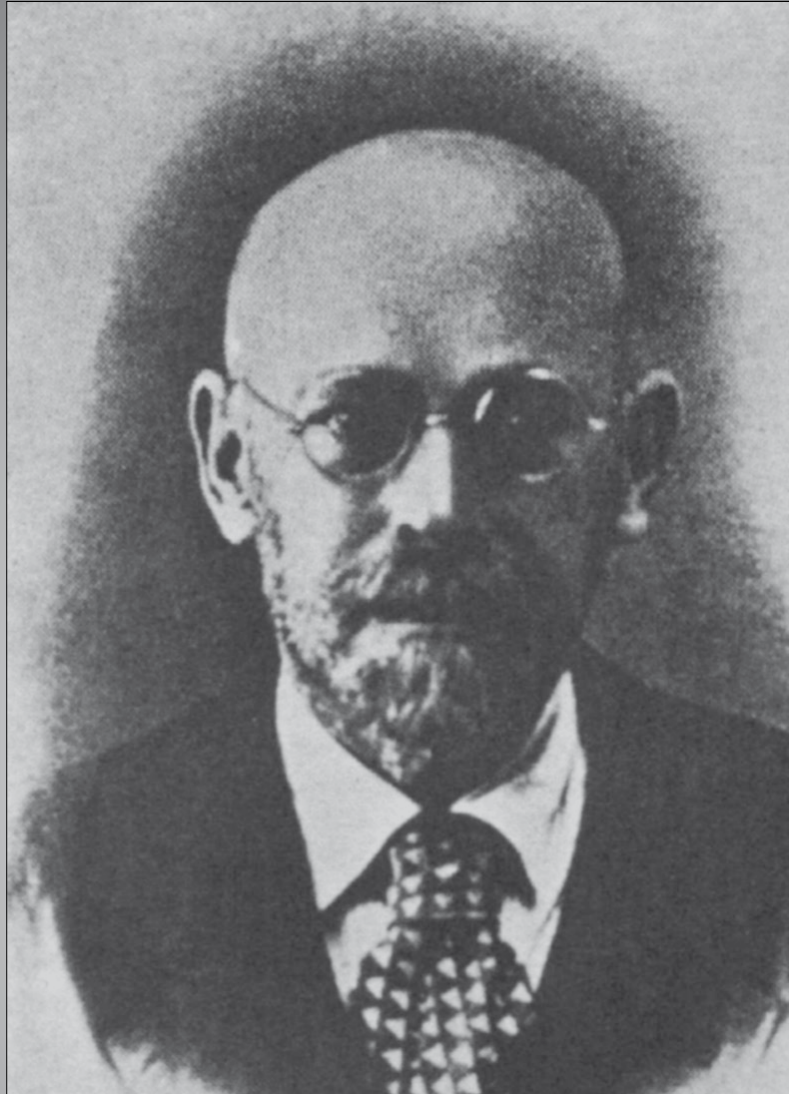


# The Polish Jewish Pioneer on Children's Human Rights



Janusz Korczak  
(1879–1942)

and the Today's Convention on the Rights  
of the Child as International Law

International Seminar

Geneva,  
6 June 2009



PERMANENT MISSION  
OF THE REPUBLIC OF POLAND  
TO THE UNITED NATIONS OFFICE  
AT GENEVA



MISSION PERMANENTE  
DE LA REPUBLIQUE DE POLOGNE  
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**Ladies and Gentlemen,**

It was the great honor and pleasure for me to welcome you in the premises of the Permanent Mission of the Republic of Poland to the United Nations Office in Geneva. We were proud to host the International Seminar devoted to Janusz Korczak, a Polish Jewish Pioneer on Children's Human Rights And the Today's Convention on the Rights of the Child as International Law.

I was very pleased to see with us H.E. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, H.E. Marek Michalak, Ombudsman for the Rights of the Child of the Republic of Poland, fourteen members of the Committee on the Rights of the Child, including its Chairperson Madame Yanghee Lee, Ambassador Ibrahim Salama, Representative of the Office of the UN High Commissioner for Human Rights, and – last but not least – you, numerous representatives of Janusz Korczak Associations from various countries.

Any distinction among the participants of this important event – apart from their background, being it institutional, expert, diplomatic or civil society – would not be fair, because there is a common ground for everyone of you, the ideas that unite you – your commitment to the cause of the rights of the child or your devotion to the person and heritage of Janusz Korczak. Or – in case of many of you – both.

The idea of this seminar was born on 11th June 2007 during the ceremony of launching of the Legislative History of the Convention on the Rights of the Child – the first such publication on any United Nations human rights treaty. That ceremony was organized together by the UN High Commissioner for Human Rights and Permanent Missions of Sweden and Poland. We were asked to co-sponsor that ceremony because it was my country to submit in the beginning of 1978 a draft Convention to the UN Commission on Human Rights with a request to include this draft on the Commission's agenda.

On that occasion we evoked to the main exponent – in our view – of the contemporary concept of childhood – namely Dr. Janusz Korczak. We said then, that at the core of that concept is the conviction that a child is an autonomous person who has his or her own needs, interests and rights – she or he is not only an object of care and concern but also a subject, whose interests and rights should be respected. I am sure nobody will challenge that.

Whether indeed the Polish Government wanted to promote by the said initiative the ideas of Janusz Korczak worldwide, as we claimed at that time based on the view expressed a posteriori by prof. Adam Lopatka, considered to be “godfather” of the Convention, is not sufficiently proven and has been already subject to discussions among some of the participants of today's seminar. Nonetheless, the person of Janusz Korczak became an anchor of informal discussions after the ceremony itself, rising many interesting ideas, which we thought needed some significant development.

One of the ideas was whether we could build a bridge between the concepts of Janusz Korczak and contemporary Convention on the Rights of the Child. Or how far the Convention itself reflects those ideas, or how much Korczak has anticipated problems and solutions of our times. Or what can we learn from Korczak in order to better understand the Convention, or can we better understand courageous ideas expressed by Korczak, given our sad experience of the past and present.

And here we are at last. One can say that we had missed the opportunity to have the seminar last year. It would have coincided with the 30th anniversary of the Polish initiative in the Commission on Human Rights and some would argue – with the 130th anniversary of Janusz Korczak birth. Luckily, the sources differ as to the precise birth date of “The Old Doctor” – thus it is well justified to celebrate 130th anniversary also this year. But what is most important – we were able to gather you together – and I am impressed by the interest you shown and the importance you attach to Janusz Korczak and his ideas.

On a more personal note: this Seminar would not be possible without the courage and perseverance of Prof. Waltraut Kerber Ganse of Germany, who was kind enough to make arrangements with all of you to ensure your presence (and by the way, had to cope recently her tireless organizational efforts with finishing her book on Janusz Korczak) and her valuable cooperation with the representatives of our Mission. We owe her a lot.

I hope the Seminar was an excellent opportunity for you to exchange views, pose questions and find answers in this room or outside it, even more informally. I also hope that you managed to establish or re-establish close links between you and your organizations, which will allow to continue your debates in the future, again here in the premises of Polish Permanent Mission in Geneva in June 2010.



Zdzisław Rapacki  
Ambassador



**International Seminar**  
**The Polish Jewish Pioneer on Children's Human Rights, Janusz Korczak (1879-1942)**  
**And the Today's Convention on the Rights of the Child as International Law**

**6 June 2009**

**The Program**

9:30-10:00	Opening Ambassador, Permanent Representative of Poland to the UNOG UN High Commissioner on Human Rights Chair of the Committee on the Rights of the Child Chair of the International Korczak Association Introduction
10:00-10:20	Keynote: H.E. Thomas Hammarberg (Council of Europe)
10:20-11:35	Panel 1a) Learning from Korczak
11:35-12:00	Coffee break
12:00-13:15	Panel 1b) Learning from the Convention
13:15-14:30	Buffet luncheon offered by the Permanent Mission of Poland
14:30-14:50	Keynote: Mr. Marek Michalak(Ombudsman for the Rights of the Child, Poland)
14:50-16:20	Panel 2a) Participation in Korczak's view
16:20-17:00	Coffee break
17:00-18:30	Panel 2b) Participation in view of the Convention
18:30-18:45	Concluding observations: Thomas Hammarberg
19:00	Reception by the Polish Permanent Mission, Geneva

**International Seminar**  
**The Polish Jewish Pioneer on Children's Human Rights, Janusz Korczak (1879-1912)**  
**And the Today's Convention on the Rights of the Child as International Law**

**BACKGROUND PAPER**

**6 June 2009**

**B**asic objective of the Seminar is to relate the famous Polish pedagogue, Dr. Janusz Korczak, and his human rights based practice and thinking in terms of children's rights to the Convention on the Rights of the Child in terms of international law. Thus one could learn to look at the Convention bearing in mind the heritage of Janusz Korczak and vice versa – look at Korczak, bearing in mind the Convention.

The Seminar is divided into 2 panels, both to be preceded by two respective keynote speeches.

I Part.

1. Keynote: H.E. Thomas Hammarberg, High Commissioner of the Council of Europe for Human Rights
2. Morning panels
  - a) What can we today learn from Korczak (members of the Korczak associations)
  - b) What is the Convention teaching us and what is the impact of international law on children's lives (members of the Committee on the Rights of the Child)



## II Part.

3. Keynote: Mr. Marek Michalak, Ombudsman for the Rights of the Child, Poland

4. Afternoon panels

a) Korczak's theory and practice with regard to participation (members of the Korczak associations)

b) What are the obligations the Convention formulates with regard to participation of children (members of the CRC)

### **Detailed concept:**

1a) One can say that Korczak's key issue is learning of the adult, mainly with regard to respect and dignity of the child and with regard to the fact that the child is an alien in relation to adults, a „hieroglyph”, as Korczak says. Each adult can and has to learn how to take the dignity of a child seriously. Thus we have to point out that in-depth thinking in this regard really is conducive to relationships in terms of the dignity of both, child and adult and this is a serious step against alienation of both. Thus Korczak's thinking deeply refers to intergenerational relationship and is in this regard societal and more than pedagogical thinking in any limited sense.

1 b) What is the inspiring potential of the Convention, what is the spirit of its Preamble and what are the general principles in the light of which all particular articles have to be understood and implemented? What does this spirit mean in terms of impact on professional life and experience in different fields of implementing the Convention? What does it mean that Governments have bound themselves by an international treaty and now are duty-bearers with regard to the children's rights, on the one hand, whereas at the same time all adults are addressed by the Convention, on the other hand? What does that mean with regard to advocacy and to practice at the grass-root level? What does it mean in relation with the legislation?

2 a) The key-issue in this panel is Korczak's concept of participation and his so-called constitutional pedagogy. He takes children seriously in combining compassion with institution building, and this concept refers in his case to residential care. He conceptualizes participation as going far beyond a concept understood as means of education. The dimensions of participation are „constitutional” referring to a comprehensive of children's republic. Participation comprises Korczak's concept listening to the child and real political participation in the sense of self-government at a specified „pedagogical place”.

2 b) Participation is regarded as a key issue within the Convention and as one of the four „general principles” of the Convention (in terms of the right of the child to be heard in all matters affecting him or her, Art. 12). Today this right is playing a broader role than in the time of the drafting process. How far does this concept go and what are the implications? It has, inter alia, special relevance for children in residential care. However, in contrast to Korczak's thinking and practice, residential care seems to be a means of last resort in the view of the Convention and of CRC members who prefer alternative care in foster or adoption families, if the original family is not able to take care of the child. The draft of the new „UN Guidelines for the Appropriate Use and Conditions of Alternative Care for Children”, which the General Assembly may adopt this year, does not specify children's participation in alternative care institutions. Can the model of children's self-government in Korczak's homes give directions? What is the message of the General Comment No 12 on Article 12 'The Right of the Child to be heard', which the Committee on the Rights of the Child will adopt soon, in this regard?

The said panels will be composed by either the members of the Committee on the Rights of the Child or by members of different Korczak Associations.

## HOW THE SEMINAR CAME ABOUT

*By Waltraut Kerber-Ganse*

The idea of organizing an International Seminar in the Polish Mission was born during the launching party for the third fully revised edition of the Legislative History of the Convention on the Rights of the Child, in June 2007.

The Deputy Ambassador of the Polish Mission in Geneva, Mr. Misztal, who was asked to refer to the Polish Initiative to draft the Convention on the Rights of the Child, as well referred to Janusz Korczak in his opening speech. It was the first time that I heard somebody speaking about Korczak within the sphere of the United Nations and I told Mr. Misztal how astonished I was about his words in the Palais des Nations. We discussed that I did not agree with his view that the Polish Government at that time wanted to popularize Korczak's view on children: thus we had with this controversy a challenging starting point for our co-operation.

Factually the famous human rights based Polish pedagogue and writer (1878-1942) got lost in the international debate on children's rights, as I found out in my research. May be that he is mentioned, but generally he is not known.

We decided at once to plan an International Seminar in the Polish Mission and to bring together the UN Committee on the Rights of the Child and those who are engaged in the challenging heritage of Korczak, namely members of different national Korczak Associations and as National Associations being members of the International Korczak Association. We planned this Seminar for 2008 but had to postpone it two times because of time constraints of decisive speakers on the one hand and Committee members on the other hand. Thus it finally took place on 6 June 2009.

Meanwhile we are looking for another Seminar in 2010, once more hosted by the Polish Mission. The Ambassador and Permanent Representative of the Republic of Poland to the United Nations Office at Geneva, Mr. Zdzislaw Rapacki, kindly invited us, both representatives of Korczak Associations and of the Committee, to be his guests for another meeting in 2010. The same time constraints are arising once more.

In preparing the first Seminar since 2007 I initiated an exchange of views on Korczak and his relevance for the today's debate on children's rights, addressed to those members of Korczak Associations expectedly taking part in the Seminar or having confirmed their participation in Geneva. I proposed to find a shared platform for those looking from a Korczak based point of view at children's rights today. My initial text was the following.

(Two members of Korczak Associations answered, Mr. Joop Berding and Ms. Cornelia Mueller)

But first I want to document the speech, Mr. Misztal had given at the Launching Party. This will be followed by the discussion among members of Korczak Associations.

## **Andrzej Misztal**

Former Deputy Permanent Representative of the Polish Mission in Geneva

(Speech on 11 June 2007)

It is the great honour and pleasure for me as the representative of Poland to participate today in this ceremony of launching of the Legislative History of the Convention on the Rights of the Child – the first such publication on any United Nations human rights treaty. I strongly believe that this two volume study will be very useful in the interpretation of the standards, norms and principles of the Convention and in strengthening their application all over the world. I would like to commend all those who contributed to this publication – the UN High Commissioner for Human Rights, the non-governmental organization Save the Children and in particular Ms. Simone Ek.

I am very proud to be here as it was Poland who initiated the Convention. It was at the beginning of 1978 that the Polish Government submitted a draft Convention to the UN Commission on Human Rights with a request to include the issue of a draft Convention on the CHR agenda. To date this has been the most significant international initiative undertaken by Poland in the field of human rights.

A contemporary concept of childhood was developed in the years between the two world wars. At its core is the conviction that the child is an autonomous person who has his or her own needs, interests and rights – she or he is not only an object of care and concern but also a subject whose interests and rights should be respected. The main exponent of this new concept of childhood was Dr. Janusz Korczak, doctor of medicine, writer, philosopher and educator. Although he had the opportunity to save his life he decided to remain instead with the children he was taking care till the very end and died with them in a gas chamber in the Nazi concentration camp of Treblinka in 1942. By submitting the first draft convention on the rights of the child the Polish Government wished to popularize (to promote) Dr. Korczak's concept of childhood throughout the world.

The Commission on Human Rights appointed a working group to work on the draft convention. The group was chaired by prof. Adam Łopatka, called very often the godfather of the Convention. The group applied the principle of adopting all conventions texts by consensus, worked in an atmosphere of mutual understanding and respect for different opinions. The entry into force of the Convention was achieved in just few months – it was a record for any human rights treaty. The near-universal ratification of the Convention reflects a global commitment to the principles of children's rights. By ratifying the Convention, governments state their intention to put this commitment into practice. I am sure that this publication will serve as a useful tool in all efforts aimed at the fullest and most universal implementation of the Convention's principles and norms.

**A Working Paper for Korczakians**  
**taking part in the International Seminar in Geneva on 6 June 2009**

(sent in January 2009)

**Waltraut Kerber-Ganse**

I would like to start writing the promised paper that should serve as a platform for all those participants in the International Seminar in Geneva who come from the Korczak world. Let me at first say this: I don't think that I should write this paper alone! I would rather appreciate that all of you contribute to this paper. Thus we would have an ongoing discussion concerning the role of the Korczak world with regard to the International Law world headed by the UN, both with regard to children's rights. Altogether being devoted to Korczak I indeed do think that one more or less should be able to have 'one tongue' to discuss with the Committee on the Rights of the Child, although not in a strictly speaking sense. Therefore I ask you to take part in a discussion that could clarify the positions to be acted out in Geneva and to find out the message that should be addressed to the Committee. Admittedly I would not have proposed this Seminar without having an idea what it should be about. But now – with more time for some preparation compared with September 2008 – I heartily invite you to contribute to this preparation by writing about your ideas and suggestions and by commenting the contributions of other Korczakians. By this way hopefully those who take part in the panels will be able to contact each other and to distribute their roles under the umbrella of a joint idea. Of course: the subject of the Seminar will be children's rights!

You know that I am used to talk with several members of the Committee because of since five years observing their work on behalf of the International Federation of Social Workers, a NGO that is working in about 80 countries. I can say that there are several members very much appreciating this Seminar and already having confirmed their interest and active participation. You will not be surprised that especially Eastern European members being very much interested. As well members of Africa, Latin America and Egypt assured me of their interest. I will meet them in January and once more get them on board in order to plan and prepare the future discussions. Since the High Commissioner for Human Rights will host this Seminar together with the Polish Mission I in fact do hope most of the members will take part although the date is not the most convenient one for them.

So far as I have learned there is one most relevant reason that Korczak got lost in the international debate on children's rights. His work was not translated to English (I am not quite sure how much into French) or more exactly: the first translation into English language was edited in 1967 in the United States and is more or less unknown in the sphere of children's rights activists. I read a lot of writings concerning the history of children's rights without any reference to Korczak!

Thus one needs a new translation and edition of at least selected works and one needs publicity for this. Meanwhile I had, together with Marta Ciesielsca in Warsaw, a talk with Thomas Hammarberg and he would support such translation although not financially but morally in his role as Commissioner for Human Rights of the European Council. I am myself very much impressed how he is devoted to Korczak and had been enlightened by him during the period of his active participation in the drafting of the Convention.

You will not wonder that I confess to still be convinced that one should learn from Korczak's thinking and practice. But I am as well convinced that one has to learn from the Convention. Thus one should be able to look at the Convention informed and taught by Korczak but vice versa: one should be able to look at Korczak informed and taught by the Convention! You know that the Convention is much broader and highly more differentiated than Korczak ever could have been! But we have to take into account that the Convention is an international treaty within international law and thus is addressed to State Parties. It describes obligations for Governments and additionally for society so far the State



has an impact on social life at all levels of society. Thus the Convention refers to self-commitments of States parties. Are you really convinced that these State parties could learn from Korczak? Why are you convinced? Or do you rather refer to society and to people 'as you and me' trying to respect the child in everyday life? How to broaden this insight today? Will reading Korczak and teaching about him really help for a deeper understanding of the child's human rights today?

You see there is a tension between Korczak and the Convention and we should seriously contribute that it be a productive one! Let me now shortly discuss what I am convinced of.

At first: everybody still can learn from Korczak. But what exactly? What to tell human rights diplomats and members of the UN Committee on the Rights of the Child besides historical references? Let me underscore that a reference just for historical reasons will be without relevance in this international child rights' community.

The Convention rather generally refers to the dignity of the child. But from Korczak we can learn what this dignity means, because he addresses himself to the adult in the well known for us challenging manner. He understands the thinking of adults as a deep and almost physically obvious problem of thinking in terms of hierarchy. He strikes on our disdain, distrust and resentment. He enters into a (fictive) dialogue with the adult and his feeling. Thus in order to make children's rights a meaningful reality and truth for adults in terms of a deep paradigm shift in attitudes and feelings one can learn a lot. And still a lot is to be learned!

It is this background that I proposed in my first outline about the program to be referred to in the first panel: 'What can we today personally learn from Korczak?' I had asked members of this panel to personally confess what had struck them and what they themselves learned by Korczak (and generally suppose one can furthermore learn by him). In analogy there will be a parallel panel of what personally can be learned by the Convention or was learned by a single member of the Committee.

With regard to the ongoing debate on children's rights there is a second very much striking subject in Korczak's thinking and practicing: these are the constitutional aspects of his thinking. He referred to himself as having become a 'constitutional teacher': "I declare that these few cases have been the nub of my training as a new 'constitutional' teacher who avoids maltreatment of children not because he

likes or loves them, but because there is a certain institution which protects them against the teacher's lawlessness, wilfulness and despotism".

I am convinced that these constitutional elements are the most striking ones in Korczak's human rights based thinking and especially worth of a touching message today. He did not develop a pedagogical system or anyhow systemized theory but instead a 'pedagogical theory of a given place', in this case, a place of residential care. Analysing the same for another place like school would mean that we would have to find out quite different constitutional elements. Thus the very new concept is the concept of constitution. And constitution is – in my mind – the key to participation in case of a children's collective. In case of the individual child we can refer to article 12 of the Convention and the child's right to be heard and to be taken seriously, e.g. in judicial and administrative proceedings. But the Convention does neither comparatively refer to the child being respected by the adult in his or her dignity in any situation of direct contact nor does it refer to constitutional elements of respect in case of children's collectives. Thus, both aspects are to be learned by Korczak.

The context of residential care is of high relevance for human rights' activists today. There are new Draft Guidelines about residential care just now circulating among States parties to be adopted by the UN General Assembly in fall 2009: But there are no constitutional aspects or democratic structures to be taken into account. This has something to do with the fact that quality criteria are a matter of the single State and not of the UN. But the mainstream of this paper generally refers to residential care as some kind of 'last resort': whenever possible it should be avoided and family, extended family, foster family or even adoption should be prioritized. The idea of self-government and its constitutional elements are not taken into account.

There is another important paper that hopefully will be adopted in January 2009. This is the new General Comment 12 on Article 12 of the Convention that will be issued by the Committee on the Rights of the Child. In one of its headlines it directly refers to Alternative Care and it mainly refers to procedural law of consulting the child and of monitoring the whole process. But there is in this Comment at least the idea of a representative council of the children that we don't find in the just mentioned UN Guidelines. Thus one could actualize what such a council might mean in terms of Korczak. In case that this paper would not be adopted in the up-coming session I would ask the chairperson for the allowance to send it to you, at least partially. Thus, one or the other Korczakian would be able to comment this Comment from a Korczak point of view.

Thus there could be a message from the Korczak point of view showing that the concept of residential care is worthwhile to be taken into account for a number of children, at least for adolescents because one may accept the challenge of constitutional elements in terms of high-level participation for youngsters in the sense of a consequent democratic institutionalization of self-government. But one should put such a message in the broader context of participation and not at once focus on residential care, - thus you will find the theme 'Participation' in the draft program.

Well, one has to look for a bridge to overcome the gap between Convention and Korczak. I am not quite sure whether my point of view might be a rather European one: The more it would be a challenge to learn what kind of messages people of other regions and continents might find in the writings of Korczak!

Finally one could show that Korczak stands for the moral substance of children's rights: but one has to accept and to learn, that as well the legislative side is a fundamental one! And this side will be represented by members of the Committee on the Rights of the Child.

## **Commentary and additions**

**by Joop Berding,**

**Dutch Korczak Association**

Date: February, 12 2009

1. The paper mailed to us by Waltraut on January 18, 2009 gives a fine exposition of the themes that are relevant for us as 'Korczakians'. (I don't particularly like this label, so from here I will refer to 'us'.) Waltraut starts from the observation that Korczak is rather marginal, looking at the debate on children's rights on an international political and policy level. This is I suppose in contrast with the way terms like 'the champion of the child' or 'the children's attorney' are used in scientific research and professional quarters to characterize Korczak and his impact on children's rights. And I also suppose that it differs from country to country, and from continent to continent. In Europe for instance two representatives of the Dutch Korczak Association, Theo Cappon and myself, are members of the Working Group on the Quality of Childhood that is hosted by a number of members of the European Parliament. That is, one might say, a 'political' fact with 'political' meaning.

Waltraut correctly observes that translations of Korczak's works (I have an American edition from 1967, 'Selected Works of Janusz Korczak', selected from Polish by Martin Wolins) were not received with much enthusiasm by children's right activists. But my question is: were there any children's activists at all in those days and what was the state of the general reception of Korczak way back then? We're talking about more than forty years ago! I think this situation has changed, in part on the general political level but certainly on a more practical and professional level. It would be far-fetched to say that Korczak's view is the dominant one, although I clearly see (in Holland anyway) some progress compared with say ten or fifteen years ago. The progress being that many novices in education (teachers, group leaders) now at least have heard Korczak's name, or read something by or about Korczak during their training.

2. When we look at the Convention on the Rights of the Child I think we can safely say that it encompasses – in another 'language' to be sure – many ideas and beliefs that belong to the core of Korczak's



constitutional educational 'philosophy'. In the first place, the fact that there is a Convention at all, i.e. a written, public statement on children's rights is consistent with Korczak's insight, and practice, that children must be protected against arbitrariness from the side of the educator, in the case of the Convention against the arbitrariness of the national state and those who act on its behalf. The fact that it is public is crucial.

Secondly, the well-known three P's of the Convention (protection, provisions, participation) are consistent with the way Korczak looked at the education and upbringing of children and youngsters. It is safe to say that Korczak is one of the founding fathers of the very idea of participation. But it is necessary to track back when, where and why he developed this concept at all. Because it was developed in a very specific social situation, i.e. the summer camp where Korczak worked as a novice in the 1900's. There, Korczak underwent a sort of Paulinian conversion when he found out that the pupils planned to fight each other with sticks and branches. He put an end to it there-and-then, and as he recalls in the part 'Summer Camps' of *How to Love a Child*, the next day he went to the woods with the children and started to talk with them instead of to them. I have always felt that the idea of participation was born then. It included a totally different attitude from Korczak as an educator toward the children. Educationally speaking, the concept of responsibility is of utmost importance here: Korczak abolished his attitude of disinterestedness and self-centeredness and accepted the responsibility for all children. He made clear in what relation he wanted to stand to his pupils. In other words, not until he clarified this relation, and positioned himself in relation to the children and had the children position themselves to each other, again in other words, not until he introduced the law of respect, was there an educational situation in any meaningful way. In the words of the French psychoanalyst Lacan we might say that Korczak broke through the 'imaginary' order and entered the 'symbolic' order that is the order of language and difference. I believe that Korczak's work in the orphanage, based upon a written and publicly communicated Constitution, is a direct outgrowth of this early insight of the conditions under which genuine education can take place.

3. I believe we must look beyond Korczak's concrete practices and experiments to see what is really the core of his 'philosophy'. Otherwise we will never be able to make clear what he has to say to us (this includes not only 'us', but also the professionals and policy makers on every level), and we will be held captive by the 'historical' figure. I am reminded here of a Kindergarten group leader who participated in a workshop with me and asked me whether it was useful to install a children's court in her group 4- and 5-year olds. Of course not. Because a children's court is only a 'form'. What is important is the idea behind it, and that is the idea of justice and respect. So the debate has to be how to install justice and respect in a group of children. Research shows that this is no luxury: four years ago a survey in Dutch Kindergarten groups showed that 80% of the children was either a victim or a doer of bullying, and pestering. Again, the point of the children's parliament in Korczak's orphanage was not to have a parliament, but to have children participate and contribute to the everyday life of the community. So group leaders in a centre for after school care might ask themselves; in what degree and in what way do we want children to have influence on what goes on here? Workers in residential or judicial care might ask the same question (and come up with a different answer).

I submit that my examples are on the executive, professional level. There is a lot of educational and other research that suggests that success in schools, day care groups, after school care etc. has directly to do with the level and the quality of information, communication, and participation. Unfortunately, many of our local and national policies are, at this moment, not at all motivated by this kind of educational considerations. They are mainly targeted and computed to prevent or downplay risks, to combat annoyance by youth in the public sphere, and to control the everyday lives of citizens. More and more we live in the imaginary order that I referred to earlier, in which we are tempted to 'label' everything. The mediatization that goes on in our present-day societies does not really help here, to say the least.

4. Summing this up and looking again at Waltraut's piece, I think and agree that the 'constitutional' view is the core of Korczak's outlook. Now Waltraut states that this is valid for residential care, and that there might be other elements when we look at other institutions. I believe however that 'consti-

tution' in relation to participation, and other aspects like communication, remain the same, no matter what institutions we are talking about. The task at hand is to find the adequate form, appropriate for the institution concerned.

5. There is a tendency towards juridization, which does not necessarily 'fit' with an educational view on children such as Korczak's. There is I suppose a tension between protection and the avoidance of risk on the one hand, and the educational 'fact' (or supposition) that a child wants to be a person himself or herself, on the other. Korczak of course warns against over-protection by adults who cannot control or hide their own fears and project them on their children (see *How to Love a Child*). But Korczak also points at the responsibility of the educator/teacher/... for 'his' or 'her' children. So when Waltraut on the last page states that 'the legislative side is a fundamental one', I say: yes, and the educational side also!

So far.

Joop Berding



## **Answer from Waltraut Kerber-Ganse**

(March 2009)

Dear Joop,

I am not quite sure whether you sent your comment on my working paper to the other participants. Should we enter into a further dialogue? Do you believe that there is enough enthusiasm so that we could share this dialogue with other participants? I still believe that one should find out whether there could be a more or less shared message. Thus I started with my paper. But now, once more, I have to apologize for not having answered in time. Because nobody else wrote any idea I would prefer to at first answer you in a rather private manner.

My question is not whether Korczak might be regarded as some kind of an early pioneer of children's rights or even as the very pioneer. My question is whether Korczak should be known in the official world of UN human rights and specifically children's rights debates and whether anything is to be learned from him today. Why should I intend to bring together those who are officially given the task of monitoring the Convention and those who are engaged in the legacy of Korczak? For me it is less a question of historical truth (what is, no doubt, essential) than a question of inspiration today. Therefore I hope that there might be some inspiration on both sides in terms of bridging a gap.

What do you think about this thesis: "Thus one should be able to look at the Convention informed and taught by Korczak but vice versa: one should be able to look at Korczak informed and taught by the Convention!" I myself learned to think in terms of the Convention independently of my interests in Korczak: thus the bridge is the challenging question for me.

But do we need a bridge?

I am convinced, that there is a lack of both: of a rights-based 'constitutional thinking' and of thinking in terms of the dignity of the child and of serious relationship in terms of honestly listening to the child. In this case the Convention is less inspiring than Korczak. Thus, this could be a bridge of convergence and mutual learning.

In my view Korczak did not think in terms of protection but in terms of being taken seriously and of active participation.

There is a lot to be discussed. How should we go on?

Thank you a lot,  
Waltraut

**Answer from Joop Berding  
in March 2009**

Dear Waltraut,

I quite agree with you that our first interest should not be historical truth (a slippery term anyway), but the topicality of Korczak's ideas in the 21st century. In my own publications and activities about Korczak I have always emphasised this point. Mainly because the professionals and students with whom I work do not have much affinity with history in general and are primarily interested in practical questions, like: What can I 'do' with Korczak in my group or class? This is not to say that I am indifferent to Korczak as a person and his history (far from it!), but it is not the primary focus to connect to (young) people today.

I also agree with your thesis: "Thus one should be able to look at the Convention informed and taught by Korczak but vice versa: one should be able to look at Korczak informed and taught by the Convention!" However, we should be aware that in a way the 'choice' we make for Korczak is not the choice other people make. Let me explain. A few weeks ago we had a discussion in our Board (of the Duth JK Association). One of the things we discussed was: What brings, and keeps us together? The conclusion was, of course, Korczak. Without the ideas, and inspiration etc of Korczak and the way we try to 'spread' and apply these there would be no "Korczak Association". So the focus of all our activities, publications etc was, and is Korczak. This does not mean that there is no inspiration 'outside' of Korczak: I myself am very much inspired by philosophers and educators like John Dewey and Hannah Arendt, and a number of others, but 'within' the Korczak Association this does not play any role (but it does in other associations, namely those who relate to Dewey, Arendt etc.). So my main point is: what 'we-as-Korczakians' find quite legitimate and even obligatory, may well be quite irrelevant to other people. This 'gap' can only be overcome if everybody is willing to listen to, and learn from the others.

That's why a caveat is in order: concepts like 'the dignity of the child', 'respect', 'participation', etc are by no means 'owned' by 'Korczakians'. They are also not to be found exclusively in Korczak's works. I think we should strive towards shared meanings and convictions as much as possible.

Finally,

Perhaps it is a good idea that you send your initial paper again to everybody, and with it my commentary, your reaction, and my rejoinder, and then everybody who wants to can 'jump in', and take part in this discussion.

Sincerely,

Joop

## Commentary

by **Cornelia Mueller (Germany)**.

May 5th 2009

First of all, I have to say that it was very inspiring for me reading the thoughts and ideas of Waltraut Kerber-Ganse and Joop Berding.

The core of Waltraut's commentary is the connection of the Convention and Korczak's ideas of Children Rights and how we can promote them. She suggested that we need a translation at least of selected works into English. I think, she is absolutely right with this – English is nowadays the main communication language. Of course, the financing question is very important. Concerning what should be translated it is very good to here that Friedhelm Beiner already offered his help. This brings me to one of Joop Berding's question: what is the core of Korczak's philosophy? What is important to us? What kind of picture do we have of him? What kind of picture do we want to promote? I questioned myself these because speaking with people I have heard very often that he was the men staying with the children until the very end. I think we should highlight his life and his philosophy more than his death.

Another question is to whom we want to address our efforts. To politicians? To teachers and educators? To the public? The translation will be very helpful to politicians as well as to teachers and educators. That's the professional side. But if we want teachers (or educators) to concern themselves with the philosophy of Janusz Korczak we need more than the translation. We need specific materials for them – at least this is my experience working with teachers here in Saxony. This material should have a reference to the syllabus and include some suggestions for examining his philosophy. Ideally we can collect material useful for teachers and educators in different countries although having different syllabuses. But I'm sure the core of the syllabuses is similar.

To promote Janusz Korczak in the public we should look also to other media. The internet is one of the main information media. As far as I know (nearly) every national Janusz Korczak Association has its own presentation in the World Wide Web. But if we want to promote the world wide operative Children Rights Convention in connection with Janusz Korczak we have to act and be represented as a world wide association. Batia Gilad campaigns already for a stronger cooperation between the several national associations. One tiny step would be just to have a link on every website to all the other associations. That gives us a more international image in the public. Maybe one day we should have one international website as the centre of all the national activities?!

That brings me to my last point. Just as Janusz Korczak who didn't only write but also act we ourselves should promote his philosophy by projects for example theatre plays, readings, exhibitions. I know there are already a lot of activities in every country. But with a stronger cooperation between each other we can import new projects. These activities can be addressed to a different clientele: children, pupils, youngsters, students, adults, professionals. Our main goal should be to keep the discussion on Janusz Korczak alive, and to be open to new point of views.

Cornelia Mueller

# KORCZAK

## OUR TEACHER ON THE RIGHTS OF THE CHILD

by Thomas Hammarberg

Janusz Korczak is remembered by many for the way his life ended but by some also for how he lived and what he said and wrote. UNESCO declared 1978-79 as the *Year of Korczak* to mark the centenary of his birth – this coincided with the UN Year of the Child. Some of his writings have been translated to other languages, there are Janusz Korczak societies in several countries and child rights activists refer often to his writings.

No doubt he had an influence when the UN Convention on the Rights of the Child was drafted in the nineteen-eighties. Still, his teaching deserves more attention. Korczak was one of those thinkers who was ahead of his time. Some of his ideas are still not fully understood and they are absolutely relevant in the work for children's rights today.

Janusz Korczak, whose original name was Henryk Goldszmit, was born in a Jewish, assimilated middle class family in Warsaw. His first years appear to have been happy, his father was a successful lawyer and there were no economic problems. This changed when Henryk was eleven and his father had a serious mental break down which ruined his family.

In spite of poverty he managed to write novels already in his early twenties and get them published. This was when he started using his pen name, Janusz Korczak. However, when concluding that "writing is only words, medicine is deeds", he focused on his medical studies. Already at this stage he became more and more committed to the fate of destitute children.

Soon after he qualified as a doctor he was enlisted in the Russian army during the Russo-Japanese war. As always, he was writing:

*War is an abomination. Especially because no one reports how many children are hungry, ill treated, and left without protection. Before a nation goes to war it should stop to think of the innocent children who will be injured, killed, or orphaned. No cause, no war is worth depriving children of their natural right to happiness. One must think first of the child before making revolutions.*

From 1904, he acted regularly as supervisor at summer camps for poor children. He focused increasingly on child psychology and pedagogy. While spending more time on teaching and giving lectures, he continued his medical practice. He was known to demand high fees from wealthy patients and treat the poor free of charge.

At the age of 34 he was asked to become director of a Jewish orphanage - a position he would keep until his last day. As a doctor he cared for their physical well-being, weighed and measured them and gave them medicine. Seeing that the deeper wounds related to broken families, poverty and other social ills, he redefined the very concept of health care. There, he would develop his talents as medical doctor, teacher but also as author and therapist to support children and promote their rights.

He saw the importance of child-friendly learning methods, arguing that ethics was more important than pure facts. He introduced a democratic spirit in the orphanage in which the children themselves had a say in the decisions – but also had to carry the burden to ensure that decisions were enforced. This "children's republic" had a parliament and a newspaper.

Most well-known is his experiment with a system of justice. A constitution was written in the orphanage and a court established among the children to deal with alleged injustices. Also Korczak himself

was charged a couple of times for mistakes. The punishments after these trials were regularly to ask for forgiveness and be excused.

With an extra-ordinary capacity to listen and relate, Korczak had entered into a life-long study of children's reactions, emotions and behaviour. He filled his notebooks with observations, reflected upon them and formulated aphorisms addressed to parents and other adults, many of them in poetic form. He became an interpreter between the world of children and the grown-ups.

During a wave of anti-Semitism in Poland he was dismissed from the radio after several years as the popular "Old Doctor" – answering questions from listeners. His colleagues at the broadcast station wrote a letter of protest in which they described how he could "talk with children as they were adults and with adults as if they were children". His books for children, and not least *King Matt the First*, are indeed demanding and do not hide conflicts and sorrow – in this being similar to the later writings of Astrid Lindgren. Korczak's messages to adults are written with a great portion of child-like clarity.

He became the first and most radical campaigner for children's rights. When reading the Declaration of the Rights of the Child adopted by the League of Nations 1924 he was disappointed. It was not clear enough, it was begging rather than insisting. He wanted rights - not charity – and rights now, not in the far future:

*Children are not the people of tomorrow, but are people of today.  
They have a right to be taken seriously,  
And to be treated with tenderness and respect.  
They should be allowed to grow into  
Whoever they were meant to be –  
'The unknown person' inside each of them  
is our hope for the future.*

For Korczak two rights were particularly important: the right to receive love and the right to respect. He developed these in two longer texts for parents and teachers. How to Love a Child was prepared on the battlefields of World War I and *The Child's Right to Respect* written in the nineteen-twenties.

Korczak pleaded for equality between children and adults:

*People speak of the old with weighty respect.  
They speak of the child patronizingly and condescendingly.  
This is wrong, for the child too deserves respect.  
He is still small, weak.  
He does not know much, he cannot do much as yet.  
But his future – what he will be when he grows up  
commands us to respect him as we respect the old.*

Many children react against adult hypocrisy towards them. This is how Korczak formulated this feeling – while in language identifying himself with the grown-ups (using "we") but in substance standing on the side of children:

*We do not like it when children criticize us.  
They are not permitted to notice our mistakes, our absurdities.  
We appear before them in the garb of perfection.  
We play with children using marked cards.  
We win against the low cards of childhood  
with the aces of adulthood.*

*Cheaters that we are, we shuffle the cards  
in such a way that we deal ourselves everything.*

Korczak worked in the worst of circumstances and experienced how immensely important it was that at least some adults treated the child with respect and love. Abuse caused deep scars:

There are many terrible things in this world, but the worst is when a child is afraid of his father, mother or teacher.

Korczak dared to use the word “love” and did so repeatedly. But he was not sentimental – not even towards children. His education was not a laissez-faire approach, he pleaded for rights with responsibilities. In the orphanage each child had a task. He argued against too much protection, children should also have the right to learn from experience, they must be able to test and even to take the risk of harming themselves.

Many of the points Korczak made are about respecting the integrity of the child. He argued that the child must have the right to have secrets – reading a diary without permission is wrong. Another right he proposed – probably surprising to some – was the child’s right to respect for own possessions and budget. Even if he or she owns almost nothing, it is important that the ownership of these few belongings is respected.

The 1979 *Year of the Child* was followed by the drafting of a United Nations Convention on the Rights of the Child. Korczak’s thinking played a role – I know this for certain as I took part in the process.

The final text was adopted by the General Assembly in 1989. Now more than twenty years have passed and it is time to take stock again – in the spirit of Janusz Korczak.



## OPENING

*Batia Gilad*

Excellency,  
Ladies and gentlemen,  
Dear friends from the Committee,  
Dear friends from Korczak-Associations who have come for this event from different countries,

I want to thank his Excellency, Ambassador Rapacki, Permanent Representative of Poland, in the name of all participants for hosting this International Seminar and for inviting all participants all over the day and to a reception in the evening.

I want to thank the Office of the High Commissioner for Human Rights for accompanying the initiative with sympathy.

I want to thank our three speakers for coming, contributing and sharing their insights into the work of Janusz Korczak and thus taking a crucial role with regard to the outcome of today. These speakers are:

**Thomas Hammarberg**, the Commissioner for Human Rights of the Council of Europe, **Marek Michalak**, the Polish Ombudsman for the Rights of the Child and **Peter Newell** who will lecture on Violence against Children, within the series of five Korczak-lectures created as a cycle by Thomas Hammarberg.



I want to thank all panellists for contributing from different points of views to one common subject: the human rights of the child. And of course I want to thank all those who will actively take part in the audience and, last but not least, all those who helped to organize the whole event and this was the Deputy Ambassador, **Andrzej Misztal** together with his staff.

We will today try to build a bridge over a remarkable gap: between the **Convention** and **Janusz Korczak**, the Polish medical doctor, pedagogue, pedagogical practitioner, novelist and author of a huge work. The Convention was drafted **as if** this pioneer of child rights had not existed. He had – being born in 1878 or 79 (his father did not take care of birth registration) – a very clear conception of child rights – an even provocative conception of the child as a rights holder, a conception that still today, almost a hundred years later, stimulates researchers and practitioners to pick up his ideas and to further develop its implications. The Korczak Associations have the leading role in this endeavour.

Janusz Korczak knew the Geneva Declaration on the Rights of the Child. He did not know the author, Eglantyne Jebb. She, herself a pioneer of children's rights, does not seem to have known of Korczak. But the name of Eglantyne Jebb is still highlighted in the international debate on children's rights as the author – rather hidden – behind the Geneva declaration.

The name of Janusz Korczak, however, seems to be forgotten in the international debate on children's rights. This does not do justice to his seminal work. This seminar today wants to change this situation.

We will try to relate Korczak's pedagogical work to the Convention, and we will look at his work from the perspective of the Convention.

I am convinced that we still can learn from Korczak, even in the 21 century. I am as well convinced that we even will be able to learn from the Convention to get a new view of the impact Korczak still has and should have in future. Thus there is a chance to broaden the perspective on Korczak **and** the Convention.



**„A NEW GENERATION IS GROWING UP,  
A NEW GENERATION IS RISING.  
THEY HAVE THEIR FAULTS AND VIRTUES.  
GIVE THEM THE CONDITIONS TO GROW UP TO BE BETTER”.**

*by Batia Gilad*

Janusz Korczak/ The Child's right to Respect/Collected Writings, Vol. 1/p. 370

I would like to begin with congratulations to Dr. Waltraud Kerber-Ganse, who despite all the problems managed to bring this seminar about, Thank You!

Thanks to Mr. Zdislaw Rapacki – Ambassador – Permanent Representative of the Republic of Poland to the UN office at Geneva, to Mr. Thomas Hammarberg -the UN High Commissioner on the Human Rights, to Mr. Marek Michalak – The Ombudsman for the rights of the Child in Poland, who accepted the initiative .

Thanks to all those who came here because they believe that the legacy of Korczak is important to be discussed during the UN meeting on the Human Rights and every other day.

Dear Korczakians,

This is the start of cooperation between bodies whose professed aim is to care for people – for children. This cooperation is likely to lead other bodies to join and with combined forces they will disseminate Korczak's educational legacy.

To those sitting here in the hall it is clear why Korczak.

All of us gathered here are enthralled by Korczak's approach – we read his writings, distribute them and translate them into various languages (we are still looking for a way to translate them into English, the most widely spoken language in the world), and disseminate the ideas underlying his approach. But there is a question – which was raised by members before the seminar, about how to explain the relevance of the approach which was written and tried out more than seventy years ago to the conditions of the twenty-first century. What does this approach have to offer, to what deficiencies does it provide an answer, and why is it right and proper to adopt them today as well?

From an examination of and familiarity with educational systems and current educational approaches, it seems that emphasis is placed mainly on achievement and excellence. Values and education have been forgotten on the way. Educational systems, so it seems, deal mainly with practices that can be measured quantitatively and have neglected what Korczak saw as the charting of the way – educational ideology.

„We are parting from you as you set out on a long and extensive journey, this journey whose name is the journey of life.

We have many times thought about how to part from you, what advice to give; regretfully the words are meager and weak.

We give you nothing. We don't give you God – for you have to discover Him within your souls in a solitary struggle. We don't give you a homeland, because you have to find it yourselves through emotional effort. We don't give you the love of humankind, because there is no love without forgiveness, and forgiveness is obtained through labor that each person willingly takes upon himself. We give you one thing – the longing for a better life that doesn't exist but will exist sometime in the future, a life of truth and justice. Perhaps this longing will lead you to God, to a homeland and to love.” Korczak

Can we today point at a value-based educational ideology that guides the educational systems? Yes, the child has been placed at the center, but how? Does being child-centered mean that everything

is permitted, that he/she deserves everything, that there are no limits? And what of the parents, who mainly „buy” their children and forget to relate to them and their needs, forget to listen to them? The way is not reexamined on the moral and values level. They express themselves in slogans, create the illusion of an educational path, but what is happening in reality?

I hope that the discussions here today will lead us to search and find a way in which we can arouse the educational frameworks in the different countries, to return to thinking about education ideologically, to think about the child who has rights, but alongside them has obligations, and to wake up and train the educational staff not only on the professional level but mainly on the moral, value-oriented educational level.

I expect to have a seminar next year too around the time of the UN session on children’s rights in the world, and we will make this a tradition of discussions about the relevance of Korczak from a practical feasible view.

I wish us all enjoyable, erudite and beneficial discussions.

Batia Gilad  
Chairperson  
The International Janusz Korczak Association

Geneva 6.6.2009



# THE RELEVANCE OF KORCZAK AND STEFA'S LEGACY TODAY

*by Batia Gilad*

In my speech I would like to present the example of a small school in the center of Israel whose professed goal is to instill Korczak's educational approach in daily life, through perceiving the needs of children and adults in day to day life. The creation of a value-based educational atmosphere which respects all the partners and involves them in the processes. The partners are: the students, the teachers, the parents, the local authority and the Ministry of Education. It is not easy to find the way for them all to get along together peacefully. Nevertheless.

About six years ago a new principal arrived at the school. The school was losing students, and the teachers had been there for a long time and were tired. The instructions the principal received were to make changes, replace and succeed. The principal, who was a student of Prof. Sachs, adopted the Korczak approach to assist her.

In a conversation with the teachers of the school I heard the following: „When she arrived, we didn't know what she wanted from us, what she was bothering us about, why she was taking Korczak out of moth balls. Korczak is identified with the Holocaust, with tragedy, with the educator who went all the way with his students. He worked in different times, in a different place, under different conditions. With what could he help us today?”

Six years later, the teachers have changed their tune. The number of students in the school has increased by 100%, the tired and worn out teachers have become leaders of the new way. They have regained the joy of education and teaching, involvement and concern. They initiate, formulate ideas, and mainly learn. And the students? The school has become their home. They care, they also initiate, are leaders and involved, and come to the principal every day with new initiatives in the spirit of Korczak. From an indifferent and critical group, the parents have become partners in the way and also the local authority and the Ministry of Education.

How did it happen?

First of all, the principal introduced the staff to Korczak's writings, carefully, with a low dosage, and thus at first they together selected one value which they decided to implement. After the success of the first attempt, they became the ones who pushed to continue, add and do.

What did they do?

1. They decided that it was impossible to accept the words as they were written. They had to be adapted to present circumstances. Consequently, they decided on the guiding principle which is: adapting the ideas to the circumstances. The quote „We don't give recipes; we try and search, but don't move far from reality” (Korczak). This is not easy. Examination and internal discussion take place constantly, not only at arranged meetings but also during chance conversations, recesses and discussions after every event.
2. Analysis of existing circumstances in the educational system today. Seeking out and examining the things that bother us. Where don't we achieve what we would like there to be?

- A lack of respect
- Conflicting messages
- A lack of social and national security
- Changes
- Breakdown of the family unit
- Achievement as a prime goal and value
- Others



How do we cope with all the above?

3. Principles and relevant ideas from Korczak's writings.

- Values – „Respect for the child's rights is not permissive. It is important to establish clear limits and prohibitions to ensure an orderly life.”
- Combining conflicting values
- Freedom versus commitment
- The individual versus society
- Dialogue and listening versus clear regulations
- Reality versus imagination

4. Educational conditions – „Each child and his world – each child and his sounds, but each one also contains a human light, which is exposed and discovered under easy educational conditions.” (Korczak)

5. Order and organization – „It is important to define clear limits and prohibitions to ensure an orderly life.”

This can be achieved through a flexible arrangement of time:

# A flexible timetable which includes elective lessons, a lesson for school gatherings, a lesson for goals, a lesson for children, a lesson for tutoring.

6. Cooperation and responsibility – „I am not here to be liked but to function by myself, to love by myself. My environment is not obliged to help me. The mission of worrying about the world and people is entrusted to me.”

This can be achieved through including the students in the thinking and doing – a school discussion, a process for setting personal goals, a children's lesson – children teach children, students lead.

7. Coping – „To consider each small achievement as something worth living for and not to hope for lofty achievements so as not to despair if they are not achieved.”

This can be achieved through students and teachers learning together: school discussion, individual lessons, elective lessons, presentation of projects.

The conclusion is that it is necessary to have a support framework because:

„Listening creates the shared basis for the two who are meeting to talk.”

„True acceptance of the children instills confidence, an ongoing dialogue with the child.”

„A warm mother and a caring father are generally better pedagogues than certified psychology.”

All this will be achieved if a number of conditions exist, which were introduced in Avihail School:

**Positive reinforcement** – „To consider each small achievement as something worth living for, and not to hope for lofty achievements so as not to despair if they are not achieved.”

**Tutoring** – Tutoring by teachers as selected by the students, tutoring by students in other classes, tutoring in kindergartens

**Diagnosis amenable to change** – „I have read interesting books, now I am reading interesting children. Don't say 'I already know'. I read the same child one, twice, three times, ten times, and after all that I don't know much.”

**Expression of knowledge through teaching** – „I want to know, and will know, and will know well, and everything precisely, thoroughly. I will work and do everything myself, and then I will teach others.” In other words, I don't only learn, but I show others, share with them.

**Combination of contents in learning** – „We will establish a school in which the students won't learn lifeless letters on lifeless paper. They will learn through the life of human beings.”

**Individual – society** – At a time when everyone sees only himself/herself, it is the job of the educational system to create civic commitment. Korczak tested his graduates to see whether they had

indications of good citizenship or not. This is even expressed in the farewell postcards – in the sociometric test. Because, as Korczak says, the individual will become empowered, will grow and develop only in the social framework. It is correct to examine the children's social frameworks today, vis-à-vis the television, the computer, the various Ipods, and musicians – everyone for himself and in his own world.

One child – is a large and extensive world.

Two children – are three worlds; the world of each separate child and that of both of them together. How many worlds are there in three children?

Three children – seven worlds...

Four children – fifteen worlds...

In conclusion I will say that in Israel we succeeded in 'infiltrating' the Ministry of Education and despite the change in government and ministers, we are continuing with two projects that we will attempt to transfer to the international level. Both of them cope with the insertion of Korczak's approach into the educational system:

1. A Korczak educational lexicon that brings together the basic concepts of Korczak's educational approach and adapts it to present circumstances. This lexicon will be given to all the teachers in Israel after a suitable training activity. We are talking about 150,000 teachers.
2. A Teacher's Day that will be devoted to the empowerment of teachers who will implement Korczak's approach in their work.

Batia Gilad

Chairperson IKA

Geneva 6.6.2009

## PARTICIPATION IN THE SYSTEM OF JANUSZ KORCZAK

*by Gérard Kahn*

Korczak was a practitioner. Together with Stefanja Wilczinska and Maryna Falska he organised the life within the two orphanages. He did this with the participation of the children – he had to do this because without help of the children he couldn't have organised the life for so many children. But this is only one side of the medal. On the other hand he trusted the children, that they could be responsible for themselves: Each child had a drawer for his belongings. Educators or other children weren't allowed, to look into these drawers. All children participated – so far as they were able to - at the daily works in the house (household, cleaning). In this times – and probably also in ours – his efforts to respect children were and are revolutionary. In Korczaks sense children and adults are of equal value. So every child had the possibility to go to the court and to complain about other children or about adults. Children-judges judged about the cases. When new children arrived in the orphanage, older children helped them to find their way into the house – they introduced them into the does and don'ts.

But what can we learn today from this? It is not the form of the participation that makes the difference, it is the attitude behind the action. Not the fact that there is a court from children for children makes an organisation a participative one. Participation gets real when we respect children as partners. That means that we should listen to the children when we create our and their world. This begins with very little things at home, continues with more important matters on a local, regional, national or international scale. As father I know how difficult it is to respect children when they don't act like we think they should. But this is the very point: Korczak reminds us that the world doesn't consist of our thoughts, and that there is another view of the world which is also right. With this much more is achieved than with pseudo-participative structures of us adults or: apart from the structures the lived attitude of respect towards the child is needed.



# **PARTICIPATION VIEWS AND EXPERIENCES OF A FORMER JUDGE**

*Jean Zermatten\**

My presentation will cover three issues

In Juvenile Justice, the participative approach or the “negotiated justice”

) in family matters: the risks of manipulation and the responsibility of the adults

The right to be heard, as an instrument for establishing the best interests of the child, offender, victim, witness or affected by a decision.

## **Negotiated Justice**

As stated in par. 12 of the GC nr 10 on “The Right of the child in Juvenile Justice”, the right of the child to express his/her views freely in all matters affecting the child should be fully respected and implemented throughout every stage of the process of juvenile justice. Furthermore, the Committee notes that the voices of children involved in the juvenile justice system are increasingly becoming a powerful force for improvements and reform, and for the fulfilment of their rights.

It is obvious that for a child alleged as, accused of, or recognized as having infringed the penal law, the right to be heard is fundamental for a fair trial. It is equally obvious that the child has the right to be heard directly and not only through a representative or an appropriate body if it is in her/his best interests.

This truism conducts me to deal here with another issue: what I call the negotiated justice. What is the meaning of these words? For me it's the consequence of the right of the child to be heard in the judicial procedures. And it's the contrary of the traditional Justice that, traditionnaly, is «imposed». Concretely, in the normal justice system, the sentence is not discussed, but it's decided by the judge, or the court, and must respect the two main penal principles : responsibility and proportionality.

In the Juvenile Justice system, as I practiced it during more than 30 years, the decision is prepared and is not taken at a glance; it's content, form, timing has been discussed and prepared. Strange, no?

Not completely, if you understand that the objectives of JJ are not to punish or to repress, but above all to rehabilitate and to reintegrate. So the principles of the penal law are not forgotten (legality, responsibility and proportionality) but are not the priorities.

The priority is to find a decision that will suit with the personal, familiar, social situation of the child offender. If we speak of proportionality, the judge has to look for a double proportionality: with the offense, and with the offender ; it's the reason why, after the investigation on the act (legality), the judge will investigate on the personal circumstances of the young offender and will, discuss with social workers, psychologists, educators on the possible solutions in order to achieve the objectives of reinsertion (and not specifically of general prevention with a severe punishment).

At this stage and before to go to court for adjudication, the persons involved in the case (child, parents, social workers, psychlogisits...) have discussed about the possible solutions for the child;

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\* Vice-Chairperson of the UN Committee for the Rights of the Child, Director of IDE ([www.childsri-ghts.org](http://www.childsri-ghts.org)).

not only just one solution, but many possibilities... Sometimes, the solution which seems appropriate will be tested (temporary placement in a foster care, or in a institution...) in the forms of provisional measure.

It's not so easy to understand and many people, including police officers, and other professionals, are resistant to this new idea : to prepare the decisions with the child, the parents, the professionals in charge of the case.

But to come back to the principle of responsibility, it would be illogic and unjust to recognize the possibility to judge the child offender, and to send him/her to jail, but not to recognize his/her capacity to express his/her view on the solution !

In other words, the child should be given the opportunity to express his/her views concerning the (alternative) measures that may be imposed, and the specific wishes or preferences he/she may have in this regard should be given due weight. Alleging that the child is criminally responsible implies that he/she should be competent and able to effectively participate in the decisions regarding the most appropriate response to allegations of his/her infringement of the penal law.

What we are looking for, is the Adhesion: if the child in conflict with the law adheres at the solution, one can say that the effectiveness of the measure will be guaranteed. When we count only of the deterrent effect of the sanction, we will be very disappointed, because there is a important risk that the child will not understand the sense and goals of the sentence, will run away, become violent, and the parents risk also to be against the form chosen by the judge without consultation.

Negotiation means : to explain the problem, to seek for solutions, to present the different possibilities, to evaluate the advantages /disadvantages of the different solutions and to choose the solution that seems in the interests of the child in conflict with the law, as well as with the interests of society to public security, and to the reintegration of the child.

I always used this method, when I had to decide on placements, or on therapeutical treatments, or a foster care measures. These examples are clear; but, we can think on the involvement of the child offender in others situations, and in alternatives answers.....

To summarize: the child is no more a spectator expecting a decision from a magistrate or a judge; but he is an actor of the decision. It's what I call the negotiated justice or the "participative approach" which conducts the child to accept the decision.

It's clear that in the term adhesion, there are different levels of acceptation; often the juvenile denies the problems, or don't want to discuss solutions, or is absolutely reluctant. The help of the parents or of the lawyers (advocate) is crucial. They can support in a very consequent manner the task of the judge and this process of asking the child to express his/her views ; sometimes, we just need to explain what we are doing, on for which purposes, or to demonstrate the method, to convince the child to become more collaborative.

It goes without saying that the judge involved is responsible for taking the decisions. But to treat the child as a passive object does not recognize his/her rights and does not contribute to an effective response to his/her behaviour. My experience shows that an active engagement of the child in this implementation will, in most cases, contribute to a positive result

And finally, negotiated will not mean the smallest common denominator; it's not a mandatory consensus. The negotiated justice has also limits: the results of the investigation made on the personal situation of the child will impose sometimes difficult decisions, and the obligation to respect the

public security when a very severe crime has been committed obliges to take strong decisions, where the views of the child have only short space.

The use of the negotiation in justice has a big advantage on the imposed justice; but it needs a lot of time and very specialized judges. The current policy in various countries of Europe are not in line with this idea, since they are looking for immediate answer, for more repression and for zero tolerance...!

In family matters: risks of manipulation and the responsibility of the adults

In cases of separation and divorce, children are systematically and directly affected by decisions of the courts, even if they are not “parties” to the proceedings, *stricto sensu*. Issues of maintenance for the child as well as custody and access are determined by the judge either at trial or by bilateral agreement under control of a lawyer. And the ideal to achieve is to respect the best interest of the child. In Western Europe, all countries have adopted legislation on separation and divorce that include the right of the child to be heard in these proceedings.

First question: the novelty in many of these cases, is the manipulation of the children, the false allegations of children under pressure of their parents, the absence of freedom of speech, and the use of children in the divorce’ and separation’s cases.

In these cases, we often have to designate a representative for the young child, or for a child who chooses not to be heard personally. This representative can be a lawyer or another person “*de confiance*” (social worker). In fact, there are risks of a conflict of interest between the child and parent(s). If the hearing of the child is undertaken through a representative, it is of utmost importance that the child’s views are transmitted correctly to the decision maker by the representative. The method chosen should be determined by the child (or by the appropriate authority as necessary) according to her/his particular situation. Representatives must have sufficient knowledge and understanding of the various aspects of the decision-making process and experiences in working with children.

The representative must not forget that he represents the interests of the child and not the interests of other persons (parents), institutions or bodies (e.g. residential home, administration, society).

Second question: the negative consequences of bad practices of this right to be heard, particularly in cases involving very young children, or where the child has been a victim of a criminal offence, sexual abuse, violence or other forms of mistreatment. Here the training of the judges or of the police officers is crucial. Training on article 12, and its application in practice, for all professionals working with, and for children, including lawyers, judges, police, social workers, community workers, psychologists, care-givers, residential and prison officers, teachers at all levels of the educational system, medical doctors, nurses and other health professionals, and even religious leaders.

And we must take all necessary measures to ensure that the right to be heard does not negatively affect the protection of the child.

Evidently, we would have to speak here about the age for hearing a child, about the how to listen to him/her, the possibility of protection, the number of times to hear him/her, the use of audio, video devices and what the judge will do with the views of the child.

What we must avoid: to reponsabilize the child, when we ask him to express his/her views, there are many possibilities to ask the bad question, or to ask the child to choose. The fact to choose must remain in the hands of the decision makers, and not abandoned in the hands of the children.

For me the responsibility of the adult is engaged every time that a child is heard on the views he/she has on a matter affecting him/her. If a child says or the truth or lies is very much dependent of the way of hearing him/her, or suggesting him/her the answers.

Third question:

But the adult has another responsibility : what to do with the views of the child ? One thing is to use it to make the decisions. In another is how to help the child after the hearing, when it's obvious that the child suffers... The fact to express a view in court is generally not neutral and can affect seriously the child. The decision makers, the psychologists, the social workers, the parents, have to keep in mind the effects of this process and the necessity to provide the child not only the protection, but if necessary with psychological / mental care

The right of the child is also linked to the right to be informed about issues such as availability of health, psychological and social services

Fourth question: Since the child enjoys the right that her/his views are given due weight, the decision maker has to inform the child of the outcome of the process and explain how her/his views were considered. The feedback is a guarantee that the views of the child are not only heard as a formality, but are taken seriously.

### III. Article 12 and article 3

Just a few words on the link between art 3 and art 12, or the fact that art. 12 helps the decisions makers to take their decision under the criterion of "best interests", or in other word that art 12 is an instrument for establishing the best interests of the child, offender, victim, witness or affected by a decision .

The purpose of article 3 is to ensure that in all actions undertaken concerning children, by a public or private welfare institution, courts, administrative authorities or legislative bodies, the best interests of the child is a primary consideration. It means that every action taken on behalf of the child has to respect the best interests of the child. The best interests of the child is similar to a procedural right that obliges States parties to introduce steps into the action process to ensure that the best interests of the child are taken into consideration. The Convention obliges State party to assure that those responsible for these actions hear the child, if she/he is capable of forming and communicating her/his views in matters that affect her or him. This step is mandatory.

The best interests of the child established in consultation with the child is not the only factor to be considered in the actions of institutions, authorities and administration, but has a crucial importance, however.

For me there is no tension between article 3 and article 12, only a complementary role of the two general principles:

# **PARTICIPATION, CITIZENSHIP AND COMMUNITY. JANUSZ KORCZAK'S RADICAL VIEW**

*by Dr. Joop Berding*

*Presentation at the International Seminar: "The Polish Jewish Pioneer on Children's Human Rights, Janusz Korczak (1879-1942) and the Today's Convention on the Rights of the Child as International Law". Geneva, June 6, 2009.*

## **Introduction**

During one of the training sessions I organize for group-leaders in day-care centers I sensed much sympathy for Janusz Korczak, his ideas and his connectedness to children. Many were impressed by the facts of his life, and the sad way it ended in August 1942. There was admiration for the way in which Korczak not only talked about education but also put his ideas into practice. But at the end of the workshop one of the participants asked me, Do I really have to organize a children's court in my group 4-year olds? This was a serious question, and nevertheless I wondered if I had succeeded in transmitting what really motivated Korczak when he himself installed the children's court in his orphanage and wrote the Constitution. Because what motivated Korczak was not all about the 'form' of the court, it was about 'content', and the content, for him, was justice. And justice is a very relevant issue for a group 4-year olds when we learn from research that 80% of them is either a doer or a victim of bullying. Justice, and the permanent strife for it and arguing about it, was one of the key motivators for Korczak in his life both as a physician and as an educator. And he would hardly have understood the question put to me, Do I really have to organize a children's court in my group 4-year olds? Because for Korczak any imitation, of him, or of his 'style' in bringing up children, was anathema. He said:

'Be true to yourself, seek your own road. Learn to know yourself before you attempt to learn to know the children. You should realize what you are capable of before you begin to bring home to the children the scope of their rights and duties. Of them all, you yourself are the child, whom you must learn to know, rear, and above all, enlighten' (Korczak 1967, 248).

## **To become an educator**

No one can really teach someone else what it means to be an educator (cp. Berding 2004). Korczak himself went to a painful process to discover this, and significantly this was almost ten years before he went to work as the director of the children's orphanage Dom Sierot in Warsaw in 1912. For in 1904 he went along as a group leader in one of the summer-camps for proletarian children from Warsaw who went to the country-side for a number of weeks. As Korczak describes in detail, everything that might go wrong actually did go wrong. In his *naïveté*, Korczak was hardly prepared for what it meant to be in charge of a group of around 30 children. He wanted the trip and the subsequent holiday to be a pleasant occasion – for *him!* He brought some fireworks, a gramophone, and some toys, and did not make any special arrangements, trusting that everything would run smoothly. He wrote: 'In the naive belief that it was all very easy, I was captivated by the charm of the assignment ahead of me' (Korczak 1967, 333). He hadn't imagined that it took authority, order and structure, and especially anticipation to have a group of children and educators live together in an acceptable fashion. The trip to the country outside Warsaw, which knew several stages – by train, cart and horse, and on foot-, turned into chaos. Children jumped out of the train, fought and cried, and overwhelmed Korczak with their worries, homesickness, questions and problems. Then, arriving at the camp, it seemed that Korczak still hadn't learned, for when the children were asked to change into their summerclothes, chaos augmented. Still, things got worse: 'How should the children be seated at the table? I had not

anticipated this problem either. I decided hastily at the last moment, in conformity with the paramount principle of freedom, to let them sit as they liked', Korczak reflected (*idem*, 339). The effect however of this 'principle' was that children constantly changed seats, which hampered the educator to recognize them. At the end of that day, when Korczak made his final –and wrong– estimation, letting the children pick their own bed in the dormitory, he '... was vaguely conscious of the defeats but too dumbfounded to be able to look for the sources' (*idem*, 340). A bad night followed, and contemplating what happened that day, Korczak came to the conclusion that in spite of his knowledge of child psychology, he was at a loss. He didn't have the faintest idea how to get through the month that lay ahead. During the night the children fought again, and Korczak feelings were hurt, as he described: 'So that was their response to my kindness, zeal, effort. (...) The crystal edifice of my dreams had come toppling down' (*idem*, 343).

Gradually, Korczak began to understand what went wrong. He reflected on his own need of a happy holiday, and began to see how his own lack of seriousness has influenced the process within the group. Some days later, there was a real crisis: at night some boys gathered sticks to have a fight. And now Korczak abandoned his 'sentimental' attitude, took the sticks away, and announced that they would talk the next day. This was a decisive moment in the relation between the educator and the children, for as it turned out the next day: '... during a get-together in the forest, for the first time I spoke not to the children but with the children. I spoke not of what I would like them to be, but of what they would like to and could be. Perhaps then, for the first time, I found out that one could learn a great deal from children; that they make, and have every right to make demands, conditions, reservations' (*idem*, 345). Instead of lecturing children, he invited them participate in the common tasks: keeping the woods free of litter, stop noise at the meals, organize baths and outings. Now Korczak developed a first sensitivity of children's individual differences. The following year at the new summercamp, he displayed a fundamentally different attitude. First of all, he learned all the children's name by heart, so that he could address them in a personal way. Second, he made notes about everything that was interesting in the children. These observations became his 'material', much like a librarian rummages through a newly arrived pile of books (*idem*, 355). Furthermore, he didn't give the children unlimited freedom, but took the lead in the organization of the group. For instance, he collected the postcards that the children wanted to send home, he took care of the money, he asked older children to help him. When a younger child cried, he send a boy to console him, '... he would do it better than I, and anyway a few tears do no harm' (*idem*, 356).

Everything depended now on organization, foresight, observation, and involving the group as a whole. In the evening, Korczak told stories about last year's events, he told the children what to do in case they woke up in the night. Calm spread over the group. Korczak even found time to make some more notes. In the following days the group organized itself more and more, but Korczak was well aware of the social processes that were going on. A boy of twelve had a hold, and a negative influence on the group. Instead of lecturing, Korczak spoke with him on the conditions of his stay in the summercamp, as a talk between equals. For this boy had already made a career in criminality, there was no reason to be 'soft' on him. They came to an agreement, and at the end shook hands (*idem*, 361). The same display of sense for the 'real' life could be seen in Korczak's treatment of children's fights. He did not forbid them to fight (which would be unrealistic), but kept track of the number of fights. He even made a curve of it, and showed it to the children: 'July 5 – 30 children, twelve fights; a meeting to stop fighting; next day three fights only; again eight and ten –then six fights. Second meeting ...' (*idem*, 369), and so on. 'After a fortnight, one fight only' (*ibid.*). Korczak organized meetings on several subjects like swimming in the river, the mess in the toilet, and he concluded: 'The children's assistance is absolutely essential to the teacher, the prerequisite being, however, constant vigilant control and a duty roster' (*idem*, 372). Furthermore there were no privileges attached to doing a task: it was a case of honor. By 'spreading' all the necessary tasks across the entire group, the educator had time to devote to children who had special needs (*cf.* Berding 1995).



## Lessons learned

What did Korczak learn from these experiences, or rather from his harsh self-reflection on them? First of all he learned to do away with the sentimentality of education. Being an educator is a tough job, because

‘(a) teacher starting out with the sweet illusion that he is entering a little world of pure, affectionate and open-hearted souls whose good will and confidence are easy to win will soon be disappointed. ... The group will include the gentle, the passive, the good-natured as well as the most wicked, malicious, intriguers and delinquents, the openly hostile and perverse in initiative, or the hypocritically submissive, and surreptitiously spiteful. ... I had read numerous books on child psychology. And in spite of all that, here I was helpless, confounded by the mystery of the collective soul of a children’s community’ (Korczak 1967, 308-309, 341).

I suppose many practitioners have had the experience that there comes a moment that you just don’t know what to do with a group. It just won’t work between you and the pupils, there is no ‘chemistry’. It took Korczak long hours and days of careful and patient observation to find out what was wrong between him and the group, and the main thing he learned was that the ‘wrongness’ was not with the children: it was with him, he says; he was looking for some days of fun, he didn’t bother about the kids, he never was really interested in them (Korczak, 1967, 343). But when the kids turned to violence, and threatened to beat each other with sticks, it was there and then that Korczak saw what was really going on. This is where it stops, he said, now we’re going to talk (idem, 345). I have always felt that this was Korczak’s ‘Paulinian’ turn as an educator (cp. New Testament, Acts, chapter 9).

The second lesson Korczak learned, and this pointed the way to children’s participation, is that he discovered that to speak of ‘education’ in any acceptable fashion meant that the children themselves had to be involved. Not ‘over their heads’, one might say of this participatory view of education. Indeed, these experiences and the way Korczak reflected upon them, make him one of the founding fathers of the movement for youth-participation in educational institutions. On Korczak’s view the educational relation is one of partnership, not of power (cf. Eisler 2000). Let’s see what this could mean in an educational setting today, in our own time.

## Participation today

Some time ago I visited a class during one of their meetings and observed the following.

Class 4 is in a meeting. Today Yannic is chair. He looks around to see if everyone is ready to begin. Almost everyone is quiet. Yannic clears his throat and says: 'OK. Let's begin the meeting. Who has something to discuss?' Some kids raise their hands. One by one they get a chance to speak. Tashunka has a problem with the gymnastics teacher. She wants to solve it, but isn't sure how. Peter wants to discuss the use of the discovery-material. Vera is having trouble finishing her work. This week, Manita takes care of the proceedings. She makes a list of all the issues. Yannic suggests to start with the issue of the discovery-material. Peter is called upon to speak and starts talking.

Involving children in and making them responsible for the daily procedure is an important task for teachers. How do you make a group more than just an addition sum of individuals? How can you make sure a learning community arises? In a participative class children have a voice with regard to the daily routine. The week starts with an assembly. The assignments for the coming week can be discussed and, if the occasion arises, problems can come upon the table. Ideas are brought up, and discussed and then put into a working plan for the coming days. Throughout the day there is a flexible variety of plenary meetings, group-assignments and individual chores. Children register the assignments on a signboard and on overviews. In the middle of the week the group assesses the circumstances and discusses 'process' as well as 'product'. Once a week there is a classmeeting, of which the above is an example, where children can bring up issues concerning the atmosphere in the group. This meeting is not only for discussing problems, good experiences are also shared. The chair circulates, as well as the keeping of proceedings. Everyone's contribution is appreciated and is stimulated. Children are involved in every group-activity as do-ers and thinkers. The meeting creates a 'public' space, a sort of 'agora' or 'forum' as in the ancient city-states, where issues can be discussed freely among peers. From this perspective this way of working can be regarded as a form of republicanism and a sound application of the very idea of democratic citizenship.

## Democratic citizenship

When I look at the issue of democratic citizenship from a Korczak-ian perspective I think two matters are of importance (cp. Berding 2006). First of all Korczak draws our attention to the difference between education *about* citizenship and education *for* citizenship. It seems to me that just talking about democratic citizenship misses the point. What needs to be done is the creation of educational situations in which citizenship, that is taking part in what goes on in the public domain, is actually *practiced*. Children and youth must be allowed an active role in the establishment of a better quality of public life. Korczak goes *beyond* education about and for democracy: he practiced education *through* democracy. It is time that schools and other services offer opportunities to the young to act democratically.

Secondly, Korczak's view is about the *acceptance of differences* between people, and about finding ways of living together in human ways despite these differences. His constitutional view is of prime importance here, because it is an attempt to bridge the gap between competing interests and rights. It acknowledges that people do have different interests, and do have a right to defend them, but at the same time asks people to 'see the other side', to take a different perspective, to read the other's mind.

In conclusion, let me say that to my mind that a constitutional view of education is a key element of democratic citizenship and citizenship education. For the constitution has two sides: it defines my rights, and thus creates freedom, and on the other hand defines my limitations, for I am not alone. I am part of a community, made up of members who also have their rights. I am in the community, and the community is in me. So the constitution at once creates freedom and limits my actions. It also calls for negotiation and coordination of interests in the case of a clash or the threat of one. Rather than

asking the adult to engage in a dispute about conflicting rights and interests, Korczak institutionalizes a process of mediation through an independent, 'objective' third perspective: the constitution, which is respected by all.

### **Concluding remarks**

On Korczak's view, education deals with the creation of democratic culture. It puts its trust in the growing ability of young people to govern their own life, and to communicate their values and norms to others, and to negotiate on their sometimes differing interests. Ultimately, Korczak's legacy, and inspiration, is a story about what counts as a 'good life'. In a good life children's and youngster's voices are heard (cp. Joseph 1999). Korczak put all his effort, all of his imagination, and all of his life-force to the creation of the very conditions for the children's voices to be heard. UNICEF in her 'State of the World's Children 2003' (UNICEF 2003) seems to echo these insights when she states:

'Put into practice, participation involves adults listening to children - to all their multiple and varied ways of communicating, ensuring their freedom to express themselves and taking their views into account when coming to decisions that affect them' (UNICEF 2003, 4).

This, indeed, has nothing to do with undermining the authority of adults in their dealing with children, but it has everything to do with creating the conditions for the young to learn and to assume responsibilities for the world in which they live. Janusz Korczak has shown us that in a world of crisis *a participative turn* can show a way out. It needs courage and great confidence in children and youngsters to take this turn, but on the other hand: what would education be without just that: *courage, confidence*, in other words: *faith*?

### **And how did the meeting continue?**

Peter finds it unfair that Jim pushes him away all the time from the discovery-material. In this way he never can finish her assignment. Yannic asks Jim how he responds to this. Jim says that Peter takes too much time, and that he wants to do his assignment as well. Yannic asks the others if they've been doing their assignment already. Some have worked in pairs, some on their own. But it is not clear how long you're entitled to the material, and when it's your turn. Yannic asks if there are any suggestions to solve this. One says: 'If we are all allowed ten minutes'. 'No', says number two, 'a half hour'. 'As long as you like', says another child. Yannic proposes that they write down all their ideas on a piece of paper, and put it in the letter-box. Next meeting they will discuss further and decide on a procedure.

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# JANUSZ KORCZAK TODAY

*Adapted from  
"Janusz Korczak and his meaning for education for a civic and humane society"*

*by Kelvin Ravenscroft and Malgorzata Kmita*

## Order Out of Chaos- Creating Meaning Out of Meaninglessness

The experience of Janusz Korczak and his orphans in the Warsaw Ghetto of Nazi-occupied Poland was located in the context of an apocalyptic vision of a world which appeared to have gone mad. The old order had been subverted and a chilling ideology was systematically and clinically defining millions of people as undesirable, as being less than human, for whom the only fate was certain death.

In his 'Ghetto Diary' Korczak declared:

"Thank you, Merciful Lord, for the meadow and the bright sunsets, for the refreshing evening breeze after a hot day of toil and struggle.

Thank you, Merciful Lord, for having arranged so wisely to provide flowers with fragrance, glow worms with the glow, and make the stars in the sky sparkle."

He is offering a prayer of thanksgiving for the beauties of the earth. His cosmic gratitude is rooted in an appreciation of the natural world which, despite the sufferings of life, can present to humankind a vision of beauty and joy. Korczak's contemplation, reflection and meditation were undertaken in the midst of the hectic life of the orphanage in the Warsaw Ghetto at a time when the lives of he and his children hung in the balance. The future was most uncertain. Despite this Korczak took the time to mindfully and attentively focus not solely on the challenges, stresses and strains of running the orphanage but, instead, he took the time to be grateful for each positive aspect of the children's existence. He said a glorious Yes! to life when it would have been understandable for him to have been ground down by the daily challenges he and his children faced.

Central to Korczak's vision, and at the heart of his legacy, therefore, is the recognition that in a world of unpredictability, uncertainty, and even chaos, it is imperative to attempt to create oases of calm, order and structure which provide the possibility of meaning and hope for the future. Even in the darkest situation there is the possibility of discerning meaning and hope, however small this might be. In the world of the 21st century, with its significant challenges and opportunities, Korczak's recognition of the requirement to create order out of chaos, meaning out of meaninglessness, is to be taken seriously.

## **The Primacy of Meaning**

Korczak commented that:

"There are one hundred more days left till spring. There is, as yet, not a blade of grass, not one single bud is showing. But inside the soil, among the roots, the dictate of spring is already there, secretly persisting, throbbing, lurking, waiting and gathering strength - under the snow, inside the bare branches, in the icy gale - to suddenly burst into blossom."

He is affirming that even when things look bleak, when life's challenges appear to overwhelm us and when we find it difficult to discern any possibility of hope or optimism there is, at the heart of things, the potential for positive change, transformation and development. This can also be regarded as a metaphor for understanding and relating to children. Instead of adults focusing on the negative in the child's behaviour, actions and attitudes they should, instead, aim to affirm the positive and from these small acorns mighty oaks might grow. The entire pastoral system in schools, for example, should be geared towards transforming negativity in all its forms through the transformational power of positive life-affirmation. Educational and therapeutic organisations should, therefore, have at the heart of their aims, objectives, philosophy and mission-statements the central question of 'In what ways do

we promote the positive in, and for, our children?’ Addressing this question honestly and realistically, but with a sense of an achievable positive vision, can encourage and empower schools and related educational and therapeutic enterprises to create an ethos which celebrates positive transformation in all its many and varied forms. Such an ethos, however, has to radically address profound questions of meaning, significance and purpose.

### **Dialogic Encounter**

Korczak declared:

“When I approach a child, I have two feelings; affection for what he is today and respect for what he can become.”

He recognises the creative dialectic between the present and the future, between potential and actuality and the interplay of the positive emotions of affection and respect. For Korczak the starting point for both education and therapy is the experience of the child in the present moment. This present, however, is rooted in an existential context. Each child has a personal history and this impacts upon their development and the unfolding of their future. For the pedagogue, therefore, to facilitate meaningful teaching and learning requires that in addition to being self-aware the teaching and therapeutic enterprise requires knowledge of the child. There are, however, no short cuts to this knowledge. The role of the teacher requires that she pays attention to, for example, what each child says, how each child acts, what each child writes and how each child expresses themselves in, for example, art and music. This task requires time, effort and energy and is an ongoing process in which new and, at times, unexpected insights into the child and their way of seeing the world are articulated. The teacher and therapist, therefore, share the experience of entering into a dialogue with each child.

The dialogue between teacher and child can significantly complement the positive nurturing provided by the child’s family. However, there will inevitably be cases where the teacher and therapist are the primary source of an affirmative dialogical encounter. It can be suggested, therefore, that the foundation for the development of a civic and humane society is the establishment of relationships characterised by openness, spontaneity, warmth, genuineness and compassion. Indeed, what can be termed Dialogic Encounter or Moral Personalism, the ‘I-Thou’ philosophy articulated by Martin Buber, can be viewed as being an ethic of human relationships which should underpin the entire ethos of all organizations and institutions entrusted with the care and nurture of children.

### **The Ethical Dimension**

If one explores the eight attitude-virtues of humility, self-acceptance, responsibility, self-commitment, friendliness, concern, contemplation and trust outlined by the philosopher Donald Evans as a vision of the moral life there is the potential to explore Korczak’s life and work, meaning and significance from the perspective of his moral authority which can be regarded as being the outcome of his deep spirituality and his way of seeing and being in the world. Exploration of Korczak’s life and legacy has the potential to facilitate the spiritual, moral, social and cultural development of children because it explores ways of seeing the world which reflect the possibility of moral change. Persons do not, in Korczak’s vision, have to remain in a state of moral regression or immaturity; they can move forward and develop the qualities of rationality, responsibility, autonomy and altruism which William Kay has identified as being the characteristics of the Morally Educated Person.

### **A Philosophy of Pedagogy**

Korczak wrote:

“What a powerful effect on the sad life of a child, would be the memory of that person - perhaps the only one - who showed kindness, understanding and respect in a world where cruelty had become the norm. The child’s future life and sense of himself could take a different course, knowing there was one person who would not fail him.”

He is recognising that parents, relatives, friends, teachers, carers and therapists, for example, all have the capacity to engage with children in a way which affirms their value, worth and uniqueness. In terms of schools, therefore, the teacher is not primarily a teacher of mathematics, technology, science, history or art, for example, but is first and foremost a teacher of children. However, the teacher is also a learner from children. At the heart of the process of teaching and learning is the nature of the positive relationship between the teacher and her children. For many children, particularly for those who are from emotionally disadvantaged backgrounds, their only positive interaction with adults is those they experience with their teachers at school. Central to the role of the teacher, therefore, is the pastoral work in which she is engaged on a daily basis. Everything a teacher does or says is a learning opportunity for the child and presents them with an example, either positive or negative, of what it means to grow and mature. Indeed, Korczak declared:

“Be yourself and seek your own path. Know yourself before you attempt to get to know children. Become aware of what you yourself are capable of before you attempt to outline the rights and responsibilities of children. First and foremost you must realise that you too are a child, whom you must first get to know, to bring up and to educate.”

Central to this perspective, therefore, is the Socratic injunction to ‘Know thyself’. The teacher or therapist must aim to become aware of her identity, her personality, her strengths and weaknesses and the ways in which she can promote or inhibit the child’s spiritual, moral, social and cultural development. The philosophy of pedagogy articulated by Korczak, therefore, is rooted in the experience of authentic dialogue between the child and those responsible for their care.



# **THE RIGHTS OF THE CHILD AS AN INDIVIDUAL AN UNKNOWN TEXT BY JANUSZ KORCZAK AND SOME REMARKS ON ITS ORIGIN**

by Marta Ciesielska<sup>1</sup>

“Children already are, and not will be some time in the future, human beings, yes, they are human beings and not dolls: you can appeal to their mind, they will respond to your arguments, you can appeal to their heart, they will feel what you are saying”, wrote Henryk Goldszmit, a 20-years-old student of medicine then, later known to general public as Janusz Korczak, in an article published by the end of the 19th century in one of the Warsaw journals<sup>2</sup>. And since then the saying: “children will not be, but are human beings” would become one of the most important mottos in his creative work and other activities, by which he – as a physician, educator, social activist, lecturer and writer - promoted and practised, continually and in everyday life, the principles of treating the child and its affairs subjectively.

Korczak, unquestionably a forerunner and pioneer of certain trends, was at the same time a representative of a wider social movement, existing also on the Polish territories (initially, the state of Poland being non-existent, partitioned among three powers). That movement, stemming from philanthropic activity (present both in the Christian and Jewish traditions) drawing from social solidarism, gradually transformed under the influence of stimulating modernization and emancipation trends in Europe of the turn of the 20th century, national, social, educational, feminist<sup>3</sup>, into the movement for the rights of the unprivileged social classes and groups<sup>4</sup>. In Poland it was largely animated by physicians, lawyers, “progressive” and “non-conformist” educators and journalists as well as politicians engaged in the struggle for independence<sup>5</sup>, who treated their professional work mainly as a service and duty towards the society.

The brutal experiences of World War I, which were also shared by civilians, only intensified the growing social problems, and in particular the perception of the tragic situation of the weakest: the children. The numbers of orphans, the homeless and the displaced, the jeopardized by famine and diseases, the morally corrupt, etc. grew like an avalanche. Along with the process of restoration of the Polish state as of 1918 (after over a hundred years of captivity), there was a struggle carried on, among others, to perceive children’s matters as the ones that require a solution most urgently, both in respect of the legislative as well as institutional scheme, and even, one might say, in respect of the ideological and propaganda scheme. For instance, the convention of physicians that was held while the war was still going on (turn of August of 1918<sup>6</sup>) demanded that “the social right for human protection from birth” be recognised and “a National Office for the protection of children” be established “that would be responsible for all state care over infants and children up to a certain age determined by legislative authorities”, simply a Ministry of the Child (“The authority should supervise all matters connected with the life, health, education and rights of the child”) or a Ministry of Care over Children and of the Code of the Child (“all the provisions relating to care and protection of children and youth should be codified and included in a separate book”)<sup>7</sup>.

The following were indicated as the areas of necessary actions to be guaranteed by the state law and to be actually carried out by the system of institutions: protection of motherhood; care over the orphan, the working, sick, crippled, delinquent child; organisation of children’s leisure time (apart from school education); training and professional development for employees in respect of the above-mentioned issues in such fields as medicine, education, law<sup>8</sup>.

The particular activity of the medical circles<sup>9</sup>, to which Korczak belonged, is confirmed by the fact that it was on initiative of the Polish Association of Paediatricians that a clause had been added to the newly-enacted Constitution of the Republic of Poland (March 1921), saying that: “Children who are deprived of sufficient parental care, who are neglected educationally shall have a right to the care and aid by the State” (the parliament enacted a respective specific law in 1923).

And references were made to the solutions used in Europe and such solutions were applied, since Poland then actively participated in or was covered by various international actions and initiatives<sup>10</sup>

(many organisations had Polish representations or missions, like for example the American Red Cross, the American Jewish Joint Distribution Committee, the British Aid Committee and the Save the Children Fund). After the international community ratified a first joint document on the duties of “men and women of all nationalities” towards children, namely the Geneva Declaration proclaimed by Union Internationale de Secours aux Enfants in 1923 and adopted by the League of Nations in 1924, soon it was also signed in Warsaw, by the Polish American Children’s Aid Committee (Korczak was a member of its authorities as a representative of the Jewish institutions), on behalf of the “institutions taking care of the child in Poland”, at the meeting of its deputies with participation of state authorities, held on 28 March 1925<sup>11</sup>.

The Declaration was widely propagated, also by Korczak himself<sup>12</sup>, who was treated as an authority and a leading figure with a record of considerable accomplishment (and who was being referred to and quoted) in the circles which were engaged, professionally and on voluntary basis, in the children’s cause in Poland.

Already a few years earlier, in “Jak kochać dziecko. Dziecko w rodzinie” [“How to Love a Child. A Child In the Family”] (the 1st edition was published in October 1918, although dated “1919” in print), he just called “for *Magna Carta Libertatis*, for the rights of the child” – the famous rights like 1. the right of the child to death (even presently shocking for the sharpness of the language and placing this right at the top of the list!), 2. the right to live in the present, 3. to be “what it is”. In the 2<sup>nd</sup> edition (1929<sup>13</sup>) he added also “the right of the child to express itself, to actively participate in our considerations and judgements relating to it”. In the last of the four-part series, “Jak kochać dziecko” [“How to Love a Child”] (“Dom Sierot”, published in summer 1920 and written in the years 1919/20, which clearly confirms the precursory nature of his concept), Korczak wrote about establishing an institution that may open up new vistas as regards the way in which people, adult and young, strong and weak, “importunate” and “quiet” co-exist with one another – about the court of arbitration by colleagues (before which, in Dom Sierot and Nasz Dom, both adults and children appeared), that it may become in the future a “starting point for building equality between the child and the adult, that it leads to the constitution, forces out the proclamation of the declaration of the rights of the child<sup>14</sup>”. And also, about his own, priceless experience of being a defendant before that court: “...these several cases were a corner stone of my education as a new, <constitutional> educator who does not harm children not because he likes them or loves them, but because there is an institution which defends the child against lawlessness, license, educator’s despotism”.

In 1925 Korczak got engaged in the instruction scheme for educators, contributing to it by lecturing on his priority subject: “The rights of the child as an individual”<sup>15</sup>. The original texts of the lectures did not survive, however, their brief abstracts with a foreword have been found recently. Even in these abridged records, the final style of which might have been edited by someone else (which, however, Korczak must have approved), one can see he went boldly beyond the conventionally defined areas of care over the child and of the obligations of the State, its citizens and institutions, of the relationships between the social obligations one must fulfil and the subjective rights everybody has. This was because Korczak demanded more profound reforms than those that were being made then<sup>16</sup> – in order to actually build a lawful, just, tolerant, human-rights-respecting, including the rights of the child as a human being, mutual and responsible world.

## **[Janusz Korczak]**

### **The rights of the child as an individual**

The child has, depending on its age, mental development and experience, certain specific rights that are difficult for adults to cope with and, for this reason, most often not recognised by them. Apart from nutrition and hygiene it is essential for the child to have freedom in order to vent an excess of its vital energy, the right to make a whole range of experiences that methodically introduce it into life and the right to have initiative in relation to its own needs. In many cases the role of an adult should be restricted to that of an understanding guardian who protects the child against too painful effects of its experiments. The adult’s attitude towards the child should never have the character of a struggle

for authority and rights: the educator must be a skilful organiser of the conditions in which the child enjoying the entirety of its rights can develop freely.

Just like the adult who has an undisputable right to rest after work, to have peace and quiet, and enjoy himself or herself, the child has, in the same or a greater degree, legitimate rights to move, play and to justice that is comprehensible to it. A contact between two extremely different worlds: that of an adult and that of a child ends in a failure and captivity of the weaker party, that is, of the child. The combination of adults' interests and occupations forces the child into slavish relationships of existence, incomprehensible and tiresome for it. The principle that the child does not exist for the personnel and the educational centre, but that it is the other way round should be implemented, in particular in educational institutions, to the fullest possible extent. The obligations towards itself and the environment that the child is burdened with should gradually become part of the notions the child holds and should be based on its natural rights, never encroaching upon or disregarding such rights.

Programme [of the lectures]

1) The child's right to the conditions that foster growth and development. Physical and mental development treated as work. Weight and measurement. The curve of growth and weight. Change in proportions. Moments of exhaustion. Need to rest from the obligations.

2) The child's right to cognize things freely. The work of cognizing and understanding. Different nature of the child's psyche and feelings. Difficulty in communicating between the adult and the child. The brutality of adults in adjusting the child to themselves. The faults of adults in the light of child's notions. Assessment of children's faults by adults.

3) The child's right to self-improvement. Heredity. Traumas. Imposed improvement and significant improvement. Child's struggle with its own faults: falls and victories. Necessary comfort and sympathy. Caress. Fault as the beginning of faults.

4) The child's right to enjoy all citizen's rights in its own world. The proportion of the length of childhood and the period of youth to average human life expectancy. Child's social handicap. Adults' promises. Ruining trust. Child's responsibility for others. Injustice.

5) The child's right to recognition of its inexperience and weakness. Adjusting child's work to the capabilities of its brain, to [the stage of] its growth and strength. Unsuccessful attempts by and faults of the child as a transitional phase of its learning about life.

6) The child's right to joy and entertainment. The child's indifference to adults' tragedies. Children's optimism. Serious treatment by the child of its commitments and - its failure to fulfil them. Attitude towards the present, the past and the future, Moral values of games and plays. Sports, races, the wheel. Beauty and serenity in education. Entertainment and sweets.

7) The child's right to democratization of education. Individualism. The child for itself. Privileged children, a favourite, a stool pigeon, a handy man. Toadies. Troublesome companions. Complaints. Fondness and dislike of others among children. Freedom of feelings. Educator as the children's ombudsman.

Continuing education instruction courses for educators in educational and care institutions. Justification and programme. Prepared by J[ózef] Cz[esław] Babicki in co-operation with the following speakers: dr Jan Bogdanowicz, Janina Bużycka Helena Czerwińska, Eugeniusz Falencki, doc. Dr Tadeusz Jaroszyński, capitan Józef Jungrav, dr Janusz Korczak, Tadeusz Majzner [Mayzner], prof. Helena Radlińska, Zofia Skalska and Wanda Szymanówna. Warsaw 1928, pages 28 and 29 [the entire brochure: p. 47]

“Opieka nad Macierzyństwem, Dziećmi i Młodzieżą” [“Protection of Motherhood, Care over Children and Youth”], in “Biblioteka” [series], No 9, published on initiative and in co-operation with the Care over Children and Youth Department, Ministry of Labour and Social Welfare.

On the copy in the National Library in Warsaw there is a reference number III 565.832, a stamp of a copy mandatory for the Government Commissariat for the city of Warsaw, with hand-written entries: [impression] “1000”, [date of filing] “13/ IV [VI?] 1928”.

Translated by Lilian Wysocki

<sup>1</sup> “Korczakianum” Research and Documentation Centre, Branch of the Historical Museum for the city of Warsaw, Poland

<sup>2</sup>

<sup>3</sup> „...innovators began to preach the idea that the child was not the exclusive property of the father, that the father did not have a right to sell it, kill it or eat it.

And there was indignation about it:

– How’s that? I brought it to life and have no right to it? – That’s crazy!

And also:

– The independent woman? – Nonsense.

– The Jew – a citizen? – Bullshit.

– Negotiations and agreements with the hired man? – Must be a joke.

The child calls for liberation, the child calls for rescue”. (Dr Henryk Goldszmit/ J. Korczak, “Wiosna i dziecko”,

Europy. For Korczak’s relations with the organisation, see p. 3).

<sup>4</sup> Taking a more radical stand as regards social and political matters and criticizing the institutions preserving the social status quo, in 1905 Korczak wrote: “School should be a forge where the most sacred mottos are forged [...] – it should most loudly call for human rights, most bravely and most ruthlessly condemn everything that is muddled in it

<sup>5</sup> Some of them, activists of the Polish Socialist Party, would support, many years later, another Korczak’s educational establishment for Polish children, called Nasz Dom, through the “Nasz Dom” Association.

<sup>6</sup> Korczak returned, discharged from the tsarist army, from Russia (as a matter of fact, from Ukraine) to Warsaw in June 1918; there are no data on his personal participation in the convention, but his close acquaintances, like dr Julian -  
nistów Polskich” [“Diary of 2nd Convention of Polish Hygienists”], Warsaw, 1918, pp. 171, 161, 170, 173.

<sup>7</sup> The latter, not realised postulate was, however, recurring at a later time: “...a special code of the rights of the child -

(1923).

<sup>8</sup>

all-Polish teachers’ convention formulated the motto of the “Charter of the rights of the child”), was Korczak’s bossom  
a representative of Poland in the League of Nations Committee for the Protection of the Child and Youth, earlier a co-founder of the Polish League for the Protection of Human and Citizen Rights (1921).

<sup>9</sup> The subscription to the *Pediatría Polska* [Polish Paediatrics] professional journal was combined with the con-

care over children and youth] with which Korczak cooperated closely, published by the Polish American Children’s Aid Committee, transformed into the Polish Children’s Aid Committee in mid-1920’s. Korczak’s ties with the Polish Committee gradually weakened, unfortunately, in the 30’s.

<sup>10</sup> For more see, e.g., Malgorzata Sobiecki, “Janusz Korczak neu entdeckt. Pädologe und Erziehungsreformer”, Bad Heilbrunn, 2008.

<sup>11</sup>

M.D., Director of the Health Care General Directorate in the M[inistry] of I[nternal] A[ffairs], [the delegates] unanimously acknowledged it was necessary to remind the whole civilized world of the rights of the child as set out in the Geneva Declaration and of the resulting society’s obligations towards the child” (*Opieka nad Dzieckiem* 4 (1925).

<sup>12</sup> For the first time Korczak quoted some of the points of the Declaration, which he treated as guidelines in his own practice, in the 1924 annual report of the “Pomoc dla Sierot” [“Aid to Orphans”] Association that maintained his Jewish “Dom Sierot” orphanage (Warsaw, 1925, p. 2). For the last time, in the appeal (the open letter “Do Obywateli

ghetto in Warsaw was created.

A couple of times his own texts were published next to the reprints of the text of the Declaration, e.g. in the collective publication in 1925, in which he remembered his work in the Bersons and Baumans Children Hospital before World  
text of the Declaration on p. 5).

<sup>13</sup> At the turn of 1929, a text – manifest by Korczak also appeared under a characteristic title: “The Right of the Child to Respect”, which in a way summed up the experiences of the active 20’s. It was undoubtedly the “crop”, in the form of a book, of Korczak’s talks and lectures made by him in public, such as the one titled “The Rights of the Child”, given in summer 1926, “The Rights of the Child as an Individual”, given in February – April 1927 (for more, see a detailed information further below), “The Harmed Child”, given in January 1928.

<sup>14</sup> A couple of years later, another expression on “the child’s ombudsman”, which was equally precursory as that on the “declaration of the rights of the child” and which seems to have proceeded international practice, would be made, see further below, at the end of Koczak’s text, p. 7.

<sup>15</sup> At the training Courses organised by the Ministry of Labour and Social Affairs in the mid-20’s, the following

subjects were taught: "History of collective education, physiology and psychology of the child, pathology of the child's mentality, general knowledge of social care, general principles of hygiene and physical education, organisation of full-time care institutions, organisation of living in care institutions, the rights of the child as an individual, youth organisations, out of school activities and pastimes, the attitude of child care institutions towards older youth and vice versa.

of lectures at continuing education instruction courses for active educators in the care and educational institutions"], in *Opieka nad Dzieckiem* 6 (1925). In the 30's a self-contained subject matter of the rights of the child "dropped out" of the programme. Korczak was left with still one lecture, titled: "The rights of the child as a living thing, a human being, an inexperienced worker", as part of the series of the activities organised by him in the Institute of Special Education, titled "The principles of boarding-school education".

<sup>16</sup> He definitely rejected, however, the idea that it was necessary to make compulsory, forced and revolutionary changes, as such changes brought harm, violence and oppression. His pessimistic feelings, growing from the end of the 20's, that it would be more and more the homo rapax and not the homo sapiens that would be ruling the world were confirmed by the 30's with a rising strength. In his letters to his friends he wrote then: "I called for respect for the child, but someone rightly asked: <And who respects the man these days?>" (in a letter of 30 March 1937 to Madzia and Edwin Markuze). "This period in history, of dripping poison, gives us pain; [...] evil grows..." (in a letter of 23 May

For us who know the tragic, war-time end of Old Doktor's biography, will history be *magistra vitae* at last...?



## **KORCZAK'S RIGHT TO CHILD PARTICIPATION IN SOCIETY. CHILD'S CITIZENSHIP.**

*Marek Michalak, Ombudsman for Children in Poland*

Did the children even exist in the Medieval Ages? – asked in the mid 60's of the last century Mr Philippe Aries, a famous researcher of childhood history. It's a surprising question, even provocative, apparently senseless but it helped him discover the childhood all over again – a category that is changing culturally and throughout history, but is an inherent part of the history of European civilization.

As an Ombudsman for Children in Poland I will also ask such a provocative question. Could we be at this point where we are now, when considering children's rights both socially and legally if it wasn't for Janusz Korczak – for his heritage and lesson that we learned from him?

Quite recently, an article of Zygmunt Baumann, a famous Polish sociologist appeared in the Polish press. Professor Bauman compares Korczak to Schindler. He is wondering why Korczak didn't throw children over the walls of ghetto similarly to Schindler or Irena Sendlerowa, why did he choose this common route to Treblinka with them? What did it mean for Korczak at that time and what does it mean for us today?

Korczak didn't manage to save the life of his pupils and his own – but he saved something more! He saved the childhood, the humanity as well as the honour and dignity of children and adults.

One can say – as it is formulated in the Catechism of the Catholic Church -that dignity is ascribed to every human being, that it's inalienable and corroborated by the natural law. Dignity can be trodden upon, but as Korczak showed, nobody can be deprived of it.

Janusz Korczak was fighting for this dignity of a child throughout all his life working as a doctor, teacher, writer and great researcher of childhood. Among the cannon fires in military fields hospital, he wrote down his pedagogical credo „How to love a child”. In this publication he appealed to us – to adults. He ordered: „Attention. Either we reach understanding now, or we go apart forever. I appeal to you for the rights of a child” – he urged with strength and determination.

Child has the right to freedom, respect, dignity to his/her own child's world, to the troubles, inquires, mistakes, successes, defeats, to life and to death – that's what Korczak proves.

**1. A child is a human being** here and now, full and real... – convinced the Old Doctor. Such a statement used to sound controversial. It was regarded to be destructive to the natural family order, undermining adult's authority. Also children were astonished with that: “Am I a human being?” – wondered a preschooler in a “Playful pedagogy”.

Humanity of a child can be understood in two dimensions axiological and social. As we read in the Catechism: “A child is a gift of highest value sent by God to the parents – a gift that is given to be brought up.” Child bears inside a sacrum and everyday profane. His/her features are on the one hand an amazing divine strength to biological and psychological growth; further multiplying cells that reach stars and universe, on the other, his/her attribute is an ordinary, children's world of bottle caps, lines, torn trousers and hurt knees.

Humanity of a child in Janusz Korczak's pedagogy means recognition, acceptance for child's world, for whom the child is. That is why Korczak appeals to us, reminds us and admonishes, sets us tasks to do. This lesson – is a process of social education, constant presentation and realisation of child's subjectivity and its right to childhood.

It's a long, never-ending process. Korczak himself perceived that at his own example and said: “what hasn't crystallized yet in me, is the fact that the first and foremost right of a child is the right to express his/her thoughts, to actively participate in our considerations about a child and our decisions” (“How to love a child”).

**2. A child is an active and creative subject.** As it is depicted today by a German childhood researcher Jürgen Zinnecker – with much difficulty – with even greater responsibility, he builds his childhood biography. For ages the civilization and culture pushed down the children and women in



to the world of social silence. Children were invisible, couldn't have a word in any matter. The most important role imposed on them was the role of a pupil who assimilated the knowledge presented to them by adults. Childhood was understood as a period of apprenticeship to maturity. Those subordinated and dominated children, often poor and sick, were referred to by Korczak as barefooted proletariat, children's nation.

Korczak leans over a child but doesn't pity the child. He perceives the strength of a child. Today we could say: He sees child's development potential, children's capital, children's resources.

A child is an expert, researcher, poet, philosopher. However, a child must get to know the world, get accustomed, name it and encode it in memory. "Child is a foreigner" – says Korczak. Child learns foreign language of adults, assimilates not quite understandable norms and habits. "A child knows that not everything is all right in the world, that there is good and evil, knowledge and lack of knowledge, justice and injustice, freedom and dependence.." ("How to love a child"). He/she doesn't understand everything, because how to explain to a child that the canary cannot be taken to heaven. But as Korczak says, the child doesn't have to understand, the child flows with the tide, explains things on his/her own way, is amazed...

Fortunately, the time of anarchistic ideas of upbringing without stress or anti-pedagogy is far behind us. (I'm not rejecting them totally, they contributed partially to the discovery of subjectivity of a child, to children's emancipation). As Hannah Arendt underlines, nothing can exempt us from the responsibility for the future of our children and the world. We have a right and duty to commonly build this future – says quoted philosopher.

A pedagogue shall say – „All of us learn”. I would add, we learn all our life and not necessarily from the older ones but from the wiser ones. We teach children, we learn with children and we learn from children. For Korczak learning is not a one way communication. He criticized very much both traditional school and heartless teacher, who was given the role of a “warden of walls and furniture, of the silence on the yard, of clean ears and clean floor”. Learning for Korczak means a research, discovery, it's about asking basic and unexpected questions. Learning is a dialogue. There is a Socrates method of questions as well as dialogue of a child with an adult, an adult with child. A meeting of two subjects: a reflective teacher and a free child.

Dialogue by Korczak means freedom of expression, taking action and being listened to. Korczak not only gives the children the right to express their thoughts but also creates tools of social participation for children: a newspaper, self-government, amicable court, children's inquiries and requests directed to public organs and institutions.

This issue of group participation of children in social life becomes in today's Poland even more visible. Children are being introduced to different areas of activity of local authorities. More and more frequently they initiate steps in order to defend own interest (e.g. to stop expansion of the development companies that are trying to build over the playgrounds and sports fields). Sometimes they win. Recently the Council of Warsaw agreed to name the district playground not with the name of a famous patriot but with a popular name of a children's game – Tag-Square.

As the Ombudsman for Children in Poland, an independent constitutional body of state control, I must admit that it's more and more frequent that the voice of a child is heard, that he/she can be actively present in social life, and can express his/her needs and defend the interest. It is understood by kindergartens, schools, media, NGO's, church and local as well as central authorities.

It's however, much more difficult to demand rights of a child in family. Divorces, marital disputes, addictions of parents to alcohol or to drugs, as well as various disappointments in family life and constant lack of time devoted to children, push the children aside to the role of objects, hostages, victims. We encounter more and more problems with the rights of the child in families of mixed nationalities: Polish-English, German, Italian or Spanish.

Traditional Polish family is strong but also hermetic. Closed to external observation, intervention of social services or NGO's. Slowly, but consistently we conduct activities in order to introduce legal ban of violence against children in Poland. We have launched pan-national telephone helpline for children, we build the network of social defenders of children's rights at schools and on the local level, we also support various NGO's acting for the sake of the children. We can observe in Poland a raise of education and social awareness regarding the fact that family and home are the most important support and asylum for children, but sometimes can be a place where the child is being hurt, beaten etc. Children as well as adults have the right and obligation of objection and protection of a child against neglecting and hurting.

**3. The right of a child to express his/her thoughts and participate in social life cannot be only a virtual privilege.** Child has to live in the conditions giving him the opportunities to develop. Unfortunately, with many objections, we are trying to lower the schooling age of children in Poland by one year (so far children were starting attending school at the age of 7). The opponents of the idea claim that the school is too dangerous for the 6 year-olds, and I'm asking, isn't the school too dangerous also for 7 year-olds?

However, the problem that is still present in Europe is children's poverty, as it is shown in the international research. Economic crisis is definitely causing the problem to grow even more.

As Anthony Giddens underlines – „poverty among children is the most threatening form of poverty with extensive consequences. Currently, it creates more subtle and difficult forms of deprivation”. It limits the rights of a child, pushes him/her to the dregs of society and throws into the vicious circle of inheriting poverty.

We draw attention to the children. “Children constitute a large percentage of population, of nation and citizens – constant companions. They were, will be and are” – said Janusz Korczak. („The right to respect”). Children are a social group, they are a community of social and cultural experiences, they are social class, subordinated and dominated one. Children are citizens of the state and the world.

**4. The issue of children's citizenship has been present** since the beginning of the XX century, announced by Ellen Key as the century of children. It was also mentioned by Helena Radlińska – the creator of Polish special pedagogy. Also Janusz Korczak was referring to the notion. Citizenship meant, according to traditional definition of Thomas H. Marschal, social, economic, political, cultural and educational rights common to all children. It considered also the value, dignity of a child, Korczak's right to respect to let the child be whom he/she is.

Today we come back to the idea of citizenship of a child. It's an expression of social presence

of children, their participation in social life, the rights assigned and corroborated by the practice. **Citizenship means today something more. Unity and diversity of childhood.** Childhood of boys and girls, older and younger, poor and rich, ill and healthy. living in urban and rural areas, in full and incomplete families etc. Equal rights but different realization of those rights. I'm asking about this homogeneity, heterogeneity and specificity in common Europe today, 20 years after ratification of the Convention on Children's Rights. Also 20 years after the fall of the Communism in Europe. I will mention that both of those processes were commenced in Poland – the idea of the Convention (called in a justified way the World's Convention on Children's Rights) in Warsaw and Solidarność movement in Gdańsk.

I am convinced that if it wasn't for Lech Wałęsa, we wouldn't have Solidarność, similarly, if it wasn't for Korczak's ideas, we wouldn't have the Convention on the Rights of the Child. I'm asking about those rights of all apparently the same but different children in Poland and in the whole world.



## LEARNING FROM JANUSZ KORCZAK

*Dr Daniel S. Halpérin,  
Chairman of the Swiss Friends of Janusz Korczak Association*

*“Under identical clothes beat a hundred different hearts,  
and each one is another difficulty, that requires another  
task, another worry and care”.*

Janusz Korczak

### **Commitment**

Through his life, Janusz Korczak gives us a first lesson to learn, and that is that caring for children is a demanding task requiring devotion, commitment and motivation. Korczak became an outstanding educator because he developed his knowledge of children through his own participation in their daily life and through a real understanding of their physical, mental and social needs. His unfailing commitment, even in the most difficult physical conditions, his immense respect for children and his devotion, which even led to him sacrificing his own life, characterise Korczak’s engagement and shape his work as friendly, universal, constantly relevant and ... absolutely inimitable.

Very early, Korczak became aware of urban misery, and he devoted his first writings to street children, while undertaking the medical studies which led to him becoming a respected paediatrician. But caring for the body was not enough for Korczak. He wanted to mould minds, correct injustices and build a better society. To do this, he needed to live with and for the children. In 1912, he gave up his paediatric practice and became the director of the Jewish “Dom Sierot” orphanage (in reality a home for socially excluded children, rather than an orphanage in the usual sense), which also became his own home. He lived there modestly in an attic, looking after the well-being of his protégés day and night and putting his ideas to the test of real life. In 1940, Korczak and his orphanage were ordered into the Warsaw ghetto, where for two years he cared for hundreds of sick and hungry children. Refusing the chance to get out of the ghetto, he was murdered by the Nazis in the Treblinka death camp along with 200 children from his orphanage.

### **Respect**

A second lesson I learnt from Korczak, is the importance of respect. This concept, indeed, underlies all the educational and social ideas of Korczak. Korczak was not naive: he knew that love, important as it is, could not be demanded from everyone, not even from parents for their own children. All the more, how could this be demanded of educators? Respect, which is no less important in building a child’s identity, could, however, be defined, codified, taught and demanded. Its lack or its violation could be sanctioned. Here, therefore, was not only a theoretical concept but also an invaluable tool for managing the rights and duties of everyone in all areas of life.

Respect starts with respect for the person. Korczak encouraged parents and educators to recognise the child as a complete human being, not as a future adult: “Children are not people of tomorrow, they are people today”. Their feelings, their sense of urgency, their rhythms, their dreams, their secrets, their privacy, their right to be taken seriously, their values, their victories and failures, their prides and sorrows had to be respected. A hierarchy could not exist in terms of age any more so than for feelings. “When I talk or play with a child”, he wrote, “a moment in my life is bound to a moment in his life and these two moments have the same maturity”.

## **Trust**

Another lesson learnt from Korczak is the central place of trust in the relationship between a child and an adult. Being a child is not a childish business, it is rather a very serious job that requires a trustful transgenerational dialogue if it is to be felt as a positive and self-esteem-building process. And the fact is, says Korczak, that children can be trusted. Not naively, not sentimentally as if they were angels. Trust is not credulity. It is a rational attitude. One trusts someone for good reasons, not blindly, and the good reasons lie in the childrens' personality which Korczak understood so well. In other words, and to quote the French philosopher Eric Fiat : “ To entrust someone means to look at him or her and see what is the best in him or her”. This is just what Korczak was doing with his pupils.

## **Universality**

Finally, I have learnt from my many years at the Swiss Friends of Janusz Korczak Association that Korczak's legacy is not limited to an European or East-European elite readership. It is also extremely well received in many other places and cultures. Whether in Vietnam, in India, in Japan, in Marocco, or in Burundi, Korczak's thoughts and actions at the service of childrens' rights is fully and clearly heard. It can also contribute to a respectful approach of the other, the adversary, the enemy, as has been shown on repeated occasions with Israelis and Palestinians. Thus, our efforts to diffuse Korczak's writings and ideas should be ambitious and broad.



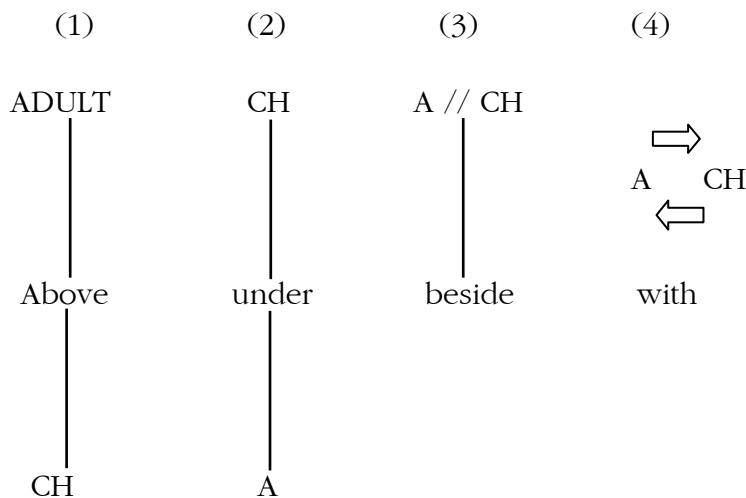
# POLISH KORCZAKIANS AND THE RIGHTS OF THE CHILD

by *Jadwiga Bińczycka*

At the beginning I would like to apologize of my bad, terrible English and not so good voice. Sorry, but I believe you will be tolerant for me like Korczak.

According to my opinion Korczak is the splendid diagnostician. His – many years lasted – researches and observations gave us objective picture of the child in the world of adults, picture the relations adults – children. How can we describe this picture?

We can say about 4 model s of these relations.



What kind of model is most popular?

I suppose Model number 3 is. Korczak said about this model in this way: "We don't know the child – worse – we know him only from prejudice, superstition". If we don't know the child – we cannot remember about his (or her) rights.

Model 1 – with autocratic attitude of adults - is good occasion providing for situation where rights are only empty declaration, only on the paper and talking about them is false.

Model 2 – it is not good relation, when only one side is on the top and there is no respect for adults rights.

Then the best model is last one. Here exist real dialogue, mutual respect and mutual acceptance of the rights adult and children. Here the adults, teachers are talking not to children but with children.

I agree with Joop Berding who reminded of the moment from Summercamp, when Korczak understood main principle "talking with children instead of to them" and said – "that the idea of participation was born then".

Then the reality of children rights is closely connected with the types of interpersonal relations between adults and young people.

It is my first conclusion. And what can we do for victory model 4? It takes a lot of doing and time. For a start we need a good information about rights - children rights should be known not only by adults but by children as well.

I remember – 10 or more years ago - at the beginning our Korczak activity – I have met with opinion of the group of young people who put us full of surprise question : "Have we really rights? It is impossible!" And other example – after my lecture about children rights – one student – full of skep-



ticism and disbelief – said to me: „eeee – with teacher nobody can win”. It is the language of fight, no cooperation, no dialogue.

It should be changed. The Polish Korczakians understand this task. They say about children rights everywhere – in different environment, with using of different forms. We organized the scientific conferences and edited the conferencial books – for example „The rights of child – declaration and reality”, „The right of child to healthy”, „The right of child to security” and so on. On the end of this year we plan to organize two conferences (Warsaw and Olsztyn) connected with XX anniversary Convention the Rights of Child. On 8 march 2009 we organized the inauguration of this anniversary in Warsaw Puppet Theater LALKA. Here we saw very interesting and affective spectacie titled „I have right to my rights”. The children were splendid actors, their voices and scenes were authentic. The audience was deeply emotionally affected.

There are different enterprises connected with problem of children rights in whole Poland – where korczakians are living – at small towns ( for example Borzęciczki, Jarosłów, Korczakowo) and at bigger places like Warsaw, Elbląg and so on. Last time I attended in IV School Pupils Council in rather little town Iława. I could observe not only artistic program of children but the result of their long lasted discussion and work on problem children rights as well. On the big plates they exhibited their vision of rights. I want to add – it was secondary school for handicapped pupils.

Some kinds of workshops are organizing in kindergarten too. The little preschool pupils are drawing their rights. (Look at this calendar from Radomsko – please). There are awarded pictures which show us how children understand the right to family, to love, to play, to recreation, to respect.

In this year we organized The Festival of Kites once more. Many, many kites with written rights run to the sky. Maybe they come across to the people who does not belief in children rights yet. Maybe they will change their minds. But our children today – tomorrow adults will be good advocates of human rights and model relation number 4.

Korczak was right that the salvation of the world will come from child.

## **GENEVA REPORT**

*Batia Gilad, Malgorzata Kmita*

We had an exceptional important meeting which took place in Geneva at the Polish Mission to the UN on the 6th of June 2009 and we particularly wish to thank Prof Waltraut Kerber-Ganse for all the efforts in making this event happen.

Over 50 delegates and participants took part in the International Seminar devoted to Polish Jewish Pioneer on Children's Human Rights Janusz Korczak and the Today's Convention on the Rights of the Child as International Law.

During the International Seminar we had the pleasure to have representatives and guests of Honour who included:

Ambassador Z. Rapacki, Ambassador-Permanent Representative of Poland to the UNOG, Representative of the UN High Commission on Human Rights - Ibrahim Salama, Yanhee Lee - Chair of the Committee on the Rights of the Child, Thomas Hammarberg - The High Commissioner on Human Rights of the Council of Europe and the Chair of the IKA Batia Gilad.

Korczak Associations were represented by several countries, which included:

Switzerland, UK, Poland, France, the Netherlands, Israel, Germany. We were particularly pleased with the presence of the Members of the Committee on the Rights of the Child and guests who came from all over the world and showed their commitment to the issues discussed.

There were three keynote lectures given by:

– Thoams Hammarberg spoke about the importance of the legacy of Korczak and the relevance to the rights of the Child in the modern world. He emphasised how important it is to know Korczak's writings and to implement his values in the context of legislation, education and rights of the child.

– Peter Newell from the UK shared with us the understanding of implications of violence against children in different countries.

– Marek Michalik, the Ombudsman for the Rights of the Child from Poland spoke about the wisdom of Korczak and contemporary issues raised within the context of the Polish Society.

There were two main subjects represented in two complementary ways;

One addressed the issues through the eyes of Korczak and the second addressed the issues relevant to the Convention.

The speakers addressed the issues which focused at:

– Learning from Korczak and the relevance of Korczak for today – represented mainly by the Korczakians.

– Relevance of Korczak's legacy for the Convention and its progress – represented mainly by members of the Committee on the Rights of the Child.

The main achievements of the seminar included:

– Mr Hammarberg and Ambassador Rapacki agreed that seminars on Korczak legacy and its relevance to the Convention will take place every year in Geneva and will be connected to the Meetings of Committee on the Rights of the Child and will be organised by the Polish Mission to the UNOG.

– Thomas Hammarberg from the Council of Europe agreed to publish a booklet on J. Korczak and deliver five lectures on different subjects in different languages dealing with the Rights of Child in the spirit of Korczak and the Convention.

– Thomas Hammarberg emphasised how important it is to publish the works of J.Korczak in English and other languages and offered his commitment to further this cause.

We would like to express our sincere thanks to the Permanent Mission of the Republic of Poland to the UN Office at Geneva for their support and hospitality in making this event take place.

We would like to thank all the speakers and contributors to the event and all the delegates who showed their commitment and contribution to further the legacy of J. Korczak to improve the rights of the child all over the world.

In the spirit of Korczak and in the hope that the achievements of this seminar will raise the awareness and will lead us to cooperate on behalf of the Children's Rights.

Batia Gilad



Chairperson  
IKA

Malgorzata Kmita



Secretary-General  
IKA





