Is There a Place for Children in the New World Order

Gary B. Melton

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IS THERE A PLACE FOR CHILDREN IN
THE NEW WORLD ORDER?†

GARY B. MELTON*

TABLE OF CONTENTS
I. DEVELOPMENT OF A NEW WORLD ORDER .......... 491
II. CHILDREN IN A TIME OF CHANGE: SOME PERSONAL
IMPRESSIONS ............................................ 493
A. A Political Travelogue ................................. 493
B. Lessons from Norway ................................ 494
C. The Israeli Situation .................................. 496
D. The Situation in Eastern Europe ....................... 501
E. A National Emergency in Child Protection .............. 509
III. CHILDREN IN A TIME OF CHANGE: THE BIG PICTURE 515
A. The Convention and the World Summit .............. 515
B. Children and War ..................................... 520
C. Children and Poverty .................................. 523
D. Children in Recent History ............................. 525
IV. BUILDING A PLACE FOR CHILDREN: TOWARD A
RENAISSANCE FOR FAMILIES ......................... 529

I. DEVELOPMENT OF A NEW WORLD ORDER

We live in extraordinary times.

In 1989 at the fortieth anniversary of the Fulbright pro-
gram in Norway, I heard a Hungarian academician begin his
keynote address by proclaiming that the one thing that the
United States had that Hungary did not was a Communist
party. In November 1991, I visited the Union of Soviet Social-
ist Republics—a nation that a few months before my visit had
enough military power to destroy the world and a few weeks
after my visit had ceased to exist. Meanwhile, South Africa has

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Award address to the Division of Child, Youth, and Family Services of the
American Psychological Association (APA) at the APA meeting in August
1992 in Washington, DC. It was also presented as the opening address to the
conference on Justice for Children, sponsored by UNICEF (U.K.), Save the
Children, and the University of Glasgow in Glasgow, Scotland, in September

* Carl Adolph Happold Professor of Psychology and Law, and director
of the Center on Children, Families, and the Law at the University of
Nebraska-Lincoln.
taken the first steps to end apartheid, and it has begun to reenter the world community — a shift symbolized by its entry of an integrated team into the Olympics. A new government in Israel moved immediately and fervently toward reconciliation with its Arab neighbors — less than two years after some of those countries welcomed the arrival of missiles on Israeli soil, and others joined a nearly worldwide alliance against the country that launched the missiles. A decade ago dictatorships reigned in most of Latin America; today democracies have sprouted in most countries in the region. The list could go on.

At the same time, we are reminded how fragile those momentous changes are. Just a couple of months before I visited Moscow, tanks had roared through its streets. Although people had been triumphant in turning back the military machine, eyes that had “glistened with hope” too often seemed to have become dull with disillusionment. On the same trip that I visited the USSR, I visited the beautiful historic city of Prague and noted the excitement in restoring the vibrant Czech culture and building a political system that was responsive to the needs of the citizenry. I was impressed by more serious, better informed discussions with government officials than I have experienced anywhere else in the world. Today that government has been toppled by ethnic conflict — a tragedy that pales in comparison with the atrocities occurring every day in former Yugoslavia. Meanwhile, war threatens to erupt again in the Persian Gulf, and violence continues in South Africa while people of color continue to be effectively excluded from the political process. Just as the list of positive changes is long, the list of threats to sustained movement toward protection of human rights could go on.

Perhaps the most vivid illustration of the limits of democracy’s triumph were the riots in Los Angeles. In words that probably were penned months before that disaster occurred, Marian Wright Edelman eloquently stated the dilemma facing the nation:

Ironically, as Communism is collapsing all around the world, the American Dream is collapsing all around America for millions of children, youths, and families in all racial and income groups. American is pitted against

1. After this sentence was written, Israel raised new concern with its forced expulsion of hundreds of Palestinians into southern Lebanon.

2. This poetic phrase was used with great emotion in one of my conversations with Russian professionals about their own experience and that of their neighbors during the time of the aborted coup and the weeks immediately thereafter.
American as economic uncertainty and downturn increase our fears, our business failures, our poverty rates, our racial divisions, and the dangers of political demagoguery.  

I suspect that the dramatic movement toward democracy that we have witnessed is irreversible. Nonetheless, our euphoria at the end of the cold war and the substantial reduction in the risk of nuclear annihilation is balanced by our anguish as we witness continuing violence—localized but brutal hostilities, even in our own land—and by our anxiety about the uncertainty that lies ahead as the gap between privileged and impoverished continues to widen, both at home and around the world. We live in a time of new hope but also new Angst.

With so much spectacular change, to say that we are at a critical juncture in human history is almost trite. Whatever the political overtones that accompany the term, it seems inevitable that we are entering "a new world order." Although a permanent reduction in human suffering is not a fait accompli, political reform and technological advancement have combined to put that goal within reach, perhaps for the first time in history. The challenge is to avoid the risk that global restructuring will create new divisions among people and harden old lines that keep some from enjoying a decent standard of living in conditions that promote their dignity.

II. CHILDREN IN A TIME OF CHANGE: SOME PERSONAL IMPRESSIONS

A. A Political Travelogue

The momentous opportunities and the accompanying risks that the community of nations now faces are paralleled by equally striking developments and possibilities in the reformation of the status of children around the world. The opening is present for creation of societies that keep their promise, made

4. In the analogue to the legal economists' claim that the law moves inevitably toward efficiency, see generally Elizabeth Landes & Richard A. Posner, The Economic Structure of Tort Law (1987). I have hypothesized that, at least in democracies, the law develops in the direction of support for human dignity. See, e.g., Gary B. Melton, Anarchy Ain't So Great, 17 Law & Hum. Behav. 259 (1993); Gary B. Melton, The Law Is A Good Thing (Psychology Is, Too), 16 Law & Hum. Behav. 381 (1992).
5. Growing inequality is both a global and a domestic phenomenon. See infra notes 127-35 and accompanying text.
by leaders around the world in 1989 and 1990\(^6\) that children will share in the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family" and that they will be "brought up ... in the spirit of peace, dignity, tolerance, freedom, equality, and solidarity."\(^7\) At the same time, risk is present that children's special needs and concerns will be overlooked or ignored as the world is configured anew — that children will lack a place in the new world order.

My personal anxiety about the future for the children of this nation and the world has been shaped by a series of remarkable experiences that I have had in the past few years. Those experiences have left me with vivid impressions about the challenges that lie ahead if the promise of full integration of children into the global community is to be kept. I take the liberty of taking readers on a verbal, admittedly somewhat egocentric travelogue of my meanderings, both geographic and intellectual, because they provide a context for directions — both positive, even utopian, and negative, even catastrophic — that we may take from the crossroads before us. The images are disparate; they sum, though, to a complex picture with an important, relatively consistent message.

B. Lessons from Norway

As a Fulbright professor in Norway, I had the opportunity to interview scores of public officials, researchers, and advocates about various child and family issues and, in particular, to assess the effectiveness of the office of the ombudsman for chil-


\(^7\) Convention, supra note 6, pmbl.
dren, a Norwegian innovation. I was struck by the speed with which the ombudsman's office had become a part of the culture.9

I also worried, though, about the sense of crisis in child and family welfare that was prevalent even in an affluent country with a highly developed, popularly accepted social welfare system. In an action that seems sadly familiar on this side of the Atlantic, during one of my visits to Norway the ombudsman for children brought charges against public officials in three municipalities for failure even to investigate reports of suspected child maltreatment. Indeed, when I have presented the report of the U.S. Advisory Board on Child Abuse and Neglect that proclaimed a national emergency in the American child welfare system,10 the reaction not only in Norway but throughout northern Europe has been that, except for the depiction of the scale of the problem and the contribution of poverty to its prevalence, the description of an emergency applies as well to their own child protection systems.

In examining the process of formulation of child and family policy in Norway, I was surprised to find an absence of influential advocacy groups to guard the interests of children.11 Indeed, I became convinced that the holes in the social welfare system were primarily the lack of effective grassroots action, not only in the political arena but also in everyday life in neighborhoods.12

When a country has undergone rapid urbanization and even more rapid change in family life (the situation, as I shall discuss, in most developed countries), development of a safety net of social, economic, and health services is important, but it is not enough. The notion that people need people (more precisely, that families need social support) is not simply the


9. Surveys shows that the office of the ombudsman for children now is known and nearly universally approved by adults and school-aged children throughout the country. Melton, supra note 8, at 235-36.

10. U.S. ADVISORY BD. ON CHILD ABUSE AND NEGLECT, CHILD ABUSE AND NEGLECT: CRITICAL FIRST STEPS IN RESPONSE TO A NATIONAL EMERGENCY (1990) [hereinafter CRITICAL FIRST STEPS].

11. See Melton, supra note 8, at 222-24.

12. Id. at 225-26; see also MARIANNE GULLESTAD, KITCHEN-TABLE SOCIETY (1984); Marianne Gullestad, The Transformation of the Norwegian Notion of Everyday Life, 18 AM. ETHNOLOGIST 62 (1991).
romantic fantasy of a songwriter. When traditional sources of social support become largely inaccessible or simply unavailable, other sources of ongoing support are necessary to help families in dealing with everyday crises. By their nature, highly professionalized and bureaucratized services are unable to meet that need. Unfortunately, though, in Norway as in other developed Western nations, the typical response to family change has been simply to increase office-based services, not to take steps to weave a new social fabric.

The result is that there is a widespread sense of crisis, "reflected in a common belief that the state no longer can be relied upon to provide a social safety net with holes too small for children to fall through" and in support, even among previous opponents, of special agencies or organizations to advocate on behalf of children. There also is recognition even in welfare states that "significant gaps remain on the 'cradle' side of 'cradle-to-grave' social welfare," gaps that have widened as a result of demographic and economic change.

C. The Israeli Situation

Although many Norwegian children may be said to be in danger, the menace is subtle. It is the social risk that accrues when traditional social supports and structures weaken,

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14. Services are most likely to be effective when they are flexible - when they are delivered in "natural" settings like the home and the school, and when they are not confined to measured units of service (e.g., fifty minutes of psychotherapy) but instead are delivered when and where people need them. Unfortunately, though, conventional services do not meet this description. See generally Scott W. Henggeler & Charles M. Borduin, Family Therapy and Beyond: A Multisystemic Approach to Treating the Behavior Problems of Children and Adolescents (1990); Gary B. Melton & David S. Hargrove, Planning Mental Health Services for Children and Youth (forthcoming). At the same time, the evidence is clear that informal support systems have eroded. Gary B. Melton, It's Time for Neighborhood Research and Action, 16 Child Abuse & Neglect 909 (1992).

15. Melton, supra note 8, at 226.

16. Id. at 226-30.

17. Id. at 230, 232.

18. Id. at 232.

19. Norway is still in the process of urbanization; accordingly, social networks have not yet stabilized to meet new residence patterns. Although overall mobility does not yet approach the American level, 1 in 3 five-year-olds has experienced a move. At the same time, Norway, like other developed countries, has had substantial changes in its divorce rate, which doubled between 1970 and 1987, and its rate of births outside marriage (now
especially when that tatter in the social fabric is further strained by "exceptionally difficult conditions," to use the polite language of international law and politics.  

In some instances, though, the threats that children experience are more immediate and powerful than the perils that accrue when there are simple mismatches between the social ecology and children's needs. Sometimes the hazards of life are so great that they threaten the survival of children and their families, and the fear that results preoccupies parents and children and motivates withdrawal or aggression. At other times, the level of hatred and mistrust that exists threatens the psychological integrity of people on both sides of the mirror image and consumes the energy that is available for productive activity.

Although an American need not go abroad to find examples of the situation that I am describing, I was profoundly moved by a visit to Israel a few weeks before the Gulf War began. I participated in a symposium on the rights of children that was sponsored by the Israeli chapter of Defence for Children International — the only international meeting that was held in Israel between the time of the Iraqi invasion of Kuwait and the end of the Gulf War.

During that visit, our group discussed child protection issues with leaders of Jewish family agencies. At a meeting with

39%). Meanwhile, the economic status of two-parent families and, even more so, single-parent families have declined to a point that it is, on average, substantially less than childless couples. See generally FLEKLOV, supra note 8, at 24-40; STATISTISK SENTRALBYRÅ, CHILDREN IN NORWAY (1992).

20. The drafters of the Convention, supra note 6, pmbl., acknowledged that such special circumstances exist in all countries. UNICEF programs for children in “exceptionally difficult conditions” encompass diverse threats to children’s safety and healthy development: child abuse and neglect; child labor; street life; war; disabling conditions.


23. The papers presented at the symposium have been published in IDEOLOGIES OF CHILDREN'S RIGHTS (Michael Freeman & Philip Veerman eds., 1992).
lawyers and counselors providing support to Palestinian youth, we listened to moving, often horrible stories of work with youth in East Jerusalem and on the West Bank — many of whom had been injured in the Intifada or confined in terrible conditions and all of whom had been excluded from school for lengthy periods. We had lunch in the home of a leader of the Druze Arabs in a town near Haifa — a home that combined a traditional Arab lifestyle with decorations consisting of pictures of American and Israeli warplanes. We met with the council of the Church of the Annunciation in Nazareth — one of the holiest sites in the Eastern Orthodox Church — and heard about the social welfare programs that they had developed for Christian Arab families and youth.

These meetings were complemented by wildly contrasting images, as an account of a single day illustrates. We began one day by visiting the Children’s Memorial at Yad Vashem (the Holocaust museum in Jerusalem), a beautiful, haunting memorial in which recitation of the names and ages of children murdered during the Holocaust takes place in total darkness other than that provided by the mirrored flicker of candles. Outside the Memorial, we saw a number of young Israeli soldiers (presumably on leave) preparing to enter the Memorial; all had Uzis strapped to their shoulders. From Yad Vashem, we went to Tel Mond, a youth prison, where we saw Jewish youth in quadruple-bunked cells and Arab juveniles — described by the prison superintendent as political prisoners — in physical conditions at least as bad but with only one hour a day out of their cells for exercise.

From Tel Mond, we visited the lush estate of a family of aristocratic British Jews, who had bought the estate just after


25. Although the motives for the offenses by the Arab youth were undoubtedly political, the description of the youth as political prisoners may have been unduly harsh. The youth were incarcerated because of their behavior (throwing stones at Israeli soldiers and police) rather than their ideas or nonviolent political activity. They were being detained by Israeli civilian correctional authorities — unlike their peers in the Occupied Territories, where martial law is in effect.

On the other hand, accounts of differential treatment of minors identified as security risks — including officially sanctioned “moderate physical pressure” — give credence to the label of political prisoner. See Philip Veerman & George Samaan, A Review of DCI — Israel’s Legal Aid Project, 3 Israel Children’s RTS. Monitor 35 (1992).

26. The isolation of the Arab prisoners was in part self-imposed. As a political statement, they refused to participate in educational programs and other organized activities.
the Six-Day War. Prior to that time and the subsequent annexation of the Occupied Territories, the strip of Israeli land on which the estate is found was only a few miles wide. The previous owner had abandoned the estate after the family's gardener was murdered by a terrorist in their yard.

The day ended on Mount Carmel with lighting of a Chanukah candle at Yemin Orde, a resettlement school for 500 unaccompanied juvenile immigrants — many of whom were Ethiopian Jewish youth who for the first time were being formally introduced into Jewish culture and religion.

The impressions that were left that day were so striking that the contrasts alone were unsettling (apart from the fact that what we had seen was often disturbing in itself), especially when placed in the disquieting, somewhat eerie context of high security and deserted tourist attractions and hotels. The visual contrast between beauty and atrocity was less stark, however, than the contrast of perceptions among the groups with whom we visited.

Regardless of ethnicity or religion, adult leaders described with considerable poignancy the anxiety that their own families and their clients' families experienced on a daily basis. The risk that war in the Persian Gulf would spread to Israel seemed somewhat remote at the time, in part because people were preoccupied with more immediate perils: seemingly random outbursts of violence that had intensified since the then-recent Temple Mount massacre; and economic threats, posed especially but by no means exclusively to the Arab minority, by the extraordinary influx of immigrants from Eastern Europe, the precipitous drop in tourism, and the worst drought in many years.27

Nothing was as troubling to me, though, as the attributions that were made about the ultimate cause for a situation in which fear forms a part of everyday life. For example, the Christian Arab leaders in Nazareth — highly educated, mostly middle-aged or older men who gave no appearance of radicalism — suggested that Iraq's invasion of Kuwait was for the purpose of showing the world what an occupation is like, and that the result would be a significant improvement in the lives of Arabs in Israel and the Occupied Territories. Jewish groups tended to attribute their anxiety to the threat of Arab violence;

27. Finding humor in a grim situation, someone noted the prevalent pleas to God for rain and suggested that the solution to the drought — as well as the broader racial and ethnic conflict — was a pray-off between Islamic and Jewish fundamentalists.
Arabs attributed their anxiety to political and economic oppression. Youth programs on the West Bank that conceptualized their work as psychosocial rehabilitation found that the occupying forces regarded such efforts as "recycling terrorists"; the military acted accordingly and periodically raided their programs.

I was left with the impression that everybody was right and everybody was wrong and that there was no common ground on which negotiations could be built.\(^{28}\) In a short time, though, the political context has changed substantially. With the rearrangement of alliances in the Gulf War, the removal of the Soviet Union as a force in the region, and the change in government in Israel, the possibility of significant movement toward a lasting peace is real. No one should be misled, though, into thinking that the process will be easy or that hostilities cannot reemerge or even deepen.

It is clear that children have the most at stake in ensuring that change is positive. The Intifada is to a large extent a children's war; youth throw the stones and bear many of the casualties.\(^{29}\) In fact, one research group conducting a study on the West Bank was unable to find any children in some towns who had not been shot, detained, arrested, beaten, or tear gassed.\(^{30}\) The school is the community institution that has been the focus of the most intensive military action in the Occupied Territories.\(^{31}\) In a situation that in some ways parallels our own, Israeli children and families bear the brunt of high defense spending\(^{32}\) — a situation exacerbated by the high cost of assim-

\(^{28}\) An Israeli historian of Zionism began a recent article with the following perceptive comment:

The last thing Israelis and Palestinians will agree upon, if ever, will be the interpretation of the history of their mutual 100-year-old conflict. Long after they, hopefully, reach a reconciliation, terminate their strife, and live peacefully as good neighbors, their respective historians and ideologues will continue to differ vehemently on the meaning, causes, and significance of events that occurred three, four, and five generations earlier.


\(^{29}\) Most Palestinian youth have been involved in a violent confrontation with Israeli officials, and 40% of the casualties have been suffered by children under the age of 15. James Garbarino et al., *Youth in Dangerous Environments: Coping with the Consequences*, in *Health Hazards in Adolescence* 193, 203-06 (Klaus Hurrelman & Friedrich Lösel eds., 1990).

\(^{30}\) Garbarino et al., *No Place*, supra note 22, at 108.


\(^{32}\) Israel spends about 15% of its gross national product on defense —
ilating recent immigrants from Eastern Europe. Perhaps most fundamentally, children—regardless of their ethnicity—are apt to be most harmed by a daily life in which their parents and often they themselves live in fear, which periodically escalates into sheer terror.

D. The Situation in Eastern Europe

Although nothing may match armed conflict in the threat that it raises to personal security, the ambiguity that is attached to rapid political, economic, and social change brings its own anxiety. In that regard, the change in Eastern Europe offers the potential for substantial improvement in the quality of life of the people living there, but it also brings considerable risk, especially for children, even in those countries in which change so far has been peaceful.

To understand the current situation, it is useful to consider the trends that prevailed in Eastern Europe before the countries in the Soviet Union's sphere of influence began to break away and the Soviet Union itself broke up. Perhaps the most telling fact is that life expectancy, which was always lower than in the West, had been on a steep fall since the 1960s.


All of the findings of... earlier studies [of Israeli children in war] hold true for the situation created by the recent spate of Iraqi missile attacks on Israeli cities. The missiles are bigger and come from a greater distance, they hit the center of the country and not border areas, but the stresses for children are the same. According to the reports of professionals dealing with children whose homes were directly effected [sic] by the missiles, their reactions were similar to the battle fatigue exhibited by some soldiers: blank stares, lack of initiative, shock....

Palestinian children face a different set of stresses. Political control is in the hands of an alien force that maintains a continuous presence. Children frequently witness or participate in violent demonstrations that lead to injury or death. Palestinian children are more likely to be arrested and undergo physical maltreatment during interrogation or detention.

Id. at 40. See also Garbavino et al., supra note 29, at 194-99 (exposure to war causes post-traumatic stress disorders in children and also affects their moral development).

35. See Mita Castle-Kanerova, Social Policy in Czechoslovakia, in THE NEW EASTERN EUROPE: SOCIAL POLICY PAST, PRESENT AND FUTURE 91, 101-02 (Bob
general, the quality of life was steadily declining—a fact that the Gorbachev government recognized but could do little to reverse.\textsuperscript{36}

Unfortunately, the welfare of children has plummeted further, as resources have declined, social disorganization has increased, and much of the preexisting network of social and health services has been abolished or simply has disintegrated,\textsuperscript{37} as planners have lacked the time, foresight, expertise, or hard currency to create a new safety net.\textsuperscript{38} Poverty has

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36. As one commentator observed:

There was substantial evidence of decay in family and community life. Both infant and adult mortality were rising, and such classic social problems as divorce, crime, drug misuse, and particularly alcoholism, were growing to the point where they could be longer be ignored. This set of issues generated a reaction in terms of the re-moralization of social life, particularly expressed in the vigorous campaign against alcohol consumption instigated soon after Gorbachev was elected secretary. . . .


37. This section draws heavily on personal observations or comments to me by senior government officials in the Czech Republic, Poland, and Russia. \textit{See Journal of the Citizen Ambassador Program Child Welfare Delegation to Poland, the Soviet Union, and Czechoslovakia (Gary B. Melton ed., Nov. 2-16, 1991)} [hereinafter \textit{Journal}] (available from People to People, Spokane, Wash.).

38. The federal parliament in Czechoslovakia dealt with over 2,000 bills in 1991. \textit{Id.} at 29 (remarks of Alena Kroupova). When I asked officials in various countries about their progress in replacing Marxist family codes that assumed parents to be agents of the state (see Gary B. Melton, \textit{The}
Children in the New World Order

been rising rapidly.\textsuperscript{39} As the price of food has skyrocketed, child nutrition has declined accordingly.\textsuperscript{40} Meanwhile, the new governments have lacked the resources to repair the ever-worsening threats to child health left by the industrial policies of the previous governments and complicated by current attempts to decentralize the economy.\textsuperscript{41} The result is that standards of child health continue to plummet.\textsuperscript{42}

Not only have children's health and welfare declined, but the services needed to remediate such problems have been jeopardized. Expenditures for services to children have actually been declining,\textsuperscript{43} and shortages of supplies and gaps in tech-

\textsuperscript{39} See, e.g., Bob Deacon, The Future of Social Policy, in The New Eastern Europe: Social Policy Past, Present and Future, supra note 35, at 166, 168 (concluding that "[a]n overall decline in living standards of around 30 per cent and an increase in unemployment to 10 per cent or more appears to be the price for transition from communism to capitalism in the short term."). UNICEF has noted that poverty and unemployment have hit astronomical levels throughout Eastern Europe as inflation has risen sharply (as much as 50% per annum), so that at least 40% of the residents in two of the wealthiest Eastern European countries, Poland and Russia, now live in poverty. GRANT, supra note 6, at 18.

\textsuperscript{40} Russian sociologists regard poor nutrition and other problems of public health as among their two or three most serious problems at present. Journal, supra note 37, at 17 (remarks of Vladimir I. Markov). Research in 1990 by the Research Institute of Mother and Child in Warsaw showed that 80% of schoolchildren did not drink a glass of milk each day, and fewer than one-fifth ate a full meal at school each day. MINISTRY OF HEALTH AND SOCIAL WELFARE, PEOPLE TO PEOPLE MISSION TO POLAND: BACKGROUND PAPERS 28 (Nov. 1991).

\textsuperscript{41} See Deacon, supra note 35, at 13. Pollution is widely acknowledged to be an extraordinary problem in Eastern Europe. For example, public health officials in Poland estimate that 95% of the surface water in that country is contaminated, a problem that has been exacerbated by the recent marketing of Western infant formula as an alternative to breastfeeding. Journal, supra note 37, at 3 (remarks of Malgorzata Grzemka). Health professionals in Eastern Europe believe that the high level of pollution — of which the Chernobyl fallout is the most glaring example — is probably responsible for high rates of birth defects and developmental problems, but epidemiological studies are only beginning. See generally Susan Kalish, Life Expectancy Falling, Morbidity Rising in Former USSR, Pop. Today, Jan. 1993, at 1.

\textsuperscript{42} See GRANT, supra note 6, at 18. The Czech Ministry of Health recently described the situation, "without exaggeration, as a chronic and deepening crisis of health and health care in our country." REFORM OF HEALTH CARE, supra note 35, at 4.

\textsuperscript{43} Although the Eastern European country that has been attending the most to "people problems" (in contrast to technological and economic development), former Czechoslovakia was forced to cut spending on
nology are resulting in poor-quality care in many places in Eastern Europe.\textsuperscript{44}

In the naïve belief that a market strategy would eliminate such problems, health care professionals in Eastern Europe with whom I have talked have uniformly looked to private insurance as the answer to their problems of health care delivery\textsuperscript{45} — a response that probably would amuse American policymakers struggling to find a feasible program of health care reform. The lack of trained health care administrators — indeed, the lack of anyone who ever has managed a billing system — indicates the difficulty of the task ahead.

Apart from the formidable technical, fiscal, and human-resource problems, UNICEF officials have observed “signs that the baby of minimum welfare measures is being thrown out with the bath water of state control.”\textsuperscript{46} Because of their aversive experience with intrusive state action, Eastern Europeans now are understandably reluctant to establish new public service systems and regulatory mechanisms.

Nowhere is this ambivalence more acute than in the field of child protection. On the one hand, health and welfare officials (unlike the previous regime) recognize the reality of child abuse and neglect. On the other hand, they lack experience in either managing or participating in a child protection system, and they are skeptical about the desirability of state action in this regard. The result is that Eastern European countries generally lack even the rudiments of a child protection system.\textsuperscript{47} The dispositional alternatives available in cases of child

\textsuperscript{44} In a visit to a major pediatric teaching hospital in Moscow, administrators indicated that, in part because of humanitarian aid from the West, that hospital (unlike those in more remote areas) had adequate supplies. Physicians in our delegation, though, noted that much of the medical technology being used was decades out of date by Western standards. Children in the intensive care unit were being injected frequently because of a shortage of tubing for intravenous administration, and even complex surgery was being conducted with local anesthesia. The surgical suite and the wards had tile floors with grout cement, thus making sterile conditions nearly impossible. The patient areas were old-style wards without adequate facilities for parent stays.

\textsuperscript{45} See Reform of Health Care, supra note 35, at 7 and 15; Journal, supra note 37, at 12 (remarks of Aleksey Geraskin), 23 (remarks of Alena Hanzalova), and 25 (remarks of Dr. Simankova).

\textsuperscript{46} Grant, supra note 6, at 18.

\textsuperscript{47} It is significant that a recent UNICEF-sponsored review of child protection efforts in numerous countries, including several developing nations, failed to include a status report from any countries in Eastern
maltreatment, which are seldom identified in any event, are typically limited in practice to either no action at all or jail for the offending parent and placement of the child in an orphanage. In the current political and economic crisis, the uncertainties about even this narrowly circumscribed system were illustrated by the comment of the director of an orphanage in Moscow that she did not know the budget for the following day.

The length of the path to be traveled in developing a child protection system in Eastern Europe was epitomized by an editorial in Child Abuse and Neglect. In that editorial, Richard Krugman told the following story about the pre-glasnost view of child maltreatment in Eastern Europe:

Several years ago at the First European Conference on Child Abuse and Neglect in Rhodes I met a Rumanian minister who shook his head as he heard of the large numbers of children in the US, Western Europe, and other parts of the free world who were abused and neglected. I asked him if there was any child abuse in Rumania. "No," he said, "we have none." "Really? I wonder why that is?" I asked. "In Rumania," he told me, "we have no child abuse because it is against the law!"

Suppressing an urge to exclaim, "I wish we'd thought of that," I pushed forward. "Do you have any problems with prostitution? Murder?" "Yes," he admitted. "We have some of that, but not as much as in your country." "Well, you must have abuse, then," I said. "In our experience, nearly all prostitutes have been sexually abused as children, and nearly all our murderers have been physically and often sexually abused as well." He fell silent for a moment, then said, "All our prostitutes and murderers are gypsies. None of them are Rumanian."

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48. The Eastern European countries all retain old-style orphanages; family foster care and other alternatives for out-of-home care remain largely unavailable. Each orphanage contains scores — often hundreds — of children, most of whom are "social orphans" whose parents are alive but unable to care for them. See James R. Himes et al., Children in Institutions in Central and Eastern Europe (1991); Journal, supra note 37, at 7-9 and 13-14 (visits to orphanages in Warsaw and Moscow).


51. Id. Of course, Dr. Krugman's story illustrates not only the long-
Although consideration of the problem of child maltreatment was greater in former Czechoslovakia than in other Eastern Bloc countries, identification of child maltreatment "is still a vision of the future" even there, and a comprehensive system of response is a more distant hope. The authorities in the previous regime suppressed study even of fatalities.

The new governments have some appreciation of the range of social problems affecting children; they do not deny, for example, that child maltreatment exists and that it may be worsening because of the political and economic uncertainty and hard times. Perhaps because of the intellectualism in the Czech government, it has been particularly sensitive (relative to other former Eastern Bloc nations) to the "people problems" ahead.

Standing denial of social problems in Eastern Bloc countries but also the potential harm of ancient ethnic conflicts — a reality that has been tragically revealed in former Yugoslavia and the southern republics of the former Soviet Union.


53. Dunovský, supra note 52, at 5.

54. Id. at 4.

55. Remarkably little attention has been given to the social transformations that must occur if the democratic revolution is to succeed in Eastern Europe. Western consultants have been drawn primarily from business and engineering — a fact that is reflected in a perusal of the range of books now available in the Dom Knigi (House of Books) in Moscow.

President Havel, however, has helped to provide at least some focus to the human questions ahead. His characterization of the change that is occurring is illustrative: "I once called this coming to our senses an existential revolution. I meant a kind of general mobilization of human consciousness, of the human mind and spirit, human responsibility, human reason." VACLAV HAVEL, SUMMER MEDITATIONS ON POLITICS, MORALITY AND CIVILITY IN A TIME OF TRANSITION 116 (Paul Wilson trans., Alfred A. Knopf ed., 1992) (originally published in Czech as LETNI PREMITNI in 1991).

President Havel has been almost uniquely sensitive to the fact that children's relationships with adult authorities must change if democracy is ultimately to triumph:

What will our schools be like? I think that in ten years they should be fully reformed and consolidated. The point, understandably, is not just the reconstruction of school buildings or the supply of computers and new textbooks. The most important thing is a new concept of education. At all levels, schools must cultivate a spirit of free and independent thinking in the students. Schools will have to be humanized, both in the sense that their basic component must be the human personalities of the teachers, creating around themselves a 'force field' of inspiration and example, and in the sense that
Even in the Czech Republic, however, few appreciate the psychosocial issues that they are likely soon to face. For example, mental health professionals with whom I spoke did not understand the potential problems when parents deal with adolescents who have many more choices available than the parents did at the same age. More fundamentally, neither policymakers nor the general public in Eastern Europe seem to recognize the need to transform parent-child and teacher-pupil relations if they ultimately are to socialize people into democratic values.

Some of the psychosocial challenges ahead have never been faced elsewhere, because they relate to the cultural changes that were products of policies of the previous regime. Although many recognize the need to build individual initiative and to enhance worker productivity and care, there are more subtle problems related to family life. For example, because people were required to share housing, regardless of their desire for privacy, households became something other than conventional families as they are defined in the West or, historically, Eastern Europe. With the additional complicating factor of the need to establish that one is an heir to pre-World War II owners in order to obtain private ownership of the home, boundaries of the family now are subject to dispute.

Housing policy also has resulted in cultural changes in reproductive behavior. With children being the means for a couple to obtain their own apartment, the mean age of first childbearing has been about seven years younger than in the West, and the mean age of first marriage also has been

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56. Missing the point, the clinicians would respond that Czech families had not accepted the Soviet-imposed regime. See, e.g., Journal, supra note 37, at 27.

57. Deacon, supra note 35, has described the significance of the long-term housing shortage in Eastern Europe. Twenty-year waiting lists and "three-generation and post-divorce communalism" were common. Even when couples graduated to their own apartments they often found themselves sharing kitchens and bathrooms, "a distorted legacy of the idealized communalism of the early Bolsheviks." Id. at 4; see also Manning, supra note 36, at 40 (noting that young married couples typically share housing with at least one set of parents).

58. See Journal, supra note 37, at 30 (remarks of Alena Kroupova). A leading "social pediatrician" in the Czech Republic, Jiří Dunovský, has summarized the striking East-West differences in fertility:

In Eastern European countries most children born during the civil year are born to women 20-24 years of age while in the rest of
several years younger. In former Czechoslovakia, 80% of young couples lived initially with their parents; five years later, 20% still did. One-half of all married women were pregnant at the time of marriage. Moreover, the distortions that housing policy created in “natural” family life cycles were complicated or exacerbated in many instances by population policy.

In summary, although the resurgence of democracy in Eastern Europe offers exciting possibilities, it also has dramatically increased the already substantial risks to children, and changes of social and political structure needed to mitigate those risks have been slower to occur. To a large extent, the task is no less than one of rebuilding society, particularly those institutions like the family that are crucial to children’s development.

Although the opportunities (and the risks) are immense, so far there has been little attention by either political leaders or social scientists (whether they are based in Eastern Europe itself, the West, or international organizations) to the development of new social support systems and new ways of relating at an individual level. There are some glimmers of hope, however. For example, voluntary and religious organizations are

Europe (except Austria) to women in 25-29 age category. Even more pronounced is the difference in numbers of children born to young women 15-19 years of age: e.g., in Bulgaria 19.6% of all born children. This is seven times more than in the Netherlands (2.7%) and five times more than in Sweden (3.8%). Here in Czechoslovakia 11.8% of all children are born to women under twenty — i.e., four times more than in the Netherlands and three times more than in Sweden.


59. The mean age of first marriage is 20.8 in Bulgaria and 21.1 in former Czechoslovakia and Yugoslavia. Dunovský, supra note 58, at 14.


61. Id.

62. The Rumanian policies that prohibited contraception and abortion — and the abandoned children and atrocious orphanages that resulted — have received much attention in the West. Although the disregard for family planning was most severe there, the general problem was present throughout Eastern Europe. See, e.g., BORN UNWANTED: DEVELOPMENTAL EFFECTS OF DENIED ABORTION (Henry P. David et al. eds., 1988) (study of the effects of abortion policy in Czechoslovakia during the Communist era). Contraception continues to be poor in quality and often unavailable. Journal, supra note 37, at 1 (remarks of Kate Schechter), 12 (remarks of Aleksey V. Geraskin), and 14 (remarks of Mikhail Schneiderman).
being formed to assist in care for children. New youth organizations — or in some instances, preexisting organizations that have come “above ground” — also may help. The safety net must be expanded and woven more tightly, though, if children are to reap the benefits of political freedom in Eastern Europe.

E. A National Emergency in Child Protection

The examples that I have used so far have been from abroad. The greatest proportion of my time since 1989 has been spent, though, in activities related to the U.S. Advisory Board on Child Abuse and Neglect (of which I have been a member since its inception). Nothing in my professional life has been so exhilarating or so maddeningly frustrating. The experience has been virtually paradigmatic of the theme of this article: The problem of child maltreatment has reached a point of crisis, the opportunities are present for fundamental change, but the obstacles are formidable.

Just as in the other examples that I have presented, the response in the United States to the crisis in child protection has been mixed, and the future is both worrisome and unclear. No one can doubt that the problem is one of catastrophic proportions — disastrous in its scope, its impact, and in the failure of a multi-billion dollar system that is on the verge of collapse.

The numbers are stunning: growth from an estimate of 300 cases of battered child syndrome in 1962 to 60,000 reports of suspected maltreatment in 1974 to 1.1 million in 1980 — a number that more than doubled in the 1980s. As problems of the children entering the system have become increasingly serious and complex, and resources have failed to increase at anywhere near the rate of increased cases, there has been a precipitous increase in the number of children in foster care while the number of foster homes has declined. By the middle of the decade, it is estimated that there will be five hundred thousand foster children, most of whom have significant emotional, behavioral, and educational problems, in fewer than one hun-

63. Dunovský, supra note 58, at 24.
64. The enthusiasm for such developments is illustrated by the fact that eighty thousand boys had joined Scout troops in Czechoslovakia alone by the end of 1991. Journal, supra note 37, at 40.
65. See generally CRITICAL FIRST STEPS, supra note 10.
66. Id. at 15 nn.6-7 and accompanying text.
dred thousand foster homes—numbers that by themselves indicate the seriousness of the crisis.

As the Board began to grapple with the state of the nation's response to the threat to children's safety, we developed a problem list that went into the hundreds before concluding that (1) the system was in such horrible shape that the declaration of a national emergency was justified and (2) the roots of the crisis were inherent in the system and could not be fixed simply by increasing expenditures to a level proportionate to the increase in cases. Those conclusions did not come easily; many hours were spent in sometimes emotion-filled discussions within the Board and with various professional associations and other interested groups.

Our frustration and conflicts seemed to be based in the fact that the child protection system had lost—or perhaps never found—a sense of mission. The child protection system had mysteriously lost any real focus on the needs and experiences of children. Instead, investigation, seemingly for its own sake, seems to drive the system. “Child protection”

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67. See National Comm’n on Foster Care, A Blueprint for Fostering Infants, Children, and Youths in the 1990s, at 2 (1991); Gordon Evans, Foster Care Facts and Figures (Sept. 1991) (information sheet provided by the National Foster Parents Association).

68. The Board has noted five phenomena that are illustrative of the loss of the “child” in “child protection”:

- The focus . . . is on checking whether parents did/did not act in a particular way, did/did not fulfill a particular point of a service plan, etc. — essentially, continual investigation.
- Children themselves often do not receive services. Those services that are delivered often are not tailored to individual needs.
- Often insufficient attention is given to the relationships important to children.
- Children often are not given an active voice in decisions about them, and they typically are not given adequate feedback about the proceedings determining their lives.
- Reforms often are adopted in the name of child protection without careful consideration of their meaning and significance to children themselves.


69. The U.S. Advisory Board on Child Abuse and Neglect dedicated its 1991 report to "the many thousands of American children and families trapped in the throes of abuse and neglect who are waiting for our society,
seems to have become defined as the work of Child Protective Services (CPS), the unit of state and county child welfare agencies that is charged with investigating reports of suspected child maltreatment—a unit that has become an increasingly large part of social service agencies.

As a result, other sectors of society that should be involved in the prevention and treatment of child abuse and neglect (e.g., health, mental health, schools, churches) typically do not see those functions as important parts of their work, and “child protection” consists of little more than checking off boxes. Workers spend their time gathering or reporting evidence about whether parents did or did not engage in particular conduct, whether pre-adjudication (in determination of whether a report is founded) or post-adjudication or post-disposition (in determination of whether court jurisdiction can be continued or parental rights terminated) — not in planning or delivering services to strengthen troubled families or help maltreated children. At the same time, as CPS and foster care have become the centerpiece of child welfare services in many states, a suspicion of maltreatment ironically and tragically has become a de facto eligibility requirement for receipt of family services.

The lack of attention to children's needs in individual cases is mirrored in—and probably the result of—errant public policy. When child abuse was “discovered” in the early 1960s, it was believed to be an atrocious but rare problem that would be alleviated if only it came into public view. Accordingly, all states adopted mandatory reporting laws, and the focus of both state and federal policy became encouragement of health and human service professionals and the public at large to report suspected child maltreatment to CPS.

Consistent with that focus, the central question of child protection policy became, “Under what circumstances is coercive state intervention justified?” That question leads policy to focus on procedures for evidence gathering and admission, the

and its governments, to respond to their plight with more than just a report, and more than just an investigation.” Creating Caring Communities, supra note 68, at Dedication.

70. At the federal level, the analogous situation occurs, where responsibility of health, mental health, community planning, justice, and education agencies for research and program development has been neglected, because responsibility for the problem of child abuse and neglect was regarded as vested in the National Center on Child Abuse and Neglect (NCCAN), a small, often problematic agency within the social-services side of the Department of Health and Human Services. See id. at 15-34.

clarity of the definition of child abuse and neglect, and so forth. By contrast, the central inquiry ought to be, "What can government and society as a whole do to prevent harm to children?"

The latter question leads logically to development of support systems that minimize the need for disruption of families and that go well beyond the CPS agency or even the specialty child welfare system to make child protection a part of everyday life.

The Board concluded that the nation needs a new national strategy guided by a comprehensive neighborhood-based, child-centered child protection system, and it proposed—amid an expansive blueprint for federal involvement—adoption of a national child protection policy. The response by federal authorities has been disappointing, however. Congressional staff initially were enthusiastic about the possibility of broad-scale reform to protect children and even delayed reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) in order to attempt to achieve it. Unfortunately, though, the ultimate form of the reauthorization included only new findings (rather than a binding policy), did not touch the Public Health Service, the Cooperative Extension Service, or other agencies potentially important in the new strategy, and failed to provide significant changes to remediate the serious problems in the National Center on Child Abuse and Neglect.

Despite early indications of interest, Congress also did not address the need for substantial development of the Department of Justice's role in child protection when it reauthorized the Juvenile Justice and Delinquency Prevention Act.

The Bush Administration showed even less concern for the dire conditions facing hundreds of thousands of American children. It showed no interest at all in the CAPTA reauthorization, until amendments were proposed to increase the independence of the U.S. Advisory Board on Child Abuse and Neglect, after which a bevy of high-ranking officials in the Administration for Children and Families appeared on Capitol Hill to lobby key congressional staff. Similarly, the Board's initial declaration of a national emergency would not have reached the public if Board members and staff had not themselves called the media, because Department of Health and

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72. CREATING CARING COMMUNITIES, supra note 68, at 37-49.
75. The report, CRITICAL FIRST STEPS, supra note 10, was featured on
Human Services public affairs staff did not distribute a press release until hours before the press conference at which the report was to be released — ostensibly because they could not decide whose stationery to use. Such action, even if not intended as outright obstruction, certainly trivialized the gravity of the threats to the safety of many American children.

At the same time, though, the Board’s reports have resonated among professionals in the field, and some significant action has been undertaken, especially within the voluntary sector. More generally, there appears to be a new Zeitgeist in children’s services, with widespread recognition that traditional human services are poorly matched to the needs of many children and families in the various public service systems. Services for children and families work best when they follow the Jericho Principle — tearing down metaphorical walls of diagnosis and discipline and going outside physical walls of office buildings and institutions to blend services into “natural” settings where children and families live, study, work, and play.

the front page of many major newspapers, the lead story on ABC’s evening news, and the principal segment on the MacNeil/Lehrer NewsHour. Board members also appeared on Nightline, Good Morning America, and other major talk shows.

Most notably, the National Committee for the Prevention of Child Abuse launched Healthy Families America (funded by the Ronald McDonald Children’s Charities). The principal focus of that initiative is an attempt to build universal infant home visitation programs for the purpose of prevention of child maltreatment — the Board’s top-priority recommendation in its 1991 report. Creating Caring Communities, supra note 68, at 141-46. Healthy Families America now has stimulated progress toward that goal in the majority of states. See Memorandum from Anne Cohn Donnelly and Leslie Mitchel to Healthy Families America Partners (Dec. 4, 1992) (on file with author).

Regardless of the particular public service system for children and youth — child mental health, child welfare, juvenile justice, or the behavior disorders side of special education — the modal client is adolescent, male, conduct disordered, poor, educationally delayed, a resident of a “bad” neighborhood, and a member of a “multiproblem” family with serious problems in general. Given that constellation of problems, why should one expect either talking for fifty minutes a week (if attendance at such sessions can be enforced) or being placed in a residential facility to have substantial and lasting positive effects? Service outcome research supports the commonsense view that the most widely available and easily financed services for children, youth, and families are largely ineffective. See generally Melton & Hargrove, supra note 14.

Accordingly, collaboration, coordination and integration of services have become buzzwords in child welfare, \textsuperscript{79} child mental health, \textsuperscript{80} education, \textsuperscript{81} juvenile justice, \textsuperscript{82} and other domains of child and family services. \textsuperscript{83} Many state legislatures have enacted statutes designed to promote such service system reform, especially through demonstration programs. \textsuperscript{84}

The ideological changes that have occurred among planners and providers of child and family services and the initiatives that have resulted thus open the door to development of a service system that is responsive to the needs of changing families. Unfortunately, though, there are few signs that policymakers and program administrators are ready to carry such insights and demonstration programs to their logical conclusion through broad-based reform of financing, agency structure, and professional education. The opportunity now is present for a service system that is conceptually based and consistent with values ostensibly fundamental to public policy (e.g., family integrity), but formidable obstacles stand in the way of accomplishment of more than modest reform. \textsuperscript{85}


\textsuperscript{80} See, e.g., Beth A. Stroul & Robert M. Friedman, \textit{A System of Care for Severely Emotionally Disturbed Children and Youth} (1986) (statement of principles guiding the Child and Adolescent Service System Program of the National Institute of Mental Health and related state-level reform of child mental health services).

\textsuperscript{81} See, e.g., Jane Knitzer et al., \textit{At the Schoolhouse Door: An Examination of Programs and Policies for Children with Behavioral and Emotional Problems} (1990).

\textsuperscript{82} See, e.g., William H. Barton et al., \textit{A Blueprint for Youth Corrections} (1991).


\textsuperscript{84} See, e.g., Shelley L. Smith, \textit{Family Preservation Services: State Legislative Initiatives} (June 1991) (report of the National Conference of State Legislatures), and statutes cited therein.

\textsuperscript{85} I have noted several reasons for the lack of broad-scale reform: First, service system reform itself continues to be fragmented, with few linkages among the various initiatives and minimal involvement of the courts. Second, although some changes in financing of child and family services appear to be forthcoming, advocates have a long way to go to build the political consensus necessary for dismantling the various public and private incentives for residential placement and constructing the funding base for comprehensive family- and community-based services. Third, the outlook for both the economy and government is such that it is questionable that sufficient funds
III. CHILDREN IN A TIME OF CHANGE: THE BIG PICTURE

A. The Convention and the World Summit

My sense that we are at a global moment of truth, at least in regard to children and families, has been heightened by my experiences in countries where a sense of crisis is not necessarily widespread. I have been involved in several conferences and consultations designed to facilitate implementation of the Convention on the Rights of the Child in Australia and Western Europe. Certainly the most remarkable events have been the unprecedented speed and universality of ratification of the Convention on the Rights of the Child, coupled with the World Summit for Children, the largest assembly of heads of state in history. The leaders gathered at the U.N. promised to meet 26 goals in the 1990s—most of them related to improvement of child health and education.

The symbolic significance of these events is obvious. The import of the Convention and the Summit Declaration goes far beyond the international analogue to a baby-kissing ritual, though. First, even the symbolism is momentous. Only 25 years have passed since the personhood of children can be generated to support development of a comprehensive system, even if a political consensus emerges that such a goal is a high priority. Fourth, fragmentation may be a problem that even if not inherent is largely intractable. Fragmentation has been a problem since helping services first became formalized, and charities established their autonomy and thus their need for accountability and structure. Such a phenomenon may be especially endemic to child and family services, because of the existence of several service systems with an essentially similar purpose and a substantially overlapping structure.


86. Convention, supra note 6.


88. Although the United States has not yet signed the Convention, supra note 6, it did join in the World Declaration, supra note 6. Former President George Bush attended the World Summit for Children, and former Secretary of Health and Human Services Louis Sullivan signed the Declaration on behalf of the United States.

89. World Declaration, supra note 6, at 21-23.
mally recognized in the United States,90 probably the most rights-conscious nation in the world. The disgraceful failure of President Bush to sign the Convention and submit it to the Senate for ratification (a failure that President Clinton has yet to indicate that he plans to rectify) suggests that the United States may have been left behind in leadership on such matters; the United States remains virtually the only Western democracy on the list of non-signatories. Nonetheless, the Gault case offers a useful benchmark for consideration of how far the world has come. The Convention must seem truly revolutionary in societies where recognition of civil and political rights for adults is recent and the cultural norm for adult behavior toward children traditionally has been at least hierarchical and sometimes openly authoritarian.91

Indeed, when the Convention eventually is ratified by the United States, it is conceivable that it will transform children’s law in this country. Although few provisions of the Convention are in direct conflict with American law,92 full implementation of the Convention would be momentous. American courts are used to interpreting “constitutional” language of the sort that permeates the Convention, and they could lead in giving meaning to the Convention in developed countries. Thus ratification of the Convention may foster more careful consideration of the ingredients necessary for protection of dignity of children93 — not just, for example, the rudiments of due process rights available to adult defendants but also those procedures that are necessary for juvenile respondents to feel that they are treated “in a manner consistent with the promotion of the child’s dignity and worth,” so that they build “respect for the

91. In that regard, one of the most interesting aspects of implementation of the Convention, supra note 6, has been the response in much of Latin America. All Latin American governments are parties to the Convention, and several have sponsored nationwide celebrations or education efforts. See, e.g., LOS DERECHOS DE LOS NIÑOS Y LA DEMOCRACIA [THE RIGHTS OF THE CHILD AND DEMOCRACY] (1990) (report of national children’s election sponsored by the Ecuadoran Supreme Electoral Court, UNICEF, and the Central Bank of Ecuador).
human rights and fundamental freedoms of others" and that they "assume[e] a constructive role in society."94

Moreover, even if the Convention is regarded as not fully self-executing,95 the ratification of a treaty recognizing social and economic rights — an unprecedented act in American history — would offer legislatures guideposts that could have spectacular effects on children and families. Imagine the significance of a "right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development"96 — to "enjoyment of the highest attainable standard of health care,"97 to education aimed at "the development of the child's personality, talents and mental and physical abilities to their fullest potential,"98 and to cultural activities that permit full participation of children.99

Second, the adoption of the Convention and the Summit Declaration occurred with fortuitous timing,100 because the global situation has changed in ways that make their implementation feasible. For example, the international community had made a promise in the late 1970s, when only 10% of children in developing countries were immunized to reach a goal of 80% immunization by 1990 — with the result that the lives of almost nine thousand children are saved each day.101 This extraordinary achievement — like those that the World Summit conferees hope to accomplish during the present decade, was

94. Convention, supra note 6, art. 40, § 1. Such an approach would give meaning to the due-process guarantees, now often hollow, under the U.S. Constitution for respondents in delinquency proceedings. See Gary B. Melton, Taking Gault Seriously: Toward a New Juvenile Court, 68 Neb. L. Rev. 146 (1989).

95. An American declaration on this point may be likely, although it probably is unnecessary. Report on the Rights of the Child, supra note 92, at 5-7.

96. Convention, supra note 6, art. 27, § 1.
97. Id. art. 24, § 1.
98. Id. art. 29, § 1(a).
99. Id. art. 31.
100. The global movements to democracy and children's rights occurred in parallel. Ironically, the nation that originally moved for the establishment of a Convention on the Rights of the Child was then-Communist Poland. The chair of the working group on the Convention was Adam Lopatka, minister of religious affairs in Poland under the former government. From my acquaintances who were members of the official working group or the parallel group of representatives of nongovernmental organizations, I have heard nothing but praise for former Minister Lopatka's leadership in moving the working group over a decade of meetings to consensus on a lengthy, complex document on issues that are fundamental to a society's way of life.
101. See Grant, supra note 6, at 9, 11.
made possible by political change that recognized the importance of people and the diminution of world tension so that money could begin to be diverted from military spending to investment in the survival of children.\textsuperscript{102}

Third, the Convention has increased the structures available to monitor children’s rights and increase attention to children’s interests in policymaking — a development that could ultimately have ramifications far beyond those germane to the Convention itself. The Convention requires states’ parties to submit periodic reports to a committee of experts,\textsuperscript{103} and it provides roles for nongovernmental organizations and specialized international agencies (e.g., UNICEF) in monitoring and providing technical assistance in implementation of the Convention.\textsuperscript{104} Perhaps more important, the authority and coherence of the Convention are such that it has provided a framework to inform discussions of child and family even in non-ratifying countries.\textsuperscript{105}

Although the euphoria of child advocates around the world in the adoption of the Convention is justified, caveats also are warranted. As I have already noted, some of the most

\begin{footnotes}
\footnote{102}{In a statement written before the fall of the Soviet Union but after perestroika had begun, James Grant, the executive director of UNICEF, starkly posed the question before the world:

\begin{quote}
Bearing in mind the fact that the cost of one-half day of the world's expenditure on arms would be sufficient to finance the cost for immunization of all the children in the world against the common infectious diseases, is it too much to ask that for ensuring the health and well-being of the world's children and overcoming the world epidemic of poverty and deprivation, some of the tremendous technological, scientific and financial resources of modern states be diverted from armaments; that leading scientists collaborate to save the millions of children who die every year from preventable causes; and that for these noble goals we begin with a child survival fund to be started with the equivalent of one day's military expenditure in order to save the lives of more than 10 million small children and to prevent the crippling of a comparable number?
\end{quote}

James Grant, \textit{Children as Bridges of Peace, in War, Violence, and Children in Uganda}, at ix, xv (Cole P. Dodge & Magne Raudalen eds., 1987).}

\footnote{103}{\textit{Convention}, supra note 6, arts. 43-44.}

\footnote{104}{\textit{Id.} art. 45.}

\footnote{105}{Marjorie Newman-Black, \textit{Introduction, in The Convention: Child Rights and UNICEF Experience at the Country Level}}, 5, 7 (Marjorie Newman-Black & Patricia Light eds., 1991) (describing compliance with the Convention by Mozambique and Thailand, both non-parties). The Children's Defense Fund used the time that the United States would have submitted a report to the committee of experts if it had been an early party to the Convention as an occasion on which to issue CDF's own report on American compliance with the Convention.}
\end{footnotes}
powerful nations in the world either have not ratified the Convention or have failed thus far to apply it broadly. Perhaps an even more telling fact is that the timing of the World Summit for Children was such that it provided an opportunity for Western leaders to strategize about their response to the Iraqi invasion of Kuwait, and it was that side activity that grabbed the headlines more than the extraordinary gathering to consider the needs of the world’s children.

Ultimately, the gap between the Convention’s promise and its fulfillment is clear when one realizes that it should affect not just what the state does in its relations with children but how it is done. For example, the Convention guarantees not just that rehabilitative services are provided to maltreated children but that they “take place in an environment which fosters the health, self-respect and dignity of the child.”

Unfortunately, my experience in international conferences and consultation to national governments is that the import of the Convention as a constitution for the world’s children often is being missed, as both politicians and advocates focus on compliance in a narrow sense. As is too often the case in international human rights law, the Convention is being used to some extent as authority for condemning the evil nation (typically, evil Third World country) of the month club (e.g., Brazil, for its scandalous treatment of street children). Although atrocities merit the condemnation of the international community, no Convention was necessary for that purpose. Rather, the utility of the Convention lies primarily in the guidance that it could give developed democracies in development of policies consistent with the dignity of their youngest citizens. For the most part, the Convention’s meaning is missed if its principles — many of which are purposefully incremental and expansive — are thought to be susceptible to a dichotomous choice (com-

106. The most important nation other than the United States that has yet to sign the Convention is India. The remaining non-signatories include several nations with an atrocious human rights record (e.g., Iraq, South Africa) and several other countries that either are new or very small (e.g., several former Soviet republics in Central Asia) and without a well developed foreign-policy apparatus.


108. Convention, supra note 6, art. 39.
ply/not comply). In short, the Convention could be the source of a new concern with the personhood of children and a worldwide revolution in children's policy — or it could be mere platitudes that serve only as another basis for condemnation of the outcasts from the global community.

B. Children and War

Another marker signifying that the world is at a turning point in its treatment of children has been the evolution in the status of children in war zones. When the Summit Declaration was adopted, the conferees urged "earliest possible ratification and implementation" of the Convention on the Rights of the Child, and they noted one particular domain in which the spirit of the Convention should be applied with singular zeal: special protection for children in time of war.

Although the foundation for such an agenda in the Convention actually is rather weak, the need is undeniable. A by-product of the development of military technology has been that armed conflict now typically is literally "war on children." In World War I, 5% of the casualties were civilians; the proportion in contemporary conflicts is 80% — most of them women and children. As was vividly portrayed in the weeks following the Iraq war and as has been echoed in the current wars in former Yugoslavia, the indirect effects of war on children

109. World Declaration, supra note 6, at 3.
110. Id. at 9 & 14.
111. Although the drafters singled out the provisions of the Convention dealing with armed conflict for special care in implementation, those provisions ironically are among the weakest and most controversial. The age threshold for participation in combat was set at a lower age (15) than many of the drafters wished. Convention, supra note 6, art. 38, § 2. In fact, the United States was the lone participant in the drafting group that pushed for such a low age. Travaux Préparatoires, supra note 6, at 513-16. Beyond a general reaffirmation of international law regarding armed conflict, the Convention provides merely that "[s]tates parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict." Convention, supra note 6, art. 38, § 4. This rather vague mandate appears to be qualified by a notation that it is "[i]n accordance with ... obligations under international humanitarian law to protect the civilian population in armed conflicts." Id. Therefore, the Convention may add nothing to existing international law about protection of children in war.
112. GRANT, supra note 6, at 26.
also can be devastating, as the supply of food and medicine diminishes and schools and clinics close.

The one bright spot in this gruesome reality is that the customary law of armed conflict does appear to be moving in the direction recommended by the Summit conferees. With little fanfare, a new rule appears to be developing to require periodic cessation of hostilities so that humanitarian relief can be given to children:

In El Salvador, civil war has been suspended on three separate days every year for the last seven years so that children can be immunized. In Lebanon, "days of tranquility" allowed children to be vaccinated even at the height of the troubles. In Sudan, both sides eventually agreed to "corridors of peace," through which essential supplies could reach millions of civilians, mostly women and children, trapped in the war zone. Similar agreements have since been negotiated in Angola and Ethiopia. In Iraq, essential medical supplies were delivered even at the height of the Gulf conflict.  

There admittedly is something perverse about a brief cessation of conflict to vaccinate children who are at risk of being maimed or killed when the shooting resumes. Nonetheless, one should not minimize the message that the world community, even in its darkest hours and its most troubled places, is beginning to recognize its responsibility to minimize the wrongs inflicted on children when adults resort to armed conflict.

At the same time, one should not lose sight of the fact that children have been the victims of special atrocities in some of the conflicts in recent years. Lawrence Aber, James Garbarino, Magne Raundalen and their colleagues have


116. Actually, the risk to children in war zones from infectious diseases is sometimes even greater than the risk that they experience from war itself. Grant, supra note 102, at xii-xiii.

117. Professor Aber is leading a research team at the Columbia University Center for Human Rights. See Tori DeAngelis, Children's Reactions to War Are Examined, APA MONITOR, Sept. 1992, at 34.

118. See, e.g., Garbarino et al., Children in Danger, supra note 22; Garbarino et al., No Place, supra note 22; James Garbarino et al., What Children Can Tell Us About Living in Danger, 46 AM. PSYCHOLOGIST 376 (1991).
painted haunting verbal pictures of recent warfare against children, sometimes reaching extraordinary levels of barbarism.

One also should not forget the warfare that has erupted in some of our own neighborhoods. Garbarino et al.'s summary is both insightful and disturbing:

What horrifies us most about the war in Chicago is the suspicion that rules for the combatants are deteriorating. The killing becomes steadily more casual, and more bestial. Drugs drive and accelerate this process. A mother who was nearly shot cries out, "They don't care about nothin' anymore. They shoot their own mother if she got in their way." When the war is beyond caring, the slide to barbarism is often precipitous.120

One-fourth of youth on the Southside of Chicago reported having witnessed a murder by the time they were 17,121 and all children in some public housing projects in that city had first-hand knowledge of shootings by the time that they were 5.122 About 40% of children in some New Orleans neighborhoods report having seen dead bodies on the streets.123 Nearly half of fifth- and sixth-graders in Southeast Washington have witnessed severe violence.124 More teenage boys in the United States die of gunshot wounds than all natural causes combined — a rate of victimization that increased dramatically in the second half of the 1980s.125

The impression that we are at a crossroads is again present. On the one hand, at least small steps are being taken to limit children's victimization in war. On the other hand, both means and venues for violence against children seem to be increasing in disturbing ways with bloody and numbing consequences.

119. See Reaching Children in War (Cole P. Dodge & Magne Raundalen eds., 1991); War, Violence, and Children in Uganda, supra note 102.
120. Garbarino et al., No Place, supra note 22, at 158-59.
122. Id.
124. Youngstrom, supra note 22, at 36.
C. Children and Poverty

Because of its pervasiveness and its power in impeding the healthy development of children, the biggest threat to a new world order that is inclusive of children probably is poverty. The adage that "the rich get richer, and the poor get poorer" has had special meaning for children in recent years.

In the United States, income for people in the bottom two quintiles declined in the last decade, income for those in the top 20% increased by almost 30%, and income for the top 1% increased by almost 75%. Moreover, bad times have been sustained for many people at the bottom of the economic ladder. The proportion of poor people who moved out of poverty declined by nearly 40% in the 1980s.

On a global scale, average incomes in the majority of developing countries dropped substantially during the 1980s — by 10% in Latin America and 25% in Africa. Poor countries with a heavy debt have shown even more marked decline. The result is that health, education, and nutrition of children in much of sub-Saharan Africa has regressed to colonial levels.

At home, poverty rates among young families have doubled since the 1970s; real incomes for families headed by a worker under age 25 declined by one-fourth between 1973 and 1989. One in four infants and toddlers — one in five of all children — lives in poverty. One in 11 children under


128. Id. at 225.

129. Grant, supra note 6, at 40.

130. Id. at 40, 51-52.

131. Economic Decline and Child Survival: Evidence from Africa in the 1980s, Innocenti Update, Aug. 1992, at 1, 2 (report of the UNICEF International Child Development Centre, Florence, Italy). For example, the enrollment rate for primary education dropped from 80.4% in 1980 to 70.2% in 1990. Secondary education enrollment fell from 22.7% to 19.8% in 1990. Id.

132. Beyond Rhetoric, supra note 125, at 8.

133. Id. at 83.

134. Id. at 24.
age 6 lives in a desperately poor family — one whose income is only half of the poverty level.\textsuperscript{135}

The dire position of children in our society is unprecedented. Not only are children the poorest age group, but the outlook for them is the bleakest.\textsuperscript{136} Upward mobility is no longer the expectation for America's youth. In part as a result, adolescence is being effectively extended as young adults remain in their parents' home for increasingly longer periods of time.\textsuperscript{137}

The high level of poverty among American children has costs beyond the immediate suffering resulting in a low standard of living. As the National Commission on Children recognized, the effects reverberate:

Most poor children in America are at double jeopardy. They experience the most health problems but live in the least healthful environments and have the least access to medical care. They are at the highest risk of academic failure, but often attend the worst schools. Their families experience the most stress but have the fewest social support.\textsuperscript{138}

Again, we are at a crossroads. In the light of the new world political situation, substantial reduction of child poverty now is affordable. Such an achievement would require, however, that we reverse the transfers of income that have occurred since 1980 from poor to rich in the United States and from South to North in the world as a whole. The risk of exacerbating those perverse trends remains.

Failure to act positively will result in more and more neighborhoods that are essentially uninhabitable in safety. Poverty is becoming increasingly concentrated, with spiraling negative momentum in the quality of life in some neighborhoods. For example, 21\% of poor people in Cleveland lived in a high-poverty area in 1970; by 1988, the proportion had more than doubled to 50\%.\textsuperscript{139} As those residents who can gather any

\textsuperscript{136} See generally Daniel P. Moynihan, Family and Nation (Harvest/HBJ ed. 1987).
\textsuperscript{137} Office of Educ. Res. and Improvement, Youth Indicators 1988, at 22-23.
\textsuperscript{138} Beyond Rhetoric, supra note 125, at 29; see also Symposium, The Impact of Poverty, 35 Am. Behav. Scientist 213 (Jill E. Korbin ed., 1992).
\textsuperscript{139} Claudia J. Coulton & Shanta Pandey, Geographic Concentration of Poverty and Risk to Children in Urban Neighborhoods, 35 Am. Behav. Scientist 238 (1992).
assets by their exceptional competence or sheer luck continue to leave declining inner-city neighborhoods, rural communities, and small towns, the result will be an increasingly desperate class of "have-nots" who not only lack the funds necessary for a decent standard of living but who also live in social poverty, as the pool of young, reasonably successful families who themselves can serve as resources declines and as fear of each other rises among those who remain. The result for children will be increased insecurity and widened gaps between actual and potential development.\(^{140}\)

D. Children in Recent History

Although some of these events and trends are tied to the political events that I discussed earlier, it is important not to lose sight of the fact that they follow three decades of extraordinary change in the lives of children and families throughout the developed world. In the last quarter century in the United States, the divorce rate nearly quadrupled, fertility fell by half, the number of children living with one parent almost tripled, and the rate of children being born outside wedlock also quadrupled.\(^{141}\)

These dramatic changes in family life are "evident, in varying degrees, in every industrialized Western country, which suggests that their source lies not in particular political or economic systems but in the broad cultural shift that has accompanied industrialization and urbanization."\(^{142}\) In keeping with that conclusion, family law — a domain noted historically for its emphasis on conflicts of law across jurisdictions — now is equally remarkable for its consistency across not only American states but also nations with quite different cultures and political histories.\(^{143}\) As the economic relationship between men and women has changed, so too have the law and reality of family

\(^{140}\) The significance of adult social networks for children's development has been convincingly demonstrated by Moncrieff Cochran and his colleagues in *Extending Families: The Social Networks of Parents and Children* (1990).

\(^{141}\) David Popenoe, *The Family Transformed*, Fam. Affairs, Summer/Fall 1989, at 1, 2. I have reviewed these developments in some detail and examined their implications for the legal system in Children, Families, and the Courts, *supra* note 85. That report is being expanded into a book, co-authored by Murray Levine.

\(^{142}\) David Popenoe, *Family Decline in America*, in *Rebuilding the Nest: A New Commitment to the American Family* 39, 43 (David Blankenhorn et al. eds., 1990).

life. Family relationships now are grounded less in social obligation and economic need and more in the need for personal fulfillment, with the result that familial duties increasingly give way to other concerns.

At the same time that the family has changed dramatically, so too have the communities that serve as its context. In combination, the changes in the family and the community have strikingly decreased the availability of informal support for children within them. As the National Commission on Children concluded, we are moving further and further from an environment for child development that includes:

a relatively large family that does a lot things together, has many routines and traditions, and provides a great deal of quality contact time between adults and children; regular contact with relatives, active friendships in a supportive neighborhood, and contact with the adult world of work; little concern on the part of children that their parents will break up; and the coming together of all these ingredients in the development of a rich family subculture that has lasting meaning and strongly promulgates family values such as cooperation and sharing.  

The instability of social support for children and families can be inferred from the striking statistics on the mobility of American families. Almost one in five Americans — one in four young children and one in three young adults — lives in a home different from the residence occupied a year earlier. Isolation and mobility are associated with the same variables that correlate positively with number of stressors that people experience. Thus the families that are most in need of support are those who are least likely to have it easily available.

The everyday significance of these social changes was strikingly demonstrated in surveys that a research team that I headed conducted in a prosperous city in South Carolina. Interviews of representative samples of parents in various neighborhoods have shown stunning class differences in their families’ perceived safety and quality of life. Many inner-city parents could think of nothing good about their neighborhood,
and the problems that they identified were predominantly ones of basic safety (i.e., drugs, crime, and traffic). On the other hand, many suburban parents could think of no problems for families in their neighborhood, and they had relatively few concerns about their children's safety.

At the same time, though, there were disturbing and somewhat surprising similarities across poor and affluent neighborhoods. When asked to whom they go for help when their children have problems, parents in general — unlike respondents thirty years ago — generally did not mention day-to-day sources of help like neighbors, relatives, clergy, and family physicians. About two in five parents in both inner-city and suburban neighborhoods could think of no agency, organization, or group that was making their community a better place for families to live. The majority (regardless of social class) regarded parents in their neighborhoods as lacking involvement with other families' children. The majority also could think of no instance in which they themselves had done anything to help a child in the community.

These findings give a graphic picture of the crisis. The service system has not caught up with the social change that has transformed neighborhoods and families.

148. See, e.g., Gerald Gurin et al., Americans View Their Mental Health: A Nationwide Survey (1960).

149. Inner-city residents often could think of no helpers available to them. If they named any source of potential help, they most commonly noted the emergency room. When an assistant stayed in the emergency room for several nights, however, no one was identified as a resident of the principal neighborhood under study.

Suburban parents commonly identified professional specialists as the people to whom they looked for assistance. Apparently affluent parents are able to buy help, but they also now often lack ongoing informal sources of assistance with family problems.

150. Beyond Rhetoric, supra note 125, has noted the consequences of such social change for children and families:

Traditionally, communities have been a source of informal support, of neighborly assistance. For many Americans, however, the sense of belonging to a community has been displaced by isolation and anonymity. Greater mobility in our society means that fewer relatives and friends are nearby to lend a hand. Social isolation cuts across class lines, but it is often most pronounced in poor neighborhoods, where everyone is under stress and few adults or children have the personal stamina or resources to support others. Rebuilding a sense of community and reinvigorating informal systems of support for families and children should be a primary goal of social policies. Extended families, including grandparents, aunts, uncles, and cousins, represent a rich source of support. We believe the supports that improve life most are those which convey
idence, though, for a new familism. In the last five years, the annual surveys of high school seniors and college freshmen across the United States have shown substantial upturns among both males and females in the proportion who label raising a family as a very important objective. Such data are paralleled by research showing increasing respect for children, as manifest, for example, by increasing disapproval of corporal punishment of children and of berating them. The challenge is to find new ways to make use of such concern to

the message that one is not alone, that someone else cares and will be there to help in times of trouble and need.

Id. at 70-71 (footnotes omitted).


152. Norval Glenn, What the Numbers Say, FAM. AFFAIRS, Winter/Spring 1992, at 5, 6. Interestingly, the proportion of late adolescents espousing traditional family values (e.g., fidelity to spouses, investment in children) has increased since the 1980s, but the proportion espousing traditional gender roles (e.g., mothers stay home and take care of the family) has continued to decline, although at a slower rate than in the 1970s and the early 1980s. Id. at 7. Commenting on this phenomenon, David Popenoe, [Untitled Comment], FAM. AFFAIRS, Winter/Spring 1992, at 11, provided the provocative interpretation that it is a direct result of the social change that occurred in the 1960s and 1970s:

A solid case can be made that the baby-boom generation, coming from the strong families of the 1950s, took the family for granted. To this generation, self-expression and self-fulfillment were the pressing values of the age — at least in their years of prolonged youth. To their children, however, often battle-scarred from family turmoil, the world looks quite different. As many national studies — as well as the sentiments of my students — have indicated, the children of divorce, although their statistical chances of a successful marriage may not be so great, are outspokenly supportive of the importance of marital permanence and strong, divorce-free families.

Id.

153. Although the majority (53% in 1992) of American parents report having hit their child in the past year (8% with an object), the proportion has been showing a steady decline in recent years. National Committee for Prevention of Child Abuse, NCPCA Releases New Data from Annual Fifty State Survey and Public Opinion Poll, NCPCA Memorandum, at 1 (Apr. 1992).

The shift in public opinion in Western Europe is even more pronounced. Five European countries — Austria, Denmark, Finland, Norway, and Sweden — now ban corporal punishment altogether, and most do so already in the schools. Outright prohibitions of corporal punishment also are being considered in Bolivia, Canada, the European Community, Germany, and Scotland. Testimony of Peter Newell Before the U.S. Advisory Board on Child Abuse & Neglect at a Hearing in Chicago on International Perspectives on a New Strategy for Child Protection in the United States (Aug. 29, 1992). Campaigns are underway to educate the public about such prohibitions and to attempt to expand them. In the United Kingdom, for example, a coalition
reduce the isolation that many children and families now experience.

V. BUILDING A PLACE FOR CHILDREN: TOWARD A RENAISSANCE FOR FAMILIES

Much of the recent innovation in child and family policy and services in the United States can be traced to the work of the late Nicholas Hobbs, a president of the American Psychological Association. In a book written at the request of Elliot Richardson, then secretary of health, education, and welfare, and Edward Zigler, then director of the Office of Child Development, Professor Hobbs issued a prescient call for "a renaissance of family life." He passionately asserted what has become all too clear today: "[T]he nation cannot neglect children, nurture them in violence, and expect them to grow up to be good citizens, concerned with the well-being of their fellow man."

I can improve little on Professor Hobbs's succinct statement of the task before us:

There is urgent need for a quickened national conscience and a new national policy with this as a goal: to nurture well all of our children, in body, mind and spirit, that we as a people may grow in wisdom, strength, and humane concerns.

The nation's best bet for reducing the prevalence and severity of mental retardation, emotional disturbance, antisocial behavior, and a host of other personally limiting and socially costly disabilities is to mount developmental and preventive programs from childhood on and to maintain them dependably as long as need is present. The best bet for breaking the cycle of poverty and perpetuated social incompetence is to strengthen the family, to work with parents and potential parents and with their children from the earliest years in a sustained press for healthy emotional, intellectual, and social development.

of more than thirty national organizations, including the pediatricians and home health visitors, has united to sponsor national No Smacking Weeks. Id. 154. See, e.g., NICHOLAS HOBBS, THE TROUBLED AND TROUBLING CHILD (1982); Nicholas Hobbs, Helping Disturbed Children: Psychological and Ecological Strategies, 21 AM. PSYCHOLOGIST 1105 (1966).


156. Id. at 15.

157. Id. at 14-15.
I would add that the best bet for strengthening families and fostering an attitude of respect for children as individuals is to build or rebuild neighborhoods. In the post-industrial age, we need to build new connections among people, caring communities in which adults watch out not only for their own but also their neighbors’ families. I would add further that the need now is for a quickened global conscience that humanity may grow in wisdom, strength, and humane concerns.

In this context and taking advantage of the opportunities presented by the nearly worldwide acceptance of the Convention on the Rights of the Child, we must be sure to provide means to hear the voices of children. We need to recognize the contributions that children and youth often can make to their communities. Such a combination of participation and representation is likely to do much to promote children’s dignity. We must listen, and we must act so that crisis becomes opportunity.

We are indeed at a time of global liberation—a liberation of the human spirit enabled by the growth of a worldwide marketplace of ideas, a development itself facilitated by the expansion of communications and information technology. That liberation and the resulting deceleration of the arms race permit redistribution of wealth—perhaps more precisely, reinvestment of wealth—to free children both at home and abroad from the bondage of poverty, disease, and ignorance. The exchange of ideas also reveals the logical and moral force of the concept of personhood and opens the door to the experience of being treated as a person worthy of respect—discussions and experiences that enable a greater understanding of the meaning of personhood for children.

We have the possibility for a renaissance—an age of enlightenment premised on respect for the dignity of children as persons. Taking children seriously is likely to facilitate their intellectual, social, and moral development, and meeting their basic material needs will provide the foundation for healthy maturation. Building a new sense of community will promote a

158. Edelman, supra note 3, notes the potential significance of youth participation in weaving a new social fabric:

Diverse opportunities for young people to serve their communities can play a major role in restoring hope and moral example to our nation. Young people need to believe that they are needed and adults need to be reminded that our children and youth all have something to contribute and are precious resources to be nurtured and cherished.

Id. at 67.
network to support families and to offer connections among people necessary for a strong social fabric.

With momentous opportunities, though, comes momentous peril. We have the risk of an age of anomie — of rising isolation, anger, and desperation among the disadvantaged people of the world.159

The risk that children's interests will be neglected is the risk that we will miss the opportunity for a new world order in which respect for humanity is the linchpin of political life. The development of the Third World (and, one might add, Eastern Europe) rests in large part on the choices that it makes about children's rights.160 Economic development is inseparably linked to education leading to personal achievement, which in turn is affected by sense of self-respect — a trait that is based in early experiences with autonomy and privacy.161 Democracy further rests on a sense of equality — respect for others — derived from consistent nurturance leading to a basic trust in people.162

Thus fulfillment of children's rights is likely to have important future effects. It is often argued that healthy socialization is important for adult productivity. Surely that point is worth consideration. The more important point in regard to survival of an open society, though, may be that early experience in being treated as a person worthy of respect builds a sense of personal significance (of others as well as oneself). Involvement in the community and tolerance of diversity then are perceived as worthwhile and even morally obligatory.

When a society recognizes the personhood of its smallest and most vulnerable members and not only protects them but does so in a manner that promotes their dignity, it sets a tone conducive to promotion of democratic ideals. When such conditions are not present, the message is clear that raw power is more important than either reason or caring. In much of the world, either scenario is a plausible reality for the future. We

159. Western studies show that a lack of neighborhood cohesiveness is an important factor in the etiology of child maltreatment. See, e.g., James Garbarino et al., Child Maltreatment as a Community Problem, 16 CHILD ABUSE & NEGLECT 455 (1992); James Garbarino & Deborah Sherman, High-Risk Neighborhoods and High-Risk Families: The Human Ecology of Child Maltreatment, 51 CHILD DEV. 188 (1980).


have the choice of a community that is a healthy place for children to grow or — as vividly illustrated by events in former Yugoslavia, Los Angeles, and elsewhere — ever more pronounced and violent division into enclaves separated by race, ethnicity, class, and age.

Is there a place for children in the new world order?
I hope so.