

Utah OnLaw: The Utah Law Review Online Supplement

Volume 2013 | Number 1

Article 1

2013

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Recommended Citation

(2013) "Reflections from the Montana Mall Mother," *Utah OnLaw: The Utah Law Review Online Supplement*: Vol. 2013 : No. 1 , Article 1.

Available at: <http://dc.law.utah.edu/onlaw/vol2013/iss1/1>

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REFLECTIONS FROM THE MONTANA MALL MOTHER

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Abstract

In response to David Pimentel's article, Criminal Child Neglect and The "Free Range Kid": Is Overprotective Parenting the New Standard Of Care?, 2012 Utah L. Rev. 947.

Last year, I was teaching a class on Latino literature. One of my nontraditional students, a woman perhaps in her forties, Googled me and immediately found my name connected to the story about a Montana mother who had endangered the welfare of her children by leaving them at the local mall.¹ She may have also seen my name attached to the books and articles I have written or to the work I have done as a faculty member of Montana State University. But what mattered to her, what horrified her, was the Montana mall story. She discreetly conveyed to a mutual friend that I should get the site "scrubbed." In other words, she thought it should be cloroxed, erased from my past because it was a bit unseemly and reflected poorly on me.

When my friend told me this, as a private aside, I was embarrassed. Why? Because although I have a relatively successful professional life, that story has received the lion's share of attention and, in some ways, has come to define me. It also shocked me because I do not see myself as the Montana Mall Mother; it is something that happened in my life but it by no means defines me as a mother and much less a person.

I contemplated the student's suggestion for a while, wondering how and in what capacity the mall story might be affecting my professional life. But the truth is that my professional life is not separate from my personal life, which includes my mistakes and successes of raising my children in Bozeman, Montana. The mall story is part of that narrative, for better or for worse. So I "scrubbed" her suggestion from my conscience and, after reading David Pimentel's article,² I am glad I did.

My overall impression is that Professor Pimentel's article fills a great void and, in particular, addresses three critical questions: What are the legal risks for parents in the courtroom and who decides at what point one's parenting decisions become a criminal act? What is the potential emotional damage that is inflicted on

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¹ See, e.g., Emily Friedman, *Mom Charged with Child Endangerment for Letting Kids Go to Mall Alone*, ABC NEWS (July 20, 2009), <http://abcnews.go.com/US/story?id=8113294&page=1>.

² David Pimentel, *Criminal Child Neglect and the "Free Range Kid": Is Overprotective Parenting the New Standard of Care?*, 2012 UTAH L. REV. 947.

children from overly controlling and intrusive parents? Why are people driven to hyperparent? Below I attempt to respond to these questions given my own experience as a parent in Montana. I may perhaps stray from Pimentel's article but that is only a reflection of the provocative quality of his essay regarding parenting (and parenting wars) in America.

Pimentel patiently details a much-needed historical and socio-legal perspective about parenting in America. I use the term historical with some caution as the phenomenon of uberparenting seems too recent, at least to me, to give it a clear historical lens. Nevertheless, Pimentel contextualizes my story, and many others, in a calm, thoughtful, and thought-provoking way. One of the striking conclusions is his identification of the potential maelstrom for parents in the courtroom. Pimentel warns us about the confluence of parenting wars in America and how they will play out in court and with a jury.³ The mock jury that evaluated my "crime" is a case in point. The members brought their own parenting styles, indeed their own childhood stories, and subjective opinions about how children should be raised in order to judge my case. Because, as Pimentel observes, there is no universal text on parenting, a jury will fill the blanks with their own opinions and approaches toward raising children.⁴

My other reaction corresponds to the empirical evidence that highlights the emotional damage that controlling or intrusive parents can inflict on a new generation of children. I am not so naive as to believe that there will ever be a time when we are not, in one way or another, damaging the next generation nor that we are capable of raising the perfect child. Yet studies on hyperparenting (overparenting, alarmist-parenting, frenzied-parenting, excessive, manic, agitated, hectic or zealous parenting), have yielded rather shocking consequences for our children: anxiety, depression, loss of self-esteem, paralysis in ability to make their own decisions, to form their own opinions, to fail and more.⁵ We might face a generation of children that are in need of a society, of a social structure, that constantly tends to their emotional fragility. Is it possible that this will then rewire our children for generations to come? Where they will be unable to shape their lives or themselves without first calling their parents for advice or consulting an online therapist, for example, one that is available to them 24/7? This is a lose-lose proposition, both for our children and for society.

The consequences for parents, according to Pimentel, are just as dire, especially if they are facing the possibility of a jury ruling over their parenting choices, like I was. The difference is, I think, that parents can correct for this.

I am also aware of the fact that the hyperparent can be or is as dogmatic as the free-range parent. Like Democrats and Republicans, there is a great wedge today in parenting culture. And like our political parties, it is time to find a middle ground.

I am not part of any parenting movement, though I would position myself along the spectrum of the free-range parenting community with a special resistance

³ See *id.* at 950–53.

⁴ See *id.* at 982–90.

⁵ See *id.* at 958, n. 59.

to repeating the “good job” mantra. But I am not the Tiger Mother “redo your birthday card because I deserve better” type of parent either. There has to be room for children to be oblivious, to be lazy, to be blunderers, to not be perfect and to be okay with that.

As Pimentel notes, there is no prescribed way to parent correctly, especially when one accounts for cultural differences.⁶ I would not even want to be a perfect parent, nor would I want to mold perfect children. At times, I want my emotions to get the best of me, I want my children and me to fight, I want anger, sarcasm, love, and affection to combine in some big mess that to me means family. I do not want to dictate my child’s every move, nor do I think I will ever be able to protect them from every hurt, harm, disaster, or peer pressure issue that comes their way. Perhaps I am simply old fashioned. Or perhaps I stand at a crossroads that defines this cultural, historical, social moment in childrearing. And yet, I suppose I belong to some group of parents with ideas about our parenting style—perhaps the “stubborn parenting” group or “gut parenting” group or “my kids need to learn to survive” parenting group (and yes, the “why are they so spoiled” parenting group).

I know I belong to this unnamed group that stands somewhere in between because of my reaction to a recent commercial for a Google app. The commercial begins with a typical morning rush—parents running, kids running, keys, cereal and shoes all up in the air. As the mother is calling her daughter the seven- or eight-year-old daughter comes down the stairs still in her pajamas and says, “It’s dress like a president day and I’m supposed to be Martin Van Buren.” “Who?” the mother asks. The daughter replies again, “Martin Van Buren.” The mother, with the help of her handy Google app, looks up Martin Van Buren (which is the real point of the commercial—who has ever heard of Martin Van Buren? No one except Google!) and then manages to create an amazing costume and get out the door on time. The last scene is of the mother driving her Martin Van Buren look-alike daughter to school with a satisfied, triumphant smile on her face.

I know we are in the generation of overparenting or the era of the perfectionist parent when Google can pick up the current anxiety surrounding parenting in America and use it to advertise an app. But what I find unsettling is the element of fear that Pimentel addresses in his article and that permeates the Google commercial.⁷ It is not the fear of danger to our child (and all that means for us as parents), but its twin, fear of failure (and all that it means for us as parents!). This fear of failure is tangled in a threefold way: fear that the parent will be seen as a failure by society, fear that the parent will not be able to handle the child’s failure, and fear that the child will crumble under failure. But it is my view that most children are skilled, even graceful, at failing.

If I was confronted with a similar circumstance as that of the mother in the commercial, I am pretty sure I would have said, although reluctantly, “Well I guess it is a little late for that.” I am not saying that I have not brought my daughter her snow pants on occasion. I have. But what I find interesting is the seismic shift of a

⁶ See *id.* at 976–79.

⁷ See *id.* at 948–49.

child commandeering her mother to create a spectacular costume without the mother flinching. Actually, even this is incorrect. The child did not commandeer, the mother commandeered herself, striving for perfection for herself and her daughter. Sure, it is for an app, but it is an app that destroys the mother's ability to shrug and say "not happening" and "this is the consequence for delaying!" I showed this ad to my eight-year-old daughter and she said, of the mother, "She's an overachiever." I asked her what I would have done and she said I would have given her a pair of pants and a shirt and said "Done!"

The subtly hinted at, but not quite shouted out, question in Pimentel's essay is, why or what are hyperparenting parents reacting to? Why are they driven to hyperparent? What circumstances have led them to this point in their lives? He argues that the media has played a significant role in creating this alarmist parent who believes that every step their child takes away from their line of vision is fraught with a danger that only they can prevent.⁸

As a child of some rather dramatic violent incidents, I feel I can speak honestly about this falsehood. For example, when I was a young teenager my family and I were assaulted and burglarized by five masked men with machine guns. We were in our own home! My father was there! The dog was there! We had gates surrounding the outer perimeters of our home! But none of that made a difference—for violence goes where it chooses. I have little doubt that that one nightmarish evening shaped me, but I like to think that it shaped me in a positive way. Because I have always been cognizant of the potential for random violent acts, I have also been cognizant of my inability to protect my children at all times. This does not mean that I am careless or have resigned myself to a dangerous world or that I do not caution my children. I do. At the same time I try to convey to them how useless I am on so many fronts so that they can develop a faith in themselves, a practical trust in themselves, and their ability to independently go out into the world. Unexpected, random violence cannot be prevented. But self confidence, quick decisionmaking, the ability to act on one's feet, and to fail, should not be prevented by overly zealous parenting.

The media, as Pimentel argues, would have us believe that our children are always potential victims of great violence and danger if they leave our side and, God forbid, if they venture to the store, park, or school alone.⁹ But as a witness to violence entering one's own home, I know that is not true. Thus, I try to resist the media's constant droning about the dangers our children are facing out there in the big old world. I try to resist the media's manipulation and coopting of our children's future. For in the constant sensationalizing of child victims, the media is exploiting parents, not to mention our own children. Yet, as Pimentel states, our children are safer than ever.¹⁰ So we must let them go. And we must not buy into the parenting business conglomerate or media empire that includes infinite perfectionist parenting books, safety experts, safety gadgets, and so on, that yield

⁸ *See id.*

⁹ *See id.* at 963–66.

¹⁰ *See id.* at 948.

not only millions of dollars for those in the business of telling us how to raise our children, but might yield a generation or two of helpless adults. In some ways, Pimentel's article made me think that children are no longer the most vulnerable element in our society. Parents are.