

## **Integrating the Rights of the Child with the Responsibility of the Parent**

Carolyn L. Scholz, Lecturer, Department of Human Development and Family Studies,  
University of Connecticut, Torrington Campus

### **Abstract**

This paper will explore the balance between children's rights and parental responsibility from a family systems perspective. Children do not grow up in a vacuum; they are part of a biological, psychological and social system. The interaction of the child and parent within this system must include the development of responsibilities by the parent and the child to further the rights of both. Children do have rights, the right to be nurtured and protected, the right to learn boundaries of behavior and to expand their knowledge.

In reviewing the text from The Convention on the Rights of the Child, the responsibilities, rights and duties of parents are addressed in several places. The failure of the United States Senate to ratify this treaty seems to question how much intervention by outside authority is needed to protect children. It is true that many children need the protection of outside parties, but where do we find a balance between the rights and responsibilities of parents, children and society?

### **Introduction**

In reviewing the text from The Convention on the Rights of the Child, the responsibilities, rights and duties of the parent are mentioned in several places, notably in Articles 5, 12 and 18. Article 5 of the treaty addresses the rights and responsibilities of the parent as the child matures. The United States' objection to that seems to be that the rights of the parent are subjective to the rights of the treaty. Article 18 could be interpreted as parent's rights being subject to government control. These issues were negated by Kilbourne, as she redefined the articles not as threats of government taking over the family, but as guidelines to avoid parental neglect and abuse (Kilbourne, 1998).

In Article 12, the rights of the child to express himself freely were addressed. Lucker-Babel, in her rebuttal, pointed out that any article, taken out of context, does not reflect the total intent of the treaty (Lucker-Babel, 1995).

Nowhere did I find a place defining the responsibilities of a child up to the age of 18. If we, in the United States, consider a person of age 17 to be responsible enough to marry (in certain states), bear arms, and leave formal education, where are their responsibilities that correspond to those rights?

In this paper, we will look at the family as a system, placing the child within the context of a family. We will appreciate the biological, psychological, social and cultural events that impact on the family and the individual, and offer suggestions on how and when to integrate the rights and responsibilities of both parent and child.

## **Family Systems**

Prior to the 18<sup>th</sup> century, in literature and art, little was portrayed of a family as a private entity. In art, families were often portrayed as part of a larger community group, and children's facial expressions and dress were often that of their elders (Aries, 1962).

In the early days of the United States, John Demos described the place of children as ordinary, not unique, subject to obeying their parents. He described parental responsibility as that of providing a child's basic needs of food, clothing and shelter. The family was a business—the goal, to survive. The children, as they grew older, were a means to that survival either as farm hands or store keepers. The industrialization of America placed children in a precarious position of factory work or worse, subject to poverty and starvation (Demos, 2000).

John Bell of Clark University and John Sutherland of the Tavistock Clinic in England were among the first to promote ideas of the family system (Sutherland, 1952). The family began to be formally acknowledged as a system by Alfred Adler as he explored the effects of family on an individual's mental health in the early 1900's (Adler, 1986). The connection between schizophrenia and family interaction began with Harry Stack Sullivan (Sullivan, 1953) and Murray Bowen, a child psychiatrist and early family therapist, in the 1950's (Bowen, 1960). In his research with clients with schizophrenia, Bowen noted that clients did well while in the hospital, and often resumed their psychiatric symptoms when returned home. His research included moving whole families into the hospital to educate them on how to handle clients successfully and in this way, family treatment evolved. Since that time, the family as a system has been approached in many ways and family therapy is successful in treating both families and individuals.

A family system has some unique characteristics. It has boundaries that may be open or closed, is amenable to morphostasis or morphogenesis, and sensitive to culture, ethnicity and developmental stages (Broderick, 1995). Each person within that system has a place and a purpose. In order to survive, that system has to have some sense of order, a hierarchy that tells who is in charge, who is welcome and who must be kept outside. Each generation sets the pace for future generations with habits, legacies and developmental markers (Anderson & Sabatelli, 2011). The integration of theory and the practice of therapy must take into account the biological, psychological, social and cultural identity of the family.

## **Biological Perspective**

The acknowledgement of a pregnancy sets in motion a chain of events that will determine the relationship between child and parent. The circumstances of the pregnancy may result in joy, resentment, ambivalence, fear, denial or anger. At this stage of life a child can be thought of as a necessary part of family continuity, a desired person or a mistake.

The process of delivery of the child (by normal delivery or surgery) and the possibility of bringing a new life into the world with or without social support can be overwhelming. Here the child is the total responsibility of the parent, having no responsibility of his own. The rights of the child to nurturing, food and comfort are paramount. At this time, the parent has the

fundamental right to parenting education. Even if the parent has had prior knowledge from babysitting other children or siblings, formal training and education on child growth and development is needed.

All children are not created equal. Many are not endowed with perfect physical characteristics or enhanced cognitive functioning. The birth of a child who is severely limited physically or cognitively can be a shock to the parent. The child's vulnerability to abuse may be increased by these circumstances. The ability of the parent to accept and bond with the child and the amount of social support available from family or from outside sources, determines how the child and family will progress. Here again, the parent holds the primary responsibility for the child, and with the knowledge of normal development can better understand the needs of the child.

Normal physical developmental sequences have been outlined in many different resources (Newman & Newman, 2009). The educational, socioeconomic status, culture and ethnicity of the family are important considerations for the developing child. The educational level and the socioeconomic status of the family may not only determine how the child is nourished, but also what resources are available to promote growth and development. Each culture has its own way of handling a newborn child, determining when to assist the child to the next level of maturity and how to integrate the child into society. As the child grows, learning to crawl, walk, run and talk, the parent's responsibility grows. Keeping a young child safe and teaching them appropriate responsibility for their safety begins a shift in rights and responsibilities. The beginning of puberty starts a chain reaction throughout the whole family. A parent may or may not remember what it was like to be growing up with all of the hormonal changes and accompanying physical growth. The shifting of responsibilities to the child for his own well being for nutrition and physical safety while being available to support these changes can be daunting for the parent.

### **Psychological Issues**

From the family of origin, to society and culture, to an understanding of child development, many different ideas are presented to a new parent on how to respond to a child. The temperament of the child helps determine the parent's response. The difficulty in managing a child with colic or constant crying can lead to abuse or neglect, unless the parent is supported and educated.

John Bowlby and Mary Ainsworth devised a scale defining the importance of early attachment of parent and child (Bowlby, 1988). One of the most important of these is the child's beginning response to the parent at approximately 2 months of age. That social smile, often attributed to gas, may elicit from an observant parent the beginning of communication. As the child and parent continue to interact, the child learns that he can get a response from the parent by his emotional presentation, and may begin to take unconscious responsibility for this. Further research on attachment shows that the type of attachment developed as a child can and does

impact on our choice of partner, our capacity to forgive in times of stress and our ability to be confident and internally secure as an adult (Lawler-Row et al, 2006).

The evolving capacity of the child to interact with others can be thwarted by parental ignorance, exhaustion, parental use of drugs or alcohol, or indifference. Here the beginning of respect or lack of it can have a serious impact on both parent and child. Respect is not an automatic right of parent or child, it must be earned by modeling both within and from outside the family.

Bowen emphasized the patterns of parenting passed down from generation to generation and researched how these patterns presented in later generations (Bowen, 1966). The style of parenting that is adopted from the family of origin influences the new parent and new educational information on child development may begin to alter parenting practices to meet the changing needs of the child and family.

The culture and ethnicity of a child, the age of the parent and where the child fits into the family's structure impact on the parent and child attachment style and the rights and responsibilities of both. If the child is the first born or only child, his place in the family is different from a child who is sixth or seventh in line. Here the responsibility of parenting younger siblings may be passed on to an older child, where attachment, education on development and knowledge of caring for an infant may be missing.

The daily stress placed on most families has an enormous impact on a parent's ability to care for the child as physical and cognitive developments progress ( Diehl & Hay, 2010). The family economic structure may require both parents to work, increasing the child's responsibility for himself and the family as a whole.

Piaget and Vygotsky were two chief proponents of the cognitive development of children, mapping out the developmental milestones and parental assistance needed to meet these goals. Piaget proposed that information is acquired through the child's observations and the child forms a scheme. When new information is presented to the child it is added to the child's knowledge base (Piaget, 2008). Vygotsky incorporated culture, speech and parenting into his cognitive plan, noting that children scaffold or build on prior information and absorb it through the interaction with a more knowledgeable person. (Vygotsky, 1988).

Erik Erikson, a stage theorist, saw the basic needs of human beings, beginning at birth, for stability and nurturing. He presented each stage of development as having a crisis with options for solving. His infancy stage included the belief that if children learn to trust their caregivers by being nurtured and fed, they go on to trust others in their lives. If trust is not present, the child withdraws. The stage in early adolescence, ages 13 -18 looks at the opportunity to have peer involvement or to alienate oneself from others (E. Erikson, 1963).

The psychological development of the child depends on the ability of the parent to recognize the developmental milestones and to be able to alter the parenting rights and responsibilities as the child matures.

## **Social Issues**

Having looked at the child as part of a family system, reviewed the effects of pregnancy and birth, and reviewed the increased possibilities for abuse if the child is not physically or cognitively well, how does socialization affect the rights and responsibilities of the parent and child?

According to the work of Bowen and Boszormenyi-Nagy, the social development of the family looks at an intergenerational legacy of behavior (Bowen,1960) (Boszormenyi-Nagy, 1973). Parents learn how to parent from their own parents. Each generation socializes children on what is expected in the home, how to behave in public, and how to treat other people. They show by example how valued the child is as he goes through his developmental stages and the crises of life. Not all parents are equipped with the knowledge of how a child develops. Many parents have never been given the opportunity to learn healthy relationships or developmental milestones for children. The family's level of poverty may make giving the child appropriate attention and guidance secondary to work and providing a living space for the family.

Parenting styles may range from authoritarian to neglectful (Maccoby & Martin, 1983). A parent who has been abused may become a permissive parent or a neglectful one in order to overcome the family legacy. The style of parenting the caregiver adopts will have a profound influence on the child's ability to learn and grow. (Maccoby, E.E. & Martin, J.A.,1983).

The work of Uri Bronfenbrenner shows us that the individual is the center of an evolving circle of interactions with others and the environment (Bronfenbrenner, 2005). This implies that parents or caregivers are not the only ones who influence a child's development. The effects of society in the form of other family members, friends and their families, schools and teachers, the legal system and the media all combine to help socialize the child.

At about six or seven years of age, the child reaches another new developmental stage and begins to expand his ideas of how people behave. As the child increases socialization outside of the family he begins to notice other life styles and parenting styles. If a pattern of cooperation and an ongoing adjustment of the rights and responsibilities of parent and child have been established, the parent continues to set the parameters for behavior and the child takes on more responsibility.

As the child becomes more individuated from the family during the pre teen and teen years, conflict may arise in the best of families. It is here that the separation of parental responsibilities and rights and the child's responsibilities and rights come into conflict. As the child is influenced by outside sources, he may try a number of things that conflict not only with the parent's expectations, but also with society's rules.

The responsibilities of the parent do not alter significantly until the child leaves home, but parental rights do change. The expectation of a drug free home environment, the right to respect, if generated early in the child's life and the right to request assistance from the child in exchange for worldly goods is part of these rights. When the child is young and requires

constant nurturance, parental rights are secondary to the child's needs, but as the child becomes more responsible, the balance of rights and responsibilities shift.

The first impact on the child, however, is the parent or primary caregiver. The bonding, attachment, parenting style and legacy from the family of origin continue to be the primary social influences on the child.

### **Conclusions**

The interaction between the parent and child's rights and responsibilities begin early in life. Although rights and responsibilities are unbalanced at first in favor of the parent, the child begins to have a greater place in this process as he matures. If the parent has allowed a progression of rights and responsibilities to grow and change (morphogenesis), the child will be given age appropriate responsibilities for himself. Parental guidance continues to be important, however, the pattern of parenting must change to accommodate the developmental milestones of the child. During the teen years the influence of peers and society and the changing morals and opportunities of the generations add to the parent/child conflict (Tweng, 2006).

The United States did not ratify the treaty based on several things, one being the states' own laws that do not use age 18 as a criteria for adulthood, and the inference that the interference in parent-child relationship is not appropriate. It also was considered a control issue – who has the right to control a family system?

Being held to the letter of the law will not prevent child abuse. Only strengthening families, educating parents on development and normal childhood changes and respecting the changes between parent and child rights and responsibilities will alter the balance between child abuse and neglect and successful family life.

The responsibility of society is to provide parent education and support, considering the biological, psychological, social and cultural stance of both the parent and child. We are not taught to be parents and our model for parenting comes from our own parents and the parents of our friends. We can be taught parenting skills, developmental milestones and how to integrate the rights and responsibilities of parents and children so that no child is abused, sold into slavery or abandoned. This takes education not legislation, and needs to begin with each new generation of parents.

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