2015

The Giving Tree: A Modern-Day Parable of Mutual Responsibility

Ertharin Cousin
United Nations World Food Programme

Follow this and additional works at: https://repository.law.umich.edu/mlr

Part of the Human Rights Law Commons

Recommended Citation
Available at: https://repository.law.umich.edu/mlr/vol113/iss6/2

This Classic Revisited is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
CLASSIC REVISITED

THE GIVING TREE: A MODERN-DAY PARABLE OF MUTUAL RESPONSIBILITY

Ertharin Cousin*


Introduction

For fifty years, The Giving Tree, a short illustrated tale revered by adults and loved by children, has provoked outrage and acclaim in equal measure.¹ Some readers disliked the story so much that they wrote an alternative ending, while others celebrated it as a modern-day parable. Described by its author, Shel Silverstein, as a simple story of a relationship between two people,² The Giving Tree reads like a children’s book while offering much food for thought. Since the initial publication, scholars, students, and many others have offered a variety of interpretations and critiques of this short yet provocative work, calling into question not only how women (metaphorically), men, and children interact but also how we as a global society decide to manage our future.

Silverstein, like me, was born in Chicago.³ And like many Chicagoans, Silverstein did not believe in sugarcoating the truth. His motivations become evident when reading his illustrations, books, and poems, as well as when listening to his songs. He spent his career unearthing humanity’s universal truths and values, even its most uncomfortable ones. In doing so, Silverstein offers readers young and old an opportunity for reflection and self-critique.

Written in 1960 and eventually published in 1964, The Giving Tree was a product of this turbulent period. A man of his time, Silverstein did not believe in cookie-cutter, happily-ever-after stories—especially for children. It

---

* Executive Director, United Nations World Food Programme. Previously, Ms. Cousin served as U.S. Ambassador to the United Nations Agencies for Food and Agriculture and as White House Liaison to the State Department.


took him several years to find a publisher willing to break the mold.\textsuperscript{4} In a rare \textit{New York Times} interview, the unconventional author stated his conviction that happy endings, magical solutions, and mythic heroes serve to alienate children by establishing impossible burdens and expectations that can never be met.\textsuperscript{5} The candid, even cruel, simplicity of \textit{The Giving Tree} exemplifies Silverstein’s parental logic.

The first time I encountered \textit{The Giving Tree}, my grandson actually did most of the reading. He enjoyed the pictures, understood the plot, and finished the book with a smile. He understood that the tree was happy, even though she was left with nothing, save for the love and company of the boy. We enjoyed this story on our first reading; even for a six-year-old child, the book raised so many questions. It demands rereading, again and again.

For me, the story raised questions, much like a modern-day parable of life. Silverstein’s prose gave me pause for thought. I reflected on its lessons, of course for children, but also for myself as a parent, a grandparent, a lawyer, and as the head of the United Nations World Food Programme (“WFP”). I concluded that \textit{The Giving Tree} is primarily a fable about the imperfect nature of human relations. It speaks of the consequences of when we fail to uphold our duty of care to one another, despite our best—even loving—intentions.

\textbf{I. \textit{The Giving Tree}: A Summary}

The story begins with a tree, a universal source of refuge and strength (p. 4). The imagery of the tree embodies a sense of stability but also of renewal and cyclical growth. Every new leaf is a symbol of vitality and perennial life.

Naturally, the central character of \textit{The Giving Tree} is not an ordinary tree. The tree is personified; it is introduced to us as a she and given emotions to love a little boy (p. 6). The book’s illustrations, central throughout the story, animate the loving relationship between the tree and the boy (pp. 8–17). The tree virtually bends its branches to reach out and shelter the boy, while the boy runs gleefully to spend time with the tree every day (pp. 8–9). He collects her leaves, makes shapes with them, and plays games with her (pp. 10–13). We believe he is happy. For her part, the tree is happy to have fun with and care for the boy (p. 27). There is a whimsical and simple interaction between the boy and the tree, an interaction that seems founded on unconditional love.

The loving relationship between the boy and the tree is reciprocal (pp. 24–27). It appears that it will last forever. The tree has a lot to offer the boy, and she makes him very happy (pp. 10–27). The tree also loves the boy’s company, even allowing him to carve a love heart into her trunk with the


\textsuperscript{5} Lingeman, supra note 2.
engraving “Me + T” (p. 26). We are led to believe that the tree is the boy’s first love.

Their relationship is symbiotic, and, for a time, the mutual bond works (pp. 26–33). As the boy matures, however, his needs and thoughts develop. He finds a second love, and he brings her to the tree. He even carves a second love heart into the tree’s bark, engraving the initials “Me + Y.L.” (p. 30). The boy abandons the tree in favor of his new love, often leaving the tree alone (p. 33).

Sometime later, the boy returns (pp. 34–37). The tree invites him to play, to eat her apples, and to be happy (p. 34). The boy is now an adolescent (pp. 34–35), and he tells the tree that he has outgrown such things and that instead he wants money to buy things and have fun (p. 34). She offers the boy her apples, advising him to go and sell them in the city and to use the proceeds to be happy (p. 34). The boy accepts this offer and climbs the tree to remove her apples (pp. 36–37). He again departs, and in that moment the tree is happy (p. 37).

The tree is left alone for a long time, until one day when the adolescent boy returns as a man (pp. 38–39). Once again, the tree is thrilled (p. 38). She again invites the boy to play and to be happy (p. 38). But once again, he refuses (p. 39). This time he is too busy with plans—plans to build a house and a family of his own (p. 39). For a second time, he asks the tree for something she seemingly cannot provide—a house (p. 39). She encourages the boy to cut her branches and to use them to build a house so he can be happy (p. 39). Once more, the boy accepts the tree’s offer (p. 40). He cuts down all the branches he can carry (pp. 40–41), and the tree is again happy, even though she has been denuded of her once productive and giving branches (p. 43).

Once more, the boy stays away a long time, eventually returning as an old man (p. 44). The tree is beside herself with joy, and she invites him to come and play with her (p. 44). The boy tells her that he is too old and too sad and that he wants a boat to go far, far away (p. 44). Of course, the tree has a solution for the boy. She offers him her trunk, inviting him to chop it down and to use it to make a boat (p. 45). The boy accepts, cutting her trunk between the two love hearts—the one he carved for his first love, the tree, remains on the stump (pp. 46–47). The boy then sails away (p. 47). The tree, now a stump, again appears happy (p. 48). Yet we are told—for the first time—that she is not really happy (pp. 48–49).

For the last time, the boy returns (pp. 50–54). It seems that this time the tree has nothing to offer him (pp. 50–51), and he now admits that he is too old and weak to play with her (p. 51). In response, she offers him her only remaining asset, her stump, a place to sit and rest (p. 52). The boy accepts, and the tree is again happy (pp. 53–54).

Over time, their initial mutually beneficial relationship transforms into a relationship that is detrimental not only to the tree’s well-being but to the boy’s as well. The tree gave the boy everything he wanted in exchange for his—and presumably her—transient happiness. The boy uses the tree as his infinite resource. He comes to the tree to resolve his problems, unconcerned
about the impacts of his demands. He takes everything the tree offers, seemingly without regard for her. He willingly accepts her provisions and sacrifices, even when it reduces her from a strong, healthy tree to a barren stump.

By the end of the story, it is clear to the reader that both the tree and the boy hurt each other. The boy did so by taking too much, and the tree did so by giving too much. She is left a stump, stripped down almost entirely to her roots (p. 46). He uses every piece of her for his own well-being, without concern for her future or the future of other boys and girls who could benefit from the tree. In the end, the boy (now an old man) resembles the stump, with his head slumped over while he sits on what remains of the tree (p. 55).

II. Lessons for Lawyers

This short, effective—even painful—tale offers the reader powerful lessons regarding the duty of care. We can find an analogy in the tree’s behavior toward the boy—the duty of the giver, of one who voluntarily decides to help another. When offering aid or assistance to another—as a physician, a Good Samaritan, or an official of an international organization—one must recognize the responsibility to do no harm, a principle commonly attributed to the oath taken by medical and other health care professionals. This principle embodies the idea that, where there is an existing problem, one must knowingly avoid any action that will negatively affect the beneficiary, client, or helpless victim. In The Giving Tree, the duty of care should go in two directions—not only from the boy to the tree but also from the tree to the boy.

I believe that Silverstein intended to show both sides in this story. It is evident from the book’s illustrations that the tree, entranced by her love for the boy, sacrificed herself by giving him too much. Silverstein’s tale illustrates the breach of another duty of care—the one that the boy owes the tree. Although it may seem counterintuitive, it is possible to give too much and unintentionally cause harm to those who receive.

The tree gave the boy everything she could until she had literally nothing left (p. 51). We must ask whether the boy was any better for it. If the tree had not regularly and generously assisted the boy, Silverstein prompts us to wonder, would the boy have developed the skills required to earn his own money, build his own house, take care of his own family, and independently make his own happiness? Again, we can apply this lesson to many different contexts, where the best intentions often lead to unintended outcomes. When parenting, for example, we fear bringing up dependent, spoiled children who will be unable to fend for themselves as adults in the world. Similarly, when supporting people in need in our societies, we worry about creating poverty traps rather than building resilience with our well-meaning unconditional provisions of assistance.

7. See id. at 150–53.
Take the example of a passerby who voluntarily provides emergency assistance to an injured stranger on the street. If she decides to provide that assistance, she has a legal obligation to do so in a reasonably prudent manner, and she can be held liable for the consequences of failing to meet that standard. The same applies for a soup kitchen that serves food to the homeless; if it serves unsafe food, it may be liable for damages. Clearly, the tree’s action was not imprudent in the sense that it would give rise to legal liability. But the duty of care can sometimes still possess moral or ethical significance, even where the potential damage is too remote or diffuse to give rise to legal liability. Because the tree met the boy’s every need, over time the boy unreasonably depended on the tree not only for his livelihood but also for his own happiness; and this dependence placed in doubt, despite the tree’s good intentions, whether her generosity was morally or ethically right, or at least whether the tree’s actions were wise.

For this reason, I found The Giving Tree thought provoking. Silverstein portrays a tree with nothing but good intentions. Yet in my view of the story, her unquestioning, indulgent philanthropy led to negative outcomes for the boy. The tree also suffered herself, as her strength was whittled down and her resources depleted. This story is a lesson of how giving without adequate consideration can fail to achieve its intended consequences and instead can limit, and ultimately harm, the very beneficiary it was intended to help.

III. Application to International Humanitarian Aid

We can apply The Giving Tree’s central lessons to the work of humanitarian agencies such as the World Food Programme. At a minimum, humanitarian actions must not endanger the lives of the people they serve. Over time, donors and host governments alike increasingly require that humanitarian action does not limit people’s future capabilities. In fact, international aid agencies must design and implement programs in a manner that saves lives during a crisis but that also ultimately strengthens—whenever practical

---

8. The legal principle is referred to as the “voluntary assumption of a duty by affirmative conduct,” that is, where there is no legal duty to act, there is “at least a duty to avoid any affirmative acts which make [the] situation worse.” W. Page Keeton et al., Prosser and Keeton on the Law of Torts 378–79 (W. Page Keeton ed., 5th ed. 1984).

9. Liability for breach of a duty of care, or negligence, arises where there is a duty, a failure to uphold that duty, a reasonable connection between the failure to uphold the duty and the resulting injury, and the injury results in actual loss or damage. See id. at 164–65.

10. See pp. 48–51.

and possible—people’s independent individual and community capacities to provide for themselves eventually. 12

As WFP’s Executive Director, I take these principles and lessons very seriously in designing programs and policies to address world food insecurity. Section III.A provides background information on issues of hunger and food insecurity in our world today, and this discussion supplies the context for Section III.B, which shows how lessons from The Giving Tree might stand to inform the work of the United Nations World Food Programme and—by extension—may inform broader humanitarian-aid policy.

A. Food Insecurity and Undernutrition in Our World Today

As you read this Review, over 800 million people—one in nine on our planet—go to bed hungry every night. 13 Although the world produces enough food for everyone, people affected by hunger cannot grow, access, or afford the foods they need. Lack of nutritious food, when coupled with lack of access to clean water and basic health care, often leads to malnourished and, too often, stunted children. 14 In fact, over 160 million children under the age of five—about one in four—suffer from chronic malnutrition, or stunting. 15 This preventable condition means that children fail to reach their growth and development potential. 16 Stunting’s consequences are lifelong, and they are irreversible. 17 For example, stunted girls and boys are more likely to underperform in school. 18 When they mature, they are more likely to marry early, to earn lower wages, to have poorer health, and to live a life in poverty. 19 These effects are not confined to one child; rather, they are passed from one generation to the next, limiting opportunities 20 and thus


16. Id. at 5.

17. See Reynaldo Martorell & Amanda Zongrone, Intergenerational Influences on Child Growth and Undernutrition, 26 Paediatric & Perinatal Epidemiology (Special Issue) 302, 309–10 (2012).


19. Id. at 1177.

limiting the ability of multiple generations to achieve full growth, development, and socioeconomic potential.21

Our use of resources across the planet, and our growing need for ever-more resources—just like the boy of The Giving Tree—puts increasing pressure on the existing sources of our world’s food supply. Challenges, once distant, already affect people’s day-to-day lives. Climate change alone impacts food systems from production to pricing, and, if unaddressed, it will increase the number of hungry people by an estimated 10 to 20 percent by 2050.22

B. The Giving Tree, the United Nations World Food Programme, and the Design of International Humanitarian Aid

Like the tree, WFP, with support from many international donors, assumes the duty of the giver. WFP operates at the request of host governments and, in doing so, accepts its duty to provide local populations with safe, nutritious food in a responsible manner. At the same time, we also take on the responsibility to support people’s progressive realization of the right to food—a right that is recognized in the Universal Declaration of Human Rights23 and international law.24

Despite the great strides that WFP and other humanitarian actors have made globally, hunger and malnutrition remain stubbornly prevalent. While the need for WFP’s work is undisputed, we must recognize that different situations require different solutions. Each year, WFP directly interacts with over 80 million people who are hungry and poor, often living in the most fragile, conflict-affected places on the planet.25 In many contexts, immediate


23. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 25(1), U.N. Doc. A/RES/217 (III) (Dec. 10, 1948) (“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”).


in-kind assistance is required to save lives. Since its inception in 1962, an ever-evolving WFP has effectively responded and fulfilled its duty of care to the world’s hungry poor people. Initially, much of our expertise focused on delivering in-kind food aid, supported by a skilled global logistics operation. Over time, WFP and our donors recognized the greater potential for food aid to support beneficiaries in a sustainable manner.\textsuperscript{26} Of course, we must address the immediate food needs of the hungry poor, particularly during times of emergency and crisis. But like the tree’s help for the boy, our long-term provision of unconditional food aid failed to acknowledge when food was available but inaccessible because of the hungry poor’s lack of resources. As a result, our efforts needed to be channeled toward helping, rather than hurting, smallholder farmers and struggling community markets. Even more problematic, prolonged food relief failed to incentivize or empower families by giving them the tools to ultimately feed themselves. WFP recognized that more was necessary to address long-term problems.

For its part, WFP’s duty of care requires that we continue to adapt and improve our programs so that we can fully respond and meet the needs of the people we serve. We recognize that providing assistance entails so much more than simply delivering and distributing food relief. In fact, immediate relief must now form part of a comprehensive and integrated long-term recovery and resilience-building strategy. In practical terms, for example, effectively delivering school-feeding programs requires that WFP partner with local governments, schools, and other organizations\textsuperscript{27} to ensure that the millions of children we reach with nutritious school meals also get the most out of their education.\textsuperscript{28} As another example, in conflict zones, WFP must develop programs that not only feed but also protect women (who are recognized as the primary agents for feeding families) to ensure risk-free access to WFP services. Consider our work in Sudan, where we distributed fuel-efficient cook stoves, which utilize alternative fuels and reduce the risk of violence to women from gathering firewood—while at the same time protecting the environment and the health of families. This strategy also


\textsuperscript{27} In the U.N. system, the United Nations Children’s Fund and the United Nations Educational, Scientific and Cultural Organization maintain the mandated responsibility for education-related issues.

\textsuperscript{28} Recognizing this necessity, WFP and UNICEF committed to implement Essential Package interventions. The package helps link the resources of the health, education, nutrition, and sanitation sectors in an existing infrastructure, the school. The Essential Package includes twelve programs: basic education; food for education; promotion of girls’ education; potable water and sanitary latrines; health, nutrition, and hygiene education; systematic deworming; micronutrient supplementation; HIV and AIDS education; psychosocial support; malaria prevention; school gardens; and improved stoves. World Food Programme & United Nations Children’s Fund, The Essential Package: Twelve Interventions to Improve the Health and Nutrition of School-Age Children 7–18 (2005), available at http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp212806.pdf.
means that our work in rural areas must support farmers in moving sustainably and durably beyond subsistence farming. Through our Purchase for Progress initiative, WFP has helped some half a million farmers not only increase the quality and quantity of their yields but also access new market opportunities. To provide the hungry poor with access to nutritious food, WFP now responds by distributing vouchers and/or cash, enabling people to purchase food directly from local markets. These market-access programs, which now represent almost one-fifth of our program activities, serve to strengthen—rather than weaken—local economies.

Perhaps most important of all, fulfilling our duty of care means that, even in an emergency-response situation, we must not only fill stomachs but also implement broad-based nutrition outreach programs that safeguard those most at risk, particularly young children and pregnant and breastfeeding mothers.

Ultimately, this shift in the way that WFP works is a reflection of how we approach our duty of care as a giver, which embodies the same lessons that Silverstein conveys in The Giving Tree.

We recognize that, although immediate assistance is required in emergencies, we cannot neglect the need to provide—whenever possible—those we serve with more durable, sustainable, and resilience-building solutions. This need for transformation is reflected in the U.N. Secretary-General’s Zero Hunger Challenge initiative to end hunger in our lifetimes. Succeeding in this challenge demands that we set our goals high: we must ensure that no child grows up mentally or physically stunted, that everyone has access to adequate food, and that across the globe, in every community, our

29. The Food and Agriculture Organization of the United Nations reports that some 80 percent of the farmland in sub-Saharan Africa and Asia is managed by smallholders. The smallholders, who work on up to 10 hectares, provide as much as 80% of the food supply. Many of these farmers are extremely poor, and their economic future is at risk. Food & Agric. Org. of the United Nations, Sustainability Pathways: Selected Topics of Interest to Sustainable Food and Agriculture (2014).

30. After five years in operation, Purchase for Progress has sourced over 450,000 metric tons of food—valued at more than $177 million—directly from farmers’ organizations, small and medium traders, and innovative marketing platforms, such as commodity exchanges and warehouse receipt-systems. See PFP Overview, World Food Programme, http://www.wfp.org/purchase-progress/overview (last visited Dec. 2, 2014). Nearly 800,000 farmers, agricultural technicians, warehouse operators, and small and medium traders have received training from WFP and partners in improved agricultural production, postharvest handling, quality assurance, group marketing, agricultural finance, and contracting with WFP. World Food Programme, Purchase for Progress: Final Consolidated Farmers’ Organizations and Capacity Development Report (January 2009–December 2013), at 1 (2014), available at http://documents.wfp.org/stellent/groups/public/documents/reports/wfp264953.pdf.

food systems are sustainable. Success requires that we all support the empowerment of millions of women and men.

The global challenge of addressing hunger and chronic malnutrition is not the responsibility of any one agency. The obligation first belongs to the individual, then to the family, and finally to the state. This is in part because financial and capacity challenges too often limit the ability of many states to meet the needs of their poor and vulnerable. As a member of the U.N. community, WFP responds as needed and as requested. We work in partnership with a number of other U.N. agencies, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, the United Nations Children’s Fund, and the World Health Organization. The United Nations also depends on the support of national and international nongovernmental organizations as well as on other civil society organizations. If we are to achieve a world free of hunger, all members of the public and nonprofit sectors must collectively build more effective partnerships and collaborations with the private sector. Indeed, in addition to safety nets supported by government and civil society, private-sector investment in the development of viable agricultural markets will be necessary to achieve solutions that are sustainable and durable. The duty of care for the hungry and vulnerable poor requires not just making food available but providing access to nutritious food all year round for everyone everywhere. Every individual member of our shared global community must recognize and generate the public will required to catalyze the global efforts necessary to end world hunger and chronic malnutrition. Each one of us, much like the boy, must honor our obligations to nurture our joint future and to uphold our duty of care.

Conclusion

Although in many respects The Giving Tree’s thirty-odd pages defy classification, one aspect is clear. The Giving Tree can help people, young and old, realize not just their responsibilities but also their duties to those less fortunate. Our duty of care to people in need is not something abstract—however distant problems like hunger and poverty may seem, they are never far away. We learn from The Giving Tree that in this world our actions have consequences, sometimes despite our good intentions. Certainly, these are valuable lessons for children and parents, and I would recommend this fictional story of a tree and a boy as a valuable read for lawyers and aid workers. Yet, just as importantly, humanitarian policymakers would do well to heed the lessons of this wonderful children’s book. The Giving Tree’s lessons are for everyone. Indeed, this modern-day parable illustrates a tale for anyone who has a stake in building a better future for our planet.