

Philanthropy and the Rights of the Child

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Stuart Hart and Cynthia Cohen argue in this morning's newspaper for ratification of the U.N. Convention on the Rights of the Child. I support their position but it is not enough.

The point of these remarks is that law and legislation are not sufficient to change culture and morality. In the long run, coercion always fails. The basic values of a society are grounded in what Richard Rorty once called "unforced agreement."

There are two inherent flaws in basing the rights of children on legal declarations, legislative action, even judicial decision. The first is that we attribute too much effectiveness to formal legal action. The second flaw is that we fail to develop other sources of strength and support.

Although important advances are achieved, the enduring change that advocates seek will fall short unless core values change. Core values change in the larger culture, not merely in the realm of the political.

Consider a few examples in which the basic strategy was to change the law of the land: the first may be thought of as the most successful philanthropic initiative ever undertaken in the United States: the ratification of the 18th amendment to the Constitution. For those who are not familiar with it under that label, the 18th amendment was about *prohibition*.

As I understand the history of that movement, it began with efforts to limit drunkenness and the chronic version of that we would now call alcoholism. Various strategies were tried, the most popular of which was called the "temperance movement," which as its name implies sought to persuade drinkers to drink moderately. The minority view of prohibition making the manufacture, sale, and consumption of alcohol illegal, was

more militant. It gained control and pressed its strategy to impose its will on the majority by amending the Constitution.

I don't know if opinion surveys are available from the 1920s to ten us whether the prohibitionists were a minority even among those who favored some control of alcoholic beverages, but my guess is that they were.

In James Madison's view of *faction*, the prohibitionists were "actuated by passion" that in the end served their own interests but who in fact worked against the common good.

Perhaps the most telling comment on the failure of Prohibition to capture popular support was expressed by Will Rogers: "Prohibition's not so bad," he said; "at least it's better than no whiskey at all."

A second and similar example is *Roe v. Wade*. In my opinion, the effort to establish a narrow position on women's right to choose, the pro-choice movement invited the narrow pro-life response. In my opinion, the American people are comfortable with neither of the choices available to them. Continued factional strategies may, however, result in a shift from one unsatisfactory legal philosophy to another that is just as unsatisfactory.

My third example is the civil rights movement. That impressive progress has been made is evident to anyone who spent time in the South before civil rights became a movement. The success of the civil rights movement is evident in every business office in which African-Americans and other minorities and women are not performing tasks that were only a generation ago denied to them. I attribute almost all of those changes to changes in the law. Equal employment opportunity and affirmative action have been extraordinarily effective - up to a point.

In my opinion, the civil rights movement lost its way, stalled, and has since fallen back in disorderly retreat. The *spirit* of the civil rights movement was betrayed, in my opinion, by those who destroyed the coalitions that made the first great successes possible. The new strategy was not intended to achieve a change of heart but to use the power of government rather than social and moral will to sustain and extend the movement.

A political philosopher named Steven Lukes offered a theory of social action based on what he called "the three dimensions of power." I would substitute the word *influence* for the word *power* but I find his model very helpful.

The first dimension of influence is "the ability to influence the outcome of specific decisions." The initiative that is the focus of this conference falls into the first dimension: *ratify the Convention*. It takes great energy and determination to achieve such a goal. It is also a carefully targeted effort. A finite number of people must be persuaded to act.

Most of us devote most of our efforts to precisely such specific goals. We know what we're trying to accomplish and we will know when we've succeeded. As I understand what psychologists say about personality, most people prefer specific objectives and outcomes.

A variation of the strategy of specifics - also reflected in this room - is to focus on local rather than regional or national or international action. One of the reasons Prohibition succeeded is found in the effectiveness of local, face-to-face challenges. One of the great strengths of the civil rights movement in the early years was its appeal to local congregations. One of the *weaknesses* of many feminist and women's causes - in my opinion, of course -- has been a failure to build a natural, grassroots base.

One very successful political strategy is to work on even more targeted and specific goals and let the larger agenda change almost by osmosis. One day we'll wake up to find that three or four children's issues are suddenly rising on the list.

The second dimension of power or influence, according to Lukes' theory, is "the ability to influence the agenda." That is, in the chaos of public life, one strategy is to focus public attention on a particular issue and to raise its position on the public agenda. That is precisely what Princess Diana did for the issue of land mines. The familiar surveys telling us what the public is most concerned about at any given moment is a miscellany rather than a careful pattern. "The economy" is always on the list and "education" is usually among the top ten concerns. But more precise issues like AIDS or child abuse or global warming fight for attention and support.

By far the most rapidly expanding category of philanthropy in recent years has been that called advocacy. It is the purpose of most advocacy groups to win public attention. Advocacy groups argue that they serve the, public good - their goals are quite specific, but their claim is that specific action will lead to a better or more just or more free or more open or more compassionate or more... whatever. Pro-choice groups are often about advocacy rather than, say, public education. The purpose of advocacy is to heighten public awareness of a problem *and* to recommend solutions.

The clash between advocacy groups on both sides of controversial issues is becoming the most familiar and often irritation aspect of philanthropy. Advocacy is insistent and argumentative in style and tone, but - as the commercial varieties demonstrate - it is often effective in the short run.

The best example of influencing the agenda, for me, is the AIDS crisis and how it became eligible to be thought of as a "crisis." In the early years, all

of the evidence about AIDS pointed to two groups of victims, often overlapping - namely, promiscuous male homosexuals and intravenous drug abusers. The first task was to make those people legitimate claimants on public sympathy as well as public resources. The second task was to connect their plight to a much larger social threat - perhaps most effectively dramatized in the case of Ryan White.

A second example comes to mind: I have not studied the history of the abortion controversy carefully enough, but my impression is that the crucial turning point came with the assertion that the fetus was a human being from the moment of conception. That was not a widely shared assumption at the time of *Roe v. Wade*. Once it captured the moral imagination, the tide turned.

This example leads to Lukes' third dimension of power is "the ability to influence consciousness - to define core ideas, shape people's wants and tastes, frame issues, and define the standards of proof for evaluating claims to knowledge."

To repeat the point that I set out to make: it is not enough to change the law; core values must also change. The power of the pro-life argument is its "discovery," if you will, of the fetus as human. In one stroke the forces of the pro-choice movement were divided. To say the fetus is a viable human from the moment of conception is a moral claim. It is a moral claim that brings religious and non-religious views together on a common ground.

Those who insist on a total victory, of course, become their own worst enemy. They are moral Prohibitionists and they follow the same dubious strategy of trying to impose their moral will on everyone through the coercive power of the law. Not only through Constitutional amendment, but by forcing the issue into every aspect of legislation. The most recent

examples are legislative efforts to shape all foreign policy on the single issue of "abortion," extending the concept of abortion to include contraception and other forms of family planning.

I want to screen out my own biases on the specific issues to see whether I am asking legitimate questions. My central question here is whether legal conventions are sufficient to change social norms; my provisional answer is that they are not. A related question is whether advocacy is its own worst enemy, as I suggested about one faction of the pro-life movement.

And I use the word *faction* intentionally to remind all of us that "the public good" is not a known and self-evident concept but instead an arena in which the moral agenda of the society is organized and in which our underlying values and beliefs become known to us. The search for the public good is a contentious process; there is no agreement that we will recognize the public good even if we persuade ourselves there is one.

The three dimensions of influence help me to think about strategy in a larger way. The third dimension draws me back from specific action and agenda-setting to reflection on more fundamental values. What are the sources of those values? How are values shaped and modified? How much moral change is the result of personal experience and heritage and how much comes from reasoned discourse?

My answers force me to look at the human condition and human nature in some more "holistic!" way. That is, I have to ask not simply what is the condition of the well-being of children, but what forces are at work improving their well-being as well as eroding it. Everything that comes into my consciousness about the rights of children tells me that their rights are least honored in places like Rwanda, Afghanistan, Northern Ireland, Algeria and in other countries that are presumably signatories of the

Convention on the Rights of the Child. That is, governments that are the stewards of rights are often the worst violators of rights.

There is another arena of great concern - that of the marketplace. The pervasive influence of government in the world has yielded to the pervasive influence of business. I am pro-business in the sense that I don't believe centrally-planned economies serve society as well as free market economies. The benefits of the marketplace are everywhere evident - I know of them in the most personal way every morning when I shave and reflect on how much that mundane technology has improved since I began shaving fifty years ago. The average life expectancy has also improved, especially in those societies where economic growth has been encouraged. Indeed, much of the significant improvement in life expectancy and the quality of life in the poorest countries of the world is owed to transfers of wealth and technology from the marketplace to social action.

At the same time I share the concerns expressed by George Soros, the capitalist billionaire who also dares to criticize capitalism. Many of the practices of the market harm the environment; some of them also damage the well-being of children. I cannot trust the market to be concerned with the well-being of children before it is concerned about its own self-interest.

Although government is the only institution of the society to have the legitimate right to use coercion, I cannot trust government to know enough about our deepest values to create the good society. Although private enterprise is the most effective engine of economic growth, I cannot trust business to be concerned with larger public concerns.

On that basis I have devoted a great deal of time and energy in an insistence that society needs its third sector voluntary action for the public good. In many ways I feel justified in the trust I place in voluntary

associations claiming to serve the public good. I believe that voluntary associations are the best stewards of the best interest of the child.

My problem is that these voluntary associations cannot succeed alone. They need the support of the law and legislation that only government can provide; they need the resources of money and technology that only business can provide.

My strategy, then, is to bring all three sectors together in the broadest and most inclusive effort possible. Children need all the allies they can get, and at the moment I have the feeling that most of their potential allies are fighting amongst themselves, attacking each other's motives and practices.

Private schools will not result in public education. The most we can hope for from the alternative school movement is for positive influence on the public schools. Converting medical practice from a profession to a business will reduce costs in some important ways but it will not provide us with an adequate system of health care for all. The role of philanthropy in such cases is to make sure that all three dimensions of influence especially the third dimension are kept in mind. Only three sectors working together can achieve long-term improvement in the well-being of children.

In the short run, specific and targeted actions are necessary. Those actions must be seen as claiming a place on the public agenda. In the long run, however, neither will matter unless by unforced agreement we find common moral grounds. That's where notions like rights and well-being are found.