

Interview with Joseph Goldstein

AN INTRODUCTORY NOTE

This interview originally appeared in a 1984 symposium issue of the *New York University Review of Law & Social Change* entitled "The Impact of Psychological Parenting on Child Welfare Decision-Making."¹ The issue published nine of the papers that had been given at a conference held on this topic at Rutgers Law School in the spring of 1983. The purpose of the conference, which involved participants from a range of disciplines, was "to examine critically the impact of the theoretical positions and proposals advanced by Goldstein, Freud, and Solnit on cases involving state intervention in parent-child relationships."² I was an editor of the issue and, although my father was not a participant in the conference, he agreed to be interviewed by me for the *Review*.

Like so much else that has happened in my life, the interview took place in our large, sunny living room in Woodbridge. As I recall, my father sat on the small couch beneath the window, and I sat in a nearby chair with a tape recorder, trying to be appropriately dispassionate and professional. What was my role here, what were the limits of my role? I see now that these questions could form the basis for a chapter in certain kinds of books. But at the time, my role seemed relatively straightforward.

I was here to interview Joseph Goldstein, the author of some very controversial ideas about child custody and placement. I was a law student working on a law journal and he was a law professor. As far as I knew then and know now, there are no other published interviews with him. In print, he is represented by carefully crafted, polished prose. Although I do not know if he ever had occasion to refuse an interview, the fact that I was his daughter may have helped persuade him to grant this particular request.

As I look at the interview now, I see that the questions I asked were not only direct but sometimes confrontational. I recall that at the time, I felt there was a lot to be challenged and that I wanted to pose the most difficult, provocative questions I could. Perhaps the biggest advantage I had in my

1. Symposium, *The Impact of Psychological Parenting on Child Welfare Decision-Making*, 12 N.Y.U. REV. L. & SOC. CHANGE 485 (1983-1984).

2. Nadine Taub, *Assessing the Impact of Goldstein, Freud, and Solnit's Proposals: An Introductory Overview*, 12 N.Y.U. REV. L. & SOC. CHANGE 485, 485 (1983-1984).

role as daughter-interviewer was that I felt no trepidation or reluctance to ask questions that spared the niceties and went right to what I saw as the most troubling issues raised by critics.

My father was a man whose feelings showed in the set of his mouth, the expression in his eyes. During the interview, he was serious, professional, at times critical, but he did not hide his evident pleasure in being interviewed and even challenged by his daughter. Though this did not make my job as interviewer any easier, I did not expect nor would I have wanted it to be otherwise.

Anne Goldstein
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THE REVIEW: How do you respond to the criticism that in practice your theories serve to encourage childcare workers to prolong temporary placements so that stronger ties are formed with a foster family whom the worker perceives as “better” than the child’s natural family, and that this eventually facilitates a permanent placement with the foster family?

PROFESSOR GOLDSTEIN: If this is the effect, it is certainly contrary to everything we propose. First of all, we say that it is an obligation of state agencies to make every possible effort to maintain children in their own family setting. Second, we urge that every effort be made to maintain the continuity of ties with the family from whom the child has been removed. It is—or at least it should be—a function of foster parents to keep alive these ties and bonds, because the primary goal of temporary placement is to restore a child as quickly as possible to the family from which she came.

If foster care were really temporary and used as preparation for early return, many of the problems associated with it would not exist. But if the reality is that foster care is not temporary in the eyes of a particular child because of the passage of time, depending upon the age of the child and the extent to which the agency maintains the ties, the least detrimental alternative may be for that child to remain with the foster family. A contradictory problem in the system is that children are moved from one foster caretaker to another, in part to protect the opportunity to return the child to her biological family. Each time the child is moved, depending on her age, there is damage done to her capacity to establish meaningful relationships, to feel secure about herself.

At some point, yes, it is true, there are going to be hurt parents and disappointed parents who don’t have their children returned to them. But if the societal choice is between hurting one set of parents over another and doing as little harm as possible to the child, we, as citizens, not as childcare

experts, prefer a policy that safeguards the child's well-being. No matter what decision is made, there is likely to be in these situations one set of disappointed parents and one set of pleased parents. The purpose of affirmative action here is to serve the interests of the child, not those of the competing adults.

THE REVIEW: How does a child know that a placement is temporary?

PROFESSOR GOLDSTEIN: Now that is a very important issue. It goes directly to the meaning of continuity and a child's sense of time. Much depends, of course, on the age of the child. An infant is not going to know a placement is temporary at all. A toddler, a school-age child may be helped to understand that it is temporary. Older children can expect and hope that it will be temporary if they have had a long and continuing relationship with their parents. It is precisely because the younger child may not be able to understand, that ties develop without regard to any prior relationship. The less extensive the prior relationship, the more difficult it is to establish temporariness for the child.

For example, consider a child of three years who has been living with her parents. Because of an emergency, the child is removed from her home. At the time the child is removed, possibly at the request of her parents, there is every expectation that things can be righted in the next six or ten or twelve months. What does a worker do to maintain the prior ties?

First of all, the child ought to be placed as close to wherever the parents reside as possible, so that it is convenient for the parents to see the child frequently. The foster parent must encourage the family to retain as much contact as possible. In addition, foster parents should understand, for example, that it is important to work very hard to keep a school-age child in the same school district, the same neighborhood, to reduce the extent of the break between that child and her classmates and neighbors.

Maintaining the prior ties means little things that one can only hint at, because interpersonal relationships as they develop are so complex. It may be that the rattle or the toys in the crib or the crib itself are moved from the home to the foster home to minimize the strangeness of the new setting. If the natural parent sings certain songs to the child at night before she goes to bed, or whatever, the foster parent should try to do likewise. The foster family should continue to rear the child as closely as possible in the ways of the original family. This may well mean that in selecting the foster parent, care should be taken to seek people with a similar outlook and background, to reduce the extent of change and make the transfer to and back as easy as possible. That does not mean that in the eyes of the child it is easy; it will be very difficult, but at the very least there should be a conscious recognition of the difficulty and an attempt to make it easier.

One of the things that was done with the children who were removed from wartime London and placed in a residential nursery with Anna Freud and other workers was always to make sure that the child's hairstyle did not change. When the mother or father visited, there was a kind of instant recognition. At the same time the parents who had to remain in London while the children were evacuated were encouraged not to change their hair.

A comparable situation arises when a child is placed in a hospital. In the old days, hospitals would not allow parents to stay with young children because the nurses and doctors did not want that burden, that kind of intrusion. It was a terribly painful experience for children who missed their parents. Now we recognize that it is desirable in most cases to allow patients free access to their children in the hospital so that ties can be maintained.

THE REVIEW: How do parents, childcare workers, and judges know when short-term care has become long-term care?

PROFESSOR GOLDSTEIN: In the first book we intentionally avoided setting any specific periods of time. We thought it would be much better to try to work out on a case-by-case basis what would be a permissible separation in terms of each individual child. But it is unfortunately true that a large percentage of the workers in the field are ill-equipped to do the job and have much more work than they can do sensibly. In the second book we set out guidelines because we recognized that more harm would be done by a free exercise of discretion than by providing some guidance in relation to the ages of the children involved.

The guidelines err on the side of time periods that, from the child's vantage point, are really far longer than would be necessary to break an old tie or establish a new one. We did this in order to be as protective as possible of those parents who may have lost their child. We were being overcautious out of concern for those people who are disadvantaged by the administration of law in every area. We also compromised somewhat our own personal preference for erring on the side of the child's best interests because we recognize how inexact are the means for measuring the significance of time for the child. More than that, with regard to older children, we included a provision which is intended to allow for exceptions to the fixed periods where there is a substantial possibility that there are still strong ties between the older child and the prior caretaker that ought to be taken into account when choosing the least detrimental alternative.

THE REVIEW: What happens when care that all parties intend to be short-term becomes long-term?

PROFESSOR GOLDSTEIN: It is true that there will always be some children who are left for a period of time in a setting that makes it very

difficult or impossible to return them to the setting from which they came without doing them more harm than good. That is unfortunately the nature of all human and societal institutions. There are unanticipated events and unintended consequences. The question then becomes a societal one: Should the burden of the unintended delay fall on the parents, who are deeply hurt, or fall on the child, who is growing and developing in a setting that in her eyes has become home?

There is absolutely no reason why society can't say that it should be the legal parent's interests that should be paramount. If this were the guiding goal, the child would be returned under almost any circumstances. Then you would use another set of guidelines giving those parents whatever they want because they are in law *the* parent. But if you accept the notion that the child's interests are to prevail once the child has become the subject of a decision by the state, then you have to take into account what is happening to that child, whether it is the parent's fault or not. This is what people get stuck on; it is not a question of fault.

THE REVIEW: From your point of view, is it possible that society could decide that we are now in a time of crisis, that disadvantaged people are losing their children and that society must stop that even if it means breaking newer and stronger ties—a decision similar to one that was made in the Netherlands after World War II to return Jewish children to their original families?

PROFESSOR GOLDSTEIN: Society could certainly say that there is something more important than the well-being of a particular child, such as protecting the rights of poor adult women or minorities. Whether or not that is a policy I would support is another question, but if society adopts that policy then it seems to me it ought to adopt it recognizing that it can't operate that policy and then say, this is for the child's best interests.

THE REVIEW: How do you respond to people who say that the blood tie is the most important factor to take into consideration, that in the long run, whatever the short-term disruption, it is better for the child to be with its natural parents?

PROFESSOR GOLDSTEIN: One of the things we are very confident about is that for a variety of reasons most people cannot make long-term predictions about children. In order to avoid a massive error, which is possible under the social policy you are suggesting because the state is such a gross instrument, we must make determinations based on what we know and what short-term predictions might justify. And the short-term prediction for many children who have been in long-term foster care with the same family is an enormous disruption in development. People who talk about biological ties have latched onto something as a shorthand without

understanding what underlies its development, using it in a mechanical way without regard to the interests of the child.

Early common-law cases, though they recognize the notion of the blood tie, came to accept its significance because of the function that was attached to it, that is, an expectation that those with inherent biological connections would be the source of affection and nourishment and care on a continuing basis. The preference was at first a paternal one, because the father was perceived as the person who could provide the wherewithal and care for the helpless child. The presumption in favor of the blood tie could be overcome, however, by establishing that adults who were permanent parents were not necessarily the adults who actually served as legal parents.

Some of the most interesting early cases articulate the continuity principle and the need for affectionate care and, in terms of the justification for overcoming the presumption in favor of the blood tie, functionally recognize the modern doctrine of the primary caregiver. Identifying the primary caregiver in functional terms means, for example, that when the dispute is between a husband and wife, the mother should not necessarily be preferred over the father as caregiver. In eliminating the maternal preference, both mother and father start out with equal status. If there is a dispute, it is the task of the court to identify who is actually the source of care for the child on a continuing basis.

The blood tie has become a shorthand, detached over time from its underlying function. It is a nice illustration of how a guideline developed as common law can come to be misapplied when the underlying reason for it gets lost. Courts mechanically applied the blood tie notion without taking into account, except when the presumption was overcome in rare cases, that the reason for it was that that natural parent was expected to be the primary source of care on a continuing basis.

THE REVIEW: If what is best or least detrimental for a child will always be a matter of controversy, wouldn't it make more sense to make decisions in a rights-based framework? Shouldn't we say that natural parents have constitutionally protected rights that can be infringed only under the most extreme circumstances, even after the child is out of the home?

PROFESSOR GOLDSTEIN: No, I don't think so. The critical word in the question is natural. If you said "parents" as opposed to "natural parents," then the constitutional right would really be a right of the child to autonomous parents and I would agree with that. Though the presumption would be in favor of the biological parents at the start, that presumption could be overcome. One of the critical questions in law ought to be, who are the child's parents? It is a mechanical notion that just because of a biological connection the adult is the parent. Most often the two factors do coincide—preferably they will coincide—but from the child's point of

view, who is the parent may have to be determined on another basis. Who will be protected by the constitutional right that you are talking about? The right should be a mutual right. It is the parent's right to raise her child as she sees fit, within very broad parameters—and it is the child's right to have a parent who can raise her without interference by the state into how she is being raised.

THE REVIEW: Doesn't your theory's emphasis on the importance of ties to a primary caretaker ignore a variety of family styles and different ethnic, cultural, and economic backgrounds?

PROFESSOR GOLDSTEIN: First of all, it is a misperception that we are talking about a single person. The justifications for intervention in *Before the Best Interests of the Child* make quite clear the preference for a child being brought up in the care of a family, whether it is extended or limited to two parents or one. Minimally, however, the state has to identify one person who has been or will be responsible for the care of the child in the way that person thinks best. The child may well be brought up in an extended family, with aunts, uncles, friends, or neighbors, or, to bring the more well-to-do, though by no means better, parents or families into view, with nannies or the headmasters or headmistresses of boarding schools. As long as that person who is perceived as responsible in law does not commit acts of neglect or abuse, there should be no intervention.

We start out with enormous restraints on the right of the state to intervene in various and diverse family styles. We are very respectful of what families of different ethnic groups, origins, or economic status believe is best for their children. Our guidelines are much more protective of a variety of family lifestyles than are many existing laws, which are too broad and vague and put all too much discretion in the hands of workers with middle-class notions about good child-rearing.

THE REVIEW: It has been pointed out that children in some cultures grow up being shared by different members of a kinship group, moving from household to household without necessarily becoming attached to one primary psychological parent or family. Do your guidelines take this into account?

PROFESSOR GOLDSTEIN: If you look carefully at the way continuity is defined in the book, you will see that it acknowledges just the kind of situation you are describing. The notion of continuity pertains to continuity of relationships, continuity of settings, continuity of lifestyles. Consider a child who has grown up in a commune of some sort, and has had to leave the commune at an age where that style of life is what she anticipates and thrives on. If the setting was not the cause for the child's being removed, then every effort should be made to place her in a similar setting to reduce

the difficulty of the transfer in terms of as many factors as possible. The critical thing is that the notion of continuity is not attached to any dogma about child-rearing. It provides protection of continuity, the continuity of the kind of child-rearing from which the child came. The least intrusive, the least invasive, intervention is usually the least detrimental alternative.

THE REVIEW: Doesn't continuity of custodial setting presuppose some financial stability and some ability to continue within a certain neighborhood, dwelling, lifestyle? In other words, isn't continuity itself something of a middle-class ideal?

PROFESSOR GOLDSTEIN: No. There is an order of importance in continuity. We talk about interpersonal relationships with an adult. That is number one and it has nothing to do with money. Then we talk about continuity of surroundings. Now the surroundings may be poor or rich, but we try to protect them to the extent we can. One of the things that emerges from our guidelines is that it ought to be the state's first priority, if it really believes in the child's well-being, to provide the minimum financial basis the family needs, the minimum nourishment base, the minimum shelter base, whatever best serves the development of continuous relationships. In fact, if the only reason that a mother or father can't continue to care for the child is because they have no place to live, or no money to buy food, then we would call it child abuse by the state if the state for that reason removed the child from her family.

THE REVIEW: But isn't this just what happens, and then poor families lose their children?

PROFESSOR GOLDSTEIN: But that isn't what happens because of the guidelines. Indeed, one of the reasons the books were written was to begin to call a halt to that kind of activity, to force people who are working in these areas to think about what they are doing. For example, money has played a very substantial role in the development of notions about visitation. In the eyes of many courts, the obligation of a noncustodial parent to provide the child with care and funds determined whether visits will be allowed. This is a total failure by the courts to recognize that we have frowned as a society on using money as a basis for obtaining affection.

But let's assume that the state has wrongfully taken away a child because the parents lacked sufficient money to look after her. We agree that that shouldn't happen, but what if it does happen and a number of years have elapsed so that under the guidelines the child's primary, paramount ties have developed with the new parents, and those parents want to keep the child? What then?

This is where the difficulty comes in. If you are thinking of the well-being of the child, then you should not return the child to the natural

parents. It may be that the parents have a right of action against the state for money damages, for they have certainly been wronged, and the child was wronged by being removed. But you do not rectify one or two wrongs that have occurred once by inflicting yet another wrong on the child. Child development knowledge tells us that the more often you remove a child from a setting in which it has developed primary ties, the more damage you do. If society prefers to use the child as the mode of compensation, fair enough, but then society must acknowledge that what it is doing is not for the child.

THE REVIEW: The observation has been made that your recommendations generally appear to be followed in termination of parental rights cases, which almost exclusively affect poor and minority families, but that they rarely seem to be adhered to in divorce and custody cases among the middle and upper classes. One reason given for this is that judges identify with upper-middle-class fathers who want to remain a part of the life of their child, whereas they don't identify with lower-class families who don't want to lose contact with the child. Assuming this is the reality, even though it is not the intent of your theories, how can you justify what has been called an experiment being conducted solely on the poor and minorities in this country?

PROFESSOR GOLDSTEIN: It is not just child placement where the poor are disadvantaged, nor is it the result of anything we have said in our books. The experiment on poor families was being carried out long before our guidelines. If anything, the guidelines are intended to hold in check the experiment, the experiment of the social worker who goes in and sees dirty laundry and dirty dishes and uses that as a justification for intervening. That is the kind of intervention we are trying to stop. We are trying to stay the hand of the state. We hope we have provided a basis for the poor to challenge what social workers do, what childcare workers do, and to call into question what has been happening.

Now what you are saying is that in divorce cases the courts are ignoring our guidelines with regard to joint custody and visitation perhaps because many of those decisions are made by men and so often it is the father who is denied visitation. It is just that kind of consideration we want to make judges conscious of. We want to prevent them from intruding their own personal beliefs or wishes into their decisions. We are trying to give them guidelines and principles that are not related to class or poverty or ethnic origin. Furthermore, with regard to joint custody, it is not just judges who are responsible, but legislative bodies enacting legislation that is the fad of the moment.

THE REVIEW: When parties are in conflict over visitation, can't the law be helpful in structuring their behavior and expectations?

PROFESSOR GOLDSTEIN: Under the standards we propose, it is not divorce by itself, but only the failure of parents to be able to come to terms about arrangements for custody that justifies intervention. When two parents say, We turn to you, Your Honor, you tell us what arrangement is satisfactory, at that point we say something has changed. If the custody order is going to be an order that coerces, it will undermine the little bit of strength that the child can have from the placement, an assurance that whoever is selected as the primary caregiver can be responsible for making decisions about the child.

You cannot force meaningful visits. We are not saying that the court should be in a position to order that visits *not* take place, but we are saying that whoever is to be the parent ought to be recognized as responsible enough to decide about visits. It may be that a year after custody is awarded, the parent who is primary custodian wants more than anything for the other parent to show an interest in the child and works out an arrangement for visitation. But the law ought not to press it on the child against the primary custodian.

I am always surprised at how little emphasis there is by those who wish to make new laws or reform existing laws on the pathetic sight of a child who is gotten ready by the custodial parent at the direction of the court and is waiting at the door for a parent who never shows up. That happens over and over again, and the custodial parent then has to cope with this disappointment, and each time it happens the child is worse off than before. It makes an already difficult situation worse, and that is something that is rarely focused on.

If the person who has visitation rights does not visit, the law never says you must visit. That parent isn't held in contempt for *not* visiting, because we recognize that we cannot force adults to do this. But what the courts are doing is forcing the person who has to deal with the child on a day-to-day basis to succumb to what the court says. In a sense this gives a veto power to the person who really isn't responsible for the child on a day-to-day basis.

THE REVIEW: Some would say that if the child has a parent who is irresponsible, who doesn't show up for every visit, that she has to learn to cope with that, because it is better for her to know this parent exists than to feel that the parent is banished forever.

PROFESSOR GOLDSTEIN: That is a very legitimate personal position, and the question then becomes, is it appropriate to impose that notion about child-rearing on all people through the coercive force of the state? That is just the kind of judgment each person who is a parent has to make for

himself or herself. It is beyond my comprehension how people can be so arrogant as to think they know enough about what is right for every child that their view should become the law, rather than trying, as we do, to find guidelines that leave people with different notions about child-rearing free to care for their children in a way they think best. So yes, we are for joint custody and for maintaining contact with parents in termination cases if everybody wants to cooperate. If everybody wants to cooperate, then the law shouldn't be in there at all.

THE REVIEW: How do you respond to critics who take issue with the psychoanalytic foundation of your theory, who disagree with you about the impact of separation, the child's sense of time, and so forth?

PROFESSOR GOLDSTEIN: We certainly do not mean to say anything that is an untruth. We think that our ideas are more than just beliefs, that they rest on a disciplined and organized investigation of human experience and on a substantial clinical base. Now to say that is not to tell the whole story because what we have learned through a variety of disciplines, not just psychoanalysis, only confirms what we know from ordinary common knowledge and common sense.

Indeed, the whole notion in common law of protecting the privacy of families comes out of a recognition of the need of families to have privacy, to have a setting in which children can grow up and learn and be nourished and be stimulated and be protected. It isn't as if our theory comes from nowhere or from some new discovery; it is a confirmation of human experience. Therefore, we say the burden of proof should be on those who say it is either good or not harmful to take children from their family setting or to break the ties they may have to the adults who have assumed responsibility for them.

THE REVIEW: Assuming you do not now agree with these critics, what if one day you were presented with evidence that it was more harmful for a child never to know her natural parents than to be separated for an extended period of time and returned—would you alter your views?

PROFESSOR GOLDSTEIN: If there were such evidence, certainly it would have an impact on our guidelines; it would mean that the law ought not to be concerned with safeguarding the continuity between a child and an adult once it intervenes in a family. There is nothing best once you begin to break up the natural family, but such evidence would change our assessment of the least detrimental alternative. Of course, critical to reliance on such findings would be some understanding of how the researchers define the "know" in "know her natural parents."

Let us consider an actual case. There is a child who has been in foster care from the age of three weeks to the age of nine years and all of a sudden

the natural father, who had never previously identified himself, appears and says, I want my child. Let's assume that experts could show that some children will be hurt more by being left with the foster parent who may (although not necessarily) deny access to or information about the natural parent, than by being returned to the natural parent. If that were true, then sure, the least detrimental alternative would be to turn that nine-year-old child over to a person who, from the child's point of view, is a stranger. Okay, if it is true that this stranger is more important than the family the child has been living with for ten years, then the child should be returned to its biological parent. Such a finding would be so in conflict with ordinary knowledge, with common experience, that I would be skeptical about its validity. But I could be convinced.

No single factor can be the basis for a judgment about what is least detrimental. That is why we would prefer not to allow this kind of dogma to intrude on a placement; it is too detailed a factor. The goal of every placement should be to place every child in a setting in which someone is responsible for making judgments, even the judgment about the desirability of knowing who your father or mother was or whether I am really your mother or I am really your father. There are lots of children who are the result of a relationship in which no one may know who the father is.

The point is, notions about what information children should have and when is one of the functions parents perform. There is no one answer, there is no one right way of bringing up children, but there may be a right way for each parent. In one sense, our guidelines are aimed at preventing some massive error arising from the state adopting a doctrine that every child ought to be moved because somebody has come up with a study that it is harmful for children to be deprived of contact with their natural parents. That may be true in some cases, it may not be true in others. Statistics and empirical studies have the burden of overcoming common sense and ordinary knowledge.

THE REVIEW: Do you think your guidelines have sometimes been misused because childcare workers or judges may have misunderstood them?

PROFESSOR GOLDSTEIN: It is quite likely that there is confusion about the application of some of the theoretical principles amongst those who actually have cases to resolve. In part I think this is true because too much power generally is attributed to rules, regulations, and guidelines; no guideline can be expected to have the intended impact unless those who make decisions share and understand the philosophy which underlies it. One of the basic functions of both books was to provide a commentary for the guidelines. It is critical that when people who administer child placement are trained, they learn what the basis is for *any* guideline. A

guideline is a precondition for restraining authority as well as a premise for granting it. At the same time, however, it is only *one* of the necessary conditions. Without the training and continuous exchanges that enables each worker in the system to understand the purposes of the guidelines, whether they are our guidelines or someone else's, they may be misused.

There was a case involving a new state childcare worker who made a misguided effort to apply what she understood to be the policy of the department that each child should have a permanent placement. In poring over the files assigned to her, she discovered a child who had been in foster care with the same family for five years. She never inquired why the foster family had not sought adoption. There was, in fact, a good reason: Because one of the foster parents had been ill, they had reluctantly decided it might be inappropriate at the time to seek adoption. There was no conflict with the natural parents; it had already been decided that termination of the natural parents' rights was feasible and desirable. Without consulting her supervisor or talking with the foster parents, she visited the child in school and assured her that the department intended her to have a permanent home. She told the girl that she would look for an adopting family. It was a terrible experience for the child, who thought that she was going to have to leave the two people she thought of as her real parents.

There is no question that this child's need for continuity of care and permanency was safeguarded by leaving her in foster care without adoption, but by mechanically applying the notion of permanency, equating it with adoption, the social worker acted inappropriately and without regard to the theoretical underpinnings of the guidelines. Fortunately, a supervisor discovered what was happening and prevented the social worker from doing further harm.

That is an example of a well-intentioned worker misreading the guideline that says each child in the care of the state should be provided with a permanent home if possible. Aside from such misunderstandings, in general a good deal has to be done over time to train workers to hold in check their personal dogma about what good child-rearing is and to restrict intervention to a very narrow range of justifications for intrusion. Whenever possible, and I think this is more and more the case, the state must offer support services to the family rather than separate the child from her parents.

As far as courts are concerned, I am not sure they misinterpret so much as reject some of the guidelines. In trying to safeguard the family of the child, very often they confuse the real family and the legal family. Too often, whoever is designated the legal parent is perceived to be the child's family. By contrast, we try to look at the family from the vantage point of the child; that is, we try to put ourselves in the skin of children of different ages, recognizing that most children don't know what the law is but do

know from interpersonal relationships who their family is. Of course, who the child's real family is never arises until the child becomes the subject of state intervention. Again, it is worth emphasizing that the justifications for intervention under our guidelines are far narrower than those currently applied in most states.

THE REVIEW: What have you learned from the responses you've gotten to the translations of the two books?

PROFESSOR GOLDSTEIN: One of the things we learned or relearned is no matter how much precision you give to guidelines, it is critical that the person administering the law comprehend and understand what led to those guidelines. Vagueness and distortion are not necessarily the culprits. In Germany, for example, my impression is that the narrow and restrictive statutory language of child-placement codes may be used in broad and intrusive ways. On the other hand, my impression is that in France, there is less intervention than might be expected from the broad statutory language in which the codes appear to be written.

We have also learned about the very strong wish of the parent who is not the custodian (this is primarily in divorce cases) to have a right of access to her child. Parents are universally troubled by the notion that we would not recommend forcing the custodial parent to make access available. But at the same time we have come to learn how frequently those who are vehement about having access soon tire of the opportunity and give up taking advantage of it at the very moment when the custodial parent is very anxious for the visit to take place. I don't say this as a universally general proposition, but there are a number of examples.

THE REVIEW: From your point of view, what is the value of a symposium like this?

PROFESSOR GOLDSTEIN: Aside from the fact that we learn a great deal from these discussions, the most important thing is that what was not discussed for a long time is being discussed now. Decisions were made and taken for granted as appropriate and best for children without thought and without conscious deliberation. Discussions provide a chance for the cakes of custom to be shaken so that we can rethink what we are doing. That, after all, is all we can ask for—that we take sufficient time away from the demands of every day to think about what we often do without thought because we need a Band-Aid here or a Band-Aid there.

When someone said, aren't you sorry that you wrote this book because it can be misused, my answer was that had I thought to invent the paring knife as a neat tool for peeling fruit, I wouldn't have been inhibited from doing it even though I was aware that some people might misuse the paring knife by putting it in someone else's back. The fact that these ideas can be

misused is true of anything, but that oughtn't to prevent someone from sharing thoughts which are free of the pressure of day-to-day decisions with others who have to make decisions under pressure. Finally, I think we as professionals can learn from discussion that simple solutions, simple guidelines, are not necessarily simplistic. Indeed such guidelines, in recognizing the fragility and complexity of human relationships, provide more sophisticated solutions than guidelines that empower the state to detail, and on a continuing basis, to review and to manage such relationships.

THE REVIEW: In an effort to elucidate the interrelations between your ideas and your own background, could you tell us something about the class and family you come from?

PROFESSOR GOLDSTEIN: If I were being interviewed by *People* magazine, I would have anticipated a question like that and might have—albeit reluctantly—contributed to their insatiable interest in gossip. To answer your question would only feed into the kinds of stereotypes that the media are prone to promote for their readers who want to engage in some form of curbstone psychoanalysis. The test of what we write in our books ought to be how adequately we have expressed our ideas and how well-founded they are.

THE REVIEW: So the criticism that white upper-middle-class notions about families and children underlie the ideas in your books ought not to be addressed by looking at your background?

PROFESSOR GOLDSTEIN: That is correct. What ought to be addressed is whether, in fact, our guidelines are valid and if valid, whether they apply only to white middle-class families. Indeed, if our guidelines have any purpose, if they say anything, it is that we must beware of professional participants in the child-placement process who are insufficiently trained to be able to separate their personal from their professional views. Our guidelines say to the lawyers, the judges, the social workers, and the experts in child development, Be conscious of the force of your background on the decisions you are empowered to make on behalf of children. Indeed, because the coercive authority of the state has been given to you in your job, we have sought—through our guidelines—to remove from you the broad discretion that has been granted to you by such vague and undefined statutory phrases as “neglect,” “abuse,” and “emotional harm.” The guidelines are designed to prevent those with such power from imposing upon the children and families they serve their middle-class, lower-class, or upper-class notions of what is “good” or “bad.” We have tried to fashion principles that prefer children and that can be applied neutrally once the state is empowered to intervene.

THE REVIEW: Could you tell us something about the new book you are working on?

PROFESSOR GOLDSTEIN: With Sonja Goldstein, the authors of *Before* and *Beyond* have been working on a third book in the series to be called *In the Best Interests of the Child*. In that book we address questions about the role of each professional participant—that is, the nonparent participant in the child-placement process. The purpose of the book is to help each of these professionals, whether they come from law or social work or child development or psychoanalysis, to recognize and be sensitive to the boundaries of their knowledge and be aware of the great temptation and pressure on them to move outside the limits of their knowledge. We are concerned with and try to identify situations where the professional testifying in court, for example, should say, “I don’t know,” rather than give some answer just because she feels uncomfortable that under cross-examination she might appear less than professional. More than that, the book is an effort to help each person recognize when she as a parent or as someone who has been a child, is letting creep into her observations or judgment that which comes from another experience, not from her expertise. We also discuss the temptation to do the work of someone else who is a participant in the process, as for example, when judges act as psychologists or analysts of the parties and make judgments as silent witnesses who are not subject to cross-examination by the parties. There are a whole variety of situations in which we try to sort out when professionals may cross boundaries consciously, when they may not, and when they are called upon to do something they are qualified to do but in a setting where they are asked to play more than one role. That is, they may be able to perform either role in terms of their training but cannot perform both roles in relation to the same family or the same child without undercutting what it is they have been engaged to do because of their expertise.

Finally, we stress that it is in the best interests of the child that the professional participants in the child-placement process always keep in mind that they are not the child’s parents. Even though each of them may temporarily assume one or more aspects of the parental task, neither alone nor together can they replace parents. To be a parent is to be a generalist, not an expert.