

A DEDICATION TO CHILDREN

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Children, the link from the past to the future, are alternately idealized and excoriated by a society that has no prefabricated place for them. When they were economic assets, they were valued for their necessary contributions, if not always, for themselves. Now that they are economic liabilities of no small dimension they must be valued, if at all, for themselves.

The circumstances of our times present parents with financial and emotional demands that while not unique in human history have probably never been so pervasive and so acute. Parents must not only provide the physical necessities of adequate care, but the emotional and educational underpinning that successful child development requires for well-functioning maturity. Having done all this, they must then be prepared to release those children without compensating demands. It is the promise of emotional fulfillment that makes children important to parents and their delineation of a future that provides society with its very considerable stake.

It is against this background that the *Baby M* situation, with its desperate emotional needs, must be viewed. And it is against this background that the Supreme Court of New Jersey had to weigh the conflicting needs and best interests of the parties involved. While the case itself was unusual, the conflict of needs and interests was not. When the needs of parents and the needs of a child coincide, there is usually no call for state intervention. When the conflict rises to a level of complexity such as it did in *Baby M*, the court must determine the most paramount needs.

Adults have a tendency to consider the best interests of children in the perspective of their own needs and beliefs. In the past, and not exactly unknown in the present, the best interests of children were determined more by the power of adults than by the realities of children's needs. Today, however, there is a realization that precedence must be given to the best interests of children and those interests must be evaluated objectively.

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The question still emerges—what happens when the rights of the child and the rights of the adult conflict? Unfortunately this can rarely be solved by compromise. The very ambiguity of the expression “best interests of the child” engenders conflict. What we need are clear and specific guidelines as to what constitutes “best interests,” guidelines respected not only by the courts but by popular conviction, by the affirmation of responsible adults. Such guidelines will conflict upon occasion with the wishes, the needs and the rights of parents. When that happens, the rights of the children must take precedence if for no other reason than their unwitting presence in a problem not of their creation.

If children are to be valued for themselves as human beings, there must be changes in the thinking of the adult world. Are the rights of parents natural rights regardless of their behavior or are the rights of parents grounded in their obligations? And how are those obligations defined and fulfilled?

Underlying the concept of natural rights is the belief that children are possessions. While many people would deny such a belief, their actions and reactions confirm its reality. Belonging is a basic and continuing need of all children, but it must be belonging as a person, as an individual—not as a possession, a “quasi-thing.”

Society must make the decision as to the value of children. Are all children important or are only those of a certain parentage and potential? It is quite clear that no society, including our own, has given value to all children. Their very powerlessness makes it possible to ignore them or to denigrate their importance. Society pays a terrible price for that denigration, a price that is likely to escalate. Yet increasingly our own society, or part of it, knows that a basic standard of a civilization is its treatment of the powerless and its protection of those who cannot protect themselves. Children, those protectors of the future, wait upon that decision.