

NGO as Patners in Strengthening the Family

By David Blankenhorn

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In considering the United Nations Millenium Declaration, and in particular, in considering whether and how NGOs might work together, and in partnership with governments, to strengthen the family, I wish to pose and then reflect briefly on two questions.

First, what is the most desirable relationship of the modern nation state to the family? And second, should we seek to win a "preferential option of the family" in law and public policy? In suggesting a "preferential option" for families, I am thinking of the Roman Catholic Church's impressive idea of a "preferential option for the poor" — that is, the commitment of society to think *first* of "the least of these," in part by giving the poor preferential or compensatory treatment as society formulates policy, distributes benefits, and seeks to expand opportunities. Should modern societies think about and treat the family in this same way? Should NGOs press governments to treat families in this way?

To answer these questions, I think we must begin by reflecting on the two main reasons — at least, I can think of two main reasons — why *all* states should recognize and protect the family. The first reason implies that the state *must* recognize the family as a matter of fundamental moral and natural law. The second reason implies that the state *ought* to recognize the family as a matter of prudential and time-honored political judgement.

First, as regards the "must," the family is a natural institution, occurring in all human societies and pre-dating all government. In this sense, connection to family is part of what it means to be a human being. Politically, then, no government can pretend that it has created the family, or that the family exists to serve the state, or that the state is, in any basic sense, in charge of the family, or that the family should exist or cease to exist, or should evolve in this direction or that direction, according to the needs and aspirations of the state.

No. The most important political idea of the modern era — arguable the most important political idea of the recently completed millennium — is that all human beings are endowed by their Creator with certain unalienable rights: rights that cannot be denied by government, or made instruments of government, precisely because they are not the creation of government. Similarly, let us leave this gathering with this proposition in our hearts and minds: One of the most important political ideas of the *new* millennium is that governments must recognize and respect the natural family, in much the same way, and for exactly the same reason, that they must recognize and respect basic human rights, since the natural family, like natural or basic human rights, is a *gift* from nature and nature's God, thereby constituting a fundamental dimension of human flourishing that must be recognized and respected by all governments at all times. That is the reason why governments *must* recognize the family.

Second, as regard the "ought," almost all governments in almost all times — I think it's fair to say all government everywhere that we would call minimally decent — have declared, either explicitly or implicitly, a state interest in protecting the family, especially marriage. Why? Because the family as an institution, based on legally recognized marriage, generates a wide range of what scholars call "social goods," from sexual responsibility among adults to character and competence in children. States have long understood that families produce

these vital social goods better, more often and more efficiently — more naturally, as it were — than do any other possible arrangements for guiding sexuality and bearing and rearing children. In this sense, the family can be viewed as the cradle of civil society, the first and most important institution of civil society — a seedbed of the virtues and way of living upon which good government depends, but which government itself cannot create or sustain. So for these reasons, the state, as a matter of prudential political management, has a clear interest in recognizing and protecting the family.

Now, what about the notion of a "preferential option" for families? Perhaps this is largely a matter of semantics, but I want to suggest that it is *not* the best way to put the matter. To me, the main idea is that public policy should *recognize* the family, not give it special or preferential benefits, as if the family were a type of supplicant, or as if the family were just another special interest, lining up to lobby for special benefits from government.

Let me give two examples that I hope will illustrate the distinction I am trying to make. In the area of taxation, a basic choice facing government is whether to tax each person as an individual, regardless of marital and/or parental status, or alternatively to tax the married-couple household as a single unit, permitting, for example, married couples to share or split their income for purposes of taxation, thus treating them the same way that tax policy would treat any other joint economic partnership. In a number of rich countries, including the United States, the basic trend in recent decades has been toward a system of individual taxation, and away from family taxation.

Now, in the debate on this issue in the U.S., a curious new public vocabulary has emerged. Taxing everyone as an individual, regardless of marital status, is said to constitute "neutrality" toward the institution of marriage; whereas family-based

taxation, especially the idea of permitting married couples to share their income for purposes of taxation, is said to constitute a "marriage bonus," a sort of preferential treatment for married persons. But of course, in reality, that is not at all what is happening.

Treating married people as if they are married does not mean that you are somehow giving them a special benefit, anymore than pretending for the purpose of taxation that married people are not married constitutes being "neutral" toward the fact of their marriage. In both instances, the choice facing policy makers is not between giving a bonus or extracting a penalty, or between being neutral or playing favorites; instead, the choice facing policy makers is between recognizing reality — *recognizing what marriage is* — or denying it. Our position then, should simply be that we are against pretending and in favor of recognizing the empirical, already-existing reality of the marriage bond.

A second and similar example concerns divorce law. In most U.S. states, and in several other of the rich countries as well, any marriage can be dissolved unilaterally, by either spouse, at any time, for any reason. It is called "no fault divorce," but a more accurate description would be "unilateral divorce," or divorce on demand from either spouse.

Now, I favor changing these laws. But why? What is our reason? Is it because marriage has become so weak that it needs the state to step in and help make it stronger? Perhaps by giving marriage special or preferential legal supports? No. Again, the main point to me is simply to recognize what marriage is.

Marriage is a mutual and sacred promise involving two lovers, their Creator, their community, and children that their marriage may produce. That's what the marriage vow is. For the state arbitrarily, and in defiance of reality, to declare that

the marriage promise may be immediately and unilaterally broken by either spouse for any or no reason — that the marriage contract is less binding, therefore, than any other recognized contract in the society — is, in essence, to abolish any legal recognition of marriage. It is essentially to pretend, for the purposes of law, that marriage as a union of two persons does not exist. To reform these laws, then, is not to step in from the outside in an effort to give marriage special or preferential treatment. It is simply to recognize what marriage is and permit people who want to marry to in fact, in the eyes of the law, get married.

There are other examples, but I think the distinction is by now clear enough. The proper demand, then, is not for special treatment; it's for recognition.

One final point. In my view the main family trend in the world today, at least among the rich countries, is toward a post-marriage society, a society in which even the word "marriage" loses its essential normative meaning and, insofar as the old meaning lingers, becomes a slightly embarrassing word to say in public, like the word "God" has already become in some of our societies. For this reason, the main task before us, in my view, to bring forth a coordinated, international, multi-sectoral social movement to strengthen and defend the institution of marriage.

Let us work together, then, to create and lead a marriage movement that spans the world. Let the scholars among us study. Let the writers write. Let the legislators make laws. Let the preachers preach and the counselors counsel. Let the parents teach the young. And let the NGO's work together, and with governments.

Let the word on our lips be "marriage." Let us bring forth a marriage movement. And let us demand that governments everywhere let marriage be what it is.

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