

THE REPUBLICAN PARTY'S VISION FOR THE FAMILY:

THE COMPELLING ISSUE OF THE DECADE

By

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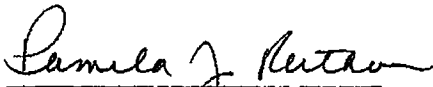
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ABSTRACT

The traditional family is the cornerstone upon which Western civilization has been built, but changes in demographics, ideology, and political philosophy during this century have resulted in the decline in the strength of the family institution. The model relationship among church, state, and family, based on history, law, and scripture, is presented as a framework in which legitimate public policy decisions must be made to facilitate family restoration.

Fundamental Republican Party principles concerning the family and the role of government are articulated, and recent federal legislative initiatives are analyzed for consistency. Political factors affecting family policy development are examined to determine why Republicans are not more successful. The paper concludes that Republicans must stay consistently committed to their principles, communicate more effectively with the American public, and take bold action to restore the family to a position of strength in modern society.

"Strong families are the foundation of society. Through them we pass on our traditions, rituals, and values. From them we receive the love, encouragement, and education needed to meet human challenges. Family life provides opportunities and time for the spiritual growth that fosters generosity of spirit and responsible citizenship.

Family experiences shape our response to the larger community in which we live. The best American traditions echo family values that call on us to nurture and guide the young, to help enrich the lives of the handicapped, to assist less fortunate neighbors, and to cherish the elderly. Let us summon our individual and community resources to promote healthy families capable of carrying on these traditions and providing strength to our society."

Ronald Reagan
Proclamation of National Family Week
November 15, 1984

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I

INTRODUCTION

STATEMENT OF THE PROBLEM

One need not be a family research professional, nor an ideologue of any particular political philosophy, to acknowledge that profound changes have occurred in the fabric of American society in recent decades. While economic prosperity has been generally consistent since the end of World War II, the attendant consequences of that success have included a significant shift in American demographic patterns, a redefinition of societal norms, a decline in respect for authority and the importance of values, and an assault on the traditional family. Professor Peter Uhlenberg, University of North Carolina sociologist, has distilled the root cause of the problem, asserting that "increasingly, Americans are pursuing a selfish individualism which is inconsistent with strong families and strong communities."¹

Scholars disagree in their attempt to pinpoint the time and origin of the changes in traditional values and the role of the family in society. While cause and effect are often difficult to distinguish, many point to the events of the 1970's with tax reform, the "legalization" of abortion, the no-fault divorce revolution, and a leftward shift in majority party politics at the federal level.² Others assert that it was the 1960's, which brought the sexual revolution, the Vietnam War, and the Great Society vision of the Johnson administration.³ Still

others trace the ideological groundwork for social change to the new age of liberalism ushered in by John Dewey's 1935 work, Liberalism and Social Action, and the New Deal of the Roosevelt administration.⁴

Regardless of the genesis for the change, the current debate in America over which values and programs are best for the family and public policy in general, goes beyond the basic arguments of conservatism versus progressivism. According to Dr. Os Guinness of the Brookings Institution, the conflict centers on the clash of traditional morality and absolutism with the modern pervasive relativism of truth, ethics and justice.⁵ Whereas faith and family had provided the roots of culture in the past, the rise of modernity and liberalism have given America a legacy of relativistic hollowness, homelessness, selfish heartlessness, and the death of God and heroes.⁶ While changes in the family may be superficially attributed to technological advances, growing international influences, financial circumstances, or evolutionary progress, it is of profound importance to be cognizant that changes in ideology and religious beliefs preceded the contemporary breakdown of the American family.

Perhaps the most discernible empirical evidence of a changed view of family is the:

Massive shift of nurturing and care-giving tasks away from the family and into the hands of institutions. America is changing from a society in which the family was the basic provider of care and nurture, to a society in which institutions are basic and the family is marginal.⁷

Despite an estimated 20 agencies administering 260 federal programs aimed at helping children and families in 1981, and a five-fold increase in per capita social welfare expenditures from 1960 to 1980 (in constant dollars), many of the economic and behavioral indicators of family

stability had only worsened.⁸ As the 1986 White House Working Group on the Family observed, more than two decades of substantial federal intervention had fostered welfare dependency and undermined the authority and liberty of the family:

Everywhere the equation holds true: Where there are strong families, the freedom of the individual expands and the reach of the state contracts. Where family life weakens and fails, government advances, intrudes, and ultimately compels.⁹

The White House Group also noted the ominous historical reality that every totalitarian movement of the twentieth century has tried to destroy the family. The modern American experience can be seen as an ideological battle between the forces of democratic capitalism and socialism, with the latter's attempt to "substitute the power of the state for the rights, responsibilities, and authority of the family."¹⁰ The contemporary conflict between the presuppositions and programs of the Great Society and those of the Reagan Revolution show clearly the tensions expressed previously by Guinness.

Many would not be concerned about this shift in institutional power and a replacement of the Judeo-Christian ethic with the relativistic values of the "me generation" of the 1980's, were they not presented with quantifiable evidence of a breakdown in the family and society at large. A cursory survey of contemporary demographics and statistical behavior patterns provides the necessary proof.

There is nothing so devastating to the American family as divorce. Currently, half of first time marriages end in divorce, while in 1960 the divorce rate was only 25%.¹¹ The consequences of the proliferation of marital dissolution provide a litany of woes for a once stable society, and probably represent the most profound social phenomenon of

this century. Children are involved in 60% of divorces, and 23% of children currently live in a single-parent family.¹² Single-parent families are growing at 20 times the rate of two-parent families.¹³

A closely related symptom of familial breakdown is the tremendous rise in teen-age pregnancy and illegitimacy. From 1970 to 1985, there was an increase of nearly 400% to 2.8 million in the number of children being reared by a mother who had never been married.¹⁴ Many attribute this tragedy in part to anti-family incentives in the federal Aid to Families with Dependent Children (AFDC) program, which in most states disqualifies a woman with a male financial provider living in the house. In fact, of the mothers receiving AFDC benefits in 1986, 46% had never been married, and 36% were separated or divorced.¹⁵ The rise in teen pregnancy and illegitimate births is even more shocking when understood that approximately 40% of these pregnancies have ended in abortion since 1973. Ironically, it appears that the recently-created school-based health clinics which dispense birth control information and products without parental consent, and the new values-neutral sex education programs in public schools, have contributed to increased promiscuity, rather than reduced illegitimacy.¹⁶

Recent decades have witnessed a tremendous increase in the participation of women in the labor force. While less than one-quarter of families had two-earner incomes in 1960,¹⁷ by 1982, almost two-thirds of all married women with children ages 6 to 17, and almost half of women with children under age 6, worked outside the home at least part time.¹⁸ While families were arguably in a better economic position with two wage earners in the home, the derivative problems of "latchkey children" and the "child-care crisis" have become among the most widely discussed

policy issues of the 1980's.

There is a continuing trend of young adults either postponing marriage or opting to remain single. This unique American demographic shift is evidenced by the doubling of never married adults age 25 to 29 from 1970 to 1984.¹⁹ Those who do marry are having fewer or no children. The changing views of the utility of children, the economic burden of raising them, the self-centeredness of modern individualism, and the wide acceptance and convenience of birth control and abortion, have reduced birthrates below that which is required to replenish the current population.²⁰ Increasingly, children spend less time with their parents and more time under institutional supervision, in front of a television, or on the streets with peers.

The unmistakable signs of social dysfunction linked to traditional family breakdown took on a fresh awareness in the 1980's. The scourge of rampant drug abuse by the nation's youth, and the widespread exposure of children as customers and victims of pornography were new indicia of trouble. Studies showed the great negative impact that toys, music, television and other media were having on children, as violence, sex and the occult were common themes in these vehicles of play and entertainment.²¹ Children have been further affected by reductions in child support and spousal maintenance awards in no-fault divorce decrees, and a national crisis in support enforcement.²² These represent yet further manifestations of a spirit of militant individualism and perversity which is gripping the culture.

The vast majority of American children have been educated in the public school system, in which textbooks and courses of instruction are increasingly oriented to humanist values and a secular philosophy.²³

The undermining of respect for parental authority in favor of state direction or individual autonomy, and the contemporaneous purging of religious influence in the public schools has impaired the development of healthy family members.²⁴ Values that had historically provided strength to the family, such as firm discipline and corporal punishment, patriotism, and academic achievement, were either attacked, or given token attention. Despite an increase in government spending on education from \$5.2 billion to \$25.3 billion from 1966 to 1981, scores on the benchmark Scholastic Aptitude Test (SAT) dropped about 6% in math and 10% in verbal during the period.²⁵

The Internal Revenue Code also wreaked havoc upon the traditional family. Dr. Allan Carlson, president of the Rockford Institute, blames heavy tax growth for giving the financial impetus for pressuring mothers into the work force. He reports that between 1960 and 1984, a two-parent family with four children saw its federal income tax liability increase 224%, while the social security tax increased 600%, to 7.15% of gross income.²⁶

The United States Supreme Court dealt among the harshest blows to the American family and traditional morality. A century ago, the Court demonstrated profound respect for the traditional views of marriage and family, stating in Maynard v. Hill that "marriage is the foundation of the family and of society, without which there would be neither civilization nor progress."²⁷ However in 1965 with Griswold v. Connecticut,²⁸ the Court embarked on dualistic path by attempting to create a view of liberty based on radical individualism, while facilitating statist control of select family issues. The Court postulated a new view of marriage by asserting that the "preservation of marital privacy"

precludes state interference with the right to use contraceptives,²⁹ even though the state had long been empowered to regulate the legal and sexual relationships of marriage. In Eisenstadt v. Baird³⁰ the activist Court illogically extended the Griswold notion of "marital privacy" to unmarried persons, at a time when every state in the union made sexual intercourse between unmarried persons a crime.³¹

In 1973, the Court in the Roe v. Wade decision gave the individual the right to destroy the unborn through abortion,³² and three years later in Planned Parenthood v. Danforth it extended the supremacy of individual privacy over parental authority in the child's abortion decision.³³ In his seminal article on the Court's role in shaping a national family policy, scholar Peter J. Riga suggests that in Danforth, "marriage is seen as a tenuous union formed by the consensual agreement of the two individuals who remain autonomous and independent throughout the relationship."³⁴ He further asserts that by the end of the 1970's, the Court had, for all practical purposes, obliterated the difference between marriage and non-marriage, by replacing the sacred covenantal view of marriage with the "positivistic view that a marriage is but an act of the state, which powers the state may delegate in appropriate circumstances."³⁵ In other cases, the abuses of the judicial doctrines of "in loco parentis" and "parens patriae," particularly in such areas as education, discipline of children, and child custody, have fostered subversion of the role of the parent in favor of ultimate decisions on family and children matters by the state and federal governments.

Professor Henry Holzer of the Brooklyn Law School believes that together the Belle Terre(1974)³⁶ and Moore(1971)³⁷ decisions stand for the proposition that it is a collectivist-statist ideology, not a

concept of individual rights, that lies at the base of official government thinking about the family. Further, when the Court reviews state definitions of, or intrusions into, the family, "the determinative criterion will be the importance of the state interest involved."³⁸

Riga concludes that in 15 years of Supreme Court cases ending in 1979, the view of marriage as an indissoluble lifelong commitment had been abandoned.³⁹ In its wake is the perverted notion of liberty that each individual should be able to live out his sexual life in any way he chooses without interference from the state.⁴⁰ The consequences of such judicial thinking have been previously discussed, and ironically create the very problems that society now calls on the federal government to resolve.

The foregoing discussion should lead one to reasonably conclude that the American landscape of the traditional family and its moral code is being marred by social permissiveness and government programs. In the 1950's, 70% of the typical American family consisted of a working father, a homemaking mother, and one or two children. In the changed demographics of 1980, this family pattern was representative of only 15% of households.⁴¹ Historically, the intact two-parent family has been the foundation of a healthy society, the best hedge against poverty among children, and the time-tested institution for the transmission of culture and values.⁴²

While additional statistics are available to document the impact of the decline of the family on society at large, the more constructive inquiry is into the role of other institutions in society to help arrest the underlying causes of family breakdown. A central premise of this thesis is that the preservation and strengthening of the traditional

family unit by government will, in the long run, substantially eliminate the need for a comprehensive and expensive federal bureaucracy to resolve domestic social problems.

Recognizing the problems and the need for the restoration of values and family stability, a model view of family in society will be proposed and a presentation and analysis of the commitment of the Republican Party to effectuate the model will be given. Unlike many other countries, the United States has no official national family policy, yet the clear erosion of family strength has been a catalyst for dialogue between liberals and conservatives concerning the need for one. After decades of a piecemeal policy approach at both the state and federal levels, and heightened awareness of the importance of the family during the "Reagan Revolution," the voters have looked back to politicians in Washington for solutions. Michael Novak prophetically framed the current political debate over family policy a decade ago:

There will, I assure you, be more and more careful attention paid to the family in public policy debates over the next decade or so. Much of it will be dangerous attention which will call on us to think rather creatively about how to enhance rather than to damage the family in a free society..."

We have all counted upon the family for 1,000 years, during many eras when no other institution worked, not the state, not the church, not the educational institutions, nothing. The only thing that worked and made survival possible was the family. Now it seems, the family is at a critical point. We must find ways by which to make its path easier in the future than it has recently been. For often today those who cherish family life feel, even in their own homes, under constant assault, embattled, and at war with a culture unnecessarily adversary to much that they hold dear.⁴³

II

THE NATURE AND AUTHORITY OF THE FAMILY

Before one can evaluate existing government policies with respect to the family, a clear understanding of the nature, definition, authority, and jurisdiction of the family institution is required.

Respect for the rule of law over private morality and custom has been central in the history of western civilization. Deriving its roots from canon law and subsequently the common law of England, the law of marriage and family were formulated in the Christian context of covenant, not purely contract.⁴⁴

In American jurisprudence, the model of the traditional family was drawn from the dominant Protestant ideology, American popular thought, and leading legal writers such as Blackstone and Kent.⁴⁵ In the nineteenth century, the Supreme Court recognized the "ideal Victorian family" as a small government in its own right in the few family cases that came before it. In Reynolds v. United States in 1878, Court upheld a bigamy conviction of Mormons despite a claim of religious freedom, stating that the family in American law is the Western European monogamous family in which sexual activity and child-bearing take place, not the tribal family of Africa or Asia.⁴⁶ In 1923 Justice McReynolds acknowledged in Meyer v. Nebraska that there are limits to what the state can do to improve citizenship, saying that the statist notion that government should supersede parental authority because some parents act

wrongly is repugnant to the American tradition.⁴⁷ It is from this historical western model that American family law and policy has grown, and against which contemporary thinking must be compared.

Today, the U.S. Census Bureau defines family as "two or more people related by blood, marriage, or adoption, and residing under the same roof."⁴⁸ Such a definition, while accurate in its sterile terms of defining logistics and membership, fails to include the covenantal bond of commitment at the core of family life. The "blood" relationship, without further qualification, would allow for incestuous and illegitimate relationships outside of marriage to fit the definition. Even so, some argue that such a definition is archaic, in that the idea of the family of colonial America as a foundation of economics, education, religion, or politics is part of the irretrievable nostalgia of the nation's heritage.⁴⁹ Radical contemporary attempts at redefinition of family eliminate the requirement for legal relationships, as observed in the National Organization for Women's (NOW) concept of family as "people who are living together with deep commitment and with mutual needs and sharing."⁵⁰

The Declaration of Independence, the charter of American liberty, and foundation for the U. S. Constitution, declares that our concepts of rights, duties, and authority are derived from the Law of Nature and Nature's God. From this Judeo-Christian heritage of the founding fathers, it is clear that the Creator is a God of order and authority, not chaos and autonomy. Each institution in society has been instituted by God for specific, limited purposes. Therefore, a good idea does not necessarily translate into good public policy, unless it is promulgated in a proper means by an institution with jurisdiction.

The family as an institution existed antecedent to civil government, and hence is not subject to being defined by it. It is in the Law of Nature of the created order that the Creator instituted marriage and family in Eden, where He ordained that "For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh."⁵¹ Family arises out of this divinely-created covenant of marriage between a man and woman, the terms of which can neither be originally set nor subsequently altered by the parties or the state. Single life and other households of relatives or friends living together must be regarded as a proper exercise of liberty, but there is no requirement that government promulgate policies which treat alternative lifestyle living arrangements equally with the preferred traditional family. The family as a God-ordained government has an area of sovereignty within which it is free to carry out the duties it owes to God, society, and other family members, under the covenant.

In addition to the family and the individuals who comprise them, God has ordained the institutions of civil government⁵² and the church⁵³ as the foundation of order in society. While there simultaneously exist man-made voluntary associations of business organizations, community service groups and the like, it is these three which have sovereign spheres of jurisdiction in which to exercise authority delegated by God. Although there is some overlap and partnership in pursuing the ends of a just and moral society, each institution has certain responsibilities given exclusively to it.

The church has a monopoly over the administration of the sacraments and it alone possesses the "keys of the kingdom" to preach the gospel and determine church membership.⁵⁴ As the mouthpiece of the Creator to

be salt and light to individual souls and other social institutions, the church has the teaching authority to expound upon the Scripture, and, along with the family, to care for widows, orphans, and the poor and disadvantaged. It should be the primary source of support, counsel, and restoration in the event of family dysfunction.

The civil government was ordained to secure the inalienable rights of individuals created in the image and likeness of God, and to facilitate a society in which other institutions are free to perform their covenantal duties to God and others. The state alone, with the exception of parental discipline of children, bears the authority to punish wrongdoers, for the civil ruler is a minister of God to execute judgment and encourage good.⁵⁵ Government authority is constrained by both this limited delegation of power from God, and by the covenant which the people have established with their leaders, embodied in the Declaration of Independence, the constitutions of the United States and the several states, and statutes passed pursuant thereto. The Congress can legislate in those broad Constitutional areas according to the purposes for which those powers were enumerated, which may indirectly impact the family. The state, more directly, may intervene to protect individual members of families, and, within its police powers, may do what is necessary to advance their health, safety, and morals. However, government at all levels must "support family parenting as the first premise of its social, economic, and fiscal policy."⁵⁶

The family is a self-governing institution upon which the natural law confers the duties of procreation, nurture, and socialization of children through marriage. It should operate as a haven of peace and support for the primary transmission of love, values, education, and

religion to all family members. Families are to be the primary caretakers of and providers for each of its members, and extended families must become self-reliant economic units, although they are to seek help from relatives as a first recourse in times of need, with the church as a secondary source.⁵⁷ As a repository of inalienable rights and intrinsic responsibilities, the family is a stronghold for the possession and channeling of private property between members and generations, a right that is severely infringed upon by burdensome estate and inheritance taxes.

The normative view of institutional interaction in society is seen as a symbiotic relationship of unique entities with the compatible goal of serving other human beings and glorifying God. Both church, in its provision of financial and spiritual support, and the state, in its protection of life, liberty, and marriage, have a role to strengthen and promote healthy family life. The family, in turn, must inculcate religious values, tithe, and give time for ministry in order to support the church, while exercising the disciplines of self-government and stewardship necessary to produce good citizens for the body politic.

While family authority is plenary with respect to its sovereign objects, the state government has a legitimate role to ensure that family members are educated and socialized in order to operate at a minimum level of self-sufficiency. It must be made clear that the government has no independent authority to prescribe conduct for the family, rather the authority arises out of the state's duty to protect the marital covenant and individual family members. Parents do not have the liberty to constructively abuse the child by neglect of their fundamental duties to educate and nurture, any more than they can withhold

food and shelter. However, under the umbrella of parental authority is the choice of means to accomplish their duties, through home schools, church schools, or other alternatives. It is in these areas of concurrent jurisdiction of family and state, in which the state acts in its limited but legitimate role of *parens patriae*, that the difficult policy decisions are made. In all cases, parents must be accorded the maximum opportunity to discharge their responsibilities independent of state oversight or compulsion.

Government, by definition, is to provide leadership to encourage righteousness and justice among and discourage wrongdoing among the governed. To that end, however, government is enjoined from replacing family functions with agencies of the welfare state, such that dependency and apathy are generated. While families may fail in providing a high standard of care, unless there is abuse, the permissive intrusion of the government is unwarranted. Nobel Prize winner Friedrich A. Hayek states that the view that unfettered discretion in the use of government power as a force for the social good and as an instantaneous problem solver when private sector solutions are slow in coming, is a delusion and an impediment to true progress.⁵⁸ This critical assertion underscores the importance of jurisdiction and authority over results and power, and is foundational for the construction of public policy for the family.

Having evaluated the current condition of the family in post-modern, post-Christian American society, followed by an articulation of the model duties and interrelationships of the basic societal institutions, the question implicitly suggested is how to attain the ideal. A detailed analysis of the classic "is-ought dichotomy" is beyond the scope of this paper, yet the question can be addressed in terms of