

## Between life and normality....

In 1880, Feodor Dostoyevsky wrote this dialogue in his novel *The Brothers Karamazov*:

IVAN KARAMAZOV: It is good to live and I live, even if it is against all logic! I don't believe in the value of the order that governs the world. But I like the tender leaves of the trees, all slimy, when they grow in spring; I like the blue sky, I also like some men, without even knowing why; and - would you believe it? - enthusiasm takes me by the acts of human courage and heroism in which I have long since ceased to believe; I continue to worship them by the force of a habit that is dear to me.

ALIOCHA: That's right, Ivan, to love life, without any concern for logic. Only in this way can we finally discover its meaning. You're getting half the truth since you want to live. All that remains is to conquer the other half and you will be saved.<sup>1</sup>

Like Ivan Karamazov, many of us have intellectually rejected the order of this world. But, like him, we have settled there and implicitly accept its normality, and reproduce it through our daily practice.

Following the symposium, one person commented on how happy she was not to be "in the norm" after hearing the eloquent presentation by the psychologist **Franziska Klinkigt** on the subject of collective normopathy and childhood.

Indeed, a well-established norm is the stigma of *childhood*, to such an extent that the philosopher **Bertrand Stern** asks this essential question:

« Are children really human beings? »

**But what defines a human being? As adults, do we still submit ourselves in an infantile way to authority or do we behave in a sovereign way?**

From the moment we consider young individuals as subjects rather than objects and delete the word *child* from our vocabulary, everything changes. It is not a question of denying age differences, nor the resulting needs for support and assistance, nor of making them a privileged or overprotected category, but of freeing oneself from speculative norms and prejudices, of defending the living, the natural and the human against all violence.

Also in her report <sup>2</sup> on the conference, Catherine wrote:

« What I want to experience is a relationship of equals with young people. Stop the dictates of those who have been educated and who fail to question themselves.... Hear from children and give them the power they should have as human beings, the power to choose for themselves. »

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<sup>1</sup> Feodor Dostoyevsky « *The Brothers Kamazov* » Vol. 1

<sup>2</sup> <http://atelierdespossibles.org/colloque-liberte-dapprendre-luxembourg>

It is no longer a question of protecting *children*, but of protecting their rights and making them full-fledged citizens, subjects to rights, a radical and effective means of combatting violence against minors.<sup>3</sup>

The perception of the norm is changing ; what was once normal and accepted is now considered violence. More and more parents and professionals are protesting against institutional violence and denouncing psychological violence.

We are apparently moving into phase six, described by the American sociologist Lloyd DeMause and mentioned by Franziska, a phase of *support*, where we accept that an individual, despite his young age, is the best placed to know what he needs.

In Luxembourg, the Ombuds-Committee for the Rights of the Child (<http://www.ork.lu/>) has even published a reference document<sup>4</sup> on the protection of minors against violence and defines psychological and institutional violence in these terms:

« **Emotional and psychological** violence to a minor can be defined as a hostile, negligent or rejecting attitude. This can hinder the psycho-affective, intellectual and relational development, as well as the psychological stability of the minor and his parents. Any form of violence, abuse or neglect has a psychological impact. »

« **Institutional violence** is a violence committed by persons with authority over particularly vulnerable persons. This refers to any action committed in or by an institution, or any lack of action, which causes the child unnecessary physical or psychological suffering and/or hinders his or her further development. »

« [Institutional violence] is first of all authoritarian and charismatic, the internal communication network is limited and there is little consultation. It is also a closed institution, where there is not much transparency, no access to the life of the institution [...] Finally, it is an institution that functions primarily for itself and its staff, in order to maintain its purpose. It forgets the user. It must be said that most institutional violence does not take place without people's knowledge. All or part of the staff are aware of and tolerate it, for personal reasons or to maintain personal interests. »

This reference document of the Ombuds-Committee for the Rights of the Child deserves to be mentioned as it is undoubtedly one of the first publications officially issued by a state institution to define this type of violence.

Indeed, as Franziska Klinkigt explained very well in her presentation, when we talk about physical violence, it is very clear to everyone, but apart from that, the definition of violence raises much debate.

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<sup>4</sup> Ruth S. & Henry Kempe « Child Abuse » (Ed. Broché) 1977

<sup>5</sup> [http://ork.lu/files/Référentiel/ECPAT\\_Référentiel\\_2017\\_04\\_F\\_PRINT.pdf](http://ork.lu/files/Référentiel/ECPAT_Référentiel_2017_04_F_PRINT.pdf)

Thus Franziska Klinkigt's presentation will focus mainly on this question:

« Who decides what is right for an individual? »

**According to which criteria do we want to orient ourselves, on the norms of our normopathic society or on the human being?**

She quotes from a judge in Germany who reportedly said in 2016: « From our point of view, violence must be used to enforce compulsory education ». Where it is a question of imposing schooling, would violence not be harmful to the child's well-being? This is what the standard says or what follows from the judge's claim to be an expert in the matter.

Yet, whether one invokes the International Convention on the Rights of the Child (CRC), Human Rights or the Constitutions, i.e. texts that are hierarchically superior to all other national laws and regulations, it is very clearly stated that what matters is to prepare the child to have an individual life in society and to raise him or her in the spirit of the ideals of peace, dignity, tolerance, freedom, equality and solidarity. Every human being, without distinction of any kind, therefore, also of age, can avail himself of this.

While article 28 of the CRC transforms the right to education into compulsory primary education and advocates measures to encourage regular school attendance, this should only be done in accordance with the ideals of the Charter of the United Nations, and therefore, without oppression.

- Article 1 of the Declaration of Human Rights states:

« All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and must act towards each other in a spirit of brotherhood. »

- Article 1 of the Charter of Fundamental Rights of the European Union and the German Constitution tell us:

« Human dignity is inviolable and must be protected and respected. »

However, most people ignore or neglect these texts and the ethical foundations of school laws, because they are interested in the *Becoming* and not the *Being* and thus forget the subject.<sup>5</sup>

Shouldn't a free subject, treated with dignity, first be able to *be* in order to know who he is or is not before he *becomes*?

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<sup>5</sup> For more information about this, watch the Bellar's documentary « Being and Becoming » (Ed. L'instant présent). There is also a book in French « Etre et Devenir » reporting three years of debates after the screenings (Ed. Broché).

We can see that families who have been able to refocus the human being at the heart of the debate, through dialogue, reason or a well prepared dialectic in court, are no longer pathologized or criminalized; this proves to us that in our so-called democratic societies, this form of oppression against so-called minors is not a fatality and is not legitimate.<sup>6</sup>

Indeed, on what legal grounds can we condemn people who strive to respect the principles of fundamental rights, simply by treating a person not as an object or a means, but as an intrinsic entity, i. e. with the respect, attention and consideration that this person deserves, with dignity, respecting his freedom, that of being able to say no to what does not suit him.

« Freedom does not mean that we can do what we want, but that we must not do what we do not want to do » (Jean-Jacques Rousseau)

On the other hand, it must be noted that most of the time parents, invoking their parental rights in court without considering children's rights as the rights of a subject, fail in their claims; children are not the property of anyone, let us not forget this.

« A social order that is not based on reciprocal relations of complementarity between men, but on relations of domination and exploitation, is a condemned order » (Jean Ziegler, currently vice-president of the UN Human Rights Advisory Committee)

In any case, it is also sometimes useful to defend freedom of education by challenging arbitrariness, especially when focusing on particular symptoms<sup>7</sup>, as a result of everything mentioned above.

« The **arbitrary** is what is not motivated by a (good) reason: in the moral sense what is not fair or good, social or good for the world (the arbitrariness of power). In the factual or logical sense, which is not rational, justified by empiricism or reason. »<sup>8</sup>

But let us be clear, as long as society does not change its view of *childhood*, challenge black pedagogy, assuming that the *child* is inherently evil and must be "corrected", all reforms and other institutional changes will not solve any problems and will not guarantee respect for the ideals of the Charter of the United Nations. Striving to patch up a system<sup>9</sup> that does not radically change its view of *childhood* can only go against what would be necessary and logical and in the direction of constitutional rights; consequently, it can only be counterproductive and ineffective.

« **We try to bring out the intelligence, where we persist in ruining life.** »  
Celine Alvarez<sup>10</sup>

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<sup>6</sup> The German lawyers Jost von Wistinghausen and Dr Julius von Lucius develop this stance in the report published after the 2017 colloquium in Giessen (Germany) « Self-directed learning in legal practice and from a constitutional point of view » (<https://fsg-kolloquium.de/rueckblick-2017/>).

Please also note the next colloquium in Giessen (Germany) on 19 October 2018 (<https://fsg-kolloquium.de>) « Education without school – Freelearners as challenge for social and law science ».

<sup>7</sup> As an example you can read this essay : « [Reading out of the box](#) ».

<sup>8</sup> Source : free translation of the French definition on fr.wikipedia.org « Arbitraire »

<sup>9</sup> The disease (of the system) can not be cured says Bernard Collot !

<http://education3.canalblog.com/archives/2018/09/07/36685829.html>

<sup>10</sup> Documentary ARTE 2018 « The school of tomorrow Part 1 » minute 34. Bertrand Stern reacted to this documentary in an article in the German magazine « unerzogen » (Autumn 2018 Tologo Verlag - Leipzig)