

Public Policy and the "Wicked Stepmother"

The Ideological War Against Institutional Child Care

by MICHAEL A. PAWEL, M.D.

Call yourself an advocate for youth in America, and your position on institutionalizing adolescents is supposed to be clear: you must be against it. De-institutionalization has no firmer constituency than the professional child-welfare movement. Although the limitations of de-institutionalization are by now well recognized by those who advocate the rights of parallel dependent groups like the elderly and the mentally ill, advocates for children almost universally retain the view that children are always better off in families (preferably their own) than in institutional care.

This is curious because the idea that children are always best off at home flies in the face not only of the everyday experience of most child-care workers—whose arguments are simply dismissed as self-serving—but also of such common topical preoccupations as the relatively high rates of serious violence (including rape and murder) of children in their families, and the historical conviction of the left (until very recent years) that the nuclear family is the seat of almost all evil. Traditionally, the right wing defended parental (particularly paternal) prerogatives, and reform movements sought to liberate young people from chattel status and enable them to escape the tyranny of their parents. Yet these days, the Marian Wright Edelmans are no less vociferous than the Phyllis Schlaflys in advocating (at least for others) the "family value" that children should always be cared for by their natural mothers.

How has this essentially reactionary view come to be embraced so uncritically by such a wide cross-section of our society, including those who consider themselves socially enlightened? Is it because institutional child care is demonstrably cruel or unsuccessful (by whatever standards)? Is it because the nuclear family in America is enjoying such a renaissance of success? Or is it for other, less praiseworthy reasons:

political expedience, self-aggrandizement, financial gain, or the satisfaction of irrational and largely unconscious drives? These questions urgently need to be examined before a well-intentioned national administration blindly endorses "the family" above all else in a federal policy on children and youth.

Has Institutional Care Generally Failed?

The roots of institutional child care in the United States reach well back into the first half of the nineteenth century. Then, as now, large-scale population movement to urban areas produced a disturbing and frightening surge of abandoned children. Destitute and minimally socialized, they constituted an ongoing threat to public safety, as well as a reproach to the common conscience. Reformist organizations began to develop asylums for these children like the New York House of Refuge, a cross between orphanage and reform school, where abandoned children could be sheltered and taught decent conduct and a useful trade. At the same time, the precursor of family foster care was introduced when organizations like the Chil-

dren's Aid Society began shipping trainloads of street urchins to the Midwest, where they supposedly were welcomed by families in need of extra hands. In the West, the theory went, these children would find big, warm, real American families full of love, milk (a symbol of motherhood, rich food, and American purity unself-consciously embraced as a reformatory agent), and wholesome middle-American values.

The closing of the frontier ended an era when "dumping" the socially and economically superfluous could be justified as offering them the chance for a new start. Although so-called Greyhound therapy of the homeless, the mentally ill, and the young persists, it now more commonly involves exporting these people from the heartland to urban centers where, as the new rationale goes, they will find either new opportunities or "the service they really need"—and where their support will be shifted to other, politically weaker, inner-city taxpayers. Thus, New York concentrates social services for juveniles and for the homeless at the Port Authority Bus Terminal, hoping to divert youngsters from the notorious "Minnesota Strip" where Father Bruce Ritter made his reputation working with young prostitutes from the Midwest.

The sentimental tradition of the heartland as haven lives on, however, epitomized by the glowing reputation of Father Flanagan's Boys' Town. Although it is now a massive enterprise, including not only an incorporated town but associated franchise operations across the country; and although it is quintessentially institutional in its operations, which include a highly developed behaviorist "psycho-educational model" and a huge public-relations office, Boys' Town is viewed as a nurturing, family-oriented care-giver—even as it aggressively solicits consulting contracts to train and manage foster-care institutions in many other states.

Not surprisingly, however, large institutions that are close to population centers and convenient to public observation, the media, and political discussion have fared less well. Like the other institutions spawned by the reform movement—state hospitals and penitentiaries—large-scale institutions for the care of children came to be perceived as cruel Dickensian sewers of iniquity and neglect.

English sociologist Spenser Milham argues that maintaining the prestige of the finest institutions in any human-service system (schools, health-care facilities, social-service agencies, as well as child-care facilities) requires a class of institutions he calls *dust-bins*—garbage pails in American English—into which the system's failures can be dumped. These dust-bin institutions will, of course, fail more often than they succeed; but it is in the interest of all concerned—the public, the professionals, the residents, and elected officials—to blame these failures on the poor staffing and services of the facilities, to denigrate their staffs and reduce their budgets in a self-fulfilling prophecy that "those places" are intrinsically evil. This is much more palatable than the more intellectually honest alternatives of acknowledging either that some patients (or inmates) cannot be "cured" or that we simply do not wish to spend

huge amounts of public money on hopelessly dependent members of the underclass.

Almost invariably, then, yesterday's crusading reform meets today's enterprising politician or eager reporter and a scandal is born. Nursing home, school for the retarded, state hospital, training school—the story is always the same: highly paid lawyers and crusading social workers investigate minimum-wage hourly workers and expose massive abuse; enterprising journalists eagerly retail the sordid story; a corrupt chancre on the social body is shut down; a recurring expense for care of a dependent population is reduced or shifted to a different level of government; and some miserable people nobody basically cared about anyway are put back onto the street until they drift into another care system and the cycle is repeated.

Ignored in all of this, however, are the occasional successes that—were this a scientific rather than a political inquiry—would explode the whole theory that the dust-bins are intrinsically bad. If the public and the media do not entirely ignore the slum school that produces outstanding students, the terminal-care hospice that sometimes sees a miracle cure, the juvenile delinquent or autistic youngster turned successful citizen, the foster child who has become a social-work administrator, or the retarded person habilitated to manage a home and job, such stories *never* propose the thesis that the dust-bins can and sometimes do work well. Instead, they are in-

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evitably treated as the heart-warming stuff of what is called "human interest"; they show how outstanding individuals—wonderful school principals, gifted doctors, dedicated and charismatic therapists—can overcome the terrible dust-bin institutions and do fine work *in spite of* the system. These stories *never* illustrate that institutional care can be a good thing or could be better if the resources devoted to attacking it were instead used to improve it.

Substantial institutions transcend individuals. That is both their strength and their weakness. When they become too large, their stability evolves into rigidity and individual people no longer seem able to control them; they become stultified and unable to adapt to new situations. But when they are too small, we say they are overly dependent on one or two individuals and lack stability.

Most of us would accept the premise that, ideally, child-

rearing is the province of a very small and highly individualized institution—the family. In America today, that generally means the nuclear family: the family in its smallest institutional form, without the stability (or constraining weight) of an elaborate, extended network of relatives. And like any very small institution, the nuclear family relies for its existence on one or two individuals—more and more commonly on only one, a single mother. Should that individual not function adequately in maintaining the institution, it will not meet the needs of those who depend upon it for care.

Is the Nuclear Family Enjoying a Renaissance?

A teenage girl in our residential facility was asked to write an essay entitled “Why Are Young People’s First Amendment Rights Violated?” This was a Hispanic youngster who has a significant history of delinquent behavior, was expelled from another, more prestigious residential-treatment facility due to “poor adjustment,” and has now lived with us for two years. Her essay begins with an attack on schools which, she says, teach history “from a white or European perspective. When students question or challenge this matter, they are penalized for voicing their opinion. . . .”

She goes on to attack “group home settings.” Her account here sounds like a standard diatribe from the anti-institution lobby:

For instance, [if] a teenager expresses how he or she feels about being locked up, being away from his/her family, not liking his/her chores, or not liking the food that he/she eats, he/she may be punished (reprimanded or restricted in his/her house activities). If you express anger, sadness, or depression you may be put under close observation, put on medication, sent to a hospital, or sent to see a psychiatrist. Young people in this setting must watch everything they say because it may jeopardize their basic freedom. Basic freedom meaning outside privileges (going on trips, to the store, or for a walk), telephone usage, and most important going on home visits.

Having thus enumerated all the standard complaints about institutional life, this youngster concludes as follows:

The most common place youth do not have free speech is in their homes. In many homes teenagers cannot express their opinions about religion, politics, sex, and personal values. If their opinion is different from their parents’, the consequences could be very severe because parents control everything you have and can take it away at any time. Many youth also live in fear of physical punishment if they do not agree with their parents.

It is probably a good thing that we are so emotionally biased toward the family as the primary locus for child care (and I say it is a “good thing” because I share that bias), since the

level of “institutional abuse” that occurs *within families* in America today is clearly so sensational that, were any other institution causing such suffering, there would be loud and serious calls for its abolition. Indeed, such calls were a common part of reformist thinking through much of the nineteenth and twentieth centuries. Consider a few comparisons between the family and the institutional foster-care system.

Murder of children by paid child-care workers in institutions is virtually unheard of. (When it allegedly did occur, in the recent case of a suburban nanny in Westchester County, it received international press coverage.) Murder of children by their parents is a relatively common occurrence, and—the Susan Smith case notwithstanding—it is generally of little interest to the media or general public (even those citizens most outraged by the so-called murder of fetuses).

Rape and sodomy do sometimes occur in child-care institutions, most often among the residents but sometimes with staff involvement. However, despite the squads of investigators who descend at the first hint of such an allegation in group child-care facilities, actual incidents are exceedingly rare. In families, on the other hand, and certainly in surrogate families, rape, sodomy, and prostitution of even very young children are literally everyday events, reported and confirmed thousands of times each year, and now a subject of popular self-help literature.

Covenant House in New York City served tens of thousands of sexually active adolescents (many with highly developed sociopathic traits) and many veterans of the “sex industry” for over 20 years before attracting even a hint of scandal. When the first allegations of so-called sexual exploitation (not, in fact, abuse) were made by an admitted male prostitute, the media and public were fascinated by stories of Father Ritter’s indiscretions (which were viewed as damning primarily because he had left himself *open to accusations*). But everyone has always taken more or less for granted the fact that the majority of Covenant House residents had been violently raped or sodomized by members of their own biological or foster families.

In 1993, a highly paid, relatively high-ranking New York State investigator spent two months interviewing witnesses, taking signed statements, and reviewing medical records, personnel files, internal memoranda, and minutes of meetings in order to prepare a report indicating that there was *some* evidence (not, he emphasized, *substantial* evidence, but *some*) suggesting that a child-care worker—who had already left the facility—was a “child abuser” because he might have grabbed a 16-year-old boy by the neck during a scuffle (in which the child acknowledged stabbing the worker with a pencil). Imagine the kind of investigative effort that any public agency would devote to a parallel complaint about a parent. No police or social-service organization could conceivably indulge in this kind of inquiry into a parent’s fight with an assaultive 16-year-old. Moreover, the number of children seen by doctors for serious injuries inflicted by their parents, about whom no action is taken at all, is at least in the tens of thousands annually. Even when abusive behavior is well documented, public policy now calls for every effort to be made to return the child to the abusing parent, under the appealing name

of "family preservation."

Yet the argument may be advanced that, even if families on the whole are physically more dangerous than institutions, well-functioning families are happier places for children than even the best congregate-care facilities. This is probably true; no institution can be as flexible, responsive, and loving as the best of families. But in the United States, children from the best possible families do not enter residential institutions before mid- to late-adolescence, when they routinely become part of educational congregate-living arrangements (or prep schools). The idea that children and young teenagers who enter foster care have loving families from whom they are snatched by a greedy institutional-care system is a fantasy, understandable in the minds of lonely children who cling to the notion that they do have loving parents somewhere, but utterly reprehensible when intoned by supposedly objective researchers, pundits, and policymakers.

Can Congregate Care Succeed?

In fact, good institutional care can and does appear to produce a reasonable number of "successes"

—however that outcome is defined—particularly considering the

strong negative selection of children who enter the foster-care system. Certainly many children in institutional care are quite happy, and it is a routine observation that they generally become upset when they leave a placement. By and large, they certainly look as happy as any other group of youngsters. But outcome research is sadly lacking. It is noteworthy that both government and private agencies concerned with policy formulation have generally avoided funding such research in institutional care, although much more abstruse surveys are routinely supported. One interpretation is that, for reasons discussed below, they do not want the information that might emerge.

Why Do Americans Hate Child-Care Institutions?

Anyone interested in human behavior must start from the premise that it is, theoretically at least, understandable, even when it appears blatantly irrational. How, then, can we understand a society seriously disrupted by adolescent violence, staggering under the costs of supporting and treating young sub-

stance abusers and the growing population of severely impaired premature infants they produce, scandalized by the atrocities routinely perpetrated by adult family members on helpless children, and prepared to invest in apparently open-ended expansions of long-term punitive institutional care for adults, that nonetheless refuses even to *consider* the possibility that expanding the institutional care system for young people *might* be a good idea?

The attitudes seem to be peculiarly American. The culture

of Britain, from which we draw many aspects of our social organization, actually glorifies removal of children from the parental home at an early age. Reformers there have worked hard over the last half-century to establish a public policy that at least acknowledges the virtues of a loving home. Their efforts were directed at modifying a system that saw removal of normal four- and five-year-old children from good homes as a positive virtue. Yet much of the English reformers' rhetoric has been imported to the United States by ideologues who choose to remain blithely ignorant of the context in which it arose.

Elsewhere in Europe, congregate care of young children has routinely been seen as a social necessity, even in the absence of large social upheavals. Child-care workers in France, for example, are a recognized professional group and are required and assumed to have a level of training and skill comparable to teachers or nurses. Family court judges are also specifically trained. The idea of a judicial process involving the care of children being conducted by a politically appointed attorney is seen as obviously negligent.

If we move beyond the thin rationalization that "everyone knows families are better than institutions," more substantive concerns can be related. Institutional care for children is strongly associated with political or religious indoctrination. As such, it is obviously subject to egregious abuse, the most flagrant in our history probably being the incarceration

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of Native American children in missionary and, later, government-run child-care facilities that made a stupid and brutal attempt to strip them of their cultures as well as their family ties.

Elsewhere, the use of institutional child-care for relatively narrow purposes of indoctrination has been associated with totalitarian regimes, recently more those of the left (which, at least, saw the children of the masses as the basis for future power) than those of the right (which has moved beyond attempting the moral reform of children *en masse*, as was the case with the earlier missionaries, and now tends to endorse simpler and cheaper policies of direct extermination, as in Argentina and Brazil).

Therefore, the problem of state-sponsored ideological or religious indoctrination is a legitimate concern. Realistically, however, this is presently a moot point in America: the cutting

issues in the debate over "family" versus state values—emotional confrontations about prayer, distribution of condoms, sex education, textbook content, and so on—are being played out in relation to the public schools which affect the vast majority of children, rather than in the comparatively tiny foster-care system. Nonetheless, despite institutional child care's historical and continuing domination by religious institutions whose operation the government would certainly not subsidize in other areas, the fear of godless, communal, socialistic secular humanism (which has supplanted the fear of Catholic conspiracies) remains, I suspect, a potent factor in right-wing antipathy to institutional child care.

A more tangible, practical basis for the strong bias against institutional care is so obvious that it is routinely ignored and sometimes even denied: institutional child care is expensive. Sober-minded conservatives who are eager to clear the streets of young troublemakers blanch when the figure of \$100,000 per year for secure care is mentioned.

Paying people to provide minute-by-minute, hour-by-hour supervision without interruption for 168 hours of every week costs a lot. To provide one adult in this capacity within federal wage-and-hour guidelines (and allowing some kind of vacation and sick leave) requires five full-time (40 hours per week) workers. Add the cost of housing that meets two or even three separate fire codes, supervision of the poorly paid and poorly trained line staff, administration of the line staff and the supervisors, record-keeping, finance, auditing, legal expenses, reports to regulatory bodies, investigation of alleged abuses, and you still have not even begun to provide for food, clothing, education, and medical expenses. While small efficiencies can sometimes be achieved, the basic fact every parent knows cannot be overcome: supervising children is labor-intensive. As labor-intensive services become increasingly costly relative to manufactured goods (because output per worker does not significantly increase), the cost of all forms of long-term care rises in relation to other items. Taxpayers always resent this.

Self-aggrandizement and political expedience are also easy motives to understand—and, of course, to deny. Although they have less rational claim than impersonal economic concerns, they are obvious facts of political life. Successful politicians know that the American public (or at least the American mass media) are interested in children and adolescents primarily as a source of trouble. Nothing wrong is no news. Just as organized efforts to celebrate the positive achievements of ordinary adolescents generate a resounding yawn, people who operate successful institutional child-care facilities are of no interest to the shapers of media policy.

On the other hand, even a whiff of scandal brings instant celebrity. For years, Bruce Ritter tried to create popular support for Covenant House by emphasizing the scandalous lives from which it rescued youngsters; but he did not become a real celebrity until he himself was implicated in scandal. When nothing was proved against him, he was promptly forgotten as several sex and murder scandals within nuclear families took over the headlines. The Harlem man whom President Reagan cited as adoptive father of the year was likewise ignored until one of his adult children accused him of child abuse; then his

name and photo were featured prominently in the New York press for several weeks.

Similarly, August Aichhorn's name is little known even among mental-health professionals, although he virtually invented residential treatment in the first half of this century. Fritz Redl and Bruno Bettelheim, both developers of significant residential programs in the United States, are remembered for their extensive writings, not for their work as child-care administrators (although Bettelheim recently gained some notice when he, too, was posthumously charged with child abuse). Are there any other "child-care" heroes? Only Spencer Tracy as Father Flanagan.

This is obviously not the kind of situation to which ambitious politicians gravitate. No one has ever based a successful campaign on the claim that he or she opened more beds for unwanted street children than his or her predecessors. But several politicians have emphasized that they *closed* such beds—liberating youngsters from scandal-plagued institutions and saving tax dollars—and that they also opened new prison beds to contribute to the public safety.

Although fears of brainwashing, the desire for cost-cutting, and the search for campaign sound-bites are real considerations, they are still not enough to account for the depths of the general antipathy toward congregate child care. After all, most politicians can find more compelling campaign issues than whether they are for or against institutional child care. Serious public budget analysts understand the occasional need to spend money "up front" in order to avoid much larger costs for long-term incarceration or dependency in the future, and they also know from experience that the financial promises of de-institutionalization crusaders can most charitably be described as "pie in the sky." The religious right also has more pressing concerns and more dramatic forums than opposing institutional child care. All of these groups can be counted on to listen sympathetically to opponents of congregate care, but they do not lead the charge.

Those who do have other motives.

For a few, it is personal power and financial gain. The operators of institutional "watchdogs" like New York State's Commission on Quality of Care for the Mentally Disabled (CQC) have enormously increased their personal influence and their agency's size and budget (which is now diverted from funds available for actual care expenses) by the classic police technique of issuing press releases suggesting vast tides of misconduct with which they can barely cope. Equipped with virtually unlimited time and money and unlimited legal authority to seek evidence of any kind of "wrongdoing," the New York CQC is constrained by none of the ordinary constitutional safeguards that control abuses by real law-enforcement agencies, because it only reports its conclusions—sometimes based on secret evidence—in confidential memoranda to other agencies. Its stated assumption is that *every* complaint—even if it is shown to be a complete fabrication—must be classified as evidence of "institutional neglect." The fine-print definition of *institutional neglect* allows that there is no actual evidence of wrongdoing. But the CQC's press releases instead play up the enormous volume of "institutional neglect" (that is, unfounded) cases the agency has investigated and lament

the difficulty of finding evidence to support these charges.

As a nonpolice investigative body, the CQC has the right to demand answers to any questions from anyone and to demand any records or documents or physical evidence, with or without explanation. Its registered letters of accusation to individual citizens contain literally no information about the charges made or who has made them, and frequently no indication is ever made of how those charges have been disposed. The information the CQC receives is secret—including the identity of accusers—and may be used against anyone. The accused, in short, have no right to any elements of due process. Any attempt to “impede an investigation” (that is, anything less than “full cooperation”) renders a person suspect, and suspects are regarded as guilty. Although the CQC has no formal legal right to do so—and even disclaims any responsibility for “personnel” decisions—its “findings” of abuse routinely force the firing of staff at all levels, either with the simple threat of voicing “concerns” about the entire program or by publicly naming the lowest level of officials who fail to “respond” to those concerns.

The fact that such procedures, so obviously antithetical to basic constitutional protections, are not only ignored but actively supported by the regular civil-rights lobby (including the American Civil Liberties Union and its local affiliates), which would mobilize vigorously against their application to natural families, is testimony to the remarkable irrational forces driving the supposedly enlightened elements in our society. Those who defend the rights against self-incrimination and unreasonable police search of drug dealers, murderers, white supremacists, and the Ku Klux Klan—and of abusive natural families—seem to abandon their devotion to the rule of law and join the right-wing supporters of “unleashing the police” when it comes to institutional child-care workers. The fantasy of the demonic child-care institution—the sink of iniquity, the house of horrors—is powerful enough to overcome even the intellectual honesty and the devotion to procedure of civil libertarians like the attorneys of the Mental Health Law Project.

What is the appeal of this fantasy? In part, I think it derives from a certain prurient interest. How else can we allow ourselves to revel in the details of adult-child sexuality without violating our own taboos against pederasty? There is no doubt that incestuous relationships—whether a celebrity’s or those of an anonymous day-care worker—hold tremendous interest for the general public because, like the details of lurid murders and other so-called deviant behavior, they give us a chance to enjoy vicariously, and with self-righteous indignation, certain darker impulses that we cannot otherwise see in ourselves. In short, much of the media discussion of institutional child abuse is rather thinly disguised kiddy porn, with just enough disapproval to allow everyone to disavow the content.

Sexuality in this context is taboo—and acting on it is reprehensible—precisely because it is so clearly a manifestation of power and control, whether or not it is demonstrably coer-

cive. The struggles between wishing for passive dependency and fearing helplessness, between wanting to control, to be independent and powerful, and recognizing others’ need for their own share of independence and power, go on in all of us all of the time. The classic personification of these conflicts is the wicked stepmother of fairy tales (who is *never* a real mother). Like the mothers of children in institutional care, the real mother in fairy tales is dead or absent but saintly, loving, and blameless; while the stepmother who is present is harsh, vindictive, neglectful, jealous, abusive, even murderous. It is not an accident that these stories remain popular. Being helpless and being cared for by a mother inevitably engenders conflicting feelings. The most primitive way of handling them is to split the parent figure into separate parts, good and bad—a beloved mommy and a terrifying witch. The more unsatisfactory the reality, the more appealing is the recourse to mythology.

For some who are socially and intellectually more fortunate, the urgency of these conflicts undoubtedly leads to the pursuit of power—and the control of other people’s power—through public service and the legal system. It is possible that such people are disproportionately active in the area of so-called children’s rights. In any case, for whatever reasons, it seems that, without a powerful irrational push from motives such as these, well-intentioned people concerned with the rights of the least fortunate could not embrace—much less lead—reactionary

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attacks on the very concept of residential child care. To perpetuate a national policy based on the demonization of poor working people (mostly members of minority groups), who struggle heroically every day, for poverty wages, to bring some hope to children from whom they routinely tolerate emotional abuse and physical violence, is a travesty of reason, a tribute to the appeal of irrational demagoguery, and a tragedy for our society’s most deprived children. 

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