

*Małgorzata Turczyk*¹  <http://orcid.org/0000-0003-4095-9294>

Uniwersytet Jagielloński

POLISH PEDAGOGY IN THE EARLY 20TH CENTURY: THE EMERGENCE OF THE CONCEPT OF CHILDREN’S RIGHTS

S u m m a r y: This article presents an analysis and interpretation of sources and secondary materials collected during research on social pedagogy being a source of ideas for the contemporary concept of children’s rights. Polish social pedagogy in its historic heritage, grounded in the ideas and writings of the first Polish pedagogues, of the 1920s and 1930s as well as in specific theoretical and institutional measures that served the practice of social support, help and care, was guided by the notion of the protection of human rights. This particularly referred to the rights of the child threatened by poverty, exclusion, social inadequacy; the child who was hungry, abandoned, orphaned and in urgent need of support.

The article discusses the source of the concept of children’s rights found in the achievements of Polish social pedagogues, and their implications for the evolution of theory and practice in protection of the children’s rights. The central focus of these considerations is the category of law as an important element of the human educational environment during childhood.

K e y w o r d s: social pedagogy, children’s rights, educational environment, law, humanistic social pedagogy

¹ Dr Małgorzata Turczyk – adiunkt w Zakładzie Pedagogiki Szkolnej i Dydaktyki Akademickiej, Instytut Pedagogiki Uniwersytetu Jagiellońskiego w Krakowie. Adres do korespondencji: Instytut Pedagogiki Uniwersytetu Jagiellońskiego, ul. Batorego 12, 31-135 Kraków; e-mail: m.turczyk@uj.edu.pl.

After all, laws also have an educational role. In this respect, their educational function and authority was referred to by Socrates, who explained that because of their very existence, he had to refuse to escape from prison. Laws can be just and unjust, good and bad but if a person's upbringing is to depend on them, we must do all we can to make them as good as possible...²

Władysław Stróżewski

Introduction

This article offers an analysis of the sources of the contemporary category of children's rights within the theory and practice of Polish social pedagogy. Social pedagogy, understood as one of the main pedagogical disciplines, has its special areas of interest, research and scientific theories. In the achievement of Polish pedagogical thought we can find the first attempts at a new way of looking at children and the child's developmental environment. Normative and axiological conditions of protection and care become a lens through which to see the formulation of these ideas. In this context, the idea of protection of and care for the child has been transformed from a category of postulates of what is morally and ethically right in terms of the duties of individuals and philanthropic organizations towards children, to the normativization of the duties of society towards its most vulnerable groups.

A central point of our considerations here is the space in which this transformation takes place, with its shifting of the focus, which at the same time identifies the primary subject of research in social pedagogy. The space where "it all happens", where we can find a new perspective on the child, and where the child's inherent human rights come to light, along with the need for them to be protected, is the educational environment as presented here through the writings of some Polish pedagogues. With reference to the classical theories of social pedagogy, we can safely assume that social pedagogy puts the theory of the significance of the environmental conditions of child-rearing, educational and developmental process, and the practice of the formation of such an environment itself at the center of its research³. It is, after all, the educational environment – with all its detailed elements – which became the place of growth, development and maturation, or their opposites of regression and demoralization⁴. However, the educational environment

² Władysław Stróżewski, "O stawianiu się się człowiekiem". In: *W kręgu wartości* (Kraków: Wydawnictwo Znak, 1992), 40.

³ Anna Przeclawska, "Pedagogika społeczna – tradycyjne odniesienie i współczesne wyzwania". In: *Pedagogika społeczna jako dyscyplina akademicka. Stan i perspektywy*, ed. Ewa Marynowicz-Hetka, Jacek Piekarski, Ewa Cyrańska (Łódź: Wydawnictwo UŁ, 1998), 9.

⁴ See, among others, Stanisław Podoleński, "Środowisko rodzinne wychowania (O wychowaniu II)". *Głosy Katolickie* 202 (1917); Ludwika Jeleńska, *Sztuka wychowania* (Warszawa: Nasza Księgarnia, 1930); Krzysztof Jakubiak (ed.), "Rodzina jako środowisko wychowania (O wychowaniu II)". *Głosy Katolickie* 202 (1917).

is not only considered in this context; for social pedagogues it is also a primary ontic and epistemic category⁵.

The thesis derived from social pedagogy about the close relationship between life processes on the one hand and the environment of one's upbringing on the other becomes here the main plane for reflection on the role of positive law in securing the development of the child and its human rights. Following Stefan Karpowicz's thought that the individual's life processes develop in the context of their life environment "as a response to external factors, the result of which is the adaptation of the living being to the environment"⁶, I propose to look at the fundamental factor in the reflection on children's rights in the educational environment, which is the law.

Social Pedagogy as a Source of Reflection on Children's Rights

Polish social pedagogy is for these considerations a reliable area of research. Initially conceived of as a current in pedagogical and social philosophy, it became a sub-discipline within the system of educational sciences, placing at the center of its theoretical reflection and pedagogical practice the environmental conditions of the processes of child-rearing, care and education. After Anna Przećławska, its object, is "the issue of constructing an educational environment – facilitating human development – and creating the child-rearing methods that foster it"⁷. As a science of theoretical and empirical character, social pedagogy not only builds up theories of child-rearing, educational and childcare processes, but in its theoretical concepts it aims to suggest particular practical, systemic and individual measures that can strengthen an individual's personal potential, life force and the possibility of their receiving appropriate care and protection. The provision of such support, broadly interpreted, is only possible once we get to know the origin and characteristics of the person's immediate environment.

It is in the local, educational environment closest to a person, but also in its global dimension, that social pedagogues see "a set of factors conditioning and co-creating human development processes"⁸. Most importantly, they also see the possibility of shaping these conditions in order to optimize and protect human development on the basis of fundamental ideas that give grounds to the theory of social pedagogy, as well as to the category which will become the basis for the

⁵ Wojciech Sroczyński, "Pedagogika społeczna czy/a środowiskowa". *Kultura i Edukacja* 2 (2007): 61.

⁶ Stefan Karpowicz, *Pisma pedagogiczne*, selected and edited by Ryszard Wroczyński (Wrocław: Zakład Narodowy im. Ossolińskich, 1965), 52.

⁷ Anna Przećławska, "Pedagogika społeczna dziś – poszukiwanie paradygmatu". *Forum Oświatowe* 3 (1991): 31.

⁸ Ryszard Wroczyński, *Pedagogika społeczna* (Warszawa: PWN, 1985), 76.

codification of legal norms protecting the child, not by showing “good heart” or the philanthropic actions people of “good will”, but by having pedagogical ideas anchored in the positive law, i.e. the norms that constitute the status of the child as a subject of universally binding law. Pedagogical ideas and principles of social conduct will become principles of universally binding law.

An important source for understanding the contemporary concept of children’s rights is the heritage of humanistic social pedagogy of the 1920’s and 1930’s connected with Catholic social teaching. Currently being developed as an interdisciplinary science from the perspective of pedagogical reflection and the educational practice of its representatives, it creates an epistemically interesting area of research on the category of children’s rights as analyzed in this paper, which is understood here not as a hostile individualistic ideology⁹, but as a value stemming from innate human dignity. It is also deeply rooted in the social doctrine of the Catholic church, based on the idea of love, and the need to protect the child as a human, created in the image and likeness of God.

At the beginning of the twentieth century, the system of Christian education rooted in the idea of love clashed with the liberal system based on the idea of freedom, the socialist system based on the idea of struggle, and the nationalist system which placed the nation in a central position¹⁰. It took time, therefore, for the social teachings of the Catholic church to become established in pedagogical reflection and practice. Undoubtedly, however, the voices of the first representatives of Polish humanistic pedagogy paved the way for the protection of the fundamental rights of childhood. These rights, for which Ludwika Jeleńska loudly advocated, appealed to teachers and parents to respect the child’s world. Jeleńska pleaded for teachers and parents to treat *the child’s world* with consideration, to appreciate *the subtleties of the world* as experienced by the child¹¹. A great educator, who strongly emphasized in her lectures for parents that “[...] children see only violence in physical punishment, in the face of which their own offense becomes blurred”¹². In her pedagogical concept, Jeleńska put into practice the idea of protecting children against all forms of violence. In respecting the child as a spiritual being, she sought ways of “harmonizing the human being within”¹³. Drawing on pedagogy as an academic discipline, she encouraged participation in the art of educating man; a noble and glorious art that requires humility and attentiveness to the everyday experiences of the child. She shows this perspective brilliantly in the book *O Janku, który umiał*

⁹ More on this topic in: Karol Górski, “Rodzina a kultura współczesna”. In: *Rodzina. Diary of the 1st Catholic Family Studies in Poznan, September 2–6, 1935*, “Catholic Studies”, Vol. 1, ed. Stanisław Bross (Poznań: NIAK, 1936) and the booklet “Biblioteczka Akcji Katolickiej” (Poznań: 1935), 13.

¹⁰ Paweł Śpica, “Przemiany autorytetu ojca w rodzinie Polskiej XX wieku. Interpretacja z perspektywy historyczno-pedagogicznej”. *Wychowanie w Rodzinie* 2 (2014): 338.

¹¹ Jedleńska, *Sztuka*, 54.

¹² Ibidem, 68–69.

¹³ Ibidem, 29.

chcieć [The story of Janek, who knew how to wish for things]¹⁴, saying out loud to the world of children and their caregivers after, St. John Bosco, “Don’t be afraid to want great things!”, in this way appealing for authenticity and integrity in human educational development¹⁵.

In the writings of Fr. Stanislaw Bross, we can also find the postulate of showing respect for the child in the process of his or her upbringing in the family, encouraging parents to nurture the talents inherent in the child. According to Bross, the parents’ task is to teach the child to be independent and to create space for its development, and above all to work on self-development as a person, a parent, and a spouse. Respect for the child and protection for the child’s well-being should be based on the parents’ authority, but as the author warns: “Make sure the parental authority never burdens the child”¹⁶.

Such an understanding of the child and the safeguarding of its inherent dignity can be found in the writings as well as didactic, educational, social, and pastoral activities of such representatives of humanistic social pedagogy as, for example, Andrzej Niesiołowski, Konstantyn Michalski, Fr. Michał Sopoćko and Kazimierz Kowalski. In the Catholic pedagogy of 1918–1938 we find a particular tension between the liberal and socialist views and the new education of the time. Elements of humanistic thought were criticized – among them intellectualism, individualism, voluntarism, naturalism, and materialism – as well as their educational and didactic consequences¹⁷. Thus it can be said that two positions clashed as far as the protection of the child and childhood in the space of pedagogical reflection and practice were concerned: the liberal views of John Dewey, Ellen Key, Helena Radlińska, Aleksander Kamiński or Janusz Korczak, and the Catholic approach, which sought the sources of the concept of the rights of the child in the inherent dignity of the human person and the ideal of love for one’s neighbor.

Noteworthy in this context is the voice of Karol Górski, who in a paper entitled *The Family and Modern Culture*, delivered in 1934 at the convention of Akcja Katolicka in Poznań, indicated the direction in which the inherent rights of the child should be approached in terms of Catholic pedagogy: “God acts upon us with love, not with fear or terror, nor with pressure of necessity: for his desire is to educate the person in us and to enrich it, that is, to improve us”¹⁸. This statement is often interpreted as a criticism of the positivistic concept of children’s rights. And even though, due to historic circumstance, this very tendency in a way “won” by providing the basis for

¹⁴ Ludwika Jeleńska, *O Janku, który umiał chcieć. Dzieciństwo błogosławionego Jana Bosco*, illustr. M. Jaroszyńska (Poznań: Księgarnia św. Wojciecha, 1920).

¹⁵ Janina Kostkiewicz, *Kierunki i koncepcje pedagogiki katolickiej w Polsce 1918–1939* (Kraków: Impuls, 2013), 479.

¹⁶ Stanisław Bross, *Miłość, małżeństwo, rodzina* (Poznań: Naczelny Instytut Akcji Katolickiej, 1935), 52.

¹⁷ Ibidem, 357–609.

¹⁸ Górski, “Rodzina”, 8–9.

the contemporary codification in the area of children's rights, Górski himself had numerous reservations about the draft of the Declaration of the Rights of the Child.

However, most importantly for the debate about the protection of children's rights, these two currents were united by a common concern about a matter of the utmost importance – the *fate* of the child. An analysis of the letter of Julia Ledóchowska (St. Urszula Ledóchowska) to Ellen Key¹⁹ brings an interesting clue that links rather than separates the roots of the various aspects of the concept of children's rights. The juxtaposition of the fixed ideological image of Ellen Key and her cooperation with Julia Ledóchowska and the popularization of Reymont's *Chłopi* (Peasants) in Sweden may provide interesting grounds for further research on the subject of her work for Catholic communities and international cooperation.

From the historic perspective, “the discipline of social pedagogy of Catholic origin was subject to discrimination in the academia (conditioned by varying factors depending on the historic period), which most often manifested itself in silencing its existence and role”²⁰. These sources are still not fully recognized and their contribution to the achievement of Polish social pedagogy is underestimated. In fact, it can be argued that the contribution of pedagogues to the theory and practice of social life or national culture has been lost. It is worth emphasizing in this context that these extraordinary sources – theoretical and practical inspirations for the development of social pedagogy as a pedagogical discipline, as well as philosophical reflection – provide the basis for the issue of the children's rights analyzed in the article. This contribution eludes not only historians, but also the contemporary discourse, taking place as it does in a way that omits this pedagogical heritage, tradition and their overall significance²¹, even though they are significant also for the concept of the protection of children's human rights. This area of Polish social pedagogy should therefore be explored further in search of the sources of ideas about child protection.

Identifying the Roots of the Category of Children's Rights in the Space of the Educational Environment

In the Polish pedagogical literature, the interest in the educational environment appears at the turn of the 19th and 20th centuries. In the Polish context of socio-political transformation and the lack of national education or childcare system at the time, the pedagogical exploration of the educational environment was

¹⁹ Julia Ledóchowska, “List do Ellen Key”, ed. Janina Kostkiewicz. *Polska Myśl Pedagogiczna* 1 (2015): 279–285.

²⁰ Janina Kostkiewicz, “Humanistyczna pedagogika społeczna jako pogranicze i obszar wspólny z katolicką nauką społeczną. Szkic zagadnienia”. *Polska Myśl Pedagogiczna* 2 (2016), 53.

²¹ *Ibidem*.

particularly widespread, providing grounds for our analysis of the prevailing ideas, principles and concepts which later gave grounds for the emergence of the concept of children's rights.

Some key categories of the theory and practice of this discipline can be identified within the achievement of Polish social pedagogy of the time in the work of writers such as Andrzej Niesiołowski, Barbara Żulińska, Henryk Weryński, Karol Górski, Stanisław Podoleński, Aleksander Wóycicki, Ludwika Jeleńska, Ludwik Krzywicki, Stanisław Karpowicz, Helena Radlińska, Ryszard Wroczyński and Aleksander Kamiński. Following the contemporary research in social pedagogy, these are: the idea of subjectivity, social justice, subsidiarity and social education²². We can define these ideas, following Wiesław Theiss, as:

- “The idea of social justice as expressed in the claim that all people should have equal opportunities for development, created by a democratic social order”²³.

In this idea we can find the principle of *equality before the law*, as directly expressed in the Convention on the Rights of the Child. The preamble to the Convention already, with reference to documents regarding the protection of human rights, emphasizes the principle of equality of all people before the law. An example of the principle being more specifically adjusted to the particular situation of the child is Article 2 of the Convention, which states that:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status²⁴.

- “*The idea of subjectivity*; according to which the social world, a variable and dynamic structure is created by “social forces”²⁵.

According to Radlińska, these “social forces” are among the measures of the value of social relations, which are “the sum of human forces, released, activated, directed towards conscious introduction of changes for the better in a system at a given time”²⁶. We recognize this idea from the very beginning of the work on the Convention on the Rights of the Child, when in 1978 some great “social forces” within the framework of the UN Commission on Human Rights began work on the text of the document. It was the work and engagement of people aware of the need to create normative tools for the protection of children that ultimately made

²² Ewa Marynowicz-Hetka, *Pedagogika społeczna. Podręcznik akademicki* (Warszawa: WN PWN, 2007), 46.

²³ Wiesław Theiss, “Helena Radlińska: powrót do źródeł i tradycji w ponowoczesnym świecie” *Pedagogika społeczna* 4 (2018): 118.

²⁴ *Konwencja o prawach dziecka*, Dz.U. Nr 120, poz. 526.

²⁵ Theiss, “Helena”, 118.

²⁶ Radlińska, *Pedagogika*, 110–111, cited after: Wiesław Theiss, *Radlińska* (Warszawa: Wydawnictwo „Żak”, 1997), 68.

it possible to refine the text of the Convention and its structure of an international agreement, which, in accordance with Article 46, may be acceded to by any State that values and wishes to protect the welfare of the child. The very idea of subjectivity is a part of this structure.

Article 46: The present Convention shall be open for signature by all States²⁷.

- “*the idea of social education*, which can illustrate the claim that the young generation has the right to an equal start provided by universal access to education and culture”²⁸.

The essence of this idea was expressly made in the child’s right to education and the constitutional safeguarding thereof:

Article 28: States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular [...] [...] promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries²⁹.

The idea is directly translated to the duty imposed on the States Parties to disseminate information contained in the Convention on the rights of the child:

Article 42: “States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike”³⁰.

- “*the idea of subsidiarity*, which transfers to society as a legal entity an institutional obligation to help all those in need in their development. At the same time, however, the support of the state or an external institution cannot eliminate the efforts of individuals, groups, and social environments in their attempts to solve the problem”³¹.

This idea is the basis of the responsibility of the States for the implementation of the norms contained therein. Most generally, but also most fully, this idea is expressed in:

Article 4: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”³².

Article 3 of the Convention states:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

²⁷ *Konwencja o prawach dziecka*, Dz.U. Nr 120, poz. 526.

²⁸ Theiss, *Radlińska*, 68.

²⁹ *Konwencja o prawach dziecka*, Dz.U. Nr 120, poz. 526.

³⁰ *Ibidem*.

³¹ Theiss, *Radlińska*, 68.

³² *Konwencja o prawach dziecka*, Dz.U. Nr 120, poz. 526.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision³³.

It is also worth noting here the issue of control over the implementation of the Convention and the role of States Parties in this regard:

Article 43: "For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided"³⁴.

The theory of educational environment, and the thorough analysis of its ingredients and their influence on an individual in Radlińska's pedagogical work, allows for the identification of the basic ideas that will inform the later concept of children's rights. Notably, the process of the formation of the rights of the child, the sources of which I seek in the thought of social pedagogy, was accompanied by a whole set of socio-economic factors, philosophical views and educational theory, the evolution of which is clearly marked by the Radlińska's conceptual framework. The key categories for the theory and practice of social pedagogy mentioned here are the ideas that are still widely present in the pedagogical theory and practice of today. We also find them in legal principles that form the foundation of the Polish legislation aimed at protecting children not only in the dimensions of the international Convention, but also in the national law.

The Idea of Child Protection in Positive Law

For years, Polish social pedagogy has been building its theories of social aid, care-provision and child-protection on the basis of the principles of charity, philanthropy and the church work of some people for the benefit of others: the weaker, the poorer, the vulnerable and those in need of help and support³⁵. Such are the sources of "supporting the development, releasing the potential of an individual, of the known qualities but also those that are latent"³⁶. Notably,

³³ Ibidem.

³⁴ Ibidem.

³⁵ Marynowicz-Hetka, *Pedagogika*, 210–220.

³⁶ Radlińska, *Pedagogika*, 5.

Polish social pedagogy “was, in a way, a national pedagogy, an educational pedagogy, a pedagogy calling for specific actions whose aim was to [...] find human forces and organize them for life’s creativity”³⁷. Such an integral conception of man can already be found in the writings of Jeleńska, who wrote about the role of the educator as one who has to “create what is lacking in the child, to create an inner organizing force, to create the will for self-education”³⁸. It is in the will, internally assimilated by the child in his or her spirituality, that Jeleńska sees the legitimacy of all educational effort. Later on, Radlińska also talks of man as a being subject to spontaneous, autonomous growth. She sees a person in the whole heritage of the environment, of family and social history, in the light of hereditary predispositions and psychological needs. However, in this perspective, and in spite of a rather deterministic view of man, Radlińska also opens up and points to the potential of the social, spiritual, active power of human life. She also points to the significance of the talents and characteristics of individuals and groups, expressing themselves in action owing to the potential inherent in man³⁹. This concept of man is “highly humanistic and personalistic, as man and giving care to awakening man’s creative social activity are at its very center”⁴⁰. Radlińska also builds up her educational theory on the basis of this concept, for child-rearing and education both in family and society. In this context “the most important thing is to understand others, respect their distinctiveness, learning the ways in which others assess matters that feel remote or incomprehensible or, on the contrary, very close to their heart”⁴¹; this is about safeguarding man’s right in the process of education.

However, the principles on the basis of which Radlińska wanted to “bring out the creative forces of individuals” in the educational process were quite new in the era of charity work of her era. Contemporary interpretations of Radlińska’s academic legacy, in re-reading her basic approach to educational attitude to help, care, social work or education, emphasize that at the root of conception lay the aim of child-rearing and education, which is about teaching values, the capacity to choose and responsibility for development⁴². Here, the goal as such

³⁷ Mariusz Cichosz, “Kształtowanie się dyscypliny – główne nurty polskiej pedagogiki społecznej w ujęciu historycznym”. In: *Pedagogika społeczna*, ed. Ewa Marynowicz-Hetka, 23.

³⁸ Jeleńska, *Sztuka*, 31.

³⁹ Helena Radlińska, *Stosunek wychowawcy do środowiska społecznego. Szkice z pedagogiki społecznej* (Warszawa: Nasza Księgarnia, 1935), 14–57.

⁴⁰ Cichosz, “Kształtowanie”, 28; also see: Lech Witkowski, *Niewidzialne środowisko. Pedagogika kompletna Heleny Radlińskiej jako krytyczna ekologia idei, umysłu i wychowania. O miejscu pedagogiki w przełomie dwoistości w humanistyce* (Kraków: Impuls, 2014).

⁴¹ Radlińska, *Stosunek*, 59.

⁴² See also: Theiss, *Radlińska*; Ewa Marynowicz-Hetka, “Koncepcja pracy społecznej w polskiej tradycji pedagogiki społecznej”. In: *Pedagogika społeczna i praca socjalna. Przegląd stanowisk i komentarze*, ed. Ewa Marynowicz-Hetka, Jacek Piekarski, Danuta Urbaniak-Zajęc (Katowice: Biblioteka Pracownika Socjalnego, 1998).

is not to impose or offer help in the name of an educational ideal defined by the helper himself, or an act of mercy⁴³. Similarly, for Jeleńska this support must be “transformed into an inner motive in the spirituality of the pupil⁴⁴. It is this shift of focus that determines a new approach to educational, caring or social work with another person.

Radlińska herself emphasizes that it is “educational tendencies that distinguish social service most profoundly from the charity of the previous epochs. [...] The value inherent in every human being, even the poorest, is the starting point for revival”⁴⁵. In other words, she does not agree to stop at merely “giving food to the poor”. Human beings need to be protected in order to improve their lives, also in the normative sphere.

Creating the concept of influential environmental factors and the scope of their influence, Radlińska points to the important role of law in this sphere, as one of the determinants supporting weaker individuals in their development⁴⁶. More will be said on this topic later.

Similar ideas can be found in the work of Aleksander Kamiński's, who built his theory of child-rearing on the principle of help, care and support in situations when man's development is threatened. In spite of the fact that neither Radlińska nor Kamiński mention the category of children's rights directly, the principle of protection and respect of the rights due to every man, and the child in particular, is continually present in their writings and can be treated as a principle of pedagogical work. Seeing the child as the subject of not only care but also growth, care, and expanding capacity, which should be safeguarded by positive law, points directly to the principle of subjectivity as the aim of the child-rearing process and as the value that it should focus on⁴⁷.

The process of transforming pedagogical ideas into the norms of positive law has obviously played out historically. The precursors of social pedagogy focused their efforts mainly on the diagnosis of the existing social order, which extremely difficult for a Polish society at the turn of the 19th and 20th centuries not aspiring to making macro scale changes. The work of the first social pedagogues is a firm voice calling for the need to explore the environment of child-rearing and human development, to take practical action aimed at helping the neediest individuals, such as natural and social orphans, people with disabilities, and others in need of

⁴³ Justyna Kusztal, *Dobro dziecka w procesie resocjalizacji. Aspekty pedagogiczne i prawne* (Kraków: Wydawnictwo UJ, 2018), 97.

⁴⁴ Jeleńska, *Sztuka*, 31.

⁴⁵ Radlińska, *Stosunek*, 65.

⁴⁶ *Ibidem*, 31.

⁴⁷ Justyna Kusztal, “Zasada podmiotowości w pedagogicznych działaniach profilaktycznych i pomocowych”. In: *Opieka i wychowanie w instytucjach wsparcia społecznego. Diagnoza i kierunki rozwoju*, ed. Renata Szczepaniak, Joanna Wawrzyniak (Łódź: Wydawnictwo Akademii Humanistyczno-Ekonomicznej, 2012), 121.

assistance and care. These actions were still and for a long time after based largely on the ideas of the so-called “good heart” and social service⁴⁸.

Contemporary social pedagogy, using a holistic approach, goes far beyond just diagnosing a condition and level of developmental threat. It searches for sources, re-reads elements of the educational environment in its analysis. It explores new categories of interpersonal relations such as

dialogue, tolerance, partnership, expectations and prejudices, freedom and responsibility, cooperation and competition, openness, conflict and dissonance, as well as empathy, assertiveness and loyalty. Being mainly of psychological dimensions, they are realized in specific environmental conditions and become visible in the following forms: man-human, man-nature, man-culture, man-civilization⁴⁹.

In the searching processes, contemporary social pedagogy acts as an inspirer of corrective actions, but also as an exposé of social problems. This direction of research is strongly present in contemporary holistically-oriented social pedagogy. The works of such social pedagogues as Barbara Smolińska-Theiss, Ewa Jarosz or Bożena Matyjas are an important voice in the processes of socialization of legal norms and pedagogical ideas underlying the category of children's rights.

The very category of “children's rights” is inherent in the thought of the classics of social pedagogy, but absent from both pedagogical theory and practice. This is, of course, justified in terms of the evolution of children's rights themselves and in the process of both the pedagogical and legal inclusion of the issues of the child and childhood in the domain of human rights. The process of forming the concept of the child's subjectivity in all areas of his/her life, including the legal dimension, is the result of a centuries-long socio-cultural process, which in its beginnings was characterized by the total absence of the child, both from the private and public stage. The child as the private property of the parents, or the family as such, did not function anthropologically and ontologically as a subject and value in itself, but as an object of property and power of the parents⁵⁰. In historical perspective the issue can be discussed as a process of evolutionary change in the social understanding, and the social and legal interpretation of the child's situation in the family and society, which justify the process of the legal inclusion of issues related to the child and the childhood⁵¹.

⁴⁸ Cf. Marek Konopczyński, *Pedagogika resocjalizacyjna. W stronę działań kreujących* (Kraków: Impuls, 2014), 53–75.

⁴⁹ Stanisław Kawula, “Pedagogika społeczna i jej wyzwania na początku XXI wieku”. In: *Pedagogika społeczna. Podręcznik akademicki*, ed. Ewa Marynowicz-Hetka (Warszawa: WN PWN, 2007), 42.

⁵⁰ Małgorzata Turczyk, Justyna Kusztal, “Proces inkluzji normatywnej problematyki dziecka i dzieciństwa w kontekście historycznych uwarunkowań kategorii praw dziecka”. In: *Prawa dziecka wczoraj, dziś i jutro*, Vol. 1 (Warszawa: Wydawnictwo RPD, 2018), 177–178.

⁵¹ These changes, as well as the characteristics and conditions of their course, are of interest to *childhood studies*, that is, research on children and childhood, see: Maria Szczepka-Pustkowska, *Od filozofii dziecka do dziecięcej filozofii życia. Casus władzy (i demokracji)* (Kraków: Impuls, 2011); Barbara Smolińska-Theiss,

It was these transformations in socio-pedagogical thought, as well as in the practical work of its representatives at the turn of the 19th and 20th centuries that awakened in the international community a reflection on the need for normative regulation of the rights belonging to children. Much inspiration in this direction can be found in the analyses of the achievements of social humanistic pedagogy, which bases the system and practice of Christian upbringing on the idea of love for one's neighbor.

The first documents in the field of the international protection of children's rights were the Geneva Declaration of 1924, proclaimed by the League of Nations, and the United Nations Declaration on the Rights of the Child of 1959: In these documents, however, the concept of the child as an object of regulation rather than a subject of law continues to dominate. This is evident, among other things, in the imperative and vague expressions used in these legal acts: "The child **must be given** the means requisite for its normal development ..." (Geneva Declaration), or the expression: "The child is entitled to the law".

The culmination of the process of the "maturation" of the international community to recognize and define the child as a subject of law, capable of exercising its own human rights, is the Convention on the Rights of the Child, adopted on 20 November 1989 by the General Assembly of the United Nations. The language, as well as the axiological and legal framework, of this international document refer to the concept of the child as a subject of law. This is conveyed in the very language of this act, using such expressions as, e.g. "The child has the right to...". Until the enactment of the Convention, the concept of the child as an intrinsic subject of human rights was vague. The child was seen mainly as an object needing to be protected or safeguarded by adults.

It is the theory and practice of social pedagogy that, by defining these areas of child protection within the framework of philanthropic work carried out by "people of good will", leans towards the concept of normative guarantees of fundamental rights. However, it took many years and many changes in social consciousness and pedagogical and philosophical concepts of the child and childhood for legal norms to be able to become the tool of this protection.

With time, the processes of child-rearing and human development needed to be not only anchored in the "impulses of the heart" of people of "good will", but also in the conscious normative decisions of political decision-makers, legislators, and the international community, made on the basis of knowledge of the child. The grounds for this were also prepared by Catholic social teaching (*disciplina socialis catholica*) and the vision of man presented within its framework, in terms

"Rozwój badań nad dzieciństwem – przełomy i przejścia". *Chowanna* 1/34 (2010): 13–27; Danuta Waloszek, "Dziecko". In: *Encyklopedia pedagogiczna XXI wieku*, 1: A–F, ed. Tadeusz Pilch (Warszawa: Wydawnictwo Akademickie „Żak”, 2003); Bogusław Śliwerski, *Pedagogika dziecka. Studium pądocentryzmu* (Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2007).

of community life and social responsibility. The first voices in this direction clearly emerge from the pedagogical writings and practice of the representatives of humanistic social pedagogy.

Law as an Element of Man's Educational Environment

At the base of her concept of environments, Radlińska mentions among its essential components, the normative system in force in the society. She claims:

All citizens are subject to the same law, no matter how differently its benefits are understood, how differently its imperativeness is handled. The provisions of the same law (for example, on compulsory education) are followed with difficulty by one and with ease by another. [...] How many victims, because of their own ignorance and awkwardness, see in the law only a weapon of the ruling material power?. What a surprise it is to learn through social legal advisory centers that the law exists also for the weaker, that it can protect against exploitation, and that it allows one to seek "justice"⁵².

Adopting the perspective of social pedagogy and a broad understanding of the human educational environment leaves no doubt that in the child-rearing and educational process law is one of the factors that determines the child's proper development. Good law, protecting the basic needs of childhood, is a guarantor of the full and creative participation of the child in society⁵³. Therefore, in the study of pedagogical reality it is worth making an attempt to treat law as an important element of the human educational environment⁵⁴.

Social pedagogy, studying the educational significance of the various elements of the environment's structure, and relating the results obtained to the specific educational reality of a given time and space, updates the conclusions resulting from historical experience in order to seek new measures based on the knowledge acquired. In this process, it is important to notice and appreciate the role of law in creating the educational environment of a human being. Adopting such a perspective should also create an obligation to take specific actions when it comes to the the subject of establishing a culture of lawmaking based on pedagogical knowledge. Raising legal and cultural and awareness among educators, teachers, childcare specialists and society as a whole is also an important issue. Both these aspects are interrelated and have reciprocal effects⁵⁵.

Expanding on our pedagogical reflections with reference to these extremely important legal considerations, we can assume that, supported by pedagogical

⁵² Radlińska, *Stosunek*, 31.

⁵³ Kozak, *Prawo*, 18.

⁵⁴ See also: Anna Przecławaska, Wiesław Theiss, "Pedagogika społeczna: nowe szanse i zadania". In: *Pedagogika społeczna, kręgi poszukiwań*, ed. Anna Przecławaska (Warszawa: Wydawnictwo „Żak”, 1996), 16–23.

⁵⁵ Kozak, *Prawo*, 19.

knowledge and experience, the formation of legal norms concerning children is a premise for the correct realization of their educational and social rights.

Using Radzinski's concept of environment, it can be suggested that legal norms as an elements thereof, both in their historical and contemporary aspects, determine the dimensions of the child's participation in educational processes and have an impact on the effectiveness of these processes⁵⁶. In the evolutionary aspect, these norms are consequences of the emergence of specific guidelines for the rearing and care of the child in the history of education and in pedagogical practice. Thus, pedagogical ideas and theories in the field of child-rearing, education and child-care should indicate to legislators a number of possible and desirable directions for changes in the law⁵⁷.

The proclamation of particular legal acts protecting the child in all aspects of rearing, care, protection and education, and their introduction into the society's legal order and the international community, had to be preceded by the existence of these rights in social consciousness. The awakening of this consciousness can be clearly identified in the theory of the environmental conditions of the child's upbringing, which is the axial concept under discussion here.

Domestic child-rearing practice and the significant achievements of Polish social pedagogy provided a good foundation for the work of Polish pedagogues and lawyers on the text of the Convention on the Rights of the Child. This document, after a long process of elaboration, became a normative guarantor of pedagogical standards and of the concept of children's rights. However, the question of socialization of legal norms included in the Convention is still open⁵⁸. There is a lack of empirical research in this area, which opens up the potential for new, interesting research on the border of social pedagogy and law.

Conclusions

Although neither traditional nor modern social pedagogy explicitly refers to the idea of children's rights, the basic principles of the concept can be found in the pedagogical thought and practice of this sub-discipline. In particular, inspiration for it can be found in the writings of the representatives of humanistic social pedagogy, in Radlińska's theory of the educational environment and in the idea of treating positive law as a very important element in the protection of the human life space.

In conclusion, I would like to quote Bogusław Śliwowski, whose position has been supported by research in the social sciences and humanities, according to which

⁵⁶ Radlińska, *Stosunek*, 5.

⁵⁷ Kozak, *Prawo*, 18.

⁵⁸ When I think about the process of socializing legal norms, this is in the normative, not educational, context. For more on the process of socializing legal norms see Krzysztof Pałeczki, *Prawoznawstwo – zarys wykładu* (Warszawa: Difin, 2003).

“the mutual relations between adults and children [...] are not a derivative of the moral evolution of adults, but the result of an improved law against crossing certain boundaries between adults and children”⁵⁹. Hence, there are some new challenges ahead of the social pedagogy of the “fourth generation”⁶⁰ as Theiss defines this trend in theoretical and empirical research. These challenges lie in the area of the conduct of interdisciplinary research on the border of law and pedagogy, and cooperation across these two domains/spheres in order to properly create legal norms for the protection of the life environments of young people. In this context, the opening words of the article by Stróżewski about the educational role of laws acquire a clear meaning for the formation of contemporary pedagogical thought and practice.

Polska pedagogika społeczna początku XX wieku: źródła koncepcji praw dziecka

Streszczenie: Niniejszy artykuł prezentuje analizę i interpretację materiałów źródłowych i wtórnych zgromadzonych w poszukiwaniu odpowiedzi na postawione pytanie o pedagogikę społeczną jako źródło idei dla współczesnej koncepcji praw dziecka. Polska pedagogika społeczna w swoim dorobku historycznym ugruntowanym w myśli i piśmiennictwie pierwszych polskich pedagogów, a także w konkretnych teoretycznych i instytucjonalnych rozwiązaniach służących praktyce społecznego wsparcia, pomocy i opieki, kierowała się ideą ochrony praw człowieka, a w szczególności praw dziecka. Dziecka zagrożonego ubóstwem, wykluczeniem, niedostosowaniem społecznym, dziecka głodnego, porzuconego, niezdolnego do samodzielnej egzystencji, dziecka sieroty, dziecka – człowieka potrzebującego wsparcia.

Artykuł opisuje źródła koncepcji praw przynależnych dzieciom odczytywane w dorobku polskiej myśli pedagogiki społecznej i jej implikacje dla ewolucji teorii i praktyki w zakresie ochrony praw dziecka. Centralną osią rozważań uczyniła autorka kategorię prawa jako ważnego elementu środowiska wychowawczego człowieka w okresie dzieciństwa.

Słowa kluczowe: pedagogika społeczna, prawa dziecka, środowisko wychowawcze, prawo, humanistyczna pedagogika społeczna

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⁵⁹ Bogusław Śliwowski, “Prawo dziecka do praw”. In: *Prawa dziecka*, 97.

⁶⁰ Theiss, *Helena*, 122.

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