

OHIO STATE LAW JOURNAL

Volume 57, Number 2, 1996

Introduction— Meeting the Basic Needs of Children: Defining Public and Private Responsibilities

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The papers collected here were presented at a conference at the Ohio State University College of Law on November 3–4, 1995. The conference occurred one year after the congressional elections of 1994 and was largely a response to those elections, which made crystal clear the necessity of rethinking basic assumptions about the government's commitment to guarantee that the essential needs of the nation's children would be satisfied. The Republican plan to replace entitlement programs, like Aid to Families With Dependent Children (AFDC), with block grants to the states signaled the possibility that some children might suffer malnutrition or illness as a result of their parents' poverty. Newt Gingrich, the new Speaker of the House of Representatives, was proclaiming orphanages as the optimal solution to the problem of child poverty.

Accordingly, the OSU College of Law decided to bring together a group of leading scholars and public figures to conduct a systematic review of the appropriate allocation of responsibility between the public and private sectors for the well-being of the nation's children. The premise of the conference was to take seriously the claim, advanced by critics of the existing welfare system, that responsibility for the well-being of a child must lie with the particular family (and local community) of which the child is a member. At the same time, however, the conference wanted to consider what new arguments could be advanced to support the idea that the federal government should guarantee a safety-net through which no child should fall.

Governor George Voinovich presented the conference's keynote address and delivered a defense of the Republican plan to convert existing federal entitlement programs into block grants to the states. As the reader will see from the Governor's remarks, the Governor sincerely believes that block grants would enable states to improve the lives of their most disadvantaged children. (On January 9, 1996, President Clinton vetoed the Republican welfare reform bill which contained the block grants supported by Governor Voinovich.)¹

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¹ 142 CONG. REC. S113-05 (daily ed. Jan. 10, 1996).

The first pair of scholarly papers presented at the conference addressed the technical topic of tax policy. But as arcane as the subject might seem, it is crucial to understanding the debate over the appropriate federal role in meeting the basic needs of children. The most important federal program for combating child poverty is not AFDC, but EITC—the Earned Income Tax Credit—and one of the major debates that surfaced in Congress as a result of the 1994 elections was whether the EITC should be modified or cut back in any way. At the same time, some members of Congress advocate increasing tax credits for families with children, although proposals differ on important details (such as whether the tax credit should be refundable). Professors Allan Samanky and Anne Alsott, from different perspectives, help the reader understand the major policy issues that underlie current debate in this field.

Money alone, of course, will not solve all the problems confronting the nation's most disadvantaged children. In many cases, parents are poor not only in financial resources but also in basic parental skills. No amount of money that the government might give to these parents would, by itself, solve the problem of poor parental skills. Consequently, questions necessarily arise concerning the extent to which, and the ways in which, the government should intervene in the lives of families to improve the ability of parents to take care of their own children. These questions are the ones that Barbara Woodhouse and Emily Buss address in their contributions to the conference.

One particularly acute problem that a growing number of children face is the fact that their own parents are children and thus not yet emotionally and intellectually ready for the immensely challenging task of parenthood. The problem of teenaged parenting is one that every politician wants to solve, yet the problem remains unabated. Perhaps that is because, as Professor Deborah Merritt argues, there can be no solution until teen-aged girls can see sufficient economic rewards from postponing motherhood. In a search to explain the cause of high teenage parenting rates, both Merritt and Frank Mott discuss the demographic factors that affect a teen-aged girl's evaluation of the costs and benefits of delaying motherhood.

The health care needs of teenaged parents and their babies is just one of the many special health care needs that differentiate children and adolescents from adults. Indeed, as Dr. Lolita McDavid observes in her paper, adolescent medicine is a relatively new specialty developed to focus on the particular needs of teenagers. Dr. McDavid also points out that, from a public health perspective, violence against children is an epidemic of emergency proportions.

The conference papers conclude by approaching the subject of child welfare from some wide-angle perspectives. In my own contribution to the conference, I attempt to look at the problem of child poverty through the lens of political philosophy, relying in particular on the methodology that John

Rawls articulated in his pathbreaking work *A Theory of Justice* (1971). Finally, Martha Minow's paper sums up the whole work of this conference by urging that it be the starting point for a university-wide effort to establish a new field of children's studies.

Surely, Professor Minow would be pleased to learn that efforts are already underway here at the Ohio State University to implement her suggestion. Specifically, OSU's Socio-Legal Center, through the leadership of its Director, Barbara Snyder, is undertaking efforts to form the basis of a cross-campus interdisciplinary program that studies how law and public policy can help to meet the pressing needs of society's children. Thus, the conference held last November has already yielded two forms of fruit. First are the papers collected in this journal, which provide important insights for others working in the field. And second is the prospect of a university-wide commitment to ongoing interdisciplinary research in the field of children's studies under the auspices of the Socio-Legal Center, here at Ohio State.

In addition to the papers presented at this conference, we are delighted to include as part of this symposium issue Professor Kay Kindred's article arguing that poor families have a constitutional entitlement to sufficient public assistance to take care of their children. As the reader will see, Professor Kindred's approach to the issue of child poverty differs significantly from others, including my own. Thus, Professor Kindred's article is a welcome addition to the debate concerning the extent to which the government has a responsibility for meeting the basic needs of children. This debate, no doubt, will continue for a long time to come, but the papers in this symposium issue are a major step forward in clarifying the fundamental philosophical issues at stake in this debate. As such, this symposium issue can serve as an important building block in the ongoing effort to determine what our nation's public policies should be with regard to the acute—and increasing—problem of child poverty.

In this Introduction, it is important to acknowledge all the people who made possible the conference at which these papers were presented. Gregory Williams, Dean of the College of Law, and Barbara Snyder, Director of the Socio-Legal Center, provided the funding that made the conference possible. Nancy Rogers and Robert Solomon provided additional logistical support from the Dean's Office, as did Pat Schirtzinger from the Socio-Legal Center. Pam Lombardi and Laura Williams worked especially hard to make sure that the conference was a great success, but no one worked as hard as my student assistant, Tammy Lynd, without whom none of the planning and organization necessary to stage this event would have occurred.

From the staff of the *Law Journal*, Brian Shinn coordinated conference activities and provided the leadership necessary to get the right people to the

right places at the right time. In addition, Mike Casto and the Interprofessional Commission provided valuable assistance concerning conference registration. Similarly, Jean Morris from the Center on Continuing Education gave us excellent advice on the basics of conference planning and administration.

Many others as well could be named, but the list would be too lengthy. Suffice it to say that all involved should be proud to have taken part in an event as successful as this one—and one which will continue to yield important dividends for many years to come.