In Memoriam: Doris Jonas Freed

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IN MEMORIAM: DORIS JONAS FREED

When Doris Jonas Freed died on July 23, 1993, at the age of ninety, she had only recently given up writing about family law. She was quite literally a legend in her own time. In many ways, she was a pioneer: a woman lawyer with an earned Doctorate in Jurisprudential Sciences from New York University School of Law, an active practice, and a busy writing schedule.

I first met Doris about twenty-three years ago when Father Robert F. Drinan, then Dean of Boston College Law School and a former Chair of the American Bar Association Section of Family Law, encouraged me to become active in the Section and later prevailed upon me to assume the Editor-in-Chief position of this journal. From the very beginning of my editorship, Doris Jonas Freed was just a phone call away. She assisted me in soliciting and reviewing manuscripts. Many times she and her co-author, Professor Henry Foster, a former Chair of the Section, wrote an occasional piece to round out an issue. Doris and Henry, the famous family law duo, developed the annual survey of "Family Law in the Fifty States," which has become a popular classic.

Doris thought of the ABA Section of Family Law as an important, but not exclusive, part of her professional life. She did not use participation in Section committee work as a stepping-stone for greater opportunities in the profession or for economic gain. She accepted the office of Secretary of the Section reluctantly and refused to be considered for any higher office. She would rather work in the vineyards than manage them. And for her untiring work, she received countless ABA awards.

When I was honored to be elected Chair of the Section, I turned to Doris for guidance, especially in choosing my Financial Officer. She recommended Richard Wels, a successful New York lawyer and the author of an excellent article on New York divorce reform. On Doris' recommendation alone, I chose Dick Wels and he and I became a team. He was a wise man of extraordinary integrity and principle who shared with me the idea that the position of Chair of an ABA Section is one of utmost trust. I have always been grateful to Doris for introducing me to Dick who became a very good friend for the rest of his life.
Constructing Rights for Children: An Introduction

KATHERINE HUNT FEDERLE*

Should a child have the right to terminate the parent-child relationship? Must a child return to biological parents after a period of more than two years when an adoption is invalidated? Should a child have the right to independent counsel of his choosing in a protracted divorce custody dispute? Will the courts enforce a teenager's refusal to visit with biological parents of whose very existence the child only recently learned?

We do know how some courts have resolved these problems. Gregory K. successfully terminated the parent-child relationship with his biological parents. Two-year-old Jessica DeBoer lost her battle to remain with the only family she had ever known. Kimberly Mays persuaded a trial court that she should not have to visit with biological parents whose very existence she only recently discovered. And Shane P. won the right to hire his own attorney to represent him in the custody battle waged by his parents. But we still do not have the answers to the underlying question in these cases: Do children have rights?

This dilemma has both theoretical and practical components. On the theoretical side, constructing rights for children has been problematic because of the organizing effect of capacity on rights theories. Our rights tradition, which emphasizes autonomy and individuality, limits the class of rights holders to those with capacity. What it means to be a competent rights holder may vary within a particular account of rights, but it is clear that capacity is a prerequisite to having those rights in the first instance. In constructing a rights theory for children, then, we are drawn into a debate about their competencies; the difficulty, of course,

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