

ADVOCATING FOR EVERY CHILD’S RIGHT TO A FAIR START: THE KEY ROLES OF COMPARATIVE AND INTERNATIONAL LAW

*Barbara Bennett Woodhouse**

I have spent the last decade doing research in comparative children’s law and policy, using the ecological model created by famed sociologist Urie Bronfenbrenner.¹ The ecological model studies the lives of children by placing the child in a larger social context. The purpose of my research has been to explore and begin to explain differences from nation to nation in the well-being of children. Just as there are rich families and poor families in every region and every nation, there are rich nations and poor nations around the globe. In family law, we require that parents provide a standard of living to their children commensurate with their station in life and appropriate to the parents’ income.² Why is this not the case among nations? Why do some children have a standard of living that is shockingly low in comparison with their nation’s Gross Domestic Product (GDP)?³ Why do some children enter school far behind their age level peers in terms of cognitive, physical and social development?

It goes without saying that the group of low-income countries that we call the “developing nations” face formidable economic challenges in meeting the basic needs of their children. While inequality among children is a severe problem in many developing countries, it is exacerbated by low GDPs, unstable governments, armed conflicts and overwhelming poverty. In this essay, as in my current research, instead of focusing on less developed nations, where resource barriers play such a large role, I have been comparing children’s lives in the various nations that form the membership of the Organization for Economic Cooperation and Development (OECD). These relatively rich “developed nations”

* Barbara Bennett Woodhouse is L. Q. C. Professor of Law at Emory University in Atlanta, GA and Emeritus David H. Levin Chair in Family Law at University of Florida. She is also the Director of the Emory Child Rights Project. The author wishes to give special thanks to Sarah Lee, Emory University class of 2020, for her excellent research assistance in preparing this essay. This piece is adapted, with permission, from her keynote essay forthcoming (in Japanese) in the November 2018 issues of the *Journal of Sociology-Legal Studies of Family* published by the Japanese Society of Family Law (Symposium Editor 2018 Professor Ryoko Yamaguchi).

1. URIE BRONFENBRENNER, *THE ECOLOGY OF HUMAN DEVELOPMENT* (1993) (introducing the ecological model of child development).

2. SANFORD N. KATZ, *FAMILY LAW IN AMERICA* 68, 111 (2nd ed. 2015) (doctrine of necessities and federal law recognize responsibility of parents to support their children commensurate with the parents’ means).

3. Charlotte Edmond, *These rich countries have high levels of child poverty*, *WORLD ECONOMIC FORUM*, (last visited March 10, 2018), <http://www.weforum.org/agenda/2017/06/these-rich-countries-have-high-levels-of-child-poverty> (Japan ranked at 15 out of 41 OECD countries with 18.2% of children living in poverty while the U.S. ranked at 35 out of 41 with 29.4 % of children living in poverty).

differ from each other in many respects. Some are larger than others, their forms of government may be different, their citizens speak different languages and they have different histories, traditions, religions and cultures. But they are all alike in being members of a highly privileged international club—the club of affluent nations belonging to the OECD.

Each of these nations can be presumed to have sufficient resources to allocate to children's basic needs and to enhance children's well-being.⁴ They are affluent enough to begin leveling the playing field for children and families within their borders so that all children have a chance to flourish and succeed regardless of their race, class, gender, religion or disability. In every one of these rich nations, some newborns arrive in the world already facing barriers erected by social, developmental or physical disabilities, or are born into low income families that struggle to provide for their children. Many blameless infants are born already burdened by discrimination based on their race, gender, ethnicity or religion.

The title of this essay, *Every Child's Right to a Fair Start*, builds on fundamental values of fairness, human dignity and equal protection of the law that are basic to democratic forms of government. These values are also enshrined in international treaties and covenants.⁵ While there are many definitions of equality and fairness, including "equality of treatment" and "equality of outcomes," the aspect of equality and fairness that is most important to infants and children, who have a lifetime before them to succeed or fail on their own merits, is "equality of opportunity." An equal opportunity to develop their minds and bodies and to realize their own potential should be the birth right of all children, especially in the club of affluent developed nations.

There is no such thing as starting too early to ensure that all children get that fair start. We now know that maternal nutrition, even before conception, plays a role in the healthy development of the fetus.⁶ Likewise, stress and illness during pregnancy affect the growing brain. From the moment of birth, babies begin to process sensory inputs in their

4. UNICEF Office of Research, *Building the Future: Children and the Sustainable Development Goals in Rich Countries, Innocenti Report Card 14* (2017), https://www.unicef-irc.org/publications/pdf/RC14_eng.pdf.

5. For a collection of treaties relating to children, see INTERNATIONAL DOCUMENTS ON CHILDREN (Geraldine Van Bueren, 2nd ed. 1998) (collecting documents relating to the rights of the child, including, inter alia, United Nations Convention on the Rights of the Child, Universal Declaration on Human Rights, International Covenant on Economic, Social and Cultural Rights, African Charter on Rights and Welfare of the Child, European Convention on the Exercise of Children's Rights).

6. Barbara Bennett Woodhouse & Charles F. Woodhouse, *Children's Rights and the Politics of Food: Big Food versus Little People*, 56 FAM. CT. REV. 287, 289 (2018) (citing to studies on role of maternal nutrition in brain development).

environments that stimulate learning.⁷ Learning begins on day one of life, as the neonate responds to sound, touch and nurture. Previously, we may have thought that children's education began at the first year of primary school. The scientific evidence and results of studies on school readiness show that waiting until children enter primary school is far too late. By age 5 or 6, children may already have fallen behind if they do not have access to the stimulating environments and nurturing care that all children need as much as plants need water and sunshine.⁸ In the starkest cases, such as those of the children warehoused in Romanian orphanages, human beings who are deprived of affectionate care during their early years will wither and die. If they survive, they will have developmental deficits that can never be fully overcome.⁹

Noted scholars and researchers in every field agree that policies on infant care and on early childhood nurture and education play a crucial role in children's development. An explosion of knowledge about brain development has provided concrete evidence of the importance of what happens during the first five years and especially during the first 1000 days of life. Neuroscience is confirming what parents always knew and social scientists had been arguing for decades: Early childhood is the most critical period for brain development. Neuroscience is also exposing the role played by adverse childhood experiences which can actually alter the structure of the developing brain.¹⁰

7. Harvard University Center on the Developing Child, *Five Numbers to Remember About Early Childhood Development* (Brief) (2009), <https://46y5eh11fhgw3ve3ytpwxt9r-wpengine.netdna-ssl.com/wp-content/uploads/2017/11/Five-Numbers-to-Remember-About-Early-Childhood-Development-updated-1.pdf> (detailing various different statistics regarding five different positive outcomes related to positive and healthy early childhood development, including strong neural connections, vocabulary development, various health problems, and the future economic output).

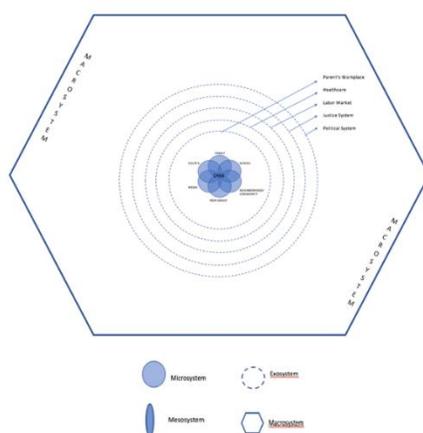
8. Seung Hee Claire Son & Mieko Fuse Peterson, *Marital Status, Home Environments, and Family Strain: Complex Effects on Preschool Children's School Readiness Skills*, 26 *INFANT & CHILD DEV.* 1 (2017) (study discussing how predictive different elements of family strain can be on children's school readiness); Robert Crosnoe & Arya Ansari, *Family Socioeconomic Status, Immigration, and Children's Transitions into School*, 65 *FAM. REL.* 73 (2016).

9. National Scientific Council on the Developing Child, *The Science of Neglect: The Persistent Absence of Responsive Care Disrupts the Developing Brain, Working Paper 12* (2012), <https://46y5eh11fhgw3ve3ytpwxt9r-wpengine.netdna-ssl.com/wp-content/uploads/2012/05/The-Science-of-Neglect-The-Persistent-Absence-of-Responsive-Care-Disrupts-the-Developing-Brain.pdf>. For a powerful description of the effects of severe neglect and abuse on the developing brain, see BRUCE D. PERRY & MAIA SZALAVITZ, *THE BOY WHO WAS RAISED AS A DOG: AND OTHER STORIES FROM A PSYCHIATRIST'S NOTEBOOK* (Revised Edition 2017); Bruce D. Perry, *Childhood Experience and the Expression of Genetic Potential: What Childhood Neglect Tells us About Nature and Nurture*, 3 *BRAIN AND MIND* 79 (2002).

10. NATIONAL RESEARCH COUNCIL AND INSTITUTE OF MEDICINE, FROM NEURONS TO NEIGHBORHOODS: THE SCIENCE OF EARLY CHILDHOOD DEVELOPMENT (Jack P. Shonkoff & Deborah A. Phillips, eds., 2000); Harvard University Center on the Developing Child, *InBrief: The Science of Early Childhood Development* (2007), <https://46y5eh11fhgw3ve3ytpwxt9r-wpengine.netdna-ssl.com/wp-content/uploads/2017/11/InBrief-The-Science-of-Early-Childhood-Development.pdf>.

Listing the wide array of benefits to society of providing a strong start for children, experts argue that wise national investments in infancy and early childhood provide the greatest social and economic returns with the lowest expenditures of tax dollars. This consensus among scientists is not confined to the U.S. but is shared by experts the world over.¹¹ The global scientific community is well aware of evidence from brain research about the importance of the period of early childhood in children's lives. In many nations, including the United States, the question remains: What is the force that stands in the way of implementing evidence-based policies supporting children's early development?

Based on my research, I am convinced that the most formidable barriers to enacting policies that give every child a fair start in life can be traced to the national macrosystems. A cultural macrosystem is the patterning by history, power, and ideas of the broader society in which the child lives. It includes prejudices, politics, ideologies, religions, moral values, and even the very concept of childhood itself.¹² Let me explain the role of the macrosystem for those not familiar with Bronfenbrenner's model.



wpengine.netdna-ssl.com/wp-content/uploads/2007/03/InBrief-The-Science-of-Early-Childhood-Development2.pdf (brief summary of a scientific presentation at the National Symposium on Early Childhood Science and Policy).

11. OECD (2017), *Starting Strong V: Transitions from Early Childhood Education and Care to Primary Education*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264276253-en> (discussing different national approaches to early childhood development with focus on policy issues and challenges to successful early childhood transitions into school).

12. BARBARA BENNETT WOODHOUSE, HIDDEN IN PLAIN SIGHT: THE TRAGEDY OF CHILDREN'S RIGHTS FROM BEN FRANKLIN TO LIONEL TATE, 21–23 (Princeton University Press 2008); Barbara Bennett Woodhouse, *A World Fit for Children is a World Fit for Everyone: Ecogenerism, Feminism, and Vulnerability*, 46 HOUS. L. REV. 817, 823 (2009) [hereinafter *A World Fit for Children*]; Barbara Bennett Woodhouse, *Individualism and Early Childhood in the U.S.: How Culture and Tradition Have Impeded Evidence-Based Reforms*, 8 J. KOREAN L. 135, 140 (2008) [hereinafter *Individualism and Early Childhood*].

As represented schematically in the above diagram, which I adapted from Bronfenbrenner's work, the ecological model highlights the influences on child development of the entire social ecosystem.¹³ In the center is the *child* surrounded by the *microsystems* where children live, such as family, neighborhood, faith community and school. Where microsystems overlap and intersect, such as when the school and peer group overlap, or the family and faith community intersect, Bronfenbrenner describes these zones as *mesosystems*.¹⁴ Other systems that may be external to the child's daily life but indirectly affect children's development, such as the parents' workplace, the market economy, the healthcare and justice systems are called *exosystems*.¹⁵ Finally, the ecology of childhood is powerfully shaped by the overarching *macrosystem*—that cultural force consisting of history, power, and ideas that patterns and shapes the broader society. Applying Bronfenbrenner's concepts to the study of child and family policy, we can see that laws and policies formed in the macrosystem function much like water in a natural environment, permeating throughout the entire ecosystem. The macrosystem has the potential to generate and distribute both life-giving and toxic elements that can determine the health of the entire ecology of childhood.

The special feature of the U.S. macrosystem that I have identified as the culprit that prevents us from addressing our increasing levels of inequality is a deeply rooted cultural bias towards extreme individualism. Time and again, bold initiatives for improving the lives of all children have been blocked by opposition based on the belief among many Americans in self-reliance and rugged individualism that characterizes the "American Dream." A pivotal moment occurred in 1971 when then President Nixon vetoed the Comprehensive Child Development Act of 1971. This Act would have introduced universal early childhood education in the United States. Nixon, in his veto message, condemned the Act as a threat to "the family in its rightful position as the keystone of our civilization" and concluded: "For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the national Government to the side of communal approaches to child-rearing over against the family-centered approach. This President, this Government is unwilling to take that

13. BRONFENBRENNER, *supra* note 1.

14. *A World Fit for Children*, *supra* note 12, at 822.

15. *Id.* at 822–23.

step.”¹⁶ In sharp contrast to societies characterized by strong social solidarity, in the U.S. we have tended to draw bright lines between “our children” (the children in middle and upper income families), who are to be loved and cherished, and “other people’s children” (minority children and poor children) who are to be feared and kept at a distance.¹⁷ Divisions of race and class and region have too often kept us from making progress towards serving all of our children. Victories like *Brown v. Board of Education*, holding that schools that separated children based on their race could never be equal, have been followed by decades of disappointment. In recent years, we see U.S. schools becoming resegregated because of residential segregation and class divisions.¹⁸ In order to succeed in effecting permanent changes for children, I have been arguing in my studies of the ecology of childhood that we in the U.S. need to work at “bending” or “reorienting” our own cultural macrosystem towards a unifying commitment to all our nation’s children.¹⁹

The United States is unique in another way. We are the only nation that has not ratified the United Nations Convention on the Rights of the Child (CRC). In other developed countries, children’s rights have been a powerful tool in the process of improving children’s lives. My research has shown that the U.N. Convention on the Rights of the Child has influenced policy in peer nations.²⁰ Recognition of children’s rights of equality, privacy, agency, dignity and protection has resulted in concrete commitments to the welfare of children.²¹ Japan has been a participant in this process.²² Almost twenty years ago, in 1999, I had the

16. *Individualism and Early Childhood*, *supra* note 12 at 153–55; Richard Nixon, Veto of the Economic Opportunity Amendments of 1971, THE AMERICAN PRESIDENCY PROJECT, <http://www.presidency.ucsb.edu/ws/?pid=3251> (last visited Mar. 10, 2018).

17. This description was highlighted by W. Norton Grubb and Marvin Lazerson in their book, *BROKEN PROMISES: HOW AMERICANS FAIL THEIR CHILDREN* (1988).

18. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) held that segregated schools violated the 14th Amendment’s Equal Protection Clause yet, in 2017, NEWSWEEK reported that segregation is back. See Alexander Nazaryan, *Whites Only: School Segregation is Back, From Birmingham to San Francisco*, NEWSWEEK, May, 2, 2017, <http://www.newsweek.com/race-schools-592637>.

19. My current book project, titled “The Ecology of Childhood: Small Worlds in Peril,” studies social solidarity and the influence of the macrosystem in communities in Italy and the United States (book under contract to NYU Press).

20. Barbara Bennett Woodhouse, *Enhancing Children’s Participation in Policy Formation*, 45 ARIZ. L. REV. 751, 754 (2003); Barbara Bennett Woodhouse, *Listening to Children: Participation Rights of Minors in Italy and the United States*, 36 J. SOC. WELFARE AND FAM. L. 358, 358 (2014).

21. For a book edited by Professor Jane Williams of Swansea University, a leader in the campaign for implementation at the regional and national level of children’s rights, see THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD IN WALES (Jane Williams ed., 2013).

22. See, e.g., United Nations Convention on the Rights of a Child, *Committee on the Rights of the Child Fifty-fourth session, Concluding observations: Japan* (June 11, 2010), <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsl>

privilege of attending the Japanese Diet session at which Professor Jaap Doek, then serving as the chair of the U.N. Committee on the Rights of the Child, was discussing with Japanese legislators and NGOs the Committee's report on issues facing Japanese children. This was my first exposure to the value of the periodic dialogue that the CRC requires between law makers, government agencies, non-governmental organizations (NGOs), experts in children's studies, and child law scholars, all collaborating to find the best ways to address challenges and risks facing children and youth within their nation. I recall that in 1999, fear of going to school and fear of bullying were major issues in Japan. As I watched the dialogue, I realized, as Bronfenbrenner's model predicts, that each culture and each period in history raises unique challenges for child development policy. While Americans in 1999 were bemoaning the lack of rigor in our public schools and demanding more pressure from parents on students and more accountability from educators for poor test results, Japanese educators and parents were concerned about the stresses faced by children studying in a highly rigorous and demanding educational environment. The Japanese nation's commitment, through this process of dialogue, to identifying areas of risk and to prioritizing "children's rights as human rights" served to mobilized policy makers to create policies that would meet the specific needs of Japanese children at a particular time in the nation's history. While the same issues remain areas of concern, Japanese government has made significant progress in addressing them and continues to engage with the Committee on the Rights of the Child in assessing improvements.²³

The U.S. lacks any equivalent mechanism to force our leaders to put children's issues on the national agenda. Powerful private interests can capture our Congress and block our agencies from even considering the most powerful threats faced by our children. Take the proliferation of guns and the power of the National Rifle Association (NRA) as an example. It was almost twenty years ago, on April 20, 1999, that fifteen high school students died in an armed assault by two troubled youth at Columbine High School in Colorado. Sadly, despite many more such deaths of school children in gun-related assaults, our Congress has done less than nothing to protect our school children from the scourge of gun violence. It has even prohibited our Centers for Disease Control from researching how widespread availability of guns contributes to rates of injury and mortality among our young people and continues to balk at funding such research.²⁴ Despite proof from nations across the world that

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23. *Id.*

24. Susan Jaffe, *Gun Violence Research in the USA: The CDC's Impasse*, 391 THE LANCET 2487-88 (June 2018), <https://www.thelancet.com/journals/lancet/article/PIIS0140->

gun control saves lives, our President's response to the March 2018 shooting of seventeen students in Parkland, Florida, was to require that teachers carry guns.²⁵ According to the Supreme Court of the U.S., our Constitution recognizes a right of adults to "bear arms" but it does not recognize the duty of government to protect children from violence, a core principle of the CRC.²⁶

There is one fundamental right of the child that is alive and well in the U.S. The CRC's Articles 12 and 13 protect children's rights of a voice in matters concerning them and in freedom of expression. The U.S. Constitution's First Amendment, which protects the rights of freedom of speech and assembly and the right to peaceful protest, has been interpreted as applying to students as well as adults. The Parkland survivors, many of them from their hospital beds, rapidly asserted their First Amendment rights. Their influence, through youth directed movements such as "March for Our Lives," is the most promising chapter to date in the battle against powerful lobbying from the National Rifle Association (NRA) which fiercely opposes and restrictions on gun ownership. Demanding gun control and vowing "Not One More" gun death in schools, these students marched to their state capital in Tallahassee and the Governor of the State of Florida listened, agreeing to break with the NRA. They followed with a nationwide March for Our Lives in Washington, D.C., and throughout the nation and have launched a youth campaign to get out the vote for our midterm elections in November 2018.²⁷

There are so many ways, in addition to giving voice to children and placing children's issues on the national agenda, that the CRC can help

6736(18)31426-0/abstract (discussing the continuing lack of funding for gun violence research); Sheila Kaplan, *Congress Quashed Research Into Gun Violence. Since Then, 600,000 People Have Been Shot.*, N.Y. TIMES, Mar. 12, 2018, <https://www.nytimes.com/2018/03/12/health/gun-violence-research-cdc.html>.

25. Philip Rucker, *White House Vows to Help Arm Teachers and Backs Off Raising Age for Buying Guns*, WASH. POST, Mar. 12, 2018, https://www.washingtonpost.com/politics/white-house-vows-to-help-arm-teachers-and-backs-off-raising-age-for-buying-guns/2018/03/11/14da0c8e-253a-11e8-bc72-077aa4dab9ef_story.html?noredirect=on&utm_term=.26134ea557f8 (noting objections of teachers that they are not trained to carry weapons and their job is to teach).

26. *Compare* DeShaney v. Winnebago Cnty. Dep't of Soc. Servs., 489 U.S. 189, 195–96 (1989) (holding the government has no positive duty to protect children known to be at risk of child abuse), *with* Dist. of Columbia v. Heller, 554 U.S. 570, 595 (2008) (recognizing the rights of the individuals to carry guns).

27. Jaffe, *supra* note 24. Visit <https://marchforourlives.com/mission-statement/> to see the mission statement of this group organized by teenaged survivors of the Parkland shooting. *See also*, Patricia Mazzei, *Florida Governor Signs Gun Limits into Law, Breaking with the N.R.A.*, N.Y. TIMES, Mar. 9, 2018, <https://www.nytimes.com/2018/03/09/us/florida-governor-gun-limits.html> (noting the impact of the Parkland students on breaking the stranglehold of the NRA in Florida).

transform the small worlds of children and youth. Ratification of the CRC embeds the notion that “children’s rights are human rights” in the national macrosystems. When interviewing parents and teachers and citizens in Italy and in Wales, both of which have ratified the CRC, I hear over and over again the statement, “**all** children have a right . . . to education, to shelter, to food, to have their needs met and their voices heard.” While the U.S. has not ratified the CRC, we already have seen key child rights principles embedded in our laws, history, and national ethos.²⁸ In my view, if we in the U.S. are to “influence the influencers” (from voters to legislators) we must mobilize these powerful human rights principles to reshape attitudes and reorient priorities.²⁹

All of these children’s rights principles, as reflected in the U.S. Constitution and in U.S. legal doctrines are important, but I will focus on the equality principle in the U.S. Constitution. This principle states that “all [persons] are created equal and endowed by their creator with inalienable rights.” In the U.S. Constitution, this principle is articulated in the Preamble and in the Fourteenth Amendment’s guarantees of “equal protection of the laws.” The Fourteenth Amendment was ratified in 1868 during the years following the Civil War. It was intended to address the barriers facing newly emancipated African-Americans. These formerly enslaved persons, now recognized as citizens, were starting from nothing, having been exploited for their labor and deprived of their rights. They were especially vulnerable economically, socially, and politically. The equality principle of the equal protection clause has since been interpreted by our Supreme Court as protecting other vulnerable groups who have suffered historically due to discrimination that violates the norms of equality. These groups now include women, ethnic minorities, and “illegitimate” children (children born to unmarried mothers). When a law or policy or other government action fails to treat similarly situated persons equally, our laws in the U.S. empower the individuals to bring a suit in court and government has to show that its laws and actions do not violate the equality principle.³⁰

When it comes to the U.S. government’s policies with respect to early childhood, our government’s actions do not match the lofty principles of equality. Looking in the mirror, Americans should be shocked that we are so far behind many of our peer nations in the OECD when it comes to

28. Barbara Bennett Woodhouse, *The Constitutionalization of Children’s Rights: Incorporating Emerging Human Rights into Constitutional Doctrine*, 2 U. PA. J. CONST. L. 1 (1999).

29. “Influence the influencers” is a strategy in the National Summit’s campaign for bringing evidence-based research to the attention of policy makers.

30. For an overview of U.S. jurisprudence on equality, see Cornell Law School, *U.S. Constitution, 14th Amendment*, CORNELL LEGAL INFORMATION INSTITUTE, <https://www.law.cornell.edu/constitution/amendmentxiv> (last visited Mar. 10, 2018).

children's well-being.³¹ As research has increasingly demonstrated, children in our society do not start on a level playing field and a slow start profoundly affects their life chances. When it comes to children, equality means equality of opportunity: as members of the global community of nations, we must insure that all our babies and children get a fair start.³² While there is always room for improvement, Japan outperforms the U.S. on virtually every measure of child well-being, with Japan ranking at 6th and the U.S. at 29th place.³³

We in the U.S. face formidable barriers. However, effective action rarely follows lofty principle without a strong catalyst—such as profit, fear or pride—pushing it along. In the U.S., we have used fear (of crime) and profit (the high cost of neglecting education) as arguments to catalyze reforms. Research shows that allowing so many children to grow up in poverty and to suffer abuse and neglect contributes to the U.S. high rates of crime and violence and to the high costs of mass imprisonment. We in the U.S. have seen our comparative standing in quality of education lagging behind that of the majority of their peer nations. U.S. children are falling behind children in other developed nations because of a failing public education system where poor children enter primary school already far behind their more privileged peers and educators of young children are underpaid and overworked.³⁴ The economic costs of a poorly educated work force should be enough to spur us to action, but instead our government has increased its spending on war while cutting resources to maternal and infant nutrition and failing to meet the need for preschools and children's nurseries.³⁵ An estimated half of American children live in areas classified as “child care deserts” defined as areas where there are three or more children for every licensed child care slot.³⁶

31. OECD (2017), *Starting Strong 2017: Key OECD Indicators in Early Childhood Education and Care*, at 33, OECD Publishing, Paris, <http://www.oecd.org/education/starting-strong-2017-9789264276116-en.htm>.

32. UNICEF Office of Research, *supra* note 4. On growing inequality in the U.S., see JOSEPH STIGLITZ, *THE PRICE OF INEQUALITY: HOW TODAY'S DIVIDED SOCIETY ENDANGERS OUR FUTURE* (2012).

33. UNICEF Office of Research, *Child Well-being in Rich Countries: Comparing Japan, Report Card 11* (2013), <https://www.unicef-irc.org/publications/709-child-well-being-in-rich-countries-comparing-japan.html> (last visited Mar. 13, 2018).

34. Drew Desilver, *U.S. Students' Academic Achievement Still Lags That of Their Peers in Many Other Countries*, PEW RESEARCH CENTER, Feb. 15, 2017, www.pewresearch.org/fact-tank/2017/02/15/u-s-students-internationally-math-science/; Lyndsey Layton, *Majority of U.S. Public School Students Are in Poverty*, WASH. POST, Jan. 15, 2015, https://www.washingtonpost.com/local/education/majority-of-us-public-school-students-are-in-poverty/2015/01/15/df7171d0-9ce9-11e4-a7ee-526210d665b4_story.html.

35. Woodhouse & Woodhouse, *supra* note 6.

36. Rasheed Malik & Katie Hamm, *Mapping America's Child Care Deserts*, CENTER FOR AMERICAN PROGRESS (Aug. 30, 2017, 9:30 AM), <https://www.americanprogress.org/issues/early-childhood/reports/2017/08/30/437988/mapping-child-care-deserts/>.

In April of 2017, I participated in the Early Childhood National Summit, *Starting Ahead - Staying Ahead*, which was convened by the Anita Zucker Center of University of Florida and took place Orlando, Florida.³⁷ This initiative focuses on the first 2000 days of a child's life and seeks to bring more evidence-based research to the attention of policy-makers. While recognizing the many shortcomings in our early childhood policies, and the difficulty of combatting entrenched resistance among political leaders, I challenged my colleagues to mobilize one of our most powerful resources as a catalyst for change. As I told them, "Now is a good time to tap into our National Pride." We are a rich country, but our children are being left behind. Comparative studies of poor children growing up in rich nations, such as the Innocenti Report Cards and OECD tables on child well-being, provide a metric for measuring how the U.S. compares to other nations. My law students in my classes on Children's Rights and my seminars on Equality are often shocked and surprised by these comparisons. How can America be content to be almost last, not first, among its peers?

These are challenging times in my country. America seems to be looking inward rather than outward.³⁸ Yet slogans like "Make America Great Again" and "America First" demand some metric and some baseline. What can it mean to be "great" or "first" if your nation's children are falling further behind on so many measures of child well-being? These claims to national pride should force us as family law professionals, wherever in the world we reside, to confront where our own nation stands in comparison to peer countries. As I told the National Summit in 2017, these comparisons have the potential to surprise and shock our citizens and leaders into action not only because of pragmatic concerns for the nation's future but out of pride in the nation's standing among peer nations. The role played by national pride in ensuring that all children have a right to a fair start in their first five years is just one example of the power of children's rights to reorient a society's macrosystemic thinking and pave the way to fairer and better policies for all children.

37. For more information, visit the web page of the Anita Zucker Center for Excellence in Early Childhood Studies at University of Florida, <https://ceecs.education.ufl.edu/>.

38. For a brief and biting criticism of a culture of individualism, in which individuals no longer feel affinity for or care for the needs of others in a community, as well as an argument for how Trump's America is moving toward this type of culture, contextualized to the gun control debate, see the following opinion piece by a Nobel Laureate: Paul Krugman, *Nasty, Brutish, and Trump*, N.Y. TIMES, Feb. 22, 2018, <https://www.nytimes.com/2018/02/22/opinion/guns-nasty-brutish-trump.html>. See also coverage of the U.S. obstruction of a U.N. Resolution supporting breastfeeding: Andrew Jacobs, *Opposition to Breast-Feeding Resolution by U.S. Stuns World Health Officials*, N.Y. TIMES, July 8, 2018, <https://www.nytimes.com/2018/07/08/health/world-health-breastfeeding-ecuador-trump.html>.