

Analysis of the Educational Legislation and its Influence of the Former Soviet Union

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Abstract. This paper introduces the stages and specific problems of Soviet educational legislation. First, the Legislation of the Soviet Union established many vital institutions, such as the system of equality between men and women in education. Secondly, the Soviet legislature and the Soviet Union also institutionalized Marxist ideas about freedom of learning and the overall development of human beings. Thirdly, in the practice of the Soviet Union, how to balance the relationship between freedom, equality and efficiency has become a topic worthy of subsequent discussion. Moreover, Soviet legislation influenced subsequent international human rights legislation and laid the foundation. On this basis, the subsequent international human rights legislation has been further improved.

Keywords: The Right to Education; Social Change; Legal History.

1. Introduction

This article is an introduction to the right to education legislation, including the following two parts. The second part of this article, introduced in the Soviet Union from 1918 to 1936, the Soviet Union education legislation. The educational legislation of the Soviet Union included two periods. Specifically, from 1918 to 1923, although the Soviet union's education legislation fully shows the value of Marxism, excessive idealization and the limitation of objective conditions affected the period to achieve the goals of education legislation. The 1931-1936 legislation, while achieving the standardization of education, responded to the problems of the previous stage but went to extremes. The third part mainly introduces the influence of the Soviet Union's experience on the world's human rights legislation and the perfection of the Universal Declaration of Human Rights on the Soviet Union's education legislation. At the end of the article, a summary points out the significance of the Soviet union's educational legislation and emphasizes that the educational legislation is closely related to a particular country's economic, cultural, and social development.

2. Educational Legislation in the Soviet Union 1918-1936

2.1 Soviet Russia Education Legislation in 1918

Recognizing the right to education first appeared in the Soviet Union's education legislation and related policy documents at the national level. On October 16, 1918, the Executive Committee of the Russian Central Committee promulgated the Regulations for the Unification of Labour Schools in the Russian Socialist Federal Soviet Republic.

As the first socialist educational law in human history, the exposition on education and the right to education in the Regulations is quite progressive and comprehensive.

Firstly, the Regulations advocate the implementation of compulsory education for all. Article 3 and Article 4 of the Regulations stipulated that Russian citizens had the right to receive free nine-year compulsory education, including primary and secondary education.

Secondly, the regulations fully implement the principle of equality between men and women. For example, article 5 of the provisions of the regulations should do when admissions accept both men and women.

Thirdly, to ensure the quality of teaching, the Regulations have explicit provisions on teachers' qualifications and teacher-student ratio.

Fourthly, the regulations embody the "adaptable" characteristics of education. For example, article 12 of the Regulations clearly states that the educational purpose of productive Labour is not to pay the living expenses of the students or to be merely a teaching method but to make the students aware of all the life around them.

Fifthly, the regulations advocate the cultivation of students' independent and self-discipline spirit, thus forbids assigning homework, and opposes any form of corporal punishment (mandatory heteronomy). The regulations emphasize the importance of aesthetic and moral education, advocate respecting students' differences and free personality development and forbid all examinations. In the eyes of the legislators at the time, the organization of collective productive labor and entire school life should train the citizens of the future socialist republic. Therefore, teachers should give students respect, love, and encouragement rather than heteronomy punishment and constraint.

Moreover, it advocated school autonomy and specified the composition of the school committee, which is responsible for school autonomy. Moreover, it advocated school autonomy and specified the composition of the school committee, which is responsible for school autonomy.

2.2 The Soviet Union National Education Program in 1919-1923

In 1919, in the resolution of the Eighth Congress of the Russian Communist Party (Bolsheviks), the Russian Communist Party also added the educational provisions made by Lenin in its party constitution, known as the "National Education Program of the Russian Communist Party (Bolsheviks) [1]."

A call for the establishment of pre-school institutions was added to the Programme. Under the unremitting efforts of Krupskaya and others, pre-school education gradually became a reality in the Soviet Union. In order to ensure that Russian citizens can afford all kinds of expenses to receive an education. The Programme also required the Russian government to provide students with free food, clothing, shoes, and educational equipment.

After 1923, as the new outline of school education, many looks now is still very advanced teaching and curriculum theory, such as the open classroom, interdisciplinary teaching, group teaching and evaluation of gradual step by step to be able to use. In the teaching practice, in an integrated technical education as the carrier, the people-oriented as the core value of education purpose to fully embody.

Need to stress that Lenin and others were pushing for comprehensive technical education, vocational skills training against a single mainly comes from their concern about the division of capitalist production. In their opinion, teaching students a single skill too early inhibits students' potential and deprives students of their own choice of learning content to some extent. Therefore, in the view of Lenin and others, the implementation of such education will inevitably lead to human alienation rather than the realization of human nature. After all, in the view of many classic Marxist writers, "primary, secondary and tertiary schools have a common purpose: to produce well-rounded people [2]."

Due to the limitation of specific national conditions and the historical background, the Soviet Union in the education legislation and policy overstepping the phenomenon exists.

Firstly, a sudden problem in teaching knowledge in primary and secondary education in the Soviet Union was the lack of systematicness and continuity. In other words, at the elementary and middle school levels, the Soviet education authorities adopted an altogether "problem-oriented" policy of over rejecting systematic teaching, which was at least scientifically questionable. As many basic knowledge and concepts lack sufficient memory reinforcement, it is not easy to guarantee the teaching effect. For example, some Soviet scholars pointed out that at that time, "when you walk into a school and pick up the teacher's diary, the first thing you see is a lesson plan based on the syllabus. This semester the school seems to be working on a complex lesson plan. There is usually a break in the subsequent teaching: "guiding" students through the old subject system. Why is that? Because they are badly behind conversational skills.

Secondly, the Soviet Union could not provide adequate and competent teachers to implement educational legislation and policies. After all, in a country with a literacy rate of only 34% in 1916, it was tough for the Soviet Union to achieve any educational reform or revolution in a short period. Moreover, for the vast majority of teachers who only received grammar schools and other old-fashioned education, they had specific subjective emotion resistance, and their knowledge structure and knowledge reserve could not meet the needs of the established teaching goals.

Thirdly, the "comprehensive technical education" proposed by Lenin et al. is challenging to understand and support students' parents because it cannot produce direct practical effects quickly. At the time, for example, farmers often complained that "schools are not performing their essential function of teaching children to read, write and count; Farmers think things like growing vegetables and raising rabbits are things they can teach their children themselves, not school [3]. However, the Soviet Union in the 1920s in the implementation of education legislation and education reform, although there are many shortcomings, these problems are more focused on the strategy and social resources preparation, the Soviet Union education legislation at least in the legal value or legal principles of the significance of progress is still evident to all.

2.3 The Soviet Union National Education Program in 1919-1923

With the death of Lenin, the Soviet Union, some education reforms failed to embody good and the continuation of the above-mentioned legal principles and legal value. Firstly, in terms of curriculum design and pedagogy, the Reform of the Soviet Union had the problem of over-correction. In 1931, the Central Committee of the Communist Party of the Soviet Union issued the "Regulations on Primary and Secondary Education," which completely abolished the curriculum of the open classroom, interdisciplinary teaching, group teaching, and progressive assessment as the primary teaching model implemented by the Communist Party of the Soviet Union in the 1920s. In 1934, the exam-oriented education system characterized by a unified curriculum, unified examination, and examination reward system was established comprehensively. Although the above reform can guarantee the systematic ness and comprehensiveness of knowledge transmission, it has specific practical significance.

However, such reform also made the Soviet Union's educational system rigid and made it difficult for the "people-oriented" as the core value in the subsequent education legislation and policy. Second, due to the influence of a specific historical environment, the citizens shall enjoy the speech, the press, assembly, and association; political power is no longer a fundamental right. In this regard, Soviet jurist Boris Cziczko pointed out by quoting Stalin that "many political rights in the West, especially the right of association, are only tools of struggle and conflict within the ruling class, and only exist in classed society [4]. The Soviet Union was a classless society where class conflicts did not exist, so freedom of speech, freedom of thought and even freedom of association were not indispensable. "This legal interpretation also makes many of the proper meanings of the right to education, such as academic freedom, school autonomy, no longer exist. In the Soviet Union, even as a combination of psychology and pedagogy for children", were conflicts with Marx and Lenin. Thus, even though the 1936 Soviet Constitution enshrined the right to education as a fundamental right for the first time, its importance in legal history has dramatically diminished.

3. The Influence of Soviet Legislation on International Human Rights Legislation

3.1 The Influence of Soviet Education Legislation

In international law, the right to education as a fundamental right is widely respected in customary international law only as far back as article 26 of the 1948 Universal Declaration of Human Rights (hereafter referred to collectively as the Declaration). As first set forth the education content of international law, the Universal Declaration of human rights in the process of drafting, Humphrey et

sufficient borrowed from the Soviet Union constitution 1936 regulations on education, concrete manifestation is:

A. The draft with the constitution of the Soviet Union in 1936 that education should be a kind of universal rights by right subject;

B. Both the draft and the 1936 Constitution of the Soviet Union advocate the introduction of compulsory education in primary education;

C. Both the draft and the 1936 Constitution of the Soviet Union believe that free education is an essential guarantee for the realization of the right to education;

D. Both the draft and the 1936 Soviet Constitution advocated the promotion of vocational skills training [5].

Of course, to some extent, the Declaration made up for the lack of respect and protection of political rights, civil rights, and cultural rights in the right to education stipulated in the 1936 Constitution of the Soviet Union.

3.2 The Perfection of the Soviet Educational Legislation in UHDR

As a constitutional document of international human rights law, the Universal Declaration of Human Rights (UDHR) further improves legislation on the right to education.

Firstly, the Declaration states that the primary purpose of education is to promote the person's overall development. In this regard, the contents supplemented by the Declaration are, in fact, roughly the same as the basic principles and values of the educational legislation in Lenin's period of the Soviet Union.

Secondly, the Declaration emphasizes that education on human rights and peace should be integral. At the time of the drafting of the United Nations Charter, Jewish representatives argued that the Weimar Republic's educational system, "well organized but at the same time corrupted by a system that led to blind obedience and racial hatred, " was a significant cause of war and human devastation [6]. During the drafting of the Declaration, Philippine Representative Aquino also pointed out that an enlightened and informed public was the best defender of democracy and progress, and therefore the expression of the right to education should be more than just an indicator. Therefore, article 26 of the Declaration emphasizes explicitly that another essential purpose of education is to "strengthen respect for human rights and fundamental freedoms" [7].

Thirdly, the Declaration gives "parental choice" over what minors learn. In contrast, the former Soviet Union's education legislation and the 1936 constitution emphasize insufficient family education.

Fourthly, the Declaration holds that education should be tolerant of culture, values, race, religion, and other issues to ensure and promote the development and stability of the international community. Due to its solid cultural attribute, this part has gradually become the core element of the connotation of the right to education in subsequent international law and regional legal norms.

However, due to the lack of necessary legal binding force, the Universal Declaration of human rights provisions of the rights mentioned above, at best, can only be regarded as moral rights or idealistic rights.

Moreover, due to the significant differences among countries in ideology, religious belief, cultural tradition, and level of economic and social development, the actual influence of the provisions on the right to education in the Declaration on the world is doubtful.

4. Summary

As a fundamental human right, systematic legislation of the right to education first appeared in the Soviet Union. As the embodiment of Marxist thought and its core values, the experience of the Soviet Union provided a template for the emergence and institutionalization of the idea of economic, social, and cultural rights to a large extent. Although there are many problems and defects in the practice of the Soviet Union's education legislation, there is no doubt that the Soviet Union's education at least

provides the theme and theoretical framework for the subsequent human rights legislation. Of course, the recognition, protection, and realization of the right to education are closely related to a particular country's historical, cultural, and social conditions. Specific country studies and regional studies of human rights law can better answer the above questions in subsequent studies.

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