise only a few issues here, while noting the need for individuals and organisations concerned with anti-racism to develop an explicit and coherent rationale as a guide to action.

Anti-racism is a logical extension of a belief in the basic equality of people as human beings. It rejects race or ethnicity as reasonable grounds for devaluing or disadvantaging people. Whether it represents a right in itself, or is a necessary means to other social goals or rights, such as equality or justice, is debated.

Many of the arguments against racism draw on the liberal tradition of justice, often with reference to other liberal values like rationality, fairness, altruism. Rationality and fairness, like empathy, can also be used in a procedural rather than a substantive way, for example, asking people to see the other's point of view. They can lead us away from the individualist/universalist philosophy of human rights, towards a social contract or utility approach to rights. The latter utilises social democratic assumptions about human values and desirable social goods, which are less concerned with freedom of the individual than with social inequality. As a consequence, the social democratic tradition implies a more state interventionist response, in pursuit of social justice.

Increasingly, in the debate about racism, a radical position is articulated. It goes beyond the social democratic tendency to identify needs, to a reassertion of rights .-. but this time in the rhetoric of oppression, exploitation and liberation. Like other traditions of rights, it asserts its own definition of equality. Power and politics are viewed through class analysis, which provides a different explanation of inequality, and urges the mobilisation of oppressed people, including blacks, to demand their own rights. Resting on a conflict model of society, such rights can never be "given"; they must be won.

Beyond these oversimplified battlelines lie other disputes. The liberal tradition is an individualistic one; the radical, collectivist. Arguments against racism must grapple with the individual/group dimension, for it is the category status of racism which means that people are disadvantaged on the basis of their presumed membership of a group.

For some, the solution might be to obliterate the categories, to assert each individual's right as an individual, regardless of class, colour, creed or sex. Yet many members of racial or ethnic groups seek both valuing and fair access to social goods, while defending their right to maintain their own

separate social identities and associations. Some seek differential treatment on the basis of their different needs - often needs stemming directly from past discrimination or damage. We have yet to resolve: what are socially relevant differences, and what are appropriate and justifiable bases for differential treatment? Somewhat differently - what behaviours, and what values, will we not condone in this country, and why? If racism is one of these - we still have a long way to go in elaborating a rationale and developing strategies in and support for the pursuit of anti-racism.

Footnotes

1.   Multicultural Education 1981: Perspectives on
        Multicultural Education (Australian Ethnic Affairs
        Commission, 1981); Multiculturalism for All Australians
        (Australian Council on Population and Ethnic Affairs,
        1983)

2.   For example, by F. Lewins, "Multiculturalism and
        Ideology", SAANZ Conference paper, Canberra College of
        Advanced Education, 1979.

3.   For example by AEAC, op. cit., 1981; ACPEA, op.cit..
        1982.

4.   In the U.K. context, see A. Green, "In Defence of
        Antiracist Teaching", Multicultural Education v.10 no.2
        (1982) pp.19-35.

5.   J. Bourne, "Cheerleaders and Ombudsmen: the sociology
        of race relations in Britain", Race and Class v.21 no.4
        (1980) pp.331-352.

6.,   S. Allen, "The Distribution of Racism", Race v.15 no.1
        (1973) p.102.

7.   ibid, p.100.

8.   D. Ruddell, Itecognising Racism (Education Department,
        Birmingham, 1982) p.3.

Reports from the Workshops

Education in Schools - Summary of Concern
and Strategies for Action

Sylvia Gleeson and
Margaret Bailey

The Education in Schools group (ESG) shared a number of concerns about human rights in schools and the teaching of human rights and devised strategies for action that could help in the educative process. Priority is shown by the number of * equals the highest priority is given with *** and the lowest priority by *.

Concerns:

1. There is a need for greater community awareness of the work of the Human Rights Commission (HRC).

2. There is need for input from professional educators to the work of the HRC.

3. There is need for provision of information and educational material about the HRC and its activities.

4. There is a need for union involvement and involvement by organisations other than State education systems.

Strategies for action:

1.   The Human Ri9hts Commission could be made more
        "visible" to the community at large by:

     * using a professional public relations organisation
     to promote the HRC and its activities.

     *** the Commissioners and/or permanent staff being
     involved in a programme of meetings (talks, discussions
     at public meetings, etc.) i.e. a consciousness raising
     effort in all States. Meetings could be held with
     State Parliamentary groups, community groups, etc. (the
     aim here being to impress that human rights involves
     up-market, establishment people not a lot of trendy-
     beardy-weirdies). Groups of 3 or so people should
     visit State capitals and other major population centres
     as well as getting to country areas. A 12-18 month
     programme should be devised for this.

     * appointing a task force within the Commission to
     carry out similar tasks. This task force could be
     combined with the group suggested below.

2.   Greater input from professional educators could be
        achieved by:

     ** appointing a Commissioner with a professional
     background and wide experience in education.

     ** appointing a consultative committee to ensure that
     the HRC gets sound professional advice. The committee
     should not be large but consist of perhaps eight people
     representing all States and all aspects of education.

     *** appointing a task force within the HRC of people
     who have a dual role of:

(a) Getting out to all States and Territories to act
     as resource people. These people should have some
     background in education but also other
     complementary experience and skills. They would
     be able to go into individual schools to help in
     in-service training, (such schools could be pilot
     schools); run seminars, etc. for teachers and in
     teacher training areas; advise curriculum
     development officers and centres; and also carry
     out educational programmes with community groups
     e.g. Rotary, Jaycees, parent organisations etc.

(b) Developing resource material within the Commission
     about human rights.

     This material should be

     (i)   plentiful, very simple leaflets,
                    posters, audio-visual material.

     (ii)   teachers' notes - back up
                    information to the leaflets, etc.

     (iii)   more detailed information for
                    research work at different levels.

 ** calling a working party at the highest level of
educational administration - e.g. the Directors of
Education and their Directors of Curriculum Development
for each State and Territory. They should be asked to
formulate strategies for

  (i)   implementation of human rights within their
           systems.

  (ii)   implementing the development of the teaching
           and learning of human rights (n.b. "ii" will
           not achieve much unless "i" is also achieved
           (or at least made a real start on; as an
           obvious example - discrimination on grounds
           of sex).

It was envisaged that those people should be holed up together for a week or ten days with the brief as stated above. Absolutely essential would be:

> detailed and thorough preparation beforehand adequate facilities and facilitators during the time they are together
>
> a commitment by the participants to forward in their State/Territory strategies that are developed

and

> .   a commitment by the HRC to give the fullest support to the strategies that are developed.

The working party could be a one-off occasion or could decide to continue as a working group. If that was so it would be important to continue with representation at the highest level with authority to take decisions.

3.   Providing Information and Educational Material

This has already been discussed under (2). It should be noted that the consultative committee and the professional public relations organisation would make an input into this.

Work could be done in the normal way through the Commission. However, it would also be worth exploring (via the suggested working party group) the contribution that could be made by organisations associated with the State education systems and other organisations on a contract basis, e.g. the Media Centre (or equivalent), State Film Corporation.

i.e. There are existing organisations which produce printed and audio visual material and it might well be more sensible to use and involve them.

4.   Union Involvement and Involvement by Organisations
        Other than State Education Systems

        Union involvement and co-operation was seen to be
        important both in the immediate sphere of the teacher
        unions, which in principle are in any case well into a
        number of human rights issues, and in the broader
        sphere of the union involvement as a whole.

        The Catholic education system and other schools systems
        also need to be involved somewhere along the line.

++   Following from this many business and professional
        organisations might well be approached to help fund
        provision of specific types information. This would
        have the double effect of (i) helping fund some things
        and (ii) involving groups within the community with the
        work of the Commission.

        In fact, taking this further the HRC might consider
        asking such groups to form task forces/working parties
        to do the sort of thing outlined for Education. The
        HRC would therefore need to use its funds as seeding
        money. I could envisage a 5 year programme with the
        HRC drawing up a list of major sectors and interest
        groups within the community that should be targeted
        over the period of time.

++   (These are my own thoughts and not those of the
        Education in Schools Group.)

Report of the Workshop on Medicine and Other. Care Givers

Neville Hicks

        The workshop on teaching human rights in medicine and
other care giving situations had the benefit of small numbers
but varied backgrounds. There were participants from a large,
public and recently controversial institution which houses
disabled people, and teachers from the field of social work,
legal studies (with an interest in care of the aged) and medical
schools (with interests in general medical practice, health
service advocacy and health service administration).

        The group considered first some of the "human rights
problems" which were evident to its members. It is commonly
said that the human rights of users of medical and other caring
professions are guaranteed by the professionalism of those who
work in the various disciplines. It has been argued, however,
that professionalism is more often a device for sustaining the
power of those who claim it than it is a guarantee of the
welfare of those among whom professionals do their work. The
group observed that a lack of capacity to claim their rights
distinguishes many of the people who might benefit from the
skills of health and welfare workers and that there is little
legal infrastructure in Australia to ensure the achievement of
those rights- It follows, in the opinion of the group, that one
"problem" to be faced in Australia is the re-definition of the
notion of professionalism to imply a responsibility to advocate
the rights of those with whom professionals work.

An important parallel problem is the assumption of a technical, rather than a consumer, model of rights. For example, members of the group reported experiences where institutions were providing high levels of technical expertise but residents in the institutions had little freedom to determine, say, the time and content of meals which are both matters incidental to the technical work of the institution. There is some irony in the fact that, in a society much given to free market rhetoric, many of the recipients of professional services have very little freedom of choice about the form or content of those services. The group argued that this perspective should lead to a broadening in the meaning of the term "rights", to allow a greater capacity to express individual needs or demands or preferences.

The group recognised that contending rights of different parties must be faced. For example, the rights of patients may contend with society's right to achieve other purposes for the rest of its members; the rights of individuals do not necessarily accord with the rights of families; care-givers have the right to expect support, whether emotional or professional or social when they are carrying out the sometimes onerous duty of caring for other people's rights.

In general, the group agreed, it is important to assert the proposition that all persons are persons. For example, dying persons remain living persons until they are dead and retain the rights of living persons until they are dead. Ageing persons remain persons with rights (for example, to self expression including, perhaps, sexual expression in institutions for aged care) until they are dead. "Ethnic" persons are persons first and members of an ethnic category second - and, say, interpreting services in health care institutions should be provided on the basis of that proposition.

The proposition that "all persons are persons" led the group to state a "rule of least restriction", that all persons are entitled to the provision of appropriate services in the least restrictive form and under conditions which allow them maximum participation in their own treatment and in the society at large. For example, no person who is competent to choose should be subject to an unchoiced transfer from one institution or part of an institution to another. The rule of least restriction carries an implication that greater support is needed for extra-institutional services and a subsidiary need to spell out rights to service at specified levels (of domiciliary care, for example).

Teaching Human Rights

In common with the group on teaching human rights to law students, the medical and care givers group debated the question whether "human rights" or "social justice" was the more effective conceptual umbrella for teaching. The group agreed that, whichever concept provided the starting point, it was important to teach students to examine the assumptions upon which they make assertions about either human rights or social justice. One member of the group, who teaches medical students, argued that - with that audience - the human rights approach would often detour quickly into a Lockean defence of individual property rights. Students of medicine seem to respond more openly or inquisitively to a social justice approach, along Rawlsean lines, which asks them to imagine an "original position", in which they would not know whether they were going to be born white or male or protestant or privileged in a Western society, and to imagine then what kinds of human rights or forms of "justice" they would think necessary in society.

The group observed that one of the problems of teaching in their disciplines was the prevalence of elect, achievement oriented students who had some difficulty imagining the situation of the non-favoured members of an unequal society.

The experience of some members of the group suggested that role-playing techniques could help to overcome this problem or that it is useful to start with some desire/right valued by the students, such as the right to be left alone, and to ask how they would achieve that right for all and in competition with other rights and desires.

The group pointed out that the context of teaching was an important consideration. For example, it sometimes seems frustrating, if not fatuous, to be trying to inculcate "the rule of least restriction" in a curriculum where students have no choice of subjects, merely a six year program of topics set for them by others. In such a curriculum structure, prevalent in most Australian medical schools, the request to insert a "human rights module" into the curriculum simply exacerbates the "more modules problem".

Some members of the group argued that the "pure science" ethos in which they teach must be considered, also. They reported that there is a hegemony of ideology (involving, for example, individualist, reductionist assumptions, and a propositional style of teaching). In this context the inquisitive mode of teaching which is appropriate to the consideration of human rights or social justice can be very very unsettling for students and can require much steadiness of nerve on the part of teachers.

The group emphasised that teaching is often more than a formal activity. For example, teaching may involve advocacy research - occupational health or community health development in medicine, for example, or in social work. Teaching may also take place by way of consultancy. During the seminar examples were given of the involvement, pro-human rights, of teachers in an association for rheumatism and arthritis sufferers, "Anglicans for Aborigines", and a Uniting Church committee on aged care.

Non-formal teaching may also include the articulation of what is already "known". For example, it was pointed out that in one institution it had taken a controversy about the rights of residents to make members of staff aware of the extent to which the organisation of the institution was depriving them, also, of their rights.

Report on the Discussions following Presentations in the
Multicultural/Humanities Stream

Peter Willis

Preliminaries

This strand defined its area of interest as the teaching about and promotion of human rights for adults in racial and ethnic community relations. A major centre of discussion concerned the adult in society as a person with developed cultural and situational perceptions and attitudes together with established roles and group affiliations. These factors needed to be catered for in any adult education program promoting informed and positive attitudes to human rights in racial and ethnic community relations.

Such adult education programs would need to include a process by which learners could distinguish personal, cultural, structural, or situational foundations for attitudes to the human rights of racial and ethnic groups.

Two kinds of adult education emerged. The first are the short non-formal courses set up by community groups to promote better community relations. The other are "inservice" or "continuing education" courses offered by service and commercial organisations to their members to promote better general attitudes to other ethnic and cultural groups, but in particular to improve the quality of services offered by their members to members of other ethnic groups. It was agreed that the two kinds of adult education had many different aspects. Major differences separated participants sponsored by their employers to attend inservice courses designed to improve their performance in a cross-cultural arena from those attending an inservice course to improve themselves.

The theme of human rights in this context added an additional factor to the proceedings since those seeking greater cross cultural understanding, and those intent on improving the quality of services provided to members of their cultures, may not be conscious of the human rights involved in these exchanges.

This led to a strong request for a clear statement of human rights in these mixed areas from the Human Rights Commission. It was also pointed out that although legislation would assist to some extent in protecting issues of human rights there would still be matters requiring clarification, particularly cases of conflicts of rights or the limits of rights which are worked out in specific situations.

Discussions from Presentations

Presentations from speakers covered both theoretical and applied dimensions. Discussions which came from theoretical papers, particularly on human rights within ethnic contexts, focused either on the meaning of human rights in the context of race relations (mentioned above) or on the ethics of direct attitude modification as an educational objective. In the light of the focus on adult learning this was not considered as central a problem as some have argued it is for the education of children.

The practical applications of teaching human rights focused on the importance of clarity in setting objectives and designing learning experiences lest there be a backlash and stereotypical racial attitudes become confirmed. Examples of practices designed to avoid this were given both for specific inservice courses where the participants are required to attend and for general workshops where people come out of a desire to know and to understand.

Another contribution looked at the process of promoting multicultural acceptance - a more positive attitude than tolerance - as a positive attitude of <u>respect</u> for the rights of culturally and racially different groups. With this established as a positive ideal to be embraced, people could then be offered actual face to face experiences between cultures, as a way to ground their attitudes in the real world.

The thirty members of the group spoke highly of the conference as the first opportunity for people involved in anti-racist adult education to meet, but felt that the two days would require further workshops to consolidate and develop what had been well begun. A list of suggestions for further action was prepared for action by the Commission.

At the plenary session concluding the conference a group of Aboriginal participants read a statement in appreciation of the Teaching Human Rights Conference requesting that the positive approach being considered by the Commission be actively promoted, rather than merely dealing with complaints when they arise.

Select Bibliography of Texts Relevant to
Teaching Human Rights

- at tertiary level

        This bibliography is based on materials selected from
the Human Rights Commission library holdings, other
bibliographies, computer searches and works recommended by
persons teaching human rights and related courses. We would be
very grateful for any suggestions which would help us to extend
and update the present listing. It is hoped that in future a
current bibliography will always be available at the Commission
for teachers and students of human rights.

BOOKS

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        policy and perspectives, this collection of essays is a
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        broad issues concerning rights and their

        justification. Relevant human rights documents in
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        that include a significant human rights component.

        There is a brief summary of each course cited.

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        Human Rights: Vol.I, The Washington Connection and
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        Ideology. Sydney, Hale & Iremonger, 1980. (Takes

Vietnam, Laos and Cambodia as specimen cases in the political economy of human rights. Looks at recent historical events in those countries from an interdisciplinary perspective). In print 82/3.

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Falk, Richard. <u>Human Rights and State Sovereignty</u> New York, Holmes and Meier, 1981. (Considers how the promotion of human rights can be effected in a world order system dominated by the realities of state sovereignty. Some specifically US material, but generally more theoretical and reflective in emphasis.) In print 82/3.

Flick, Geoffrey A. <u>Civil Liberties in Australia.</u> Sydney, the Law Book Company, 1981. (Examines in some detail the law of civil liberties in Australia, including police powers, freedom to demonstrate, access to information, anti-discrimination legislation, freedom of speech.) In print 83.

Gastil, Raymond D. (ed.) <u>Freedom in the World: Political Rights and Civil Liberties 1980.</u> New Brunswick, New Jersey, Freedom House, 1980. (Includes a useful survey of political rights and civil liberties in each country, together with case studies of Iran and Zimbabwe/Rhodesia, and some general essays.) In print 82/3.

Glaser, Kurt, and Possony, Stefan T. <u>Victims of Politics.</u> New York, Columbia University Press, 1979. (Provides theoretical material and case studies, documents and analyses of a range of topics related to oppression and discrimination.) In print 82/3.

Gotesky, Rubin. <u>Personality: The Need for Liberty and Rights</u> New York, Libra, 1967. (A brief philosophy and psychology of rights.) In print 82/3.

Henkin, Louis. <u>The Rights of Man Today.</u> London, Stevens and
        Sons, 1978. (Broken down into philosophical precedents,
        national constitutions and contemporary human rights law
        and institutions, this text provides considerable
        background information and access to international
        issues.) In print 82/3.

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        St Martin's Press, 1978. (A roughly historical survey of
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        Melbourne, Edward Arnold, 1978. (Part of Arnold's "ideas
        and ideologies" series, this interdisciplinary volume
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        contemporary import.) In print 82/3.

Leiser, Burton M. (ed.). <u>Values in Conflict: Life. Liberty and
        the Rule of Law.</u> New York, Macmillan, 1981. (An
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        abortion, euthanasia, free speech and freedom of the
        press.) In print 82/3.

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        Interpretations.</u> New York, Columbia University Press,
        1949. (Though dated, this text presents essays by a
        number of eminent thinkers, such as Croce, de Chardin,
        Laski and Huxley.) Not in print.

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        1977. (Philosophical essays relating to human rights,
        the family, goods, justice and the obligation of
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    S.A.
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    N.S.W.
        Non-Sexist Resource Centre
    TAS.
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    QLD.
        Women's Adviser, Curriculum Branch
    N. T.
        Women's Adviser, Curriculum Branch
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        Co-ordinator for the Elimination of Sexism,

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