

## Protection Is Insufficient

*J. Cynthia McDermott*

### Abstract

What are the rights for children, when did they move to a formal perspective and who was responsible? Eglantyne Jebb, her sister Dorothy Buxton and Janusz Korczak each at different times began to recognize the need to articulate a universal platform which eventually led to the creation of the Declaration of the Rights of the Child. Jebb and Buxton co-founded the Save the Children Fund in 1919, and they worked together on early initiatives to address the needs of children affected by the aftermath of World War I. Today Jebb is best known for her role in founding that organization and for drafting the Declaration of the Rights of the Child. This declaration written by Jebb laid the foundation for the United Nations Convention on the Rights of the Child (CRC), which was later adopted in 1989. The CRC outlines a comprehensive set of rights for children. Establishing children's rights goes beyond mere protection and involves recognizing and affirming that children, like adults, have inherent rights. These rights encompass various aspects of a child's life, including the right to life, health, education, play, expression, and protection from discrimination. The concept of children's rights asserts that children are individuals with their own needs, perspectives, and entitlements. Children are not private property but a public responsibility. To expand our democratic project to children is to grant them the security the right seeks

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to deny them: education, health care, shelter, food. A better America begins with the child and protecting them is not sufficient to empower them.

*I should want to make clear to them only this - that the road is theirs to choose, freely.*

— Janusz Korczak, July 1942

It is curious to imagine adults believing that children and young people have worth. Not too long ago, at least in the western world, a child was seen as a possession, the responsibility of the father and his property. Children were expected to follow the expectations of the family or the community and often lived difficult lives. Today things are different and perhaps better in some parts of the world and for the purpose of the conversation about adultism, two individuals come to mind as provocateurs who challenged this status quo. There are others of course, but looking back to the beginning of a movement to create support for children's rights as formalized action we need to look at Eglantyne Jebb, her sister and a Polish doctor, Henrick Goldsmitz (aka Korczak).

The history of the development of children's rights begins with the charity work of many women who came from well-to-do families. Picture the life of a woman in pre-World War I living at home in very comfortable means. This is a period of history that begins a feminist perspective allowing women to step out of the home to demonstrate their administrator and organizing skills. One half a million British women by the turn of the century felt the pull of what was variously called philanthropy, voluntarism, social work and public works and in the most extreme case slumming, which involved putting on a disguise and living amongst the poor. Why do this? Hundreds of women and some men committed to working with the poor and children in order to create better living conditions both in Europe and the United States. After World War I there was much poverty and disease across Europe. Many women were horrified by the conditions they saw particularly for children and women.

Eglantyne Jebb was born in 1876 in Ellesmere, Shropshire, daughter of Arthur Jebb and his wife and cousin, Eglantyne Louisa Jebb, and grew up at "The Lyth," her family's estate. The Jebbs were a well-off family with a strong social conscience and commitment to public service. Their commitment had more to do with philanthropy and social work similar to the universal actions of the settlement house movement. In some cases, these actions indeed had an influence on social reform but in the main, many of the efforts of these organizations were designed to alleviate the immediate results of poverty such as a lack of safe housing, food and education.

Linda Mahood's treatise is a most complete account of her life. Jebb had the opportunity to leave her home and attend school, choosing at one point to become a teacher. She found that work to be unsatisfactory so moved forward into the reform/social work realm. What is most important in looking at her life and her

trajectory toward supporting children is simply her actions to create a precursor to the children's rights statements. How did that happen and why is Jebb given credit for its development?

Jebb is an unlikely candidate to challenge the adultism of her day. As Mahood states, historians of late-Victorian women and girls have shown that it was from within the confines of the largely female-dominated sphere of literary societies, at-home teas and charity bazaars that many remarkable women emerged as pioneers in the new female professions of education, medicine, social work and politics. Eglantyne and her sisters were among such women (55).

One key collaborator was her sister, Dorothy Buxton. Together they eventually co-founded the Save the Children Fund in 1919, and they worked together on early initiatives to address the needs of children affected by the aftermath of World War I. Their efforts to provide humanitarian aid to children in distress eventually evolved into a broader advocacy for children's rights but began as protection for children. More than 100 years later this organization is still at the forefront of advocating for children.

Nina Boyle was also important collaborator and supporter of Jebb in the early days of the Save the Children Fund. While Jebb and Buxton co-founded the organization in 1919, Boyle played a significant role in shaping its policies and activities and was a co-founder of Save the Children and served on its executive committee.

Boyle was a social reformer and activist, and she shared Eglantyne Jebb's passion for improving the welfare of children. Together with Jebb, Boyle worked to address the immediate needs of children affected by the devastating consequences of World War I. Save the Children was initially established to provide emergency relief to children in war-torn Europe, focusing on nutrition, healthcare, and education.

In addition to Jebb, Buxton, and Boyle, there were other early supporters and collaborators who played key roles in the establishment and growth of the Save the Children Fund. Some notable figures include:

**Mabel Marie Stock:** Mabel Stock was another co-founder of Save the Children and served on its executive committee. She contributed to the organization's early efforts to provide relief to children affected by the aftermath of World War I.

**Dorothy Hutchinson:** Dorothy Hutchinson was involved in the early days of Save the Children and served on its executive committee. She, along with other members, worked on implementing the organization's initiatives to alleviate the suffering of children in post-war Europe.

**Gladys Buxton:** Another sister of Eglantyne Jebb and Dorothy Buxton, Gladys Buxton, supported the work of Save the Children and was engaged in the organization's activities.

While Jebb is often credited as the driving force behind the drafting of the Declaration of the Rights of the Child and the establishment of Save the Children,

it's important to recognize the collective efforts of these early supporters. They worked together to address the immediate needs of children in crisis and laid the groundwork for the organization's broader mission to advocate for the rights and well-being of children worldwide.

Lady Ishbel Aberdeen (née Ishbel Maria Marjoribanks), also known as Lady Aberdeen, was a prominent social reformer and philanthropist who played a significant role in various charitable and humanitarian causes, including the welfare of children. While Lady Aberdeen was not directly involved in the drafting of the Declaration of the Rights of the Child, her work aligns with the broader efforts to improve the lives of children during the early 20th century.

Here are some aspects of Lady Ishbel Aberdeen's contributions:

**International Council of Women (ICW):** Lady Aberdeen served as the president of the International Council of Women (ICW) from 1893 to 1899. The ICW is an organization that advocates for women's rights and social reform. While her leadership in the ICW predates the specific work on the Declaration of the Rights of the Child, the ICW has historically been involved in issues related to the welfare of children.

**Advocacy for Children's Welfare:** Lady Aberdeen was known for her advocacy on behalf of children. Her work included efforts to improve child welfare, education, and health. Her commitment to social reform and her involvement in various organizations placed her in circles where discussions about the well-being of children were taking place.

**Influence on Social Policies:** Lady Aberdeen's influence extended to her role as the Viceregal Consort of Canada when her husband, Lord Aberdeen, served as Governor General of Canada from 1893 to 1898. During this time, she was active in social reform initiatives and advocated for policies that aimed to improve the conditions of women and children.

While Aberdeen may not have played a direct role in the specific events surrounding the drafting of the Declaration of the Rights of the Child, her broader contributions to social reform and her advocacy for the welfare of children align with the concerns and values shared by those who worked towards the rights and well-being of children during that era.

Aberdeen, as the president of the International Council of Women (ICW) from 1893 to 1899, was instrumental in the creation of the "Preamble and Charter" during the second quinquennial meeting of the ICW held in London in 1899. The document is often referred to as the "London Preamble and Charter."

The Preamble and Charter represented a significant statement of principles and goals for the International Council of Women. It outlined the organization's commitment to promoting the well-being and rights of women and children. While the charter primarily focused on women's rights, it also recognized the interconnectedness of women's and children's welfare.

Key principles and objectives outlined in the Preamble and Charter included:

**Equal Rights:** The document affirmed the principle of equal rights for women and recognized the importance of securing for women “the highest opportunities and privileges.”

**Social and Economic Justice:** It emphasized the importance of social and economic justice for women, acknowledging that these principles were essential for the general well-being of society.

**Educational Opportunities:** The charter advocated for improved educational opportunities for women, recognizing education as a crucial factor in promoting their welfare and advancement.

**Protection of Children:** While the focus was primarily on women, the charter also acknowledged the importance of protecting and nurturing children, highlighting the interdependence of women’s and children’s well-being.

The London Preamble and Charter served as a foundational document for the International Council of Women, guiding its activities and advocacy efforts. It reflected the progressive social values of the time and contributed to the broader movements for women’s rights and social reform. While it may not be as well-known as some other historical documents, the charter played a role in shaping the agenda of the International Council of Women and, by extension, contributed to discussions on women’s and children’s rights.

While the London Preamble and Charter, created by Aberdeen during the second quinquennial meeting of the International Council of Women (ICW) in 1899, was primarily focused on women’s rights, its influence on children’s rights can be seen in the broader context of social reform and advocacy for the well-being of both women and children.

**Recognition of Interconnected Rights:** The charter recognized the interconnectedness of women’s and children’s rights. By emphasizing the importance of social and economic justice for women and the need for protection and nurturing of children, it implicitly acknowledged that the well-being of women and children was linked. This recognition laid the groundwork for later movements and documents specifically addressing children’s rights.

**Early Advocacy for Child Welfare:** While not explicitly centered on children, the charter demonstrated a commitment to the welfare of families and communities. As part of the broader social reform movements of the late 19th and early 20th centuries, the document contributed to a growing awareness of the need to address issues affecting children, such as education, health, and protection from exploitation.

**Influence on Subsequent Movements:** The principles espoused in the London Preamble and Charter aligned with the broader social and humanitarian movements of the time. As the 20th century progressed, the growing recognition of children’s unique rights and needs became more explicit, leading to the development of specific declarations and conventions on children’s rights.

While the direct impact of the London Preamble and Charter on the development of children's rights may not be as pronounced as later documents like the Declaration of the Rights of the Child or the United Nations Convention on the Rights of the Child, it contributed to a progressive and rights-oriented mindset that influenced subsequent generations of activists, reformers, and policymakers. The charter, with its emphasis on justice, education, and protection for women and children, played a part in shaping the evolving discourse on human rights and the rights of vulnerable populations (retrieved from Chat GPT, December 7, 2023).

Today Jebb is best known for her role in founding Save the Children and for drafting the Declaration of the Rights of the Child. This declaration written by Jebb laid the foundation for the United Nations Convention on the Rights of the Child (CRC), which was later adopted in 1989. The CRC outlines a comprehensive set of rights for children, including the following key principles:

**Right to Survival:** Every child has the inherent right to life and governments must ensure, to the maximum extent possible, the survival and development of the child.

**Right to Development:** Children have the right to a standard of living adequate for their physical, mental, spiritual, moral, and social development.

**Right to Protection:** Children have the right to protection from all forms of neglect, exploitation, and abuse. This includes protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.

**Right to Participation:** Children have the right to participate fully in cultural and artistic life and should be encouraged to express their opinions and to have those opinions taken into account in matters that affect them.

**Right to Respect:** The child, for the full and harmonious development of their personality, deserves respect for their dignity and should be brought up in a spirit of understanding, tolerance, friendship, and universal brotherhood.

These principles reflect the fundamental rights and protections that children around the world should be entitled to, and they serve as a guide for policymakers and advocates working on children's issues globally.

Jebb's purpose in creating the Declaration of the Rights of the Child and, later, in advocating for the United Nations Convention on the Rights of the Child (CRC) was to establish a set of universal principles that would protect and promote the well-being of children worldwide. Her work was driven by a deep concern for the welfare of children, particularly those who were vulnerable and disadvantaged. Jebb drafted the Declaration of the Rights of the Child in 1923 as a response to the harsh conditions and suffering experienced by children in the aftermath of World War I. Her intention was to raise awareness about the need for international cooperation to protect and promote the rights of children.

The principles outlined in these documents were intended to serve as a moral and legal framework, emphasizing that children have fundamental rights that should be protected and respected by society and governments. Jebb's vision was to create a world where every child, regardless of their background or circumstances, would have the opportunity to grow, develop, and thrive in a supportive and nurturing environment.

Her efforts contributed significantly to the global recognition of children's rights as a crucial aspect of human rights, and the CRC, influenced by her work, has been widely adopted and ratified by countries around the world. The CRC remains a landmark international treaty that sets standards for the protection and well-being of children, reflecting the enduring impact of Jebb's advocacy and commitment to the rights of the child.

While Jebb was the primary architect of the initial declaration, it's important to note that the United Nations Convention on the Rights of the Child, which expanded and formalized the principles, was a collaborative effort involving representatives from various countries, international organizations, and child rights advocates. The CRC was adopted by the United Nations General Assembly in 1989 and has since become the most widely ratified human rights treaty in history. A second and meaningful effort toward the rights for children effort was done by Henryk Goldszmit (Janusz Korczak, 1878-1942) who was a Polish medical doctor living in Warsaw. In Poland during the Nazi occupation, a doctor, educator and writer opened orphanages for Jewish children. His name was Henryk Goldszmit and his pen name was Janusz Korczak. With a unique view of childhood and children, he set out to define the role that children can play in the world. He believed fervently that children were not people waiting to become adults but rather had rights and privileges akin to adults. To him, young people were already citizens and social actors.

Goldszmit wrote about these ideas, but more importantly put them into action with the children. Together, the young people created a government structure, a newspaper, a jurisprudence system and many other ways of self-management. This was indeed a democratic process, ironically taking place within a ghetto. As a doctor and a rebel against the German occupation, he maintained the orphanage for more than 200 children until 1942. That year, he and the children were taken to Treblinka Extermination Camp and all murdered. This hero fought for the freedom and liberty of his orphans and gave his life in protest.

Goldszmit's work is highly regarded, even if largely forgotten. UNESCO declared 1978-79 the Year of Korczak to coincide with the Year of the Child and the centenary of his birth. Today, a national organization meets yearly to discuss his work and read these writings. The most remarkable outcome of his ideas was the ongoing influence he had on the eventual creation of the Convention on the Rights of the Child, or CRC. Ratified by the United Nations general assembly in 1989, Korczak's ideas remain embedded within the CRC as a reminder that children

have rights, can use those rights and can be accountable for the actions they take. The United States government played an active role in the drafting of the convention and signed it on 16 February 1995, but has not ratified it. It has been claimed that American opposition to the convention stems primarily from political and religious conservatives who are concerned about the potential loss of power of parents over their children.

*Declaration of Rights* by Janusz Korczak

Children are not people of tomorrow; they are people today

- ◆ The child has the right to love.
- ◆ The child has the right to respect.
- ◆ The child has the right to optimal conditions in which to grow and develop.
- ◆ The child has the right to live in the present.
- ◆ The child has the right to be himself or herself.
- ◆ The child has the right to make mistakes.
- ◆ The child has the right to fail.
- ◆ The child has the right to be taken seriously.
- ◆ The child has the right to be appreciated for what he is.
- ◆ The child has the right to desire, to claim, to ask.
- ◆ The child has the right to have secrets.
- ◆ The child has the right to a lie, a deception, a theft.
- ◆ The child has the right to respect for his possessions and budget.
- ◆ The child has the right to education.
- ◆ The child has the right to resist educational influence that conflicts with his or her own beliefs.
- ◆ The child has the right to protest an injustice.
- ◆ The child has the right to a Children's Court where he can judge and be judged by his peers.
- ◆ The child has the right to be defended in the juvenile-justice court system.
- ◆ The child has the right to respect for his grief.
- ◆ The child has the right to commune with God.

It is clear that the point of view of Korczak provides a clear distinction between the protection of children and establishing their rights, although both concepts are interconnected and contribute to the overall well-being of children. For



the movement to critique adultism it is essential to think about these two concepts particularly as they relate to the on the ground interactions with youth.

Protection of children refers to safeguarding their well-being and ensuring that they are shielded from harm, exploitation, abuse, and neglect. This includes measures to provide a safe and supportive environment in which children can grow and develop. Protection efforts often involve legal, social, and institutional mechanisms aimed at preventing harm and responding to situations where children are at risk.

Examples of measures for the protection of children include child protection laws, social services intervention in cases of abuse or neglect, and efforts to create safe spaces for children in communities and institutions. Protecting children is a fundamental aspect of ensuring their safety and security.

Establishing children's rights goes beyond mere protection and involves recognizing and affirming that children, like adults, have inherent rights. These rights encompass various aspects of a child's life, including the right to life, health, education, play, expression, and protection from discrimination. The concept of children's rights asserts that children are individuals with their own needs, perspectives, and entitlements.

The establishment of children's rights often involves legal frameworks, international treaties, and conventions that explicitly outline the rights to which every child is entitled. For example, the United Nations Convention on the Rights of the Child (CRC) is a comprehensive international treaty that delineates the rights of children and sets standards for their protection, development, and participation.

In summary, while the protection of children focuses on ensuring their safety and shielding them from harm, establishing children's rights goes further by affirming the entitlement of children to certain fundamental rights and recognizing them as autonomous individuals with specific needs and interests. The two concepts are complementary, and efforts to safeguard children's well-being often involve a combination of protective measures and the recognition of their rights.

But this is history when the UN and Jebbs and Korzcak came to understand that children needed to be recognized. Today however a new phenomenon is occurring framed around parent's rights. As Jones (2023) reports in the *Intelligencer*, this latest adultist move is taking us back a hundred years. So as we argue in this journal to move children's rights further to the center, Jones reminds us to beware.

Conservatives betray a conviction that a child is the property of parents. Because parents own their children, they can dispose of the child as they see fit. They can deny them evidence-based medical care. They can put a child to work. They can make sure a child is sheltered from the dangers of a serious education. When a child goes hungry, that's because a parent isn't caring for their property—and what a person does with their property is their right.

Like any piece of property, a child has value to conservative activists. They are key to a future the conservative wants to win. Parental rights are merely one path

to the total capture of state power and the imposition of an authoritarian hierarchy on us all. So it's no surprise that children have long been a fixation to the right wing.

Children are not dogs to train but adults in formation. They will learn, someday soon, that the future belongs to them. What they do with that knowledge matters to everyone. Children aren't private property, then, but a public responsibility. To expand our democratic project to children is to grant them the security the right seeks to deny them: education, health care, shelter, food. A better America begins with the child.

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