

## BOOK REVIEWS

WEDNESDAY'S CHILDREN: A STUDY OF CHILD NEGLECT AND ABUSE.  
By Leontine R. Young.<sup>1</sup> New York: McGraw-Hill Book Co.,  
1964. Pp. 195. \$5.95.

Monday's child is fair of face,  
Tuesday's child is full of grace,  
Wednesday's child is full of woe . . . .

—Anonymous

Child neglect as an event that may require public intrusion in the family unit has long been considered in terms of deprivations of physical and psychological well-being. In his highly regarded work on maternal care, Bowlby underscores the dichotomy by writing: "[A child] may be ill-fed and ill-sheltered, he may be very dirty and suffering from disease, he may be ill-treated, but, unless his parents have wholly rejected him, he is secure in the knowledge that there is *someone* to whom he is of value and who will strive, even though inadequately, to provide for him until such time as he can fend for himself."<sup>2</sup> Smith has written that the present trend is to remove psychologically neglected children from their families while leaving the physically neglected in their homes.<sup>3</sup> Presumably parents of the physically neglected child can receive supportive help from a social welfare agency which will enable them to provide for the child's physical needs while they continue to provide emotional comfort. Where the division is not recognized, law makers have been called on to create it,<sup>4</sup> and some legislatures have already responded.<sup>5</sup>

But to view child neglect exclusively in terms of deprivations of physical and psychological well-being is to adopt an approach that is at the same time too restrictive and too general. Studies of reported judicial cases involving child neglect, such as criminal prosecutions of parents, changes in custody following divorce or separation, or termination of parental rights and responsibilities, reveal that courts are concerned with events other than those affecting well-being (defined as a child's physical and emotional safety, health

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<sup>2</sup> BOWLBY, *MATERNAL CARE AND HEALTH* 68 (1950).

<sup>3</sup> SMITH, *READINGS IN ADOPTION* 6 (1963).

<sup>4</sup> Gill, *The Legal Nature of Neglect*, 6 *NPPA JOURNAL* 12 (1960).

<sup>5</sup> See, e.g., *IDAHO CODE ANN.* § 16-1625j (Supp. 1963).

and comfort). They may focus on deprivations of other social values relating to enlightenment, skills, respect, affection, rectitude, wealth and power.<sup>6</sup> In some of the above instances in which child neglect is in issue, the articulated criterion for determining the appropriate outcome is: what is in "the best interests of the child." This criterion takes into account more than the child's physical and psychological health. It engages a constellation of social values, the sharing of which is desirable for a child's adjustment in society and also for a well-functioning family.<sup>7</sup>

To restrict child neglect to physical and psychological deprivations of well-being assumes an absolute distinction where none, in fact, can be made with any degree of precision. A growing body of social work and psychiatric literature independently reflects a similar conclusion: if there is evidence of physical neglect, emotional neglect is also likely to be present.

Studies on the "battered child syndromes" point out that when infants are cruelly treated, so often under the guise of discipline, the physical injury to the child may be no more serious than the damage to his emotional well-being.<sup>8</sup> One of the major points in Dr. Hertha Riese's recent study<sup>9</sup> is that a home deprived of the normal objects in a child's life threatens his psychological balance. A roof over his head, three meals a day, a mother in attendance and an occasional caress is not enough. She writes:

Life in a meager home . . . does not represent . . . a way of bereavement by a distracting profusion of disconnected impression. The child in the home devoid of necessities is deprived even of deceptive stimulation. . . . The absence of physical objects in the house . . . intensifies the child's plight. This void is sensed as another denial by the mother, parents, or guardians of joy and opportunity. . . .

Development of a self, well-defined against and equally well-defined objective world, is impeded [in a barren home]; hence,

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<sup>6</sup> These value categories along with the social value well-being are designed to give the widest possible scope to the inquiry. See McDougal, *The Comparative Study of Law for Policy Purposes: Value Clarification as an Instrument of Democratic World Order*, 61 YALE L.J. 915, 916-17 (1952). For an application of these value categories to a problem in family law, see Weyrauch, *Informal and Formal Marriage—An Appraisal of Trends in Family Organization*, 28 U. CHI. L. REV. 88 (1960).

<sup>7</sup> See Katz, Book Review, 78 HARV. L. REV. 498, 501-02 (1964).

<sup>8</sup> See, e.g., Boardman, *A Project to Rescue Children from Inflicted Injuries*, 7 SOCIAL WORK NO. 1, 43 (1962); Delsordo, *Protective Casework for Abused Children*, 10 CHILDREN NO. 6, 213 (1963); Elmer, *Abused Young Children Seen in Hospitals*, 5 SOCIAL WORK NO. 4, 98 (1960).

<sup>9</sup> RIESE, *HEAL THE HURT CHILD* (1962).

unless the child is dulled completely, there emerges a will-o-the-wisp agitation, an aimless search, an obsession to touch and resourcelessly release everything; or the child is under compulsion to handle and 'experiment' with everything. . . .

Obsession to touch . . . may lead to obsession to take.<sup>10</sup>

Dr. Riese states that not having the privilege of owning and handling objects results in a child's inability to comprehend the concept of ownership. The child also has difficulty in developing respect for other people's property. Her study goes further than most in illustrating that deprivations of one social value, well-being, for example, may in turn affect others, in this case respect and wealth.

The latest book to analyze child neglect and to demonstrate dramatically the limitations that result from undue emphasis on deprivations of well-being to the exclusion of other social values is Dr. Leontine R. Young's "Wednesday's Children."<sup>11</sup> Her findings reveal that children who are subjected to parental misconduct whether it is externalized or internalized may be unable to participate in the process of education or wealth:

Forty percent of the children were at one time or another truants. . . .

The seriousness of this problem is self-evident. Children who are chronic truants are not likely to be good students or to continue their education. . . . Large numbers of the children dropped out of school with no preparation for earning a living.<sup>12</sup>

They may be unable to assume civic responsibilities, and thus might be denied an opportunity to participate in democratic processes. They may be incapable of developing meaningful affectionate relationships:

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<sup>10</sup> *Id.* at 71-72.

<sup>11</sup> The book is an outgrowth of two studies involving 300 families from the East, Midwest and West. The 120 families in the first study were selected from a large Eastern metropolitan area. Information about 80 of these families came from two public child welfare agencies in suburban counties. Information about the remaining 40 families was provided by one private urban agency that handled child neglect and abuse cases exclusively. The second study contained information about 180 families from the active files of public child welfare agencies and one private metropolitan agency that handled child neglect and abuse cases exclusively. Seven different localities were represented: two Midwestern rural areas, two medium sized Midwestern cities (population: 150,000 and 500,000 respectively), one large Midwestern urban area with a population of over one million, and one medium sized Western city and one Western rural county. Case records, the source of all the information in the studies, followed the families over a period of from one year to as long as twenty years.

<sup>12</sup> YOUNG, WEDNESDAY'S CHILDREN 29 (1964).

Stealing and sexual misbehavior were frequently mentioned in the records. . . . The impression left by the data would indicate that petty theft was common and organized stealing rare. The children lacked standards of honesty, but they also tended to lack the energy and purpose required of organized effort even in anti-social directions. Sexual violations occurred in the same casual manner and illegitimate children were frequently a consequence as adolescence was reached.<sup>13</sup>

Aside from pointing out the inherent deficiency in viewing child neglect simply in terms of physical and psychological well-being, Dr. Young shows how such a conception of the problem is too general. There are shades of parental misconduct. Dr. Young has classified parental misconduct in terms of "severe neglect," "moderate neglect," "severe abuse" and "moderate abuse."

According to Dr. Young's classification, children who are starved, chained to a bed, or who are found in a cellar, caged like animals and covered with insects would be considered "severely neglected."<sup>13a</sup> While there may be no intention to harm the children, still the minimum requirements for survival may not be present. In the study, parents who mistreated their children in this way showed signs of being indifferent. They were immature. They had not accepted parenthood. The hurt they inflicted on their children was in a sense unintentional, and these parents had little capacity to do better. Their homelife was chaotic and unpredictable. "Moderately neglected" children suffered in much the same way as the "severely neglected." Yet there was one positive sign for them. A vague notion of parental responsibility was shared by the parents. For instance, while they may have provided their children with a minimum amount of food, the parents were unconcerned with cleanliness or the provision of adequate clothing or medical care.

"Severely abused" children were tortured by their parents. Parental brutality took many forms: beating; burning by lighted cigarettes, scalding water, hot stoves; twisting of limbs until they were broken; destroying loved pets; using abusive language and threatening children with destruction or death. The frequency of abuse differentiated "moderately abused" children from "severely abused." The outstanding characteristic of the abusing parent regardless of economic or social status, Dr. Young reports, is "this

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<sup>13</sup> *Id.* at 30.

<sup>13a</sup> For an illustration, see *Jones v. United States*, 308 F.2d 307 (D.C. Cir. 1962).

immersion in the action of punishing without regard for its cause or its purpose."<sup>14</sup> Theirs is an action that is deliberate, calculated, consistent and tortuous, in other words cold blooded, rather than what might be considered normal parental reactions to some stimulus: spontaneous, indirect, impulsive, and loving.<sup>15</sup>

Dr. Young's classifications extend beyond clarifying the concept of child neglect. They are important for determining the timing, degree and manner of state intervention. The goal of such intervention, she suggests, is to prevent further neglect and abuse and to protect children. As to cases mentioned in her book in which the value equilibrium of the children has been permanently threatened, some official response was clearly warranted, if for no other reason than to rescue them from imminent harm or death. Regardless of their motivation and level of intelligence, all of the parents were unable to cope with parenthood without help. The "neglecting parents" may have meant no harm or have been ignorant, but they fell short of cultural expectations. The "abusing parents," it would seem, took the one step beyond an imaginary line that separates reasonable punishment from physical abuse.<sup>16</sup>

To use prevention as a general basis for public intrusion in the family unit raises serious questions. At what point should the public intervene? Must there be a manifest outbreak of pathology in the child or should intervention occur beforehand? Is our present level of knowledge in child psychiatry, for example, sufficiently verified to justify intervention to prevent pathology? Anna Freud has written about the hazards of making clinical predictions.<sup>17</sup> To her, the presence of the "unknown or unknowable forces at work" in the ego development of children make the task difficult. Even if there is substantial evidence to support the view that a child's emotional health is in jeopardy, such as in the case of an extremely depressed mother who cares for her infant, how is the initial intervention secured? How do we reconcile our notions of a parent's right to rear the child and our ideas about the function of the family unit

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<sup>14</sup> *Id.* at 45.

<sup>15</sup> It is realized by this reviewer that we are entering an unexplored field of cultural value preferences that make deliberate behavior appear as being "irrational," while the instinctive parental reaction based on emotions is felt to be "rational." Probably even these dichotomies are unreal, and what we truly have is ambivalence in various degrees.

<sup>16</sup> See RESTATEMENT, TORTS § 150-51 (1934).

<sup>17</sup> A. Freud, *Child Observation and Prediction of Development—A Memorial Lecture in Honor of Ernst Kris*, in 13 THE PSYCHOANALYTIC STUDY OF THE CHILD 92 (1958).

in contemporary society with the public's interest in child protection? These are puzzling questions which I had hoped Dr. Young would have explored more fully and perhaps have presented guides for possible solutions.<sup>18</sup>

Given that public intrusion in the family unit is advisable when there has been child neglect or abuse, what agency should intervene? The alternatives suggested by Dr. Young are law enforcement and social welfare agencies. The choice depends on the circumstances:

In many abuse cases and in some neglect cases, the police are better equipped to investigate the immediate situation and take quick action than a social agency. In more ambiguous circumstances where it may be difficult to know what is happening behind closed doors, the child welfare agency may be better able to uncover the facts.<sup>19</sup>

As for choosing the police, Dr. Young believes a plan for having a special police division, trained in matters dealing with children, which will handle investigations and collaborate with child welfare agencies is a practical solution.<sup>20</sup> But there is some question as to the expediency of utilizing the police. We can no longer view the police from a purely detached standpoint. The institution of the police is viewed by many as threatening and anxiety producing. This factor becomes particularly relevant if the goal of intervention is, as Dr. Young suggests, child protection.

Dr. Young's classifications may be helpful in deciding judicial dispositions of neglect cases, for instance whether the child should be physically removed from his parents, or whether the parents should be supervised. While theoretically there may be no difference in a parent's killing a child by torture ("severe abuse") or not providing adequate shelter or food ("severe neglect"), there may be a practical difference. A parent who merely neglects his obligation may be educable to a higher degree than the parent who takes active steps to harm or kill his child.

In her conclusion, Dr. Young enumerates concrete steps of plan-

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<sup>18</sup> Dr. Young does indicate that there is an undue emphasis on continuation of the blood relationship in questions of child custody. She suggests that these ties be considered along with other factors, such as whether the family unit in which the child lives is providing the child with "the personal concern, the emotional continuity, the qualities of character and conscience which prepare children for mature adulthood." YOUNG, WEDNESDAY'S CHILDREN 110 (1964).

<sup>19</sup> *Id.* at 139 (1964).

<sup>20</sup> This seems to be the preference suggested in U.S. DEP'T OF HEALTH, EDUCATION, AND WELFARE, CHILDREN'S BUREAU, POLICE WORK WITH CHILDREN 58-59 (1962).

ning that should be taken to meet some of the problems raised in her book:

We need new and better legislation that uses the knowledge we have to protect children, not to punish parents. We need community planning specifically devised to make the best use possible of every available dollar, to give the maximum benefit to children, and to coordinate and develop every potential resource to its fullest capacity. We need greater public understanding of the problems and complexities child welfare faces in trying to protect children and greater support of its efforts and needs.

Finally, we need much more knowledge. . . . We need research that will pursue the many questions that can only be suggested by this study. We need to know causes and means and fulfillable goals.<sup>21</sup>

I should like to underscore these steps. I should note, however, that in "Wednesday's Children" Dr. Young herself has added a great deal of knowledge. She has also contributed significantly toward clarity in the field.

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SPACE LAW AND GOVERNMENT. By Andrew G. Haley.<sup>1</sup> New York: Appleton-Century-Crofts, 1963. Pp. xvii, 584.

Andrew G. Haley is a lawyer of over thirty years' experience. He has nursed the growth of communications law from the earliest days of radio and television regulation, and has become a leading world authority in technical and legal matters of communications and astronautics.<sup>2</sup> Mr. Haley's latest book, "Space Law and Government," has received the scrutiny of several technical, medical and scientific reviews.<sup>3</sup> Although the work is primarily a study of "law," it has not received a detailed legal review. For that reason the present review considers neither the discussions of technical and

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<sup>21</sup> YOUNG, WEDNESDAY'S CHILDREN 148 (1964).

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<sup>2</sup> Mr. Haley's expertise in the general field of astronautics is amassed from his experience as a founder and first President of Aerojet Engineering Corporation, President of the American Rocket Society and the International Astronautical Federation, and General Counsel of the latter two organizations for a cumulative total of twenty-seven years.

<sup>3</sup> Reviews have appeared in 50 A.B.A.J. 477 (1964); 48 Ordinance 580 (March-April, 1964); 14:16 Missiles and Rockets 43 (April 20, 1964); 31 Telecommunications J. 145 (1964); 18:5 Signal 38 (Jan. 1964); Time, Nov. 29, 1963, at p. 54.