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Ya'lr Ronen

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## On the Child's Need to Be One's Self

*Ya'ir Ronen*

### ABSTRACT

Alongside the child's need "to become," to develop and change, to fulfill dreams and plans, there is another need. This is the child's need to be his authentic self and to be recognized as "somebody" when simply being that self.

A children's rights regime should ideally be responsive to the complementary needs "to be" and the need "to become" within the right to identity. Granting the right to autonomy, responding to the child's need "to become," and overcoming adult paternalism is often perceived as the most advanced and most problematic stage in the evolution of child law. This perception is misleading. The need to be one's self is sometimes neglected by advocates of children's rights, though it is well embedded in social science literature. It is suggested that this is because of Western culture's preoccupation with material progress.

In order for the child to fulfill his unique human potential, to arise to a supra animal motivation when exercising his rights, we must offer the child conditions for spiritual survival and for spiritual freedom which include a tie to his heritage. In order for the family to protect the child's need to be himself, it has to also reflect a deep connection between family members that is often lacking.

Through renouncing their own freedom and accepting responsibility for a future they may not live to see, parents, standing counter to prevalent cultural trends, grant their children the freedom to create their own futures.

Furthermore, in order to prevent the ethical and intellectual numbing of their children, parents have to overcome the prevalent fear of "great truths" and offer their children the faith that there are truths to be discovered.

## I. INTRODUCTION

In previous papers<sup>1</sup> I maintained that the state should have a positive duty to safeguard the child's right to identity as a right to protection of ties that are meaningful to the child. I suggested that these are primarily ties to the human world, but they can also be ties to an animal, to an inanimate object, or to a geographic place. I further suggested that through the proposed right to identity—currently not protected through either international or national laws—children's rights regimes should ideally be responsive to two complementing needs: the need “to be” and the need “to become.” In this paper, in which my attention is dedicated solely to the conceptual level, I return to explore the child's need to be himself.

## II. FACILITATING THE DEVELOPMENT OF AN AUTHENTIC SELF-ACTUALIZING INDIVIDUAL

The notion of individualized identity draws support from an ideal of authenticity, in the sense of being true to oneself and to one's particular way of being. It implies that if you are true to yourself you actualize what being human means for you.<sup>2</sup>

Identity should not be seen as developing in a vacuum, but rather always through dialogue and sometimes through struggle with significant others—those persons who matter to the individual constructing his identity.<sup>3</sup> Even as the individual outgrows some of these others, the internal dialogue with them continues throughout life, and a contribution to the formation of an evolving identity in early childhood continues indefinitely.<sup>4</sup>

Alongside the child's need “to become,” to develop and change, to fulfill dreams and plans, “to be different from others,”<sup>5</sup>—as An Na'im describes it—there is another need. This is the child's need “to be,” which in turn includes both the need to be his or her authentic

1. Ya'ir Ronen, *Redefining the child's right to identity*, 18 *INT'L J.L. POL'Y & FAM.* 147, 147-177 (2004); Ya'ir Ronen, *Child's Right to Identity as a Right to Belong*, 26 *TEL AVIV U. L. REV.* 935, 935-984 (2003).

2. CHARLES TAYLOR, *THE ETHICS OF AUTHENTICITY* 32-35 (1991).

3. CHARLES TAYLOR & AMY GUTMANN, *MULTICULTURALISM: EXAMINING THE POLITICS OF RECOGNITION* 73 (1994); John Eekelaar, *The Interests of the Child and the Child's Wishes: The Role of Dynamic Self-Determinism*, 8 *INT'L J.L. POL'Y & FAM.* 43 (1994); Sarah Wilson, *Identity, Genealogy and the Social Family: The Case of Donor Insemination*, 11 *INT'L J.L. POL'Y & FAM.* 270, 281 (1997).

4. *E.g.*, TAYLOR & GUTMANN *supra* note 3, at 73.

5. Abdullahi An-Na'im, *Introduction*, in *CULTURAL TRANSFORMATION AND HUMAN RIGHTS IN AFRICA* 1-2 (Abdullahi A. An-Na'im ed., 2002).

self, and also the need to be recognized as “somebody” when simply being that self.<sup>6</sup> Only satisfying the need “to be” ensures the child’s psychological survival. Furthermore, both the need to be an authentic self and to have that self be “somebody” can be protected through the right to a self-constructed identity. A children’s rights regime should ideally be responsive to the complementary need “to be” and the need “to become.” However, this has not been the case. Rather, granting a right to autonomy, responding to the child’s need “to become” and overcoming adult paternalism, are often perceived as the most advanced and most problematic stage in the evolution of child law, and therefore, receive the most scrutiny.<sup>7</sup> This perception is misleading. As noted elsewhere,<sup>8</sup> the need to be one’s self is often neglected by advocates of children’s rights, though it is well embedded in social science literature: Advocates are often keen to protect the child’s present wishes and desires while neglecting to protect what the child sees as emotionally belonging to him, such as ties to a family, community and culture which may be meaningful for him and may allow the development and enrichment of his moral and spiritual stature.

I suggest that the typical neglect of the child’s need to be himself is associated with western culture’s preoccupation with material progress. Because western culture is proud of its scientific achievements, economic progress, and ever-increasing knowledge acquisition, it values educated people more than non-educated people.<sup>9</sup> The roots of this western preoccupation with progress can be found in the Romans’ disdain and ridicule of the Jewish Sabbath, on which work is prohibited.<sup>10</sup> This emphasis on progress prompts two

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6. Francis M. Deng, *Conclusion: The Cause of Justice Behind Civil Wars*, in THE POLITICS OF MEMORY: TRUTH, HEALING AND SOCIAL JUSTICE 196 (Ifi Amadiume & Abdullahi An-Na’im eds., 2002); Leora Bilsky, *Naming and Re-Categorization in the Law: Child Abuse as Slavery*, 5 INT’L J. CHILD RTS. 147 (1997); David M. Engel & Frank W. Munger, *Rights, Remembrance and the Reconciliation of Difference*, 30 L. & SOC’Y REV. 7 (1996); Reuven Feuerstein, *On the Desirability of Preserving Family and Communal Traditions*, in THE INTEGRATION OF IMMIGRANT ADOLSCENTS: A SELECTION OF ARTICLES DRAWN FROM THE PUBLICATIONS OF YOUTH ALIYAH, (1984); Reuven Feuerstein & Mildred Hoffman, *Intergenerational Conflicts of Rights: Cultural Imposition and Self-Realization*, VIEWPOINTS IN TEACHING & LEARNING 44–45 (1982).

7. *E.g.*, BOB FRANKLIN, THE RIGHTS OF CHILDREN 27–38 (1986); 35 GERALDINE VAN BUEREN, THE INTERNATIONAL LAW ON THE RIGHTS OF THE CHILD 15 (1995).

8. Ronen (2003) , supra note 1, Ronen (2004), supra note 1.

9. Heneman, D. *What Does India Add to the Teachings of the Land of Israel-Musings of an Educator*, in ELHANAN NIR FROM INDIA TILL HERE– ISRAELI THINKERS WRITE ABOUT THEIR CONCEPTIONS OF JUDAISM AND INDIA, 75–89, at 79–80 (Jerusalem: Rubin Mass, 2006) (Hebrew).

10. See ABRAHAM JOSHUA HESCHEL, THE SABBATH, ITS MEANING FOR MODERN MAN (1st ed. 1951).

questions: (i) Is there value to our lives if we do not produce/progress/build/create? (ii) Do we have to be useful all the time? India's traditional approach to these questions is illustrative of a regime that values the mindset of "simply being," the polar extreme of western culture's preoccupation with material progress. Within India there are still cultural communities and practices that have led to it being described as "a world that is all Sabbath," a world in which material progress is not highly valued and is sometimes totally abandoned in favour of spiritual progress through well trodden paths within traditional cultures.<sup>11</sup> Contrast this with the other extreme—places such as California, with its pervasive seven-day work-week culture in the high tech and business communities.

We need to be conscious of the different cultural models that may compete in our minds and cause confusion both in our inner worlds and in the social world. When we see the individual child in need of our protection as jurists or as helping professionals, we should not only be cognisant of and allow for the child's need to actualize his potential 'to be someone', to change and achieve but also foster or create the conditions necessary for him to simply be and feel unconditionally worthy and valued by society for who he is, for his present being.

The interplay between the need "to be" and the need "to become" is portrayed in Erik Erikson's brilliant biography of Mahatma Gandhi:

We have seen that Gandhi was never too proud to find universal meaning in petty circumstances, for he knew that one must build on the values of one's childhood as long as they are revalidated by experience, until one perceives a wider truth which may make them relative or obsolete.<sup>12</sup>

The values Gandhi internalized in childhood were the building blocks of his being and the new truths he perceived allowed him to become the man he grew to be.

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11. Heneman, *supra* note 9, at 86.

12. ERIK H. ERIKSON, *GANDHI'S TRUTH: ON THE ORIGINS OF MILITANT NONVIOLENCE* 398 (1969).

### III. PROTECTING THE CHILD'S NEED TO BE A SPIRITUALLY AUTHENTIC BEING

The journey to becoming an authentic being can be a harrowing one. Nelson Mandela's personal and national struggle towards liberation is one such journey, of which he writes in his autobiography "The Long Walk to Freedom."<sup>13</sup> The title and the story echo the exodus from Egypt. In the Jewish collective psyche there is a place for a reading of the biblical narrative as one of a struggle to authenticity and resist the dominant culture. Sacks, interpreting Rabbi Menachem Mendel Schneerson (the Lubavitcher Rebbe) explains: "they [the Hebrew slaves in Egypt] retained their identity as Jews, preserved their uniqueness and kept up their traditions without anxiety or shame. It was this that . . . assured their liberation from all forms of tyranny, physical and spiritual."<sup>14</sup>

The author compares this to the frame of mind of assimilating Jews in twentieth century America in a way that resonates closely with Taylor's concept of authenticity. He writes of the "lost child," meaning the child who has no ties to his heritage:

No Jewish child should be forgotten and given up. We must make every effort to save the lost child . . . . Determined to do so and driven by a deep sense of compassion and responsibility, we need to have no fear of failure. To remedy any situation, we must discover its origins.

In this case, they lie in a mistaken analysis of their situation on the part of some immigrants arriving in a new and strange environment. Finding themselves a small minority, and encountering the inevitable difficulties of resettlement, some parents had the idea, which they communicated to their children, that assimilation was the solution. But in their efforts to abandon the Jewish way of life, they created a spiritual conflict within themselves. They were determined that their children should be spared the tension of divided loyalties . . . . They looked for and therefore 'found' faults with the Jewish way of life, while everything in the non-Jewish environment seemed attractive and good.

By this attitude the parents hoped to ensure their children's survival in the new environment. But what kind of survival was it to

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13. NELSON MANDELA, *LONG WALK TO FREEDOM: THE AUTOBIOGRAPHY OF NELSON MANDELA* (1994).

14. JONATHAN SACKS, *TORAH STUDIES* 173 (1996).

be, if the soul was sacrificed for the material benefits of the world?

And what they thought was an “escape” into “freedom” turned out, in the final analysis to be an escape into slavish imitation, which tended to be so marked by caricature and a sense of insecurity as to command little respect from that younger generation that it was intended for.<sup>15</sup>

This passage is instructive in several respects. First, it defines the assimilated child as a lost child. A child who has lost touch with his ancestral legacy, even if this is at his parents’ initiative, is seen as lost. I suggest that this exemplifies how authenticity may go well beyond what the child knows and recognizes. It thus questions the limits of parental power in relation to the child’s right to be one’s self as part of a people and as part of a religious and cultural community.

The passage then moves us to question what survival is, what is freedom challenging a materialistic conception of survival, and of freedom as negative freedom; that is, freedom from constraints: Indeed the parents aim to offer the child opportunities for material survival and prosperity; but is that enough to be free? The child is not offered the tools to authentically express his full unique potential as a human being, a being that has a spiritual dimension, a being that is more than the sum total of his material needs and desires.<sup>16</sup>

The passage highlights the spiritual component in authenticity that is marked by a willingness to pay a personal price for spiritual

15. JONATHAN SACKS, *THE PERSISTENCE OF FAITH: RELIGION, MORALITY AND SOCIETY IN A SECULAR AGE* (THE REITH LECTURES) 172 (2005).

16. Christman explains why it is important to defend a conception of positive freedom as an internalized freedom to think and do that is distinct from the commonplace conception of freedom as merely an absence of constraints:

Those who want to cling to a positive conception of freedom of some sort insist that liberty should be seen as not merely an absence of constraints—whether those are considered as internal or external to the agent, the product of human action or accident, etc. Such theorists want to place the focus of our concern for liberty on the *quality of agency* and not merely the opportunity to act. Admitting that such a position may not be politically or morally neutral, defenders of such an understanding of freedom insist that merely establishing *opportunities* to act upon one’s current desires . . . fails to secure for citizens the conditions of authentic self-government that make freedom meaningful as an ideal. Seeing freedom as a quality of agency is different, conceptually, from seeing it as an absence of something . . . . Autonomy is defined in various ways, but most conceptions stress the capacity for critical self-reflection in the development of value systems and plans of action. Such capacities do not merely emerge naturally, but must be developed through various processes involving educational, social, and personal resources. To see freedom as nothing more than the *removal* of certain interferences blinds us to the need for such resources, as well as their precise character, and so blinds us to the demands of just institutions.

John Christman. *Saving Positive Freedom*, in 33 *POLITICAL THEORY* 79-80, 87 (2005).

survival and freedom. According to the quoted passage, the child's need to be himself includes a need for a spiritual self, a need not to be enslaved to anyone's world view, and a need to be in touch with one's spiritual heritage in order to be able to be in dialogue with it and question it.

The author challenges the parent set on securing his child's survival with the notion that abandonment of a cultural heritage makes the child psycho-spiritually insecure. Thus, we are invited, through commitment to authenticity, to spiritualize our understanding of survival and freedom.

But is there a choice? That is, can one protect the child's need to be himself and neglect the spiritual component of the self and yet remain loyal to the humanity of human rights—to what makes us human and makes our rights and duties uniquely human? I claim that there is no choice. Protecting the child's need for a spiritually authentic being is essential if rights are to be exercised in a distinctly human way. Twerski's straightforward and lucid explanation of the spiritual distinction between the animal and the human is helpful here:

Human beings and animals both have biologic drives: hunger, thirst, sex, desire for comfort, avoidance of pain, and so on. However, animals are at the mercy of their biological drives and cannot resist them . . . .

Some Psychologists would have us believe that . . . our freedom of will is but an illusion. They argue that human beings have a number of drives, some of which are in conflict with others, and that human behavior is merely the result of the struggle among various drives for dominance . . . .

These psychologists may be in concert with those biologists who consider humans to be merely another variety of animal and according to this concept it is virtually meaningless to speak of spirituality . . . .

Our entire concept of human responsibility with our elaborate system of positive and negative sanctions, is based on the assumption that humans are not at the mercy of impulses and that we indeed have the freedom to choose and determine much of our behavior . . . .

Patrick Henry spoke for all humanity when he said "Give me liberty or give me death," as did the founding fathers when they asserted that man has an inalienable right to life, liberty and the



pursuit of happiness. Tyranny is intolerable and is just as despicable when it is promoted by internal drives as when it is espoused by a ruthless despot. Slavery is abhorrent, not only because it is often cruel, but more so because it is dehumanizing. Human beings are free creatures and to take away our freedom is to rob us of our humanity . . . .

In contrast to animals we need not be dominated by our biological drives. However, if a person avoids gratifying a given biological drive only out of fear of consequences this person is still not behaving on a true human level because . . . animals are also deterred by fear of punishment . . . . When a decision to deny a biologic drive is based only on principles of right and wrong, a person rises to a supra animal level.<sup>17</sup>

A child who has not been allowed the opportunity to develop a spiritual identity may see himself simply in terms of his drives. Such a child may become indifferent to his human rights or misuse them in a reductionist way to satisfy drives,<sup>18</sup> divorced from the rationales for human rights which are distinctly supra animalistic.<sup>19</sup> The spiritualization of survival and freedom offered to the child by the adult is essential for the child to rise to a supra animal level in exercising his rights.

#### IV. POSTMODERNISM AND THE NEED TO BE ONE'S SELF WITHIN A COMMITTED FAMILY THAT OFFERS THE CHILD VALUES

Self-definition can never take place in a vacuum. A child knows who he is only within a specific familial and community context,<sup>20</sup> however dull at times. Besides being cared for, a child needs a familial and communal environment that he feels is his and that affords him a clear understanding of who he is and helps to give meaning to his life.<sup>21</sup> The child's family and community are his starting points in life. *Ideally*, these are his family and community of origin.

From within a family and its community, a child naturally begins

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17. ABRAHAM J. TWERSKI, *THE SPIRITUAL SELF: REFLECTIONS ON RECOVERY AND GOD* 6-8 (2000).

18. *See id.*; Fuerstein & Hoffman, *supra* note 6, at 44-45.

19. *See, e.g.*, HAIM HERMAN COHN, *A Human Rights Theory of Law: Prolegomena to a Methodology of Instruction*, in HAIM H. COHN: *SELECTED ESSAYS* 17-43 (A. Barak & R. Gabizon eds., 1991); TWERSKI, *supra* note 17; Eekelaar, *supra* note 3, at 42-61.

20. Wilson, *supra* note 3.

21. Hassall, I., *The Child's Right to a Place, But Whose Place?* Occasional Paper No. 4 Wellington: Office of the Commissioner for Children, (1994).

to create meaningful ties and develop an identity that evolves over time. His experiences are gradually applied to new and widening fields beyond his family and community of origin as he matures biologically and emotionally.

The legal definition of family, however well informed by social science literature, is ultimately a value-laden cultural construction. Nevertheless, legal rhetoric sometimes erroneously gives us the impression that such a legal definition captures some eternal factual truths.<sup>22</sup> It does capture truths, but they are moral rather than empirical truths. It is difficult to elucidate these truths and stand up for them in the present-day postmodern climate in which the claim that there are no universal truths, a claim antithetic to the core idea of human rights, is very prevalent. In order for the family to protect the child's need "to be," the family structure must reflect a deep connection between its members. Such a connection must be "beyond a whimsical feeling, beyond an urge, beyond emotional upheaval."<sup>23</sup>

Thus, neither the "blood ties" nor the "legal ties" of parenthood necessarily signify psychological ties with a child that are worthy of state protection, and in order to discover who fills the *role* of mother or father for the child, it is essential that recourse be made, among other things, to the child's subjective perceptions. In practical terms, protecting the child's need "to be" primarily means ensuring that he will not be forced to disown his authentic familial and communal identity, to the detriment of his sense of self and of his human dignity, in order to gain recognition of his normalcy by mainstream society.<sup>24</sup>

At the same time, I must add that one cannot evade the necessity to elucidate a universal truth that goes beyond the subjective and the individual case; for a secure protection of the child's need "to be," adult individualism has to be curtailed. To use the words of Adin Steinsaltz: "[m]embers of a family are bound by obligation, connected to each other by the knowledge that they can rely on each other."<sup>25</sup> The unfounded idea prevalent in western thought and public imagery of "the abstract individual, detached from the collective bonds of history and sentiment"<sup>26</sup> threatens the protection of the need "to be." The western world finds commitment to family difficult. That is why

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22. MARTHA MINOW, *MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW* 959-60 (Cornell University Press ed., 1990).

23. ADIN STEINSALTZ, *SIMPLE WORDS: THINKING ABOUT WHAT REALLY MATTERS IN LIFE* 186 (Elana Schachter & Ditsa Shabtai eds., 2001).

24. See HASSALL, *supra* note 21; Bilsky, *supra* note 6, at 144-45.

25. STEINSALTZ, *supra* note 23, at 186.

26. SACKS, *supra* note 15, at 55.

it is so important to base human rights on an ethos of care and interdependence, as proposed elsewhere.<sup>27</sup> Thus, the exercise of rights can potentially become truly responsive to children as whole human beings. Sacks's discussion sharpens the challenge we face today:

Such a theory [a theory prevalent in Western popular culture that the self has no limits on what it can choose to do or be-Y.R.] certainly . . . deconstructs . . . the family. It robs it of its ethical foundations. At every stage the idea of the family stands counter to the idea of unrestricted choice . . . . To be a parent is to accept responsibility for a future I may not live to see. Families only exist on the basis of choices renounced.<sup>28</sup>

It is argued here that precisely through renouncing their own freedom and accepting responsibility for a future they may not live to see, parents grant their children the freedom to create their own futures. Returning to Erikson's depiction of Gandhi, it is only when parents are present to offer values recognizable as the values of one's childhood can a Gandhi come into being. It is only then that the grown up child can decide if these values are revalidated by experience. Within a personal familial environment in which we find both commitment to values and personal space, the delicate interplay between the need "to be" and the need "to become" can take place in a way that promotes personal growth.

Parents in the post-modern world may be afraid of "great truths." The twentieth century led to disillusionment with the dogmatic ideologies that justified Nazi concentration camps and soviet Gulags, but a post-traumatic anxious version of post modernism destroys curiosity and vitality. As evidenced in the previous example of Gandhi's search, children become ethically and intellectually numb when there is no truth and no meaningful structural picture of the world. Why make the effort to study, know, and understand?<sup>29</sup>

When children are in families that offer them values, they can feel protected in being who they are and have space to "recreate" themselves in fantasy and in real life. Children can dream their own dreams, wish their own wishes, and even implement their own plans, irrespective of the small scale from which those dreams, wishes, and

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27. See Susan L. Brooks & Ya'ir Ronen, *The Notion of Interdependence and Its Implications for Child and Family Policy*, in *THE POLITICS OF THE PERSONAL IN FEMINIST FAMILY THERAPY*, 23 (Anne M. Pouty ed., 2005).

28. SACKS, *supra* note 15, at 56.

29. MICAH GOODMAN, *THE SECRETS OF THE GUIDE TO THE PERPLEXED* 334 (2010).

plans originate. Through interdependent relationships with their environment, children grow to be increasingly autonomous, yet never fully independent.<sup>30</sup>

The right to a self-constructed identity should not be like a castle flying in the air. Protection of the child's need to be oneself can be likened to protection of the foundations of a building, the building being one's identity. I have tried to explore here on a conceptual level how these foundations can be strengthened.

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30. See MICHAEL FREEMAN, *THE MORAL STATUS OF CHILDREN: ESSAYS ON THE RIGHTS OF THE CHILD* 73 (Klumer Law Int'l ed., 1997); S. MINOW, *supra* note 22, at 301-03. See also ERICH FROMM, *ESCAPE FROM FREEDOM* (Henry Holt Publishers ed., 1941).

