



Anna Mueck-Wodecki

## Uncommon Properties

by Thomas Fleming

Pick up any newspaper at random, and you will come upon story after story of children being murdered, beaten, and molested. I begin this chapter on Monday, October 19, 1992, and looking over the *Chicago Tribune* I discover: a frontpage story on Chicago schoolchildren venting their grief over the murder of their friends, a headline story on the mayor's plan to curb violence in response to the shooting of a first-grade child, and an article on a 15-year-old killed for the sake of his jacket. On some pages, the lead tells the whole story: "Ex-foster parent aide held in handicapped son's death"; "Victims of sexual abuse by clergy seek strength and answers at conference."

This is only one paper on one day, and the cumulative effect of reading such stories over the course of a decade is a general impression that children are being victimized and that something must be done about it. If newspapers are, by their very nature, pornographic in arousing passions for strangers, then the readers of newspapers and the watchers of news programs are slowly becoming addicted to a sympathy for other people's children conceived of as helpless and innocent creatures at the mercy of malevolent parents, teachers, and clergymen.

The most obvious question, one that is asked by many people, is *why*? Why are so many children—many more, apparently, than in previous generations—abused by the very people who are supposed to care for them? Without being either facetious or offensive, we ought to be asking the opposite question: why are so few children killed or abused, in any age of the world?

The existence of children is, viewed from nearly any angle, miraculous. That sensible men and women should consent to have them in the first place is strange enough, even if procreation and birth have been most often the accidental result of ignorance and carelessness. But the real and persistent miracle is the parents' refusal—or failure—to terminate these

drains upon their time, resources, and tempers. "One cannot love lumps of flesh," declared a physician of Dr. Johnson's acquaintance, "and little children are nothing more." Most grown-ups will admit, in their candid moments, that other people's children are intolerable.

The poet Philip Larkin was hardly unique in breathing a sigh of relief upon escaping the trammels of childhood:

Until I began to meet grown-ups on more or less equal terms I fancied myself a kind of Ishmael. The realization that it was not people I disliked but children was for me one of those celebrated moments of revelation. . . . The knowledge that I should never (except by deliberate act of folly) get mixed up with them again more than compensated for having to start earning a living.

Much has been written on our "natural affection" for our own children, but if we equate the natural with the rational—as so many philosophers do—then nothing could be less natural than to develop an affection for the little ticks that swell up at our expense, battenning upon their mother's milk and their father's sweat.

For women, there is some excuse. Childbirth can be, I am told, an unpleasant and painful experience, but its pangs do bring relief from the misery of pregnancy. Besides, for nine months the mother has grown accustomed to carrying the parasite within her belly, and she can hardly help developing a grudging acceptance of whatever it might turn into. The mother of my (or rather, our) four children was determined to have a girl the first time out, and when I told her it was a boy, she looked at first confused, then curious, and said with a sigh, "Oh . . . well, I might as well have a look at it." After examining the squalid mess for less than a minute, she decided this "lump of flesh" would do, after all.

Mothers are at a distinct advantage in learning to bear the sight, sound, and smell of their newborn offspring. Provi-

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dence has bathed their brain tissues and nerve cells with the natural equivalent of happy dust for months, and the act of nursing triggers a maternal response that many women describe as erotic. By the time the moon-tide of hormones has subsided, returning their minds to a normal state of human indifference, a habit of care and affection has been so ingrained that no threat or temptation, ordinarily, can induce them to part with the little savage, and within a year or two a surprising number of women begin to think so warmly of the experience that they are willing to go through the whole thing a second time.

For men it is harder to construct a rational justification for parenthood. Most sensible men are willing to confess, when they are alone at the club or watching a game in the neighborhood saloon, that they do not much care for any children but their own. If they are good fathers—by which I mean stern and exacting—their children have occasion to wonder if dad has made an exception in their case. I once spent several years minding a hundred other people's children, and my experience as headmaster left me with the permanent habit of correcting and admonishing the liberated brats who plague our supermarkets and movie theaters. However, as my own children have reached the years of indiscretion, I grow less confident of my own abilities in this line.

A man's only excuse is his pardonable—though morally dangerous—desire for immortality. Since our expulsion from Eden, sex and death have been the twin poles of human existence. It is a condition we share with our neighbors on the *scala naturae*; as sexual beings, each guppie, snail, or *Homo sapiens* is incomplete in itself—as Plato recognized long ago in the *Symposium*—and in order to enjoy the benefits of genetic diversification, we have had to sacrifice our chance for individual immortality on the biological plane.

We derive real advantages from the swap. Sexual reproduction enables individuals to carry traits that may be of no use to them but may turn out to have great survival value for their descendants; it also helps to make possible all those little variations which, when summed up, result in higher complexity. While we might envy the amoeba its infinitely subdivided immortality, our own social life, to say nothing of our cultural variety, is somewhat richer.

Since the day of our “general mother” and our adjutant father, the human story has been one long *liebestod* punctuated by christenings, weddings, and funerals. But man is by nature a conservative creature, and our nostalgia extends not merely to the lost innocence of our savage and agrarian ancestors but even further to the forsaken immortality of one-celled organisms. Children are, in this sense, the highly inexpedient remedy we have devised to numb the pangs of death, although more than one parent has concluded that our ancestors made a bad bargain.

The obligation to care for one's children is a universal human norm, if we are willing to leave out of consideration the instances of pathological individuals and the few cases of pathological social classes and societies that have been degraded by the excesses of either poverty or wealth. Infanticide of newborns is not unattested, but the custom—where it is legitimate—has generally been directed against defective or superfluous children who strain the family's carrying capacity. Motives for infanticide, obviously, vary from individual to individual, but the ancient Greeks (to take only the most fa-

miliar example) did not display their contempt for children and family by exposing a child. Quite the contrary, it was, as W. K. Lacey puts it in *The Greek Family*, their concern for the “needs of the *oikos* [household]” that “dictated the size of the family.”

Religious and philosophical literature on moral obligation within families has emphasized the duties of children more often than the obligations of parents. “Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee” (Exodus 20:12) is a commandment to which there is no corresponding admonition of the type “Take care of thy children.” A cursory review of the Christian Scriptures and the Greek classics would result in a similar observation.

There are various reasons for this lack of proportion. As a matter of fact, moral exhortation is quite properly directed toward the unformed young, whose moral development—so it was believed—must be spurred and curbed by maxims, threats, and blows. Since children are universally regarded as family property, there is scarcely any need to instruct parents in their obligation to take care of the persons who will provide for their old age and perpetuate their identities. It is no surprise to discover, therefore, that the classic handbooks on childrearing—from Erasmus to Dr. Spock—are devoted to the best measures for insuring the physical and moral health of the child. They waste little time on admonishing parents not to kill, injure, or seduce their children.

The early Greeks, who took parental responsibilities for granted, regarded the parent-child relationship as reciprocal, since these roles would be reversed when the child, grown into an adult, would take care of his aged parents. The witch Medea, as she contemplates murdering her own children, realizes that there will be no one to take care of her in old age, and Hesiod, in prophesying a nightmarish future for the iron race of men, can think of nothing more terrible than familial discord:

And father will not accord with sons nor friend with friend,  
nor will a brother be dear as in times past.  
And men will not honor their parents, coming swiftly to old age,  
And they will reproach them, abusing them with harsh words,  
Wretches, that they are, and without fear of divine vengeance,  
nor will they repay their aged parents the price of their rearing.

Wherever parents regard their offspring as a retirement plan, a contribution to the household economy, and an investment into immortality, the murder or abuse of children ought to be a rare phenomenon. Under ordinary circumstances a man does not destroy his tools, set money on fire, or abuse his draft animals, whatever he may think of work, paper money, or horses. And when natural affections—for irrational as they are, love of our own children is a natural and biological mechanism for insuring survival and propagation—when these natural affections are added to practical considerations, we are justified in asking what all these horror stories mean.

It is possible to argue that human beings have always mistreated their children. According to a much-quoted sentence

of Lloyd de Mause, “the history of childhood is a nightmare from which we have only recently begun to awaken.” It is a catchy phrase, but its author is little better than a propagandist who pretended to survey the evidence of classical antiquity without knowing either Latin or Greek and without possessing any of the equipment that might have justified him in making such a generalization. I dwell on this point, because this sentence is so often introduced into debate as if it were the last word of scholarship instead of the slogan of a pamphleteer, and because one could fill up pages by giving references to sound scholarship that gives a different picture.

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One American historian who has looked into the history of children is John Demos, anything but a conservative, and he has concluded that widespread abuse of children is a recent phenomenon and the result of social dissolution, not patriarchal power. This generalization accords both with legal records and with oral traditions within families.

The question of incest can be used to illustrate the entire question. There are societies, Ptolemaic Egypt for example, in which incest between siblings, or half-siblings, was encouraged among members of the political class, but sexual relations between parents and children are so infrequent as to be statistically insignificant. This is what we should expect, since sex within the family is not only psychologically and socially dysfunctional; it even violates the basic purpose of sexuality—genetic diversity. Incest is unnatural, and even pre-moral low-er primates have social mechanisms for avoiding it.

If you read the popular press, however, it is hard not to conclude that the old *Playboy* joke about “the game the whole family can play” has come true. In fact, while it may be safe to assume that instances of all pathological behavior are increasing in a world that Hesiod could not have imagined even for this age of plastic and aluminum, the scare-story figures are the invention of a social-work establishment with a vested interest in discovering vice. Figures for father-daughter incest routinely include stepfathers, fiancés, and mother’s casual lovers in the category of “father.” The real problem, as it turns out, is not the degeneracy of natural parents but broken families and illegitimacy, which expose children to the dangers of sexual molestation. The authors of one study (Lightcap, Kunland, and Burgess in *Ethology of Sociobiology*) concluded that such children were 40 times as likely to be molested as children in the normal family situation derided by the Democrats who prate of their devotion to the family.

Why should ordinary families worry about cooked data and programs aimed at “dysfunctional” families? After all, the problems we hear so often about are associated with minorities—blacks and recent immigrants. Unfortunately, laws designed to correct the perceived vices of powerless minorities will inevitably be applied to everyone outside the political

class that knows how to use the engines of state power for its own purpose.

Until the Civil War, American households were still, by and large, fortresses that could shut out the world. The centering wedge of the state came with concern over lower-class children, particularly those of immigrant families. The good Yankees were terrified by Irish Catholics, whose children needed to be Americanized, *i.e.*, Protestantized and indoctrinated into habits of thrift, diligence, punctuality, and, above all, sobriety. These fears and aspirations were translated into legislation: compulsory school attendance laws and agencies designed to “save” potentially delinquent children by removing them from unsuitable homes.

But the sauce that bastes the Irish Catholic goose is inevitably slapped upon the WASP gander, and the average American family finds itself paying for incompetent and abusive public schools that have little time for reading, math, and foreign languages but all the time in the world for sex education, sensitivity training, and “moral reasoning,” which is really a program for indoctrinating children with contempt for their parents’ principles.

The general argument is always couched in the same terms. The family is in crisis, because of poverty, modernization, rampant capitalism, rapid industrialization, massive immigration, or systemic alcoholism or drug abuse. It is up to the good and wise—charitable ladies, repentant robber barons, federal agencies—to nurture and support families both by providing positive assistance in the form of social insurance and welfare programs and by making strategic intrusions into deviant households.

The language and tactics of child protection have always echoed those of the women’s movement. The first stage is the demand for protection from negligent or abusive husbands and parents, and once these negative liberties have been secured (freedom *from* murder and abuse), the next step is the demand for positive liberties (the freedom to be or to do whatever you can).

As Allan Carlson points out, one key to the process of children’s liberation is the concept of *parens patriae*, which can be used to justify state intervention not just in cases of real abuse but even when the choice is only between good and better environments for a child. Although the soft-on-crime Supreme Court justice Abe Fortas dealt a blow to the doctrine in his *In re Gault* decision, judges, legislators, and journalists still operate on the assumption that neither mother nor father really knows what is best for the child. In Illinois and California, for example, parents can be sent to jail if their children play hookey too often, and Hawaii has a program of home visits by social workers who suspect abuse. Iowa is, apparently, about to follow suit. The most sinister development is Missouri’s Parents as Teachers Program, chronicled by Laura Rogers in these pages.

**I**f the state is assuming the powers of parenthood, we have a right to inquire how successful its experiments have been. In the 1850’s one Presbyterian divine concluded that orphanages and foster homes could be worse remedies than the diseases they were intended to cure: “Even when human laws have undertaken to remedy some of the lesser evils flowing from badly governed households, they have, but too often, occasioned greater than they relieved.”

In every generation, new remedies are proposed to protect

children and to prevent the problems that have arisen under the previous system. What is not much talked about in the crusade against child abuse is the scandal of children molested by the teachers, social workers, and foster parents to whom they have been entrusted. The author of *By Silence Betrayed: Sexual Abuse of Children in America* discusses well-known cases of abuse by workers in daycare centers, by youth group leaders, and by foster parents. The governor of Illinois traveled all the way to Rockford, a few years ago, to pin a medal on a heroic foster father who had taken care of dozens of boys. A year later, the man was indicted for sodomizing his charges. The truth is, most children are safer in all but the worst intact households than in the care of strangers. In Iowa, however, where they are eager to invade homes to sniff out neglect, the state legislature in 1990 *rejected* a bill that would have banned child-abusers from teaching school.

Despite the obviousness of this observation, judges and social workers continue to insist that they have the right to decide what is best for children. In children's rights, the case of the year for 1992 was the parental divorce case, but judges are frequently asked to decide between a child's natural parents and alternatives. Without wishing to minimize the horrors experienced by children in some families, I cannot bring myself to believe that either judges or social workers have the experience or the moral judgment to justify this assumption of power, particularly when it is not a question of life-threatening abuse. At the age of ten, the Southern writer William Gilmore Simms was asked by a judge if he wanted to live with his father or his maternal grandmother. Simms' mother had died shortly after his birth, and his father had gone West to seek his fortune, leaving the boy in the care of the grandmother. After he had achieved economic stability, the elder Simms wanted his son with him. But, to his everlasting regret, the boy chose to remain in the only household he had ever known: "The rights of the father were set aside—I think now improperly," Simms wrote later in his life, "and, as I now believe, to my irretrievable injury."

What should the judge have done? There can be only one answer: the child belongs to his next of kin. Natural parents under natural circumstances will very rarely abuse their children, and if society has any interest at all in what goes on inside a familial household, then its first imperative is to do nothing to weaken the bonds between parent and child. It is in broken homes, not intact households, that children are most likely to be abused or neglected, and the state's first rule must be a Hippocratic injunction not to harm the patient. If some depraved parents are harming their children, then it is the state's first business not to contribute to the depravity of sane parents by depriving them of their natural and historic authority.

But suppose the family is infected by one or another vice of modern times. Suppose the marriage has broken up amid mutual recriminations and allegations of abuse. The first assumption should be that the family, including grandparents, can settle it among themselves. This is complicated by the fiction of no-fault divorce. I say fiction, because there are either one or two parties at fault. In the case of a one-fault divorce, the spouse who has broken the marriage, by committing adultery or abjuring responsibility, must give way to the faithful partner. In the case of a two-fault divorce, the kinfolk should be required to work it out among themselves, if a solution is possible.

But, suppose there is no father and the mother is about to

be imprisoned for prostitution or drug use. In such cases, the burden devolves naturally upon the next of kin. What if there is no grandparent, or, which is increasingly common, what if the grandmother is no better than the mother? Even in such extreme cases the state should first assume that there are non-governmental bodies, such as church congregations, that can take charge without invoking the costly and perilous panoply of social workers, juvenile authorities, and counselors who have made a career out of getting close to other people's children.

So far in this utopian model, we have only succeeded in minimizing the damage to healthy families and in limiting the interference in community. Many children do not live either in families or in anything resembling a community. In such cases, one must invoke a wider authority, and in earlier generations that authority more often came from the church than from the state.

If we had the power to reconstitute society, we could institute neighborhood governments corresponding roughly to the size of a city ward or an elementary school district. Among the powers given such a body—control over schools, zoning, adjudication of disputes—one would include the provision of welfare. In the very imperfect world of contemporary America, we would have to settle for a makeshift arrangement that empowered the lowest existing level of government, the town or the county, to make the necessary decisions.

Since I am not likely to be holding the reins of political power at any time in the next millennium, it is pointless to make my recommendations any more specific. But make no mistake about it, these are perilous times for American families. Both major political parties seem committed to programs designed to "save the family" by providing higher and higher levels of assistance. The only proposals that are not positively destructive have to do with changes in the tax code that allow parents to keep some of the money they spend on private schools and health insurance.

Most family assistance programs—Republican as well as Democratic—would subjugate American families to the national government and provide for ever more aggressive intrusion into the household. As parents lose their sense of proprietary ownership of children, they also lose the last material incentives to take care of the troublesome little burdens, which in a moment of weakness they consented to bear.

If children were once a contribution to the household income and a retirement plan for parents, they are gradually becoming nothing more than a welfare project imposed upon married couples. As parents begin to feel that they have lost control of the project, they might come to regard their children as something like the common property of society—as they already are, to some extent, in Scandinavia. In the grim ledger of cost-benefit calculations, the bottom line of common property will always be what Garrett Hardin has termed "the tragedy of the commons." Where everyone owns, no one is responsible, and even the natural impulses of parents will be submerged under the weight of responsibility, undermined by the accusations and investigations of the child-abuse industry, and torpedoed by family-assistance programs that strike directly at household autonomy. The question "Why *don't* parents abuse their children?" will strike my readers as fanciful or obscene. In fact, it is the only logical question that can be asked, given the premises of our children's rights legislation, and the day is not far off when, for the life of them, parents will not be able to find the answer.

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# Believe the Children?

## Child Abuse and the American Legal System

by Philip Jenkins



Anna Micek-Wodecki

We may begin with a nightmare. Imagine that you are the parent of a preschool child and that one day police and child-protection officials appear at your door. They inform you that a teacher or daycare worker suspects that your child has been abused and that subsequent interviews with therapists have proven this fact to their satisfaction. Moreover, it is clear to them that you and your spouse are the abusers. As an emergency measure, the child and any siblings will be removed to a foster home while you face among the most serious and damning criminal charges of all. If you are very lucky indeed, you may recover your child within several months or no more than a year or two. If you are less fortunate, the child will be adopted, and you and your spouse will be imprisoned in an environment where molesters are the most despised and persecuted population.

All this may sound horrific enough, but then you discover the testimony that has ruined your life. It turns out that the original stories can be traced to the fantasies of one deranged adult, perhaps a neighbor or teacher, seeking revenge for the injustices he or she believes to have suffered in early life. Once started, this gave therapists and investigators the ammunition with which to proceed. Through deceptively innocent tactics of “play therapy,” through the use of dolls and pictures, intense peer pressure, and simple old-fashioned leading questions, the child was induced to make statements that apparently pointed to abuse. Of course, the child’s testimony also included a great deal of material that could only be fantasy—impossible accounts of meeting famous people or cartoon characters, tales of hidden tunnels and flying machines, stories of being barbecued in microwave ovens or dangled over alligator pools. However, the investigators believed that such

adornments did not discredit the essential truth of the charges and even conspired to insure that no jury ever become aware of the more blatant fantasies. Prosecutors thus select the plausible elements and portray the therapeutic process as a heroic cooperative endeavor between victimized child and dedicated professional.

If any part of this scenario appears outrageous or improbable, then you have not been following the course of the American child abuse panic that has been under way since the early 1980’s. Everything outlined here is based on one or more of the celebrated cases of the last decade, and most elements have more than one source or parallel. In the McMartin preschool case that began in California in 1983, the epicenter was a schizophrenic woman who believed that her son had been abused at the school (as well as at home, church, and many public places in the neighborhood). She also believed that he had been repeatedly mutilated by his abusers, though they had mystically repaired any obvious wounds, and that they had taken him flying. Naturally, this was enough to persuade the local police to recommend that all children who had attended the school be taken for therapeutic examination, which duly found that a large number had been subjected to like molestation.

Children do their best to accommodate puzzling requests for tales of outlandish behavior. In the Jordan case of 1984, they told of being taken to sinister orgies, where all the men looked like Elvis and where the bare-breasted women were Hawaiian or Japanese (this was in rural Minnesota). The alligators and microwave barbecues stem from the recent Edenton affair in North Carolina. Several child witnesses have been clearly bemused by probes for information about wrong or unpleasant acts associated with the genital area; and thus they have produced accounts that the innovative molesters have urinated or defecated on them. How would they know better?

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