

THE REPUBLICAN PARTY'S VISION FOR THE FAMILY:

THE COMPELLING ISSUE OF THE DECADE

By

ROBERT F. MCDONNELL
B.B.A., UNIVERSITY OF NOTRE DAME, 1976
M.S.B.A., BOSTON UNIVERSITY, 1980

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APPROVAL SHEET

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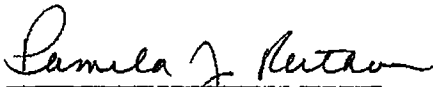
and Juris Doctor in Law


Robert F. McDonnell

Approved May, 1989


Herbert W. Titus, J.D.
Chairman


Paul J. Morken, J.D.


Pamela J. Ruthven, Ph.D.

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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

whether an official family policy should be promulgated by the federal government, and if so what the substance of such a policy should be. Family policy may be generally defined as the sum of all those public policies designed to facilitate the best environment for parents to nurture and support their children and each other. Where there is no vision the people perish,⁵⁹ and Republicans of the 1980's have recently given a share of their vision for the American family through proposed legislation, proclamations, party platforms, and public debate.

III

THE REPUBLICAN VISION FOR FAMILY POLICY

George Bush entered the 1988 presidential race inheriting the strong pro-family legacy of the Reagan administration. An increase in Congressional debates and media attention on the symptoms and consequences of family breakdown, coupled with Democratic activism in injecting a "Kids as Politics" theme into the campaign, compelled Republicans to articulate a vision for the American family. Not surprisingly, Reagan's popularity helped continue conservative social positions in the 1988 platform entitled "An American Vision: For Our Children And Our Future." In it, the party proclaimed:

Strong families build strong communities. They make us a confident, caring society by fostering the values and character - integrity, responsibility, sharing and altruism - essential for survival of democracy. America's place in the 21st century will be determined by the family's place in public policy today....

Republicans believe, as did the framers of the Constitution, that the God-given rights of the family come before those of government. That separates us from liberal Democrats. We seek to strengthen the family.⁶⁰

Looking back to 1980, Reagan's electoral mandate brought a prompt and sustained conservative shift to key Republican executive positions. Using a pro-family theme in response to the assault on traditional values and increasing statism, Reagan used his office as a "bully pulpit" to continue his message of hope, family, economic prosperity, and individual and community empowerment. The 1986 White House Working

Group on the Family claimed that Reagan's defense of the family along with his personality made it:

fashionable to recognize that the restoration of family life is vital to our society's future.... That we need such a [pro-family] policy is clear. The statistics on the pathology affecting American families are overwhelming.... The family needs help!⁶¹

The Republican Platform of 1980 which swept Reagan into office was "one of the most Conservative ever endorsed by a major political party."⁶² The platform embraced such concepts as support for a human life amendment, voluntary school prayer, and an end to forced school busing and the Department of Education, all measures applauded by Conservatives as advancing traditional family values and limited government.

Four years later, Republicans were more specific about their concern for family echoing the words of Maynard v. Hill:

Republicans affirm the family as the natural and indispensable institution for human development. A society is only as strong as its families, for they nurture those qualities necessary to maintain and advance civilization.

Healthy families inculcate values - integrity, responsibility, concern for others - in our youth and build social cohesion. We give high priority to their well being.⁶³

The platform specifically targeted marriage dissolution, pornography, child care, child abuse, and the tax code as major areas in need of federal policy changes.

Republicans pride themselves in being the party of Lincoln, reflecting a commitment to individual liberty, equal rights for all, and traditional moral values. Party Leader, Bob Michel, frequently acknowledges a respect for American pluralism and describes the Republican vision of society as a "nation of communities," wherein the role of

government is to empower individuals, not bureaucracies.⁶⁴ In contrast, Democratic leaders, like New York Governor Mario Cuomo, see America as a homogeneous "national community,"⁶⁵ wherein the national government is fit to rule at the expense of local government and private community action. Republicans see the family as the basic unit of the community, the bedrock of society. Therefore, policy makers must "support and reaffirm the decisions families make out of love and commitment, not undermine them or send a message that Republicans are neutral."⁶⁶

Republicans seem to understand the value of the family's role in society as the greatest influence on individual character development and the educator in principles of self government:

Private choices have public effects. The way our fellow citizens choose to live affects many other lives.... For in the final analysis, the kind of people we are - the kind of nation we will be for generations hence - is the sum of what millions of Americans do in their otherwise private lives.⁶⁷

Implicit in the foregoing assertion is a presupposition that policy decisions must be made with cognizance of the nature of man. For at least 8 years, Republican domestic policies have demonstrated that man is capable of doing good only in an atmosphere of liberty and faith, not compulsion and atheism. However, man's basic nature is inclined towards evil, and when the exercise of liberty takes the shape of pornography, drug abuse, or homosexuality, the government must restrain, punish, and deter. The preamble to the 1988 Republican Platform summarizes these foundational beliefs:

In 1988 we reaffirm [the] truth, Freedom works.... Our platform reflects on every page our continuing faith in the creative power of human freedom.... It is from these innumerable American communities, made up of people with good hearts, that innovation, creativity and the works of social justice and mercy naturally flow and flourish....

At the very heart of this platform is our belief that the strength of America is its people: free men and women, with faith in God, working for themselves and their families, believing in the inestimable value of every human being from the very young to the very old, building and sustaining communities, quietly performing those little, nameless, unremembered acts of kindness and love that make up the best portion of our lives, defending freedom, proud of their diverse heritages. They are still eager to grasp the future, to seize life's challenges and, through faith and love and work, to transform them into the valuable, useful, and beautiful.⁶⁸

In Republican rhetoric and policies on crime and welfare reform, one discerns a view of man as an accountable and responsible moral agent. In their positions on economic growth, Republicans endorse the provision of opportunity, not guarantees, by getting "government out of the way, off the backs of households and entrepreneurs, so the people could take charge."⁶⁹ In principle the party has supported a pro-family agenda: religious freedom to include voluntary prayer in public schools; a human life amendment; the appointment of judges at all levels who respect the sanctity of life and traditional family values; and the right of private property as the cornerstone of liberty.⁷⁰

Republican family policy must advocate local analysis and solutions in lieu of federal intervention, a focus on emotional and spiritual aspects of a problem in addition to the physical, and support for institutions and individuals promoting a philosophy of responsible charity.⁷¹

The "Committee on the First 100 Days" of the House Republican Research Committee sought to spell out the philosophy for social policy and government intervention for the second Reagan term:

Our premise is simple: America's real energy comes not from government, but from millions of good hearts and creative minds. Our country is embarking on a massive peaceful revolution... Government's role is to encourage this revolution and help bring its benefits to all Americans.... Even as America masters the changes in the material world, it must stay anchored to the traditional values of family and fairness. We

think government can play a positive role in helping families find opportunities for adoption, day care, and good education.⁷²

Rather than employing an empiricist epistemology in formulating programs that treat only the symptoms of family breakdown, Republicans appear earnest in their prescription that the strong family is the preeminent hedge against social disorder. Hence, those things which can be shown to cause or create the conditions for family collapse must be opposed, and where authorized, prohibited by legislation. Republican policy analysts assert a key truth that "marriage is the single best guard against destitution," pointing to the fact while only 7% of intact married-couple families are poor, 82% of those mothers on welfare are either separated, divorced or never-married.⁷³ However, when families break or members reject the value of family, government may well be unable to rescue individuals from their choices. Republican Policy Committee staffer Frank Gregorsky reflects that:

Some individuals are lost to civilization. If not violent or psychotic, they may still be shiftless scoundrels. No mix of carrot and stick can make such people into upstanding citizens or reliable breadwinners.... Evangelicals can occasionally bring one of these people to God, and a much healthier life. Government can give them a subsistence income or put them into labor camps. No one recommends the latter, and government can't subsidize missionary work.⁷⁴

Undergirding the Republican policy formulations is the belief that government reinforcement of family rights and responsibilities must be an essential component of public policy. Documented studies and testimonies before the House Select Committee on Children, Youth, and Families, linking family breakdown to a myriad of social woes, prompted ranking minority member Dan Coats (R-IN) to conclude:

The impact of the breakup of the American family is so devastating and the need for restoration so great that all segments

of our society must address this issue of how we can best strengthen the American family.⁷⁵

In advocating the reauthorization of the Select Committee on Children, Youth and Families in 1985, Coats suggested that a deep understanding of the importance of the traditional family is required by Congress before it can contribute to contemporary solutions:

If we treat children as if they have no parents, parents as if they don't have primary responsibility for their children, and husbands and wives as if they were just two people living together, will we really treat the problems families experience, or just treat the symptoms of them?We don't want to keep treating the symptoms, we want to do something about the basic cause of the problem itself.⁷⁶

Republican principles of limited federal government, individual accountability and state sovereignty are challenged by popular demands that something be done in Washington about the many problems related to the family. Being pressured to take action, simply because the need exists, or in reaction to calls for the uniformity of policy, Republicans have been forced to define their concept of federalism and sphere-sovereignty:

We do not believe the solutions are ultimately federal. But that does not mean that the federal government cannot provide assistance to good programs, give incentives, and generally help state and local governments, private sector groups, and individuals and families in their efforts to assist children and families with the massive problems they face.⁷⁷

While such language is broad enough to allow for political expediency, it does accurately portray the Republican preference for local government action. However, Republicans are quite willing to use block grants, demonstration projects, and cost-sharing programs with the states in order to accomplish national policy objectives. What appears to be a looser reading of the Constitutional powers given to the

Congress, and a different view of the federal structure than the one articulated by Madison in the Federalist Papers,⁷⁸ provides the ideological cornerstone for Republican family policy. Republicans also do not appear reticent to use an expanded power base provided by decades of judicial legislating by activist Supreme Courts. While not conclusive, one discerns vestiges of an evolutionary or positive view of law in some elements of the party, in the focus on social change as the primary stimulus for change in the law. Quite naturally, too, it is easier to affirm and act upon the special needs of voting constituents, than to explain a more traditional view of federalism as a basis for federal inaction.

While Republican rationales for being committed to the traditional family are sound and convincing, the need and authority for, and extent of federal involvement is less than clear. There is an understanding that the basic undermining of the American family comes from personal choices beyond the reach of government. They agree with Michael Novak that:

Nobody forces people to abandon spouses, to separate, to divorce, or to have children outside of wedlock. Nobody. If you make these choices, there are going to be consequences throughout the social system.⁷⁹

Congressman Frank Wolf (R-VA) admonished his colleagues for failing to understand how families work:

We shouldn't kid ourselves. It is families who do the work of raising our youth who will someday run this country. We can help or hinder them; we can't replace them. No federal program is going to make it up to a child when he loses his father through divorce... No federal program is going to teach a child how to love, to sacrifice for others, or to participate in society. Parents teach those lessons.⁸⁰

Most Republicans understand that there are certain things which government cannot command, partially because of a lack of jurisdiction, but primarily because compelling what should be voluntary doesn't work. Simultaneously, there is tension created by a desire to bridge the "compassion gap," and articulate a federal concern and policy for women and families. While Republicans have thus far shunned a call for an official national family policy, the issue-driven debates of an election year, and the failure of the family, church and state governments to resolve pressing problems, have offered a profound challenge to Republicanism. It is this dilemma of a policy approach bifurcated between need-based pragmatism and adherence to classic Republican principles that colors the internal party debate and many of the legislative initiatives in the Congress.

Turning to the criteria by which government policies are to be judged, Republican policy formulators offer several suggestions. Researchers for the Children and Family Project '88, a Republican initiative, concluded that three questions must be consistently asked in developing sound policy: Is it strengthening the family? Is it building character? Is it developing responsibility?⁸¹ In the Executive Department, a Republican White House Working Group On The Family, headed by then Undersecretary of Education, Gary Bauer, proposed guidelines to President Reagan by which to evaluate the effects of legislation and administrative policies on the family.⁸² The central theme of these model guidelines is that a pro-family policy must recognize that parental and familial rights and responsibilities are fundamental and are superior to those of the state. When intervention is necessary, it should be accomplished by local institutions in the private sector, and

when government involvement is required, it should be undertaken by the appropriate level closest to the people.⁸³

The Republican party, while able to arrive at a consensus in platforms and policy statements, is a composite of different and changing factions dominated by different primary interests. At the federal level alone, there are 173 House Republicans and 46 Senators, supported respectively by the National Republican Congressional Committee (NRCC) and the National Republican Senatorial Committee (NRSC). Each House has its own party leadership, Bob Michel (R-IL) in the House and Bob Dole (R-KS) in the Senate, supported by a number of policy, research, and steering committees designed to evaluate issues and offer policy guidance. While most state publicly that unity exists in domestic policy, a necessary proclamation for the minority party whose "11th Commandment" is to speak no evil of a fellow Republican, there are in fact differing views on the shape and content of family policy.

In the December 1988 elections for Republican leadership in the 101st Congress, pro-life conservative Jerry Lewis (R-CA) edged pro-choice moderate Lynn Martin (R-IL) by a few votes for the chairmanship of the House Republican Conference, the third-ranking party position in the House. At the height of the 1988 debate over a national child care policy, Marge Roukema (R-NJ) published an editorial entitled "The GOP's myopic vision of the family", deriding her colleagues for not facing the facts of family life as they are.⁸⁴ She claimed that the primary family issue for Republicans was not child care, but a family-and-medical leave policy which provides federally mandated job security for employees leaving work due to illness or to care for a child. That Republicans disagree on specific family policies was especially evident in their

response to the Democrats Act For Better Child Care (ABC) bill of 1987. No less than four alternative Republican bills emerged in the 100th Congress, with a fifth option suggested by then-candidate Bush.

In a nation with a strong two party system, one can expect a party to embrace people with a wide variety of perspectives, who support only part of the total official party agenda. An understanding of contemporary Republican thinking about family requires a brief review of the major ideological subgroups within the party. From World War II until Reagan, the party was dominated by three factions: the party of Wall Street, Main Street, and Easy Street.⁸⁵ Wall Street Republicans of the East were big businessmen who accommodated the big-government policies of the New Deal, and were generally considered the liberal wing of the party. Main Street was the geographic and ideological center of the party, reflecting small town values of decency, honesty, and fiscal conservatism. Easy Street Republicans are a somewhat newer phenomenon, espousing a populist, anti-establishment conservatism appealing to both the nouveau riche and the working middle class.⁸⁶ Republican leaders in the post-Reagan era have been characterized as Reaganite conservatives, either orthodox, guardians of the revolution, revisionists who seek to correct the mistakes, or radical ideologues who want to aggressively extend and export the conservative revolution.⁸⁷

In the past decade the impact of two new and growing groups have had an increasing influence on Republican social policy. The "yuppie Republican" is a younger traditional conservative on economic and foreign policy issues. As a product of the volatile sixties and seventies, he is more moderate and permissive in social and domestic policies. Perhaps the most significant contribution to the pro-family

cause has been given by the New Right, particularly evangelical Christians, who left the Democratic party en masse after severe disappointment with the Carter administration, and the message of hope offered by Ronald Reagan. As Kathryn Murray, director of communications for the Republican National Committee observed:

I think that the Democratic Party has largely alienated the evangelicals. We consider traditional values to be the bedrock to build strong families and a strong country. And I think evangelicals see that as a very attractive philosophy.⁸⁸

Congressman Dan Coats (R-IN), Ranking Minority Member of the House Select Committee on Children, Youth, and Families, believes that because of the entry of active evangelicals into the Republican Party, "There's been a proliferation of discussions to elevate family issues to a very high level of debate, where before the interest was not there."⁸⁹

Acknowledging the increased conservatism and family focus of many Republican proposals during the Reagan years, B. Robert Okun, Executive Director of the House Republican Policy Committee says of evangelicals that "I think they've been a very good barometer upon which we judge what we come out with."⁹⁰

Assessing policy trends into the short-term future, Republicans generally agree that it makes sense either politically, morally, or constitutionally to have the federal government active in issues that affect the American family. Yet, having an impact in an increasingly divided Congress takes votes. In analyzing the anemic performance of the Republican Party in controlling the House of Representatives for only 4 years out of the past 58, staunch conservative Vin Weber (R-MN) claims:

If we are to achieve control of the House, we will need to push family issues... There is much room in the Republican

Party for disagreement on all issues, but as a party, we must take a stand on the controversial issues of the day... [The voters] are frustrated by a timid and hollow isolationist foreign policy and the erosion of America's traditional strong family values.

The decade of the eighties is the decade of the decline of the liberal Welfare State. If we are to see its final demise, Republicans must provide an alternative that is genuinely insightful, innovative, and geared toward the future. In short, we must replace it with a Conservative Opportunity Society.⁹¹

In March 1989, Representative Newt Gingrich (R-GA), an architect of the 1981 Conservative Opportunity Society (COS) vision, catapulted from the status of outspoken maverick to the House Republican Whip, the second-ranking elected party position in the House. While winning by only a narrow margin, his election to the Republican leadership reflects the desire of the Party to have a bold, conservative spokesman, and to work to shed the perennial minority status.

Republican rhetoric and documented principles during the Reagan years have grown increasingly conservative as they relate to family policy. Yet, there are indications, both in theory and in practice, that flexible notions of federalism and a good measure of political realism provide a license for Republican entry into areas of family life previously considered outside the scope of federal involvement. The next chapter will analyze tangible policy proposals in light of these foregoing principles and assumptions about the family.

IV

THE CONSISTENCY OF REPUBLICAN IDEOLOGY AND POLICY PROPOSALS

Having examined the problem, the model, and the Republican political principles, the inquiry will now focus on the articulation of specific legislative proposals of the Republican members of Congress. A fundamental question to be asked is whether the recommended programs and statutes are consistent with the publicly espoused principles of Republicanism. The starting point for Republicans is the recognition that solutions to family problems enacted in the past have not worked as intended. Congressman Coats reflects that:

It astounds me that the reaction of some recognized national leaders is to deny that the problem is anything less than simply an unlimited Government checkbook...we cannot continue to ignore the message. The erosion of values and the breakup of the family is having a tragic impact on our society, and strong families are essential to the future of this country.⁹²

Until recently, neither political party focused much attention on the decline of the traditional family, the role the federal government was playing to cause it, and what they could do to prevent it. Legislators on both sides of the aisle generally associated a national family policy with socialist countries, and recognized that family law jurisdiction had resided within the states and the family itself. Even more importantly, perhaps, was the patent failure of most legislators to assimilate the family demographic data and the declining moral standards, and conclude that family breakups were at the root of other

social and criminal problems.

Perceiving a need for federal action, the Senate of the 97th Congress created the Subcommittee for Family and Human Services in 1981, a joint effort by Republican Senators Orrin Hatch (R-UT) and Jeremiah Denton (R-AL), at a rare time when Republicans had a majority in the Senate.⁹³ Two years later, the House authorized the Select Committee on Children, Youth and Families, a special committee without legislative authority which is reauthorized every two years if its mission is still viable. Ranking minority member, Dan Coats, admits the lack of Republican vision at the outset saying "I think we've gone from a question of wondering what the problem is, to [proposing]... pro-active, viable, conservative alternatives to deal with these problems."⁹⁴

The first fruit of the Senate committee brought forth by Senators Hatch and Denton was the introduction and passage of the Adolescent Family Life Demonstration Projects Act of 1981. Aimed at a national epidemic of unmarried pregnant teenagers, Republicans saw the act as a vehicle for adolescent education and pregnancy prevention. The program's purpose was to influence the behavior of adolescents by promoting sexual abstinence prior to marriage, and stressing the crucial role of the family in forming healthy attitudes about sexual relations.⁹⁵ The legislation further provided research and demonstration grants to states and institutions, on a declining federal cost-sharing basis. Funds were also used to provide maternal training and adoption counseling services as an alternative to abortion for unwed teen mothers, while abortion counseling and funding were explicitly forbidden. Drafters prided themselves in the legislation's reach to address the underlying causes and unfortunate results of premarital teenage sexual relations, while

limiting the role of the federal government to the provision of guidance and funding.⁹⁶ The act specifically permitted religious groups and churches to qualify for funds to conduct a demonstration program, so long as the Court-defined standards of the First Amendment's establishment of religion clause were not violated by the advancement of a particular religious position.

The purposes, construction, and administration of the Act were to set a pattern for the Republican Reagan-era Congress. The policy embodied in the legislation was a clear commitment to traditional moral values, a respect for human life, and an understanding of the importance of parental support and instruction of children. In contrast to direct federal intervention and entitlement creation, the Republican methodology has been to preserve voluntary state participation and regulatory control, while finding it an appropriate exercise of the federal spending authority and the affirmative duty of government to promote such a program. The Act demonstrates fidelity to principles outlined in the 1980 platform and elucidated by Ronald Reagan on the campaign trail. It is a good example of the government understanding a problem, tailoring a policy to effect a principled resolution, and then encouraging the citizenry to do what is right without coercion.

While only \$30 million has been appropriated annually for the Adolescent Family Life Act, Republican commitment to the program has withstood several years of reauthorization debates in which the Democratic opposition has attempted to eliminate the participation of religious institutions, and allow counseling for abortion.⁹⁷ Republican proponents won a major victory before a Supreme Court largely influenced by Reagan's conservative pro-family justices, when the Court upheld the

constitutionality of the Act in Bowen v. Kendrick, after a 5-year court battle.⁹⁸ The Court held that government promotion of sexual self-discipline, abstinence, and adoption was not inherently religious, "although it may coincide with the approach taken by certain religions."⁹⁹ Recognition by the Court that Congress can legitimately support religious organizations in influencing values and family life, provides significant impetus for conservative Republicans in developing a strategy for the restoration of the nation's moral base.

Another legislative initiative at the onset of the Reagan Revolution was the Family Protection Act of 1981, the first sweeping policy aimed at limiting government intervention in many areas of family life and bolstering the conjugal, two-parent family as normative.¹⁰⁰ The Act provided for a variety of traditional family support measures such as a restriction of federal funds for abortion, a restraint of federal interference with state statutes pertaining to child abuse, a redefinition of abuse to exclude parental spanking, and a prohibition of funds for homosexual legal services and other anti-family activities.¹⁰¹ The act incorporates sound principles of federalism and self-government, while refusing to acknowledge homosexuality and abortion as acceptable behaviors and actions. It is noteworthy that these latter two issues are even framed in the context of family policy, a noticeable omission of Democratic policy makers, who discuss these as issues of personal liberty distinct from the family. The Republican vision is cognizant of immorality and the attack on family values as the root of otherwise secular social problems, and the legislative response demonstrates an unwillingness to legitimate those actions which are both cause and effect of family breakdown.

The critical question to be posed against these and other Republican policies is whether an admittedly good idea or program is appropriately within the province of the federal government. Clearly, the withholding of federal funds from programs which are likely to undermine family authority or facilitate the decay of family values, is legitimate. Less clear is the authority for the affirmative use of federal funds to encourage and support programs which are reasonably calculated to build strong traditional families and reinforce the bed-rock values. The major controversy surrounds legislation intended as a symptom-treating federal safety net to catch those victims of family breakdown. One might argue that the pragmatic response to the real problems occasioned by man's sin and irresponsibility reflects a false compassion and a paternalistic governmental view of the family. Perhaps the proper, but more difficult, response to some "good ideas" is to reflect restraint in legislative language, commitment to sphere-sovereignty, and adherence to first principles, even when action or inaction may cause political and practical hurt with the media and voters. If the government at all levels has a duty to uphold the family, then it follows that it has the authority to legitimately discriminate in support of this goal.¹⁰²

Several recent Republican initiatives support the contention that many Congressmen do adhere to social conservatism and espouse a consistent approach to those issues and problems that rightly come under the ill-defined umbrella of family policy. In the face of liberal rhetoric about encroachments upon hallowed First Amendment freedoms, Senator Jesse Helms (R-NC) and Representative Thomas Bliley (R-VA) were able to push the Telephone Decency Act of 1988 through Congress into law

