

II.

HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

THE INVISIBLE DIALOGUE ON THE RIGHTS OF THE CHILD: ELLEN KEY AND JANUSZ KORCZAK

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The teacher's job is to let him live,
to let him win the right to be a child.

Janusz Korczak

Abstract: The main object of the essay is a dialog on children's rights whose origins stem from jurisprudence or practical philosophy. The invisible and imaginary dialogue on children's rights was born in the midst of pedagogy at the very outset of the last century. As the first, Ellen Key and Janusz Korczak, both educators and writers on educational subjects, dealt with the idea of the rights of the child from their own perspectives. Their approaches are far from the identity of thought. Their reflections are different in nature and substance but certain areas of intersection are found in this contribution. Both pedagogues used similar arguments by which they legitimize children's rights.

Resumé: Objektem eseje je rozprava o právech dítěte, jejichž původ neleží v teorii práva nebo praktické filosofii. Neviditelný dialog o právech dítěte se zrodil uprostřed pedagogické nauky na začátku minulého století. Rozpravu založili a pomyslně vedli Ellen Keyová a Janusz Korczak, pedagogové, kteří psali o výchově dětí. Jejich přístupy k právům dítěte jsou odlišné v povaze i podstatě. Článek rovněž poukazuje na styčné plochy v jejich uvažování o právech dítěte. Ellen Keyová a Janusz Korczak používají podobné argumenty pro zdůvodnění práv dítěte.

Key words: the rights of the child, freedom, autonomy, the right of the child to choose its parents, the right to live for today, the right of the child to die, the right of the child to live for today, the child's right to be what it is, the right of the child to express its thoughts and opinions, the child's right to respect.

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This essay will cover the origins of the concept of the rights of the child, as developed by Ellen Key¹ and Janusz Korczak,² who wrote on educational subjects and children's rights in the early 20th century. Key considers only one aspect of the rights of the child; she emphasizes the seemingly paradoxical right of children to choose their parents. Korczak, meanwhile, took a holistic perspective, calling for the adoption of a formal legal document, a *Magna Carta Libertatis*. He incorporated into his charter some special rights, in nature and content very different to the rights of an adult. He included above all the right to die, the right to live for today and the right to be oneself.³

Both educators emancipate the child and apportion the same social value to childhood as to adulthood. They both agree on the child's right to respect, and their work has similarity in terms of the arguments and concepts that they use: freedom, equality, self-determination, autonomy and the individuality of each child. Their basic thinking fits very much into the intellectual context of the time, to which Maria Montessori and Rudolf Steiner also contributed, amongst others.

There was never any direct dialogue between Key and Korczak. Their dialogue was not only invisible but imaginary too.

1. Ellen Key: The Right of the Child to Choose its Parents

Ellen Key believed that the most fundamental right of a child was to choose its parents. The first chapter of her book *Das Jahrhundert des Kindes* has an apparently nonsensical title: *Das Recht des Kindes, seine Eltern zu Wählen*.⁴ The right to choose one's parents contradicts logic, since conception, whether planned or not, is a biological and legal fact independent of the fetus. Neither can the fetus make choices after the moment of conception.

Key discusses the child's right to choose its parents within the context of the family structure,⁵ which she introduces into the natural relationship of its biological parents.⁶ The social content of this relationship consists of, on the one hand, the rights of the child and on the other hand of the obligation of the parents. It is not entirely clear from her work whether parental responsibilities derive from the child's right to choose its parents or vice versa. This right presents a challenge to any (un)

¹ Lengborn, T., Ellen Key (1849-1926). *Prospects*, 1993, Vol. XXIII, No. 3/4, p. 825.

² See Hammarberg, T., Korczak – Our Teacher on the Rights of the Child. In *Janusz Korczak. The Child's Right to Respect. Janusz Korczak's Legacy. Lectures on Today's Challenges for Children*. Strasbourg: Council of Europe, 2009, p. 5-10; Hartman, S., Janusz Korczak's Legacy: An Inestimable Source of Inspiration. In *Janusz Korczak. The Child's Right to Respect. Janusz Korczak's Legacy. Lectures on Today's Challenges for Children*. Strasbourg: Council of Europe, 2009, pp. 13-22.

³ Korczak, J., The Child's Right to Respect. In *Janusz Korczak. The Child's Right to Respect. Janusz Korczak's Legacy. Lectures on Today's Challenges for Children*. Strasbourg: Council of Europe, 2009, p. 37.

⁴ Key, E., *Das Jahrhundert des Kindes. Studien*. Berlin: S. Fischer Verlag 1902; Key, E., *The Century of the Child*. New York: The Knickerbocker Press, 1909.

⁵ Key put emphasis on that every child has the same rights in respect to both the father and the mother. On the other hand, both parents have just the same obligation to every child. Key, E., *The Century of the Child*. The New York: Knickerbocker Press, 1909, p. 33.

⁶ Key writes that a child should receive life only through a common impulse of its parents. *Ibid.*, p. 56.

married⁷ couple planning to start a family. Parents are required to thoroughly think through whether they want to have a child, or if they want to have more than one child.⁸ Parents must have strong reasons, based on love⁹, for conceiving (or adopting) a child or several children. According to Key, children have the right to be born into a positive family environment.¹⁰ Therein lies the wisdom of her thought. Should a couple decide not to have children, this would paradoxically represent the child's right not to be born.

The idea of a child's right to choose its parents opens up other possibilities in terms of the way social relationships are defined.¹¹ We could envisage a child making a choice to leave its biological parents and selecting a new family. Key describes related situations in which children choose to live their own lives in peace at home, or request that they be treated with the same consideration that would be given to a stranger.¹² The child has yet another option as regards potential adoptive parents.¹³ In Key's conceptual framework, the child has a right to a family and not the other way round.

The child's right to choose its own parents is not a right that the child can independently exercise, but exists amidst the intimate set of relationships inside the family, including the relationship between its future parents.¹⁴ This notion, placing the child at the centre of a web of personal and intimate relations, where every child has rights in respect of its parents,¹⁵ differs from the usual conceptualization of human rights in which the individual claims (public or social¹⁶) rights against society as a whole.¹⁷ The former philosophical construct belongs in the public realm and defines the rights of the individual as regards the state, but it does not necessarily preclude the child from having special rights within the overall framework of human rights.

⁷ Key calls marriage the will shared by two, to create the one, – the one that is in itself more than its creators. Ibid., p. 62.

⁸ Eichsteller, G., Janusz Korczak – His Legacy and its Relevance for Children Rights Today. *International Journal of Children's Rights*, 2009, Vol. 17, p. 385.

⁹ Key is of opinion that those who are lovers, those who are married will regard themselves as completely free, and will also be so regarded. E. Key, op. cit., p. 34.

¹⁰ Veerman, P. E., The Ageing of the UN Convention on the Rights of the Child. *International Journal of Children's Rights*, 2010, Vol. 18, p. 587.

¹¹ See Ambjörsson, R., Key, Ellen (1849-1926). In: *Encyclopaedia of Children and Childhood in History and Society*, available at <http://faq.s.org/childhood/Ke-Me/Key-Ellen-1849-1926.html>.

¹² Moreover, Key demands that family life would have an intelligent character if each one lived fully and entirely his own life and allowed others to do the same. E. Key, op. cit., p. 175.

¹³ See Recommendations, para. 44. General Comment No. 12 (2009). The right of the child to be heard, Committee on the Rights of the Child, CRC/C/GC/12 20 July 2009, p. 6.

¹⁴ See Raz, J., On the Nature of Rights. In Ten, C. L., (ed.), *Theories of Rights*. Aldershot: Ashgate, 2006, pp. 54-55.

¹⁵ Key, E., op. cit. 5, p. 33.

¹⁶ See Wall, J., Human Rights in Light of Childhood. *International Journal of Children's Rights*, 2008, Vol. 16, p. 528.

¹⁷ See Hart, H. L. A., Natural Rights: Bentham and John Stuart Mill. In Ten, C. L. (ed.), *Theories of Rights*. Ashgate, Aldershot 2006, p. 163.

Key dedicated her book to all parents who believed in the emergence of a new type of person in the 20 century (*Allen Eltern, die hoffen, im neuen Jahrhundert den neuen Menschen zu bilden*), a sentiment that drew partly on romantic and utopian thought.¹⁸ She attributed holiness to the child, a holiness approaching divine perfection, and confidently claimed that that this holy attribute would soon be widely accepted, along with the sanctity of the mother and of motherhood (*Die Zeit wird kommen, in der das Kind als Heilig angesehen werden wird*).¹⁹ This concept of holiness does not appear exclusively in thought on children or motherhood, but also forms the basis of human rights in the philosophical framework of natural rights.²⁰

In her book *The Century of the Child*, Key's thinking extends beyond the purely romantic. The chapter on education is practical in focus and asks that children be shown the same level of respect, consideration and trust shown to adults, since they too belong to the human community. This is in line with the philosophy of Immanuel Kant²¹ – though unlike him, Key requests that children can be the subjects of human rights. Key places children's rights at the centre of intimate family relationships and claims the same rights regarding relationships with both parents for all children, hence rejecting any difference connected with whether or not the child was born within marriage.

2. Janusz Korczak: “Vzywam o Magna Charta Libertatis, o prawa dziecka”

Janusz Korczak²² had read Key's work, and built on her position that children should be allowed to encounter real life experiences at every stage (*At every step the child should be allowed to meet the real experience of life; thorns should never be plucked from roses*). Of course, Korczak overhauled the concept of children's rights.²³ His thinking was faithful to religious humanism²⁴, but also rooted in reality – Korczak's proposals were based on clinical observations and therefore were supported empirically. Moreover, he drew on his own experience in medicine, education and pedagogical theory.²⁵

¹⁸ Janoušková, K., Krkavčí matky? In Nosál, I. (ed.), *Obrazy dětství v dnešní české společnosti. Studie ze sociologie dětství*. Brno: Barrister and Principal, 2004, p. 18.

¹⁹ See Dekker, J. J.-H., *The Century of the Child Revisited. International Journal of Children's Rights*, 2000, Vol. 8, p. 135.

²⁰ See Henkin, L., Neuman, G. L., Orentlicher, D. F., Lebron, D. W., *Human Rights*. New York: Foundation Press, 1999, pp. 22-37 (mainly quotations from J. Locke and others); Locke, J., *Two Treatise of Government*. The Works of John Locke, Vol. V, London: W. Shape and Son, 1823, para. 87.

²¹ See Henkin, L., Neuman, G. L., Orentlicher, D. F., Lebron, D. W., op. cit., pp. 38-41; J. Wall, op. cit. 16, p. 530.

²² Mortkowicz-Olczakowa, H., *Janusz Korczak*. Warszawa: Czytelnik, 1961, p. 7.

²³ Korczak, J., *Pisma wybrane*. Warszawa: Nasza Księgarnia, 1978, Vol. I, II, III a IV.

²⁴ Ignera, B., *Der Religiöse Humanismus Janusz Korczaks*. Giessen: Justus-Liebig-Universität, 1980, p. 10.

²⁵ Falkowska, M., *Mysł pedagogiczna Janusza Korczaka. Nowe źródła. Wybór*. Warszawa: Nasza Księgarnia, 1983, Vol. II, p. 7; Barszczewska, L., Milewicz, B., *Wspomnienia o Janusu Korczaku. Wybór i opracowanie*. Warszawa: Nasza Księgarnia, 1989, p. 5; Debnicki, K., *Korczak z bliska*. Warszawa: Ludowa Spółdzielnia Wydawnicza, 1985, p. 7.

Korczak's approach to the rights of the child was comprehensive, including cognitive, conative and affective elements. According to Korczak, children do not develop into human beings – since they are already human beings from the very start.²⁶ This is absolutely axiomatic in his thinking, and forms the very simple basic rule in his pedagogical theory, namely that children are complete human beings, with interests, needs and rights.²⁷ He rejects the view that children are initial, embryonic beings, individuals in the process of formation.²⁸ In this latter view, a child is a future person, a future worker and a future citizen.²⁹

In examining the social status of the child, Korczak recognizes the absolute value of childhood, seeking equality between its various phases and adulthood.³⁰ He refutes the notion that there are two forms of being: adulthood which is substantial and worthy of respect, and childhood which is less serious and indulgently tolerated.³¹ Moreover, the years of childhood are long and important.³²

In his book *Jak kochać dziecko*³³ Korczak briefly touches upon the prevailing view of the position of children. This discussion takes the form of a dialogue, one which has internal and external parts. Children, like fish, do not have the vote. In the dialogue, Korczak addresses a child with the view, „you have time, wait till you grow up.“³⁴ And the child responds: „I am nothing. I'm already a somewhat older nothing. How many more years do I still have to wait?“³⁵

In his work *Wiosna i dziecko*³⁶ he calls for an end to the social fiction of a sensitive, perhaps oversensitive, and benevolent relationship with the child. Instead, he claims, we need to ask ourselves what rights the child has. Indeed, a child could answer the question itself, though Korczak takes the part of an outsider in *Jak kochać dziecko*. Paragraph 37 of the book is entitled in Polish „Baczność“³⁷ and includes Korczak's basic concept of children's rights. The expression in the introduction to the paragraph characterizes the multi-faceted meaning of the expression, with an emphasis placed on vigilance, wariness, caution, and attention. For the rights of children, the most important of these are attention and wariness.

²⁶ Eichsteller, G., op. cit. 8, pp. 384-385.

²⁷ Ignera, B., op. cit. 24, p. 67.

²⁸ See Lee, Y., Communications Procedure under the Convention on the Rights of the Child: „3rd Optional Protocol. *International Journal of Children's Rights*, 2010, Vol. 18, pp. 567.

²⁹ Korczak, J., op. cit. 3, p. 33.

³⁰ See Matthews, G. B., *The Philosophy of Childhood*. Cambridge: Harvard University Press, 1996, p. 16.

³¹ See Bauman, Z., Kindheit (in) menschlicher Würde. *Korczak-Bulletin*, Deutsche Korczak-Gesellschaft, 2003, Heft 1, p. 25.

³² Korczak, J., op. cit. 3, p. 33.

³³ The English title of his book is *How to love a child*.

³⁴ Korczak, J., *Pisma wybrane*. Warszawa: Nasza Księgarnia, 1978, Vol. I, p. 115: „Dzieci i ryby nie mają głosu. – Masz czas. Poczekaj, aż urośniesz.“

³⁵ *Ibid.*, pp. 115-116.

³⁶ The English title of this book is *Spring and the Child*.

³⁷ The Polish expression could be translated meaningfully as attention.

Indeed, Korczak takes a holistic approach, as opposed to only focusing on individual rights of the child. He demands no less that a grand bill of rights (*Magna Carta Libertatis*) for children.³⁸

Korczak's thought is rooted in the widespread myth³⁹ that the medieval *Magna Carta* constituted a proclamation of the freedom of man and he does not examine the normative content of this historical document, seeing rather its organisational form, along with the potential legal effects of a formal proclamation. Such a proclamation would constitute recognition of the child and of childhood, and also express the political legitimacy of both. Korczak's declaration would comprise three basic elements, though he admits the possibility of adding more, and his emphasis is on the child as an individual, elevating the individuality and autonomy of the child, albeit not in complete forms.⁴⁰ It is these principal concepts that he uses in arguing for the rights of children.

Korczak explicitly refers to the basic rights of children: the right to die (*prawo dziecka to śmierci*), the right to live for today (*prawo dziecka to dnia dzisiejszego*) and the child's right to be what it is (*prawo dziecka, by było tym, czym jest*). At the end of the paragraph he adds his evaluation of the primary right of the child to express its thoughts and opinions (*prawo dziecka do wypowiedzenia swych myśli*), the latter also being associated with questions of personal doubt.⁴¹ These basic rights complement the right of the child to respect, which builds on Key's concept of the child's rights to liberty⁴² and to protest against injustice.

This framework of fundamental rights for children has proved to be provocative with regard to conventional opinion in education, pedagogical theory and law, and the child's right to death is a case in point. Korczak argues that the intense and rational love of a mother for its child must necessarily give it the right to a premature death, to an end to the cycle of life. This is in line with the very nature of life; after all, not all seeds sprout, and not all nestlings grow into healthy birds (*nie każde piskle rodzi się zdolne do życia*).⁴³ This right of the child to die does not mean arbitrary or voluntary death, nor death caused by parental negligence or any mere turn of fate. On the contrary, this right is inherent in the child's life, a life that is in the hands of the child itself and not those of adults.⁴⁴ This right reflects the child's growing independence and freedom in a gradual way. And again the argument of autonomy of the child is used as well.

³⁸ Korczak, J., op. cit. 33, p. 112: "Wzywam o *Magna Charta Libertatis*, o prawa dziecka."

³⁹ See Breay, C., *Magna Carta. Manuscripts and Myths*. London: The British Library, 2002, p. 28.

⁴⁰ See General Comment No. 12 (2009). The right of the child to be heard, Committee on the Rights of the Child, CRC/C/GC/12 20 July 2009, p. 5.

⁴¹ Korczak, J., op. cit. 33, p. 112.

⁴² Ignera, B., op. cit. 24, pp. 87-94.

⁴³ Korczak, J., op. cit. 33, p. 113.

⁴⁴ Eichsteller, G., op. cit. 8, p. 386.

This right to death is not unbounded and ends where there is an immediate danger to life. And each child has to appreciate this limit, progressively and in a spirit of autonomy and freedom.

The next basic right ensures sensitivity to the need to live for the moment. This idea captures a child's perception and absorption of the outside world, emphasizing the child's perspective of „here and now.” According to Korczak, the individual is in itself the outcome of the moment (*Człowiek jest produktem danego momentu...*).⁴⁵ The child is an active human being, with the right to enjoy today. Every moment is precious and none can be relived. Thus the teacher's job is not to shape the child's future, but to ensure for the child a fulfilling outlet for its energies in the present. The teacher should not lead a child according to some set model, but help it to develop its own autonomy. Hence comes Korczak's insistence on living life for today (*Żyj teraz własnym życiem*).⁴⁶

The child's identity is unique and unrepeatable, and is determined by the child and nobody else. This is how Korczak defines the child's right to be what it is. But this right clearly determines individual identity as well as the incomplete autonomy of the child. The three fundamental rights of the child are interlinked but also mutually conditional. They are linked together logically by the principal concepts of the child's autonomy, determination of identity and self-rule.

In his work *Prawo dziecka do szacunku*, Korczak demands respect for the child.⁴⁷ Korczak likens the child to a stranger in a new town, ignorant of the local language, the street layout, the laws and the local customs. She wants to explore the city by herself, but will need some help and advice. She will need a guide, someone to answer her questions. Therefore, everyone should respect the child's lack of knowledge.⁴⁸

Through this analogy, Korczak explains the child's right to respect,⁴⁹ requiring that we take account of the child's ignorance and respect its efforts to learn, as well as its individuality. This approach logically leads us to require respect for a child's tears.⁵⁰ The child has the right to demand that his pain, sorrow and desires be taken seriously.⁵¹ A child's cries may indicate its helplessness, defiance, protest, complaints, a plea for help or its suffering – or it might simply be evidence of undue restriction by its parents.⁵²

The child's right to respect also has a material dimension. Korczak's formulation of respect for the child's belongings⁵³ is rooted in his own personal experience. He worked as an expert witness in the Warsaw District Court, in cases involving

⁴⁵ Korczak, J., *Rezygnacja*. In: Falkowska, M., op. cit. 25, p. 236.

⁴⁶ Ibid., p. 85.

⁴⁷ Korczak, J., op. cit. 3, pp. 23-42.

⁴⁸ Ibid., p. 35.

⁴⁹ Bystrzycká, A., Janusz Korczak a právo dítěte na úctu. Paideia, 2008, Vol. V, pp. 1-5, available at <http://www.pedf.cuni.cz/paideia>.

⁵⁰ Korczak, J., op. cit. 3, p. 35.

⁵¹ Ibid.: “More frequently they cry even a child's tears are treated as a joke, made to seem less important. They make adults angry.”

⁵² Ibid.: “Children suffer acutely because they are unaccustomed to pain, wrong-doing, and injustice.”

⁵³ Ibid., p. 36.

children, including theft. He realized that children have basic needs, desires and temptations that they cannot themselves satisfy. Korczak also witnessed first hand the social condition of older children who had to toil in order to scrape a living.

The right to respect also means respect for the mystery of childhood and for the ups and downs of the child's development.⁵⁴ Finally, Korczak again demands respect for the child's right to live for the moment, which means that the child is not pressed, or rushed, for the sake of tomorrow, so that it can linger in the present moment, which can never be repeated.

When Korczak calls for a grand bill of rights (*Magna Carta Libertatis*) for children, he is logically linking the concept of children's rights with freedom, and one can assume that the rights of the child would enhance freedom.⁵⁵ In the book *Jak kochać dziecko*, Korczak distinguishes between two types of liberty or freedom,⁵⁶ *swoboda* and *wolność*.⁵⁷ The first, *swoboda*, is based on identity whilst the second, *wolność*, relates to free will. This last type of freedom is related to being able to satisfy one's desires.⁵⁸

Korczak goes on to address the reality of freedom for the child.⁵⁹ He compares the standard children's bedroom layout, with space symmetrically enclosed by furniture, with public parks in cities. Neither space is adequate to provide the freedom needed to achieve self-realization. Korczak is implacably opposed to the practical philosophy that denies children the ability to make choices and exercise free will.⁶⁰ Needless to say, he also opposes the view that only adults can be the subject of human rights since only they have the cognitive ability to act as free agents.⁶¹

For Korczak, the child is not blessed with holy innocence, as per the romanticism of Key.⁶² But his thinking is also objective and realistic and he does not entirely concur with the contemporary sociological view that children be treated as active agents⁶³ with the ability to shape their own lives.⁶⁴ He believed in their input in running basic institutional structures and also in bringing about change.

⁵⁴ Ibid; also Lansdown, G., *The Evolving Capacities of the Child*. Florence: UNICEF, pp. 5-7; Krappmann, L., *The Rights of the Child as a Challenge to Human Rights Education*. Publishing date: 2006/06/25, pp. 6-7, available at http://www.jsse.org/2006-krappmann_child-rights.htm.

⁵⁵ See Hart, H. L. A., *Are There Any Natural Rights?* *Philosophical Review*, 1955, Vol. 64, No. 2, p. 182.

⁵⁶ See Hoffman, J., Graham, P., *Introduction to Political Concepts*. Harlow: Pearson Education Limited, 2006, pp. 38-55.

⁵⁷ See Berlin, I., *Two Concepts of Liberty*. In D. Miller, *Liberty*. Oxford: Oxford University Press, 1991.

⁵⁸ Korczak, J., op. cit. 33, p. 113.

⁵⁹ Korczak, J., op. cit. 3, p. 27: "He may fall, bump himself, get hurt, get dirty, spill, tear, break, misplace, lose, set fire, leave the door open to burglars. He will hurt himself and us; cripple himself, us, a playmate."

⁶⁰ Korczak, J., op. cit. 33, p. 113.

⁶¹ See Smith, A. B., *Interpreting and Supporting Participation Rights: Contributions from Sociocultural Theory*. *International Journal of Children's Rights*, 2002, Vol. 10, pp. 84-85.

⁶² Korczak, J., op. cit. 3, p. 42.

⁶³ Mayall, B., *The Sociology of Childhood in Relation to Children's Rights*. *International Journal of Children's Rights*, 2000, Vol. 8, p. 248.

⁶⁴ See Gallagher, M., Foucault, Power and Participation. *International Journal of Children's Rights*, 2008, Vol. 16, pp. 395-406.

The child's right to express an opinion, which Korczak addresses in his work, provides this institutional dimension. And he put his concept of child raising – the “Republic of Children” – into practice in his orphanage (*Dom Sierot*),⁶⁵ which, as we learn from his personal notes, formed the testing ground (*baza wypadowa*) for his ideas.⁶⁶ He established a children's parliament, from elected representatives comprising one in every five children, and used children's courts as autonomous bodies for the purpose of maintaining order and discipline. Children could express their views through a newspaper (*Maly Przegląd*), whose first edition appeared in 1926.

The rights of the child, as proposed and practised by Korczak, are limited to social groups. Children exercise their rights within the context of small groups, such as the family, or, for instance, the orphanage. He emphasizes this internal dimension to children's rights rather than relationships with other social groups. The rights of the child are not completely legal or moral claims on external entities such as the body politic or other groups in society. Ultimately the real, natural life of the child usually takes place in two microcosms: the family (or orphanage) and the school. Korczak explains the rights of the child through the uniqueness, autonomy and freedom of each child, but also through its identity, self-determination, self-control and personal experience, i.e. its whole human being. So he openly recognized the child as an active subject of human rights, and put the child at the hub in terms of teaching methods, pedagogical theory and moral consideration. Korczak replaces Key's dreamy romanticism with concepts based in reality, without forcing premature adulthood on the child. In his approach, worldly reality determines thought, discussion and also actual proposals. Some of the children's rights listed in his proposals, which were socially and politically justified later on, came into legal existence.

⁶⁵ Bystrzycká, A., op. cit. 49, p. 2.

⁶⁶ Korczak, J., op. cit. 33, p. 14.

