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The Obligations of Family Life: A Response to Modern Liberalism

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Abstract

Two incompatible views about marriage are vying for supremacy today in America. The new, reformed view emphasizes companionship, autonomy, and individual self-fulfillment as the chief purposes of marriage. Since the middle of the 20th century, this new view has slowly displaced the view that marriage involves a love centered in no small part around procreation and child-rearing. But no matter how much our contemporary views may wish away the links among sex, procreation, enduring marriage, and raising children, those links persist and will persist. They reveal that the public depends on the private since both procreation and education are the result of “private” decisions. No alternative means of making these public is available, and if one were available, it should not be embraced. Efforts to separate having children and raising them are ill-founded. Laws and mores should be grounded in the biological and personal realities of human life. Anything less is uncivilized.

Two incompatible views about marriage vie for supremacy today in America. The new, reformed view emphasizes companionship, autonomy, and individual self-fulfillment as the chief purposes of marriage. Since the middle of the 20th century, this new view has slowly displaced the traditional view that marriage involves a love centered in no small part around procreation and child-rearing.

Advocates for the family have worried that this change is at the root of significant social ills resulting from divorce, single-parenthood, and the loss of a culture friendly to marriage and family life. Advocates of the reformed view have championed

it as the logical conclusion of a history in which human beings liberate themselves from the dead hand of the past and the dictates of nature. The great, ongoing debate about the legal definition of marriage and family life concerns how well these two different views represent the reality of marriage and family life.

Laws are premised on principles. These principles in turn are attempts to articulate the world.

Advocates of the reformed view have focused on making marriage and family life consistent with the principle of individual autonomy. In practice, this means that individuals build a life to meet their idiosyncratic visions of marriage for whatever purpose they choose.

Individuals exercise their creativity in designing a life that will not fit any preexisting mold or answer to any natural needs. They decide for themselves how their sex lives will be lived, how and when to have children, whether and whom to marry, and

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whether to be a parent. They then can combine their answers to these questions into the making of a life plan—always revisable, of course. Relationships are made and unmade by unbounded freedom. Possibilities seem endless, and human beings find their meaning and freedom from this process of self-discovery, or trial and error.

Four Core Experiences in Marriage and Family Life

The traditional view, while recognizing aspects of freedom in marriage and family life, takes its bearings from the elements of our experience that cannot be explained on the basis of individual autonomy. Based on notions that human beings are relational and dependent, marriage and family life connect four core experiences:

- Sex,
- Procreation,
- Enduring marriage between a man and a woman, and
- Taking responsibility for children.

People enter into these four experiences by their own consent, yet each experience also shows the various ways that human beings are relational and dependent creatures—dependent on our bodies and on others for the realization of great human goods such as love, trust, self-control, and, of course, bringing new life into this world.

In marriage and family life these experiences build on and reinforce one another and are connected to one another. Sex, procreation, marriage, and parenthood are experiences that, when bound together, set the stage for a specifically human thriving and create the most viable ground for a household living a common life, expressing and preparing for human virtues.

Let no one be deceived. The spirit of autonomy and the dependencies of marriage and family life are utter antagonisms: In our public philosophy, the latter is quickly being displaced by the former. Modern reproductive technologies that have abetted the sexual revolution and modern practices such as surrogacy, no-fault divorce, gay marriage, and the rise of single-parent families point toward the ascendancy of the autonomous ideal and the severance of the

four experiences that once were thought to be bound together in marriage.

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Ultimately, however, the spirit of autonomy cannot succeed in describing marriage and family life because it distorts, ignores, and wishes away the dependencies and connections at the heart of marriage and family life. The new view points to a new vision of humanity and a revolution at odds with genuinely human experience, with human nature and with the demands of a self-governing people. Making the household into a venue for autonomy leaves out the essence of birth, enduring love, and parenthood—meaningful human experiences that limit the assertion of individual autonomy. Putting the principle of autonomy into the law is much easier to accomplish than is getting the principle of autonomy to reflect marital and familial existence. Such acts require a kind of forgetting of core human experiences that betrays how autonomy advocates hope to establish a new vision of humanity.

The allure of autonomy is powerful, and our public philosophy distorts and misconceives these core experiences. It is therefore necessary to describe these experiences and to understand why autonomy cannot account for them. However much the four foundational ideas that comprise traditional marriage have been separated in the popular imagination, they remain connected in the experience of most human beings. Modern efforts to separate them have been incomplete and probably cannot be completed. A better set of laws and principles would recognize these dependencies and connections. This better politics presupposes that those who are interested in defending marriage and family life first get a better grip on the continuing connections among the four experiences in marriage and family life.

Autonomy and the Rise of the Pure Relationship

Contemporary liberalism is defined by a commitment to personal autonomy. This should not be confused with the traditional American commitment to liberty. A free country such as ours establishes an environment in which individuals can choose free from external coercion, but autonomy demands more. Autonomous people direct their own lives without being imposed upon by things outside of their own will. Their actions are thought to be genuinely independent and authentic.¹ This more radical conception is what Justice Anthony Kennedy referred to in his famous *Planned Parenthood of Southeastern Pennsylvania v. Casey* decision, which defended the “right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.”²

As applied to marriage, freedom demands that people consent to a marriage without external coercion. Autonomy also demands that no outside factors not freely chosen—such as education, economic necessity, human nature, bodily nature, or social expectations—affect their decision to marry and that they be free to define the marriage contract as suits them.

Autonomy has within itself the seeds of ever-greater radicalism because coercion can be given an ever-broader definition, beginning with physical coercion but ending with any external or natural consideration shaping one’s “choice.” Truly autonomous choices, on this ever more radical understanding, must be made without the influence of imposed habits, human reason, education, social pressure, legal pressure, cultural expectations, or any other external demand. Autonomous choices spring from within the individual, lest they be traceable to something oppressive or alien to the individual. One wonders, therefore, whether such choices are made in consideration of anything but selfishness.

Autonomous individuals must also transcend the seeming imperatives presented by their bodies: “Anatomy is not destiny,” as contemporary feminists tell us, and this opens up a future with transcendent possibilities for making an identity.³ Such independence affords individuals a chance to make themselves what they alone want themselves to be.

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Contemporary liberals also embrace an autonomy freed from the rigors imposed by the need to act with a good will or on the basis of a universal law.⁴ Autonomous choices arise from one’s desires, calculations, empirical considerations, conception of happiness, idea of the good, or arbitrary will however conceived. Human dignity rests on society’s willingness to accept or at least not condemn autonomous, creative efforts to reconstruct life plans or restructure what stands in the way of one’s choices. When society stands in the way of one’s arbitrary autonomous choice, it robs people of their dignity or robs them of their “sense of equal worth.”⁵ Contemporary liberalism also demands public financial support so that individuals will be free to choose regardless of economic limits or consequences.

Contemporary autonomy advocates hence embrace a rolling progressive revolution whereby society must accommodate asserted authentic visions of autonomy.⁶ Slowly and surely, the forms

1. Gerald Dworkin, *The Theory and Practice of Autonomy* (New York: Cambridge University Press, 1988), pp. 13–20.

2. *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 852 (1992).

3. See Scott Yenor, *Family Politics* (Waco, TX: Baylor University Press, 2011), pp. 176–182.

4. No one has stated this position with greater clarity than Allan Bloom in “Justice: John Rawls versus the Tradition of Political Philosophy,” in *Giants and Dwarfs: Essays 1960–1990* (New York: Simon and Schuster, 1990 [1975]), pp. 331–334.

5. Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), pp. 205–206.

6. This Progressive narrative forms the backbone of Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000); Mark E. Brandon, *States of Union: Family and Change in the American Constitutional Order* (Lawrence: Kansas University Press, 2013); Stephanie Coontz, *Marriage, A History: How Love Conquered Marriage* (New York: Penguin, 2006); and Steven Mintz and Susan Kellogg, *Domestic Revolutions: A Social History of American Family Life* (New York: The Free Press, 1988).

and mores supporting marriage have been stripped away. Divorce was at first prohibited, then allowed on certain grounds, then asserted at will. At first, legitimate children were acknowledged and illegitimate ones disinherited, then the legal proscriptions and social disapproval waned, then society accepted premarital sex and cohabitation as roughly equivalent to marriage. Birth control pills allowed women to engage in sex without worrying about procreation, and abortion was there as a back-up plan. Heterosexual, monogamous marriage was the norm, but then came same-sex marriage.

An even more complete autonomy will demand a more complete assertion of human power in this domain. This may include:

- Future efforts to gain acceptance of plural marriage and adult incest,⁷
- More complete decoupling of sex from procreation through the adoption of genetic engineering and human cloning,
- Reconsideration of the age of consent,
- Use of puberty-delaying drugs to allow individuals to “choose” their genders without the imperatives of biology,
- More complete education against feminine modesty and shame to eliminate the natural differences between the sexes, and
- Other unforeseen innovations.

Obstacles to assertions of human creative power—obstacles that exist in law and opinion—must continually be removed for greater realization of human autonomy.

Autonomous people still forge bonds with others, but autonomous bonds must continually be rewilled and renewed. If bonds were “natural,” “corporeal,” “habitual,” or “divine,” our liberty would not proceed from our will alone, and individuals would be less than autonomous.⁸ Autonomous bonds are untainted by imperatives of the body, the requirements of the species, or the demands of universal morality.⁹ People must be free to form the relationships that they want and to exit those relationships when they no longer serve their life plans. This means that “marriage” or close, intimate relations must be open as to the form and number of partners and the extent of their commitment. Each partner must also be able to revise the terms of an ongoing relationship.¹⁰

Trust among partners is generated from the actions and beliefs of the individuals in the relationship, not through external supports in the culture or religion or from social expectations that one might play a role in the institution. Roles and the division of labor between (or among) partners are subject to renegotiation as the partners’ needs, talents, and interests change. Partners can exit at will when the relation no longer fits their life plan. Procreation, with its biological taint and the dependence it implies, is alien to the pure relationship.¹¹

Theoretical Problems of Autonomy

If we are to recover a proper understanding of marriage and family life, we must first show why the ideal of pure autonomy is neither attainable nor ultimately desirable. Doubts have dogged generations of autonomy advocacy. These doubts concern whether the autonomy advocates understand what it means to live in a political community bounded together by a common public morality and what it means to be human.

Autonomy advocates treat public morality as a repressive, always suspect issue of mere utilitarian

7. See Ronald Den Otter, *In Defense of Plural Marriage* (New York: Cambridge University Press, 2015).

8. Claude Lefort, *The Political Forms of Modern Society*, trans. John B. Thompson (Cambridge: Harvard University Press, 1986), p. 303, and Pierre Manent, *A World Beyond Politics*, trans. Marc LePain (Princeton, NJ: Princeton University Press, 2006), pp. 137–139.

9. Anthony Giddens, *The Transformation of Intimacy: Sexuality, Love & Eroticism in Modern Societies* (Stanford, CA: Stanford University Press, 1992), pp. 49–64.

10. Thus the emphasis on abolishing marriage among autonomy advocates. Without a socially understood idea of marriage, individuals can choose for themselves the form, depth, and extent of their relationships. See Elizabeth Brake, *Minimizing Marriage: Marriage, Morality, and the Law* (New York: Oxford University Press, 2012), pp. 156–188; Tamara Metz, *Untying the Knot: Marriage, the State, and the Case for Their Divorce* (Princeton, NJ: Princeton University Press, 2010), pp. 113–151.

11. Giddens, *The Transformation of Intimacy*, pp. 154–155.

calculation. Since autonomous choices proceed from the human will alone, public efforts to regulate them are seen as insults to the exercise of individual freedom and as failures to bestow a dignified recognition from public opinion.

Cultural and legal norms help to tutor somewhat disorderly human passions and point them toward lives of self-control, character, and virtue. A life worth living takes place in an environment that shows respect both for basic human decency and civility and for human freedom.

Yet public morality is not an insult. Cultural and legal norms help to tutor somewhat disorderly human passions and point them toward lives of self-control, character, and virtue.¹² A life worth living takes place in an environment that shows respect both for basic human decency and civility and for human freedom. This means that reasonable cultural and sometimes legal limits on expressions of individuality are, in some measure, important to a good life and a decent society that can transmit the blessings of liberty from one generation to the next.

Autonomy advocates argue for a sexual freedom that has profound, destructive effects on personal freedom because it cultivates individuals who see no reason to improve upon the pure expression of their desires or who could become a slave to their passions. Few capture this difficulty with greater poignancy than socialist Michael Walzer, who thinks that the emphasis on autonomy leads to a “bleak” and “frenetic” exercise in self-gratification that is a “grim parody of Jefferson’s pursuit of happiness”:

I imagine a human being thoroughly divorced, freed of parents, spouse, and children, watching

pornographic performances in some dark theatre, joining (it may be his only membership) this or that odd cult, which he will probably leave in a month or two for another still odder. Is this a liberated human being?¹³

Furthermore, a culture that turns a blind eye to such licentious behavior is hardly supporting human liberation. Liberty presupposes that people maintain some distance from the passions that arise within them and that they first seek to control them, perhaps choose among them guided by reason. Simply following one’s passions marks a species of slavery to one’s passions.

Even more problematic is the liberal vision of the autonomous human being. Autonomy advocates think that only the parts of our identity traceable to choices are worthy of concern and respect. This means that contemporary liberalism ignores and misconceives important unchosen and unchoosable parts of our identity, including our bodies, our religious conscience (which binds the individual), our sexual identity, our race, the habits that shape our choices, and our formative communities.¹⁴ All of these aspects of our lives are crucial to our identity, yet none can be chosen autonomously in the strict sense. It is almost as if, on the vision of contemporary autonomy, these aspects of human existence—the body, the family, the community, and our upbringing—are not reflections of our real chosen selves.

Choices presuppose a context determined by our nature and nurture. Autonomy is especially unable to account for the imperious demands created by the fact that human beings have bodies. Our birth is hardly an autonomous act; nor are our growth, the way human beings engage in sex, our abilities, the fact that we die, or other aspects of our being. The body places a strict limit on our ability to choose, though the precise boundaries of that limit are subject to some change. Anatomy may not be destiny, but that does not make it any less important. The

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12. See Harry Clor, *Public Morality and Liberal Society: Essays on Decency, Law, and Pornography* (South Bend, IN: University of Notre Dame Press, 1996), pp. 45ff.
13. Michael Walzer, *Radical Principles: Essays of an Unreconstructed Democrat* (New York: Basic Books, 1980), pp. 6–8.
14. Michael J. Sandel, *Liberalism and the Limits of Justice* (New York: Cambridge University Press, 1998), and *Democracy’s Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Belknap Press of Harvard University Press, 1998).
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household is a sphere of necessity and dependence that cannot be made in the image of autonomy.¹⁵

These problems point to the central dilemmas of autonomy:

- How independent of its context must a choice be to be considered autonomous?
- How long is an autonomous choice binding?
- Does one lose one's autonomy when one consents to a bond?

Human beings choose based on insufficient information, taking many things for granted, hoping or guessing instead of knowing, within a context and with some idea of others' relying on those choices in the future. Autonomy advocates simply wish these "dependencies" or "limits" away while assuming that all things that adults do are autonomous, sufficiently informed, and capable of being revisited at will (except when they are not).¹⁶ The story of autonomy applied to the household is a lie nourished by several half-truths.

These political and personal problems with autonomy point to the need to recover a more sober and humane vision. Public morality exists to give shape to the context in which free, responsible human action is nourished and to help tame unruly passions sown in human nature. Older and truer ideas of liberty recognized that getting to responsible choosing requires moral education, that choice presupposes context, that our bodies limit our freedom, and that a stable character requires that our choices endure over time. One expression of this older and truer idea of liberty is found in marriage and family life.

Virtues and Connections of Marriage and Family Life

In defending the institution of marriage, social science can show the deleterious effects for individuals and for society when these ties break down, but it cannot ultimately account for them or enable us to understand those experiences as married people

or family members understand themselves. Individuals in a marriage do not sacrifice for an institution. Parents do not care for their children because this leads to an increase in a country's gross domestic product.

No understanding of what happens in marriage and family life can ignore the movements of the heart and the aspirations toward the true, good, and beautiful involved in marriage and family life.

Individuals act because they believe what they are doing is just, proper, or good; because those actions make them happy; or because those actions are somehow obligatory, and shunning duties would be shameful or tragic. No understanding of what happens in marriage and family life can ignore the movements of the heart and the aspirations toward the true, good, and beautiful involved in marriage and family life. In seeing marriage and family life as institutions, social science may provide scaffolding for a way to think through them, but its findings do not help us to grasp the whole of these experiences. In grasping the whole, great novels, movies, and works of art are often more helpful than is social science.

What follows is an account of the connections that make up marriage and family life. Marriage and family life lose their *raison d'être* if these connections are broken or misunderstood. The connection between procreation and raising children is central, as is the connection between marriage and the raising of children. The other connections build on these first two. None of these connections can be understood in isolation from the others, though some parts of the whole seem more necessary than others.

Procreation and Raising Children

Despite family decline and the rise in out-of-wedlock births, over 90 percent of American children are raised by at least one of their birth parents, and

15. While Aristotle is the father of this thought, see also Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), pp. 30–31.

16. Martha Fineman, a radical herself, seeks to criticize autonomy advocates and helpfully distinguishes "inevitable" from "derivative" dependencies. See Martha Fineman, *The Autonomy Myth: A Theory of Dependency* (New York: The New Press, 2004), pp. 35ff.

nearly 60 percent are raised by married birth parents. High numbers linking those who birth children and those who care for them are consistent across cultures and time.¹⁷

This biological connection between birth parent and child is so consistent across nations and time that it has no small claim to being considered a natural obligation and a first principle of morality.¹⁸ Those who have children feel duty bound to raise them. Only an intensive process surrounding adoption legally severs this link between those who have children and the duty to care for them; only in cases of abuse or neglect does the public think of extinguishing parental authority. To reinforce this natural obligation, laws in all 50 states make it a crime for birth parents to abandon children after their birth or during their nonage.

Why does one's biological reproduction ground one's moral and legal obligation to provide care and education for a child?¹⁹ Let us, for the sake of argument, imagine that society opened up the question "who should raise children?" for a public debate and that this debate produced such proposals as the following:

- Children could be raised from birth, communally or in state-provided day care;

- State-certified or licensed private parties could apply to be charged with raising the children;
- The state could identify those who are most capable and skilled at parenthood and commandeer them into the job of raising children;
- The state could match the personalities and aptitudes of the parent with the personalities and aptitudes of individual children to get best results;
- Children could be distributed through a state-sponsored lottery;
- Children could be trafficked on the open market; or
- Society could "allocate" children to those who give birth to them.

Why, given all of these theoretical options, does almost every society (including our own) assume that those who give birth to the child are legal and morally responsible for raising the child? Perhaps societies have deliberated and rejected the alternatives.

17. By my calculations, in 2012, 59.9 percent of children lived with two married biological parents; 3.5 percent lived with two unmarried biological parents; 32.7 percent lived with one biological parent (either remarried with another or cohabiting with another), though these numbers include adoption numbers; and 3.9 percent were living with no biological parents, though this number includes grandparents. Parsing out adoptions yields a total of 2.3 percent of children who are adopted. Making the most conservative estimate possible—that grandparents are not biological and that there is no overlap between the 3.9 percent and 2.3 percent numbers—yields 6.2 percent of children who are living with no biological parents. See Jonathan Vespa, Jamie M. Lewis, and Rose M. Kreider, "America's Families and Living Arrangements: 2012," U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau *Population Characteristics* No. P20-570, August 2013, <http://www.census.gov/prod/2013pubs/p20-570.pdf> (accessed February 25, 2016), and Rose M. Kreider and Daphne A. Lofquist, "Adopted Children and Stepchildren: 2010," U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau *Population Characteristics* No. P20-572, April 2014. <http://www.census.gov/prod/2014pubs/p20-572.pdf> (accessed February 25, 2016). These numbers are steady across time and culture. Rose M. Kreider, "Adopted Children and Stepchildren: 2000," U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau *Census 2000 Special Report* No. CENSR-6RV, October 2003, p. 14, <https://www.census.gov/prod/2003pubs/censr-6.pdf> (accessed February 25, 2016), and Chapter 1, "Families Are Changing," in Organisation for Economic Co-operation and Development, *Doing Better for Families*, 2011, pp. 27-53, <http://www.oecd.org/els/soc/47701118.pdf> (accessed February 25, 2016).

18. See C. S. Lewis, *The Abolition of Man* (New York: Simon and Schuster, 1947), pp. 55-56 and 96-101.

19. The few contemporary liberal thinkers who bother to raise this question assert that, in the words of one, "biology, of itself, creates no socially significant event" and that "only through an assignment of social significance to a biological happening does it become an event of social significance." Jacob Joshua Ross, *The Virtues of the Family* (New York: The Free Press, 1994), p. 124. Other efforts repeat Ross's question-begging counterfactual, which fails to explain why societies assign parental rights in such similar fashion over time and across space and treats the assignment of parental responsibilities as a cultural artifact not dissimilar to driving on one side of the road instead of another. See Elizabeth Brake, "Willing Parents: A Voluntarist Account of Parental Role Obligations," in *Procreation and Parenthood: The Ethics of Bearing and Rearing Children*, ed. David Archard and David Benatar (New York: Oxford University Press, 2011), pp. 163-169, and Jeffrey Blustein, *Parents & Children: The Ethics of the Family* (New York: Oxford University Press, 1982), pp. 145-147, who imagines that "in the long run, perhaps, biology should be irrelevant to the allocation of responsibility for specific children."

Communal child-rearing, irresponsible and lax, would partake in the tragedy of the commons.²⁰ No test could certify the fitness of mothers or fathers for their task, in part because parenthood is not simply a set of skills but a test of character and in part because parenthood changes people, and many rise to the occasion in unexpected ways while others may fail. Having all children distributed on the principles of open adoption has never been tried, and for good reason: The heroic efforts of adoptive parents, who are willing to do the job that someone else cannot, are too rare for us to be able to depend on them. Randomly assigning children to homes would presume that lasting and sacrificial bonds could be created with perfect strangers on state orders.

We seem, from this perspective, to have no other option but to turn to biological parents. Parents tend to see children as their own and to grasp their responsibility toward them; abandoning children often leaves parents regretful if they even consider it. This thought experiment reinforces the idea that biological reproduction is connected to parental responsibility.

Regardless of these arguments, the premise that society chooses how children are to be distributed is deeply illiberal and inhuman. Political communities arise to protect and foster the enduring, *pre-political* relationship between biological parents and children. The political community does not create this bond or choose it among other “distributive principles.” A political community acknowledges and protects it.²¹ Any political community that subverted the idea that parents should take care of their children would rightly be considered tyrannical and would require a comprehensive remaking of human nature.²² Any community that required such a relationship to justify itself before the bar of skeptical reason or that required a license to be a parent would risk losing the allegiance of its serious parents.

“Parents,” Aristotle writes in *The Nicomachean Ethics*, “love children as they love themselves (for those who come from them are like other selves separately existing), whereas children love their parents on the grounds that they are born from them.”²³ From the standpoint of reason, parents constitute a child’s identity: Different biological parents would mean a very different child.

Parents love their children as their own and hence as their responsibility. Children reciprocate this love, which makes obedience to a parent’s wishes (and hence education) easier. Parents generally and mothers in particular want to be close to their children, to be attentive to their needs and to make sure that the world seems a friendly enough place to this new life. The individualized attention that parents give to their children allows them to learn how to control passions and grow to adulthood.

Children receive a sense of belonging, acceptance, connection, and rootedness from their biological parents. They have confidence that their parents have their overall mental, physical, and moral health or “best being” in mind because parents usually seek that (whether or not they are good at achieving it).²⁴ A mother especially knows the child as hers and often feels a spontaneous joy in the presence of her infant. As the child matures, such a love becomes a personal love for a unique creature instead of just a love for one’s own. Parents may also see children as continuations of themselves and contributions to immortality.

Parental duties flow from the natural, biological relationship, and this obligation, so widely felt, is inexplicable on the grounds of autonomy since parents cannot choose their children and children cannot choose their parents. Edmund Burke uses parental duties to illustrate duty as such and how parental duties provide a glimpse into the human situation:

20. Aristotle, *The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 2013), 1261b33–40, 1262b1–24.

21. See, for instance, William Blackstone, *Commentaries on the Laws of England*, Vol. 1 (Chicago: University of Chicago Press, 1979 [1765]), pp. 434–440, and Aristotle, *Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: University of Chicago Press, 2011), 1162a16–25.

22. Consider, in this context, the mixture of horror, ridicule, and disbelief with which Plato’s proposals in the *Republic* for abolishing the family have been treated throughout the ages. It is enough to make one wonder whether Plato was completely serious in his suggestions, unlike Marx and Engels, who were serious about the post-revolutionary abolition of the family. See Yenor, *Family Politics*, pp. 137–156.

23. Aristotle, *Nicomachean Ethics*, 1161b28–29. See also Blustein, *Parents & Children*, p. 142, though Blustein notes that “even if biological parents are normally well qualified to rear their children...this does not explain why biological parents have the right and duty to do so.”

24. Hans Jonas, *The Imperative of Responsibility* (Chicago: University of Chicago Press, 1984), pp. 98–108.

Dark and inscrutable are the ways by which we come into the world. The instincts which give rise to this mysterious process of nature are not of our making. But out of physical causes, unknown to us, perhaps unknowable, arise moral duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform. Parents may not be consenting to their moral relation; but consenting or not, they are bound to a long train of burthensome duties towards those with whom they have never made a convention of any sort. Children are not consenting to their relation, but their relation, without their actual consent, binds them to its duties; or rather it implies their consent because the presumed consent of every rational creature is in unison with the predisposed order of things. Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation.²⁵

Something, it seems, exists above choice to help us to order our choices. Perhaps because parental bonds to children are unchosen, we often find it beautiful to watch parents dote on their children or to see children obeying a loving parent. The beauty lies in our willing assumption of an awesome responsibility. Such a portrait of beauty may indeed be undermined by particular cultures, but these experiences reveal our nature and provide a glimpse of great human goods surrounding love.

So intimate is this relation that it has sometimes been mistaken for owning the children or seeing children as somehow the property of parents. Such confusion extends the legitimate idea of identifying and caring for a child too far, as continues to be the case in certain parts of the world. The tendency today is in the opposite direction, with thinkers doubting that biology can give rise to obligations.

One can see a simulacrum of this tendency in the thought of the Enlightenment philosopher John

Locke. “The bare act of begetting” a child is not, for Locke, the basis for children’s duty to be grateful to their parents. Rather, it is the nourishment, care, and education that parents provide which entitle them to a child’s gratitude.²⁶ For all this, none of Locke’s thinking calls into question the fact that those who beget children have a duty to provide for and educate children in their nonage. Locke sees a chain of duties arising from procreation to parenthood.

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The link between having and raising children is fundamental. If there is no connection between parenthood and procreation, then no reasoning about the family can proceed. If there is such a connection, biology can ground obligations, and marriage would seem to be the locus for procreation and for mutual care and the education of children. The next two sections treat these connections.

Marriage and Raising Children

Studies show that on many statistical measures, children born outside of wedlock graduate less often from high school, do not advance as far in higher education, score worse on standardized tests, are less likely to earn as much as adults, are more likely to commit crimes, are more likely to contract a variety of diseases, and are generally worse off than children living with two parents.²⁷ These studies illustrate, in terms most Americans accept, that marriage fosters an environment for the greater thriving of children. They point to the harm that flows from severing the connection between marriage and the raising of children.

25. Edmund Burke, “An Appeal from the New to the Old Whigs,” in *Further Reflections on the Revolution in France*, ed. Daniel Ritchie (Indianapolis: Liberty Fund, 1992), p. 161.

26. John Locke, *Second Treatise of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), para. 65.

27. See Mitch Pearlstein, *From Family to Collapse to America’s Decline: The Educational, Economic, and Social Costs of Family Fragmentation* (Lanham, MD: Rowman and Littlefield, 2011); David Blankenhorn, *The Future of Marriage* (New York: Encounter Press, 2007), Chapter 6; James Q. Wilson, *The Marriage Problem: How Our Culture Has Weakened Families* (New York: HarperCollins, 2002); David Popenoe, *Life Without Father: Compelling New Evidence That Fatherhood and Marriage Are Indispensable for the Good of Children and Society* (New York: The Free Press, 1996); and the ongoing work of scholars at the Institute for Family Studies, <http://ifstudies.org/research/> (accessed February 25, 2016).

These studies, however, do not capture what fits married couples to educate children to responsible adulthood:

- Why do children fare best with two married parents taking care of them rather than any other combination of adults?
- What is it about the marriage between spouses that benefits children?

Marriage is the school for parenthood. Husbands and wives learn to work together in a common life. Spouses are transformed through a union into people who are able and willing to serve something beyond their individual selves through day-to-day activities. They give of themselves to make their common life deeper and more harmonious. Husband and wife are vulnerable to one another and come to depend on one another. They create an environment in which, under the best of conditions, each can trust the other to be there in good times and bad.

Husbands and wives sacrifice for the good of their marriages: in deciding where they will live, fitting their jobs and spending to their budgets, and a thousand different details of life. Wives may encourage lazy husbands (or the other way around) to work so that they can make ends meet. Paychecks go to meet the family's budget as if the money is neither of theirs to dispose of separately. They share a place to live—"our house"—and each cares about keeping it up.

Through these actions, each comes to sense and know that neither is merely an individual; each contributes to their common good. They are not living next to one another or using one another for mutual advancement. They are living *for* one another so that each enjoys and is part of the successes of the other.

The mutual sacrifice and accommodation between a man and a woman is the preparation ground for raising children, where a parent's own needs and wishes cannot take precedence over a child's needs. Parents experience this especially when a child is ill, perhaps gravely ill: They will drop what they can to take care of their child. All the lesser, unspectacular sacrifices are in service of this community for which marriage prepares.

Children come into the world vulnerable and dependent and in need of sacrificial care. Dependent children thrive in an atmosphere created by marital

trust and stability. There is an instructive parallel between a parent, who is responsible for the care of a child, and a statesman or politician, who is responsible for the care of the political community. Just as in the case of the statesman, parents cannot know all that will be demanded of them during the time they are charged with caring for their children, and they cannot create all of the conditions that come before a child that can affect the child's thriving. Statesmen, like parents, act within a given situation not entirely of their own choosing. More than a little growing in office is expected from a parent. Like a statesman who loves his country, parents love their children not because they are intrinsically good, but because those children are their own and expressions of their love.

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To borrow an insight from George Bernard Shaw, parenting is greatly overestimating the difference between one child and another—to the great benefit of that child and, incidentally, society. The traits of the best parents are responsibility for the child and caring and loving each child, even under the most difficult circumstances. Parenting is not a set of skills; it is an intense focus on one's own that reflects, builds, and tests one's character.

Husband and Wife, Mother and Father. The special contributions of the body—both in procreation and in sex—point to the importance of sexual complementarity to marriage. If marriage is about autonomously choosing a life plan, then alternatives to a one man—one woman relation appear reasonable. If marriage is about a community centered on having and raising children, the man–woman bond is indispensable.

Perhaps the first, most noticeable difference among human beings is between men and women (the second is between the young and the old). Nature makes man and woman physically complementary as they produce children, but they also tend to be morally complementary as they produce a marriage.

Concerning their physical complementarity, men and women offer the unique material from which children arise. In sex, men and women prove their dependence on one another for bringing a new life into the world. As the law used to note, the continuation of the human race depends on this bond, and recognition of it is crucial.²⁸ For individuals, the bond is usually one of the most important and enduring ones of their lives, in part because it speaks the truth about human beings: It is a mixture of body and choice, independence and dependence, which are bonded through love. The couple's fertility brings forth a child that also reflects the mixture of their union.

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The complementarity of men and women matters not only for procreation, but also for the education of the children, though in a less certain way. Men and women bring reciprocal traits to their relations: Women generally bring modesty, while men generally bring initiative and risk. These traits play a role in bringing men and women together and in building loving human relationships as part of the dance of courtship; they also contribute to differences in mothering and fathering. Women are physically able to provide nurture and care for infants, which

is essential to showing the world to be a welcoming, friendly place where children can thrive. These tendencies incline women to play that role throughout the lives of their children. Men, on the other hand, are less physically connected to children and tend to encourage children to take risks, to leave comfortable nests and strike out on their own.

Each of these elements is important to the health of self-governing citizens, and few parents can provide both simultaneously. Mothering and fathering are different from the more generic "parenting," and each contributes unique elements to the well-being of children.²⁹

Endurance and Exclusivity. No-fault divorce (where either party can leave a marriage at any time for any reason) and open marriage (where married couples allow one another to have sexual and close emotional relations with others) are aspirations for sexual liberationists. It is instructive to ask why, as surveys show,³⁰ they have succeeded in gaining acceptance of no-fault divorce but generally have failed to shake the public's belief in marital exclusivity.

Eliminating fault-based approaches seemed to free each individual to make of the marriage what he or she would want with the idea that each could exit marriage when it no longer suits his or her vision. This reform is essential to securing an autonomous "pure relationship" in which individuals can design their relationship without the intrusion of their past, public opinion, law, or economics. Adultery was one of the fault-based criteria that many such advocates willed away because many of them thought the future pointed toward the waning of marital exclusivity. They thought sexual passion and the human

28. This movement from marriage emphasizing the links among marriage, procreation, education, and the future of society to marriage emphasizing adult choice is made especially evident through comparison of Supreme Court cases on marriage and family life before and after 1980. Compare, for instance, the child-centered, procreative views in *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Loving v. Virginia*, 388 U.S. 1, 12 (1967); and *Zablocki v. Redhail*, 434 U.S. 374, 386 (1978), with the adult-centered views in *United States v. Windsor*, 133 S. Ct. 2675, 2689, 2690, 2695–96 (2013). Helene M. Alvare, "Same-Sex Marriage and the 'Reconceiving' of Children," *Case Western Reserve Law Review*, Vol. 64, No. 3 (2014), pp. 829–862.

29. See Popenoe, *Life Without Father*, pp. 139–163; David Blankenhorn, *Fatherless America: Confronting Our Most Urgent Social Problem* (New York: Basic Books, 1995), pp. 49–62; Leonard Sax, *Why Gender Matters: What Parents and Teachers Need to Know about the Emerging Science of Sex Differences* (New York: Doubleday, 2005), pp. 11–76; and Steven E. Rhoads, *Taking Sex Differences Seriously* (San Francisco: Encounter Books, 2004), pp. 79–95 and 190–222.

30. Historical Gallup surveys, for instance, show that around 70 percent of Americans think that divorce is morally acceptable, but only around 10 percent believe that extramarital affairs are morally acceptable. Polygamy has more public support than infidelity. See Gallup, "Marriage," <http://www.gallup.com/poll/117328/marriage.aspx> (accessed February 25, 2016). There is an interesting ambiguity in this survey's data: The percentage of people who approve of divorce is larger than the percentage that has divorced, while the percentage disapproving of infidelity is greater than the number of faithful spouses.

thirst for variety too strong and married life too boring for people to close the borders around their relationships.³¹

Marital endurance allows for the better thriving of children. Together, couples can speak with one voice in raising children and provide consistent education, child-rearing, and character formation.

Trust, love, and community between partners are built through habits and ways of working things out over time. Couples feel that they owe each other loyalty and support as they grow together. It becomes difficult to imagine one living without the other.³² But while many continue to imagine and favor enduring marriage,³³ even though it has lost much of its cultural support, couples do not often analyze their marriage and ask whether it serves their interests today as they understand them. Governed by habits, individuals rarely invoke the inhuman questions of autonomy, for part of their happiness lies in the community of habits formed around their enduring marriage. The presence of children often provides additional reasons for each partner to want the marriage to last, especially when the going is tough.

Marital endurance allows for the better thriving of children. Together, couples can speak with one voice in raising children and provide consistent education, child-rearing, and character formation. This is hard enough when couples live and work together, but it is nearly impossible when parents live separate lives in separate places. Of course, some children of divorce will thrive, and some children of intact families will not. Nevertheless, children of divorce are much more likely to be caught “between two worlds” because the separation disrupts the unified

situation that is most conducive to their long-term well-being.³⁴

Exclusivity also reflects trust, loyalty, and a community of love. Infidelity is a betrayal. Few spouses would grant the other spouse permission to take an additional lover. Another lover disrupts the marital union, makes it unstable, and erodes trust and loyalty. It also implicates the mysterious though universal human tendency to feel jealousy—an understandable expression of anger at the possibility that what is yours can be or has been taken away from you or that the larger whole of which you are a part is being sundered. It is not necessarily a vice: People can be jealous of their freedoms or honor. Likewise, they can be jealous of the community they have formed with another and rightly fear that they will lose a valuable part of themselves if it is lost.

Procreation and Sex

Marriage and parenthood are transformative, self-overcoming acts based on a sacrificial love for another. Living for a spouse prepares each to live for a child, but much more goes into “living for a spouse” than this, which brings us to the vexing question of how sex, procreation, and marriage are related to each other.

Although there has been a sexual revolution delinking sex from procreation, there has not (yet) been much of a “procreative revolution” delinking procreation from sex: Sex is less tied to procreation, but procreation remains tied to sex. We have a negative power to prevent conception and to abort babies but lack a positive power to make children as we would have them naturally. For all of the advances in science, children cannot be designed at will, and there is no guarantee that a couple can become pregnant when it wants to do so (especially if pregnancy is delayed).

Modern innovations such as *in vitro* fertilization and contraception have weakened the link between sex and procreation, but they have not severed it

31. Bertrand Russell, *Marriage and Morals* (New York: Horace Liveright, 1929), pp. 130–144 and 274–302.

32. In fact, two-thirds of marriages endure until their natural conclusions, according to some surveys.

33. According to Pew, both unmarried and married respondents continue to think of marriage as a “lifelong” commitment with significant supermajorities of 74 percent and 87 percent, respectively. See Pew Research Center, Social and Demographic Trends Project, *The Decline of Marriage and Rise of New Families*, 2010, <http://www.pewsocialtrends.org/2010/11/18/the-decline-of-marriage-and-rise-of-new-families/> (accessed February 25, 2016).

34. Elizabeth Marquardt’s moving *Between Two Worlds* (New York: Crown, 2005) presents a devastating picture of a child’s life through the divided world of divorce.

completely. Only when “conception can be artificially produced, rather than only artificially inhibited,” Anthony Giddens writes, will sexuality be “at last fully autonomous.”³⁵ In that sense, we should not overstate the “revolution” in human affairs that modern contraception has wrought.³⁶

Certain important elements of our lives are beyond our ability or anyone’s ability to choose. Our genetic makeup is very much a given in the existence of each human being. It involves some of the most central aspects of our identity, including our sex, race, intellectual abilities, innate personalities, height, and predisposition to disease. Parents, as it stands, cannot choose these elements of existence. Many of the most important elements of our children’s existence come about through chance.

The enduring link between procreation and sex shapes the parental attitude toward children. Parents see children as gifts and accept responsibility for their overall well-being with a mixture of wonder, hope, humility, and gratitude. Seeing children as gifts from God is more rational than seeing them as autonomous choices. A mother feels joy at the sight of her newborn and is almost never indifferent to or disappointed at the sight of the wrinkled, helpless babe.

Few parents can ignore each child’s unique natural personality. Children will find their own way in the world, to be sure, but never apart from what came before or from the givens of their existence. These givens are traceable in part to the mysteries surrounding sex and birth.

Any eugenicist argument for exercising more complete control of the production of human beings depends on erasing the enduring link between procreation and sex. Sexual reproduction, as pro-cloning books contend,³⁷ is a lottery of sorts. Rationalizing and controlling reproduction, this movement hopes, might give us a disease-free, better class of children. Equally plausible is the idea that removing the mystery or chance from birth would change the attitude of parents from wondering receivers of gifts to something resembling consumers or

manufacturers who analyze children according to their expectations and wills. This would undermine the liberty of the next generation and allow parents to exert an almost tyrannical power over coming generations.

Every exercise of power in one generation limits the options of the next: Freedom for one is a future constraint for the next. A culture of cloning would be a quintessential exercise of such power, as several dystopian novels demonstrate. Sexual reproduction allows the play of chance and mystery that encourages healthy parental attitudes connecting children to the past without determining their future overmuch.

Marriage, Family Life, and a Spirit of Adventure

Connections among sex, procreation, marriage, and parenthood form a whole that is greater than each of these important connections taken in isolation. They are not reducible to their social utility or even to their contributions to the continuation of the species. The household is a realm of necessity and difficulty. Those difficulties include the thousand small details of a life lived in a household with others and maintaining a psychological harmony with one’s spouse amidst these seeming trifles.

These seeming trifles often arise from living a life designed to maintain a good life while connecting sex, procreation, marriage, and education. There is a form of human love—self-sacrificing, betrothed love—that informs and justifies the connection among these goods. Such love, characteristic especially of marriage, transcends the necessities within which it is situated. There are other varieties of human love and even of sacrificial love (such as patriotism).

Translated into marriage, betrothed love is a sharing of a life in which each partner makes unique contributions to their common life and gives freely to serve the couple. All that each partner does is accomplished for what it provides the married pair as it seeks to vindicate its common vision. All of the details of life revert back to a couple sharing a life in

35. Giddens, *The Transformation of Intimacy*, p. 27.

36. The prospect of human cloning, however, would call the link from procreation to sex into question by inaugurating, for the first time, asexual reproduction divorced from sex. See Leon R. Kass, “Cloning and the Posthuman Future,” in *Life, Liberty and the Defense of Dignity: The Challenge for Bioethics* (San Francisco, Encounter Books, 2002), pp. 141–173.

37. Joseph F. Fletcher, *The Ethics of Genetic Control: Ending Reproductive Roulette* (Buffalo: Prometheus Books, 1988); Allen Buchanan, Dan W. Brock, Norman Daniels, and Daniel Wikler, *From Chance to Choice: Genetics and Justice* (Cambridge: Cambridge University Press, 2000).

love, even to the Sisyphean work-a-day tasks of life. While this experience of union is rarely articulated outside of poetry, church, and sappy love songs, it makes the most sense of what goes on in married life. Each becomes dependent on the other not only for emotional and practical matters, but also for identity and self-conception. Marriage defined by the four fundamental connections is justified also through its connection to this attractive human good of betrothed love.

Marriage and family life center on a community, built partly by choice, which embodies important elements of chance, mystery, and unknowns into a life. People seem to understand this in their daily lives where they rarely see themselves as independent or autonomous. Listening to the stories of couples—how they met and grow together—one hears about chance encounters, unexpected setbacks, pulling up roots and moving, ill parents and the duties of child raising, growing together or not, children that happen along or do not. There rarely are cases where a life proceeds logically along a life plan; joys and burdens are intermixed.

If the ideology of autonomy misses the central experiences of marriage and family life, how can it rightly serve as the value that explains marriage and family life?

Autonomy does not capture the webs into which we are born, our experience of neediness and love, our embodied nature, our reaction to tragedies and unforeseen obstacles, or our approach to children once they arrive. Autonomy resists the dependence at the heart of a loving relation. If the ideology of autonomy misses the central experiences of marriage and family life, how can it rightly serve as the value that explains marriage and family life?

No one can give a completely scientific account of the connections at the heart of marriage and family life. Human beings did not make these connections; they are preexisting, grounded in the particular and peculiar character of the human body,

almost universal, and hence have a strong claim to be natural. Claiming that these connections are natural does not *ipso facto* mean that they are entitled to respect. That they are related to the human in some deep, fundamental way, however, suggests that destroying these connections will make us into something other than human. Destroying these connections points us toward a post-human future.

It is impossible to say at what point the disruption of these connections makes people something other than human or threatens the future of self-government. Some think that “discarding the traditional family” with these connections “would change the whole character of human existence.”³⁸ Such thoughts seem to take leave from the realm of reason to the realm of prophecy or imagination. How does “humanity” look on the other side of the traditional family? How would our social institutions work? Can we even think as if these institutions are entirely malleable to the human will?

Defenders of marriage and family life recognize ways that they teach human limits and ground abstract plans. Marriage and family are standing reproaches to human autonomy. Intense, focused, sacrificial love, the sufferings and untold joys associated with the stuff of living, the highs and lows, the love of one’s own—all of these are central to the human experience, and learning to deal with them magnanimously or philosophically or charitably is central to a life of character and wisdom. Marriage and family life bring with them tensions that constitute much of life’s drama and hence also many of the joys of living.

In Aldous Huxley’s *Brave New World*, the elimination of the traditional family and its connections produces (mostly) a breed of contented people, easily controlled by state power, unable to love another human being, unable to appreciate the past, undisturbed by suffering due to heavy doses of medication. Movements toward this post-familial world are in evidence. Sex without consequences is more easily practiced; fewer people are having children, and it is more possible to have children with the aid of technological innovations.

Life without love and marriage, as Huxley depicts it, is filled with small creatures consumed with securing petty, meaningless pleasures unconnected

38. Ross, *The Virtues of the Family*, p. 258.

to serious human purpose. So distracted by short-term gratification are such creatures that they are incapable of thinking about long-term issues, unable to notice the great trade-offs that define human life, and unable to form enduring human bonds with another. They see themselves only as pleasure-seeking beings.

Marriage and family are standing reproaches to human autonomy.

One would expect that a decline of the family would bring with it a decline in human responsibility and our effectiveness for self-government, as well as a relative lack of concern about the future, a purely physical, pleasurable understanding of the goals of sex, a wider acceptance of psychotropic drugs, a rise in loneliness, and other things. This seems to be the dark side of the rolling autonomy revolution. Yet since human nature cannot be conquered, we would also expect that different outlets might arise to register the restlessness of human nature: Gangs or forms of fanaticism might replace families

as a source of belonging, for instance. Allegiance to political ideas or politics itself might replace a concern with the more humble private.

No matter how much our contemporary views may wish away the links among sex, procreation, enduring marriage, and raising children, those links persist and will persist. They reveal that the public depends on the private since both procreation and education are the result of “private” decisions. No alternative means of making these moments public is available, and if one were available, it should not be embraced.

Efforts to separate having children and raising them are indeed ill-founded. Laws and mores should be grounded in the biological and personal realities of human life. Anything less is uncivilized.

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