

Defending the Family

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Throughout history, stable societies have recognized (and protected) the family as the basic unit of society precisely because the family is the social unit that has the primary responsibility for rearing and educating children. The family has successfully performed these fundamental tasks, in large part, because peaceful existence within a secure family demands that family members recognize (and respect) not just “rights” but communal responsibilities. During the latter half of this century, however, a modern emphasis on autonomy has shifted the focus of academic and governmental energies away from the recognition of (and respect for) communal responsibilities to a focus on “individual rights.”

An outstanding example is the United Nation’s Convention on the Rights of the Child. The convention establishes previously unrecognized autonomy “rights” for children and interposes government between children and their parents to an unprecedented degree. The convention, in the words of Elder Bruce Hafen, goes a long way toward “abandoning children to their autonomy.”¹ This abandonment of our children—and our families—continues apace. For example, in New York last week, my associate Kay (Kathryn Balmforth), who is another director of NGO Family Voice (also known as

the World Family Policy Center), attended a preparatory meeting for the five-year review of the International Conference on Population and Development. There Kay watched for three days while the attendees of this important conference debated whether they would even include a reference to “parents” in a document that purportedly created a child’s right to sexual freedom, sexual training, and reproductive choice. At this important international meeting, it seemed that the mere mention of parental guidance on sexual matters was anathema.

The social consequences have been disastrous. In the words of Elder Hafen, because of the “emerging but misguided tendency among some adults to defer increasingly to children’s preferences,” the modern world may well fail to encourage the “development of the personal competence needed to produce an ongoing democratic society comprised of persons capable of . . . responsible action.”² It is time to appreciate (and correct) the consequences of the modern focus on autonomy and of disregard of the family. It is time to recognize and

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reemphasize the central role of the family community in creating and maintaining a stable society. It is time, in short, to direct some of the energy we have lavished on protection of the individual to the defense and protection of the family. Without this defense, the family, the most basic community of all, may be imperiled.

I first became involved with issues of family policy and society in June 1996, when, almost by accident, I attended a U.N. conference in Istanbul, Turkey. The conference, known as Habitat II,³ was the culmination of a decade-long series of conferences designed to develop a “blueprint” for international (and ultimately domestic) legal relations during the coming century.⁴ These conferences have been accurately perceived as significant international law-making events.⁵ They have also followed a predictable (and extreme) ideological course primarily championed by a powerful lobby that, according to one scholar, “ha[s] marginalized parents, ignored the family, and denigrated cultural and religious values.”⁶ What made the Istanbul conference remarkable was that it departed from this set course.

As a result of an unusual series of events, I was selected to give a short four-minute speech before one of the drafting committees at the Habitat conference. The speakers who took the podium before me urged the conferees to recognize same-sex partnerships, increase funding for adolescent sexual reproductive services, provide 18 to 20 hours a day of government-sponsored day care, and take all “necessary steps” to insure that every woman was “fully employed” outside the home. Marriage and family, if noted at all by these speakers, were referenced primarily as institutions that reinforce odious cultural stereotypes and that subjugate and demean women. My message was rather different.

I began my remarks by informing the conferees that the family—as recognized in the Universal Declaration of Human Rights and other important U.N. documents—is the fundamental unit of society. *It is the fundamental*

unit, moreover, precisely because it is the laboratory where little boys learn to love, respect, and work with little girls, and where little girls learn the same essential skills in dealing with little boys. I reminded the delegates that if we don’t learn these skills within the home, there is little chance that we will learn them elsewhere. Accordingly, I urged the delegates to do what they could to strengthen the family rather than expend the vast majority of their energies and time creating substitute social structures—or, perhaps even worse, creating legal structures to intervene in and disarrange the family.

I pointed out, for example, that extensive studies had shown that the incidence of teenage pregnancy and abortions actually *increases* following the initiation of “traditional” sex education programs that emphasize the teaching of technical sexual “know-how,” including the use of prophylactics. By contrast, however, the incidence of adolescent pregnancy, abortion, and sexually transmitted disease is dramatically reduced through family-based education programs.

At the conclusion of my short remarks, I emphasized the essential message of the First Presidency’s proclamation on the family⁷: that there is a “fundamental connection” between a decent society and “the reinforcement of strong, stable families.”⁸ The “traditional family,” I reminded the delegates in Istanbul,

*is the necessary foundation for . . . larger communities because it is the sanctuary where women and men learn cooperation, sacrifice, love, and mutual support; it is the training ground where children learn the public virtues of responsibility, work, fair play, and social interdependence.*⁹

The basic structure of society, I asserted, “is built from the fundamental values fostered by strong families.”¹⁰ I concluded by urging the conferees to consider seriously the need to protect traditional values in drafting and implementing the Habitat Agenda.

The reaction to the speech was remarkable. Many of the speakers who had preceded me at the podium hissed as I returned to my seat. But most of the delegates in the audience gave me a standing ovation. Indeed, after the speech I was approached by the ambassador from Saudi Arabia, who embraced me warmly. "Where have you been?" he asked. Next, he asked a very important question: "What can we do?"

I gave the ambassador a short list of items that could be changed in the draft Habitat Agenda that would strengthen rather than weaken the family's central role. Just 36 hours later, the heads of the Arab delegations in Istanbul issued a joint statement announcing to the entire Habitat conference that its members would not sign the Habitat Agenda unless (and until) certain important changes were made.

As a result, and at the insistence of the heads of the Arab delegations, several very important changes were made in the Habitat Agenda. Instead of defining *marriage* and/or *family* in a manner that explicitly legitimated same-sex marriages and families (as did the original draft), the final Habitat Agenda defined the marital relationship as one between "husband and wife."¹¹ Instead of numerous explicit paragraphs mandating worldwide abortion on demand, only one (somewhat hedged) reference to "reproductive health" remained.¹² The Habitat Agenda, finally, formally recognized the family as "the basic unit of society" that "should be strengthened."¹³

These developments, viewed from the perspective of current American and European legal trends, are significant. The Habitat conference sent a strong message that strengthening the family—not the simple recognition of more "rights" or the creation of additional substitute social units—is the answer to many of our modern problems.

This message, of course, is obvious. The family *is* the basic unit of society and *must* be strengthened. But the fact that this message is obvious has not prevented us from ignoring it.

During the past 50 years, American and other societies have been much more preoccupied with the individual and the individual's rights, and, indeed, with the creation of wealth, than with protection of the basic social unit within which individuals survive and thrive. The consequences are now becoming apparent around the globe.

Justice Georg Fr. Rieber-Mohn, a member of Norway's Supreme Court, recently gave an address at the David M. Kennedy Center for International Studies at Brigham Young University that traced the close connection between the decline of the family and the decline of society. Because the justice's remarks vividly captured many of the root causes of modern social decline, I will quote from his remarks.

Justice Rieber-Mohn began by noting that at the conclusion of World War II, Norway (along with other Scandinavian countries) set out to create the ultimate "bonum commune" or "good society." According to the justice, Norway had a very good start. As he stated:

*If one looks back on Norway's near postwar period—the 1950s—we had a homogeneous and stable society. The Labour Party had a clear majority in the Parliament, we had full employment and a slowly rising prosperity in the wide stratum of the population. A modern welfare state with increasingly better social security was beginning to take form. . . . Criminality was under control, the police and the courts were soundly entrusted, mother was at home taking care of her children, and marriages usually lasted a lifetime through.*¹⁴

By the conclusion of the 1950s, the justice recounted that poverty was virtually eradicated, medical care was extended to all, and education essentially became universal. Did Norway, therefore, enter social nirvana? Not according to Justice Rieber-Mohn:

From around 1965 to around 1995 the criminality in Scandinavia has more than quintupled. . . . In

this thirty-year perspective, displacements have also appeared on the criminal front. Thefts and burglaries played an even more predominant role in the beginning of the period. Violence has later increased in dimension, even though thefts are still dominant. It is also my impression that within individual crime categories there has been a transition towards a steadily harder criminality. Violence is more brutal than previously. More often it is unprovoked, affecting completely innocent and coincidental victims, and, increasingly with use of knives and firearms. . . .

But it is not only the development of crime that agitates in this period. Also a series of other alarming tendencies increased. . . . From 1970 to 1988 the frequency of suicides in Norway doubled. . . . And if we look at the divorce frequency, it has quadrupled from 1960 until 1990. . . . [Moreover,] thirty-nine percent of the children born in Norway in 1995 were from informal cohabitations. It is undoubtedly known that this type of relationship is less stable than ordinary marriages.¹⁵

Justice Rieber-Mohn, of course, describes Norwegian society, but parallels with the rest of the world are obvious. I don't have the statistics on the United States, but I believe that we can track similar trends. Indeed, the justice himself noted that this "dismal development in Scandinavia is maybe just a pale shimmer of much worse signs in the development in the United States."¹⁶ As residents of the United States, we can affirm that Norway's "pale shimmer" is indeed an intense reality in America at the turn of the millennium.

What explains the abrupt negative developments noted by Justice Rieber-Mohn? The justice suggested at least two possible answers. The first involves the failure of a social theory. The second, and more fundamental answer, however, involves the failure of a social institution.

The first cause of Norway's modern difficulties, according to the justice, is the basic failure of "the classic Marxist analysis and

understanding of society that was so popular until just a few years ago."¹⁷ I might question whether it was only popular until a few years ago. I think it may be growing in popularity as we speak. According to the justice, "If one removes poverty, social differences, unemployment, and social insecurity, one does *not* at the same time remove criminality, anguish, mental agony, and malice among people."¹⁸ Material comfort, in sum, does not guarantee a decent, stable civilization. Poverty, insecurity, and the lack of education—and, indeed, the lack of individual rights—are social ills that must be battled, but their elimination will not secure an equitable society. As the Savior succinctly put it, "Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God" (Matthew 4:4).

The second cause for the decline of modern Norwegian society noted by Justice Rieber-Mohn involves the breakdown of the Norwegian family. It is a breakdown being repeated in far too many societies around the world today:

There can be no doubt that the contact between parents, and especially between mother and child, has been substantially reduced in our society in the course of a thirty-year period. In short, it has been expressed like this: "Mothers left the homes, and the fathers did not come home." . . . [W]omen left the home in the course of a few years. The time was right. I find it difficult to not see that many homes made a sacrifice for this. They sacrificed time—that is undisputable. But they also sacrificed nearness, security, love, and procurement of values from adults to children.¹⁹

The brunt of the breakdown of the modern family has been born by those least able to bear it: our children. As Justice Rieber-Mohn noted:

Children were to a great extent entrusted more or less to improvised solutions before kindergarten facilities gradually became better. But common for

these solutions, also kindergartens, is that parents transfer the responsibility for major parts of a child's upbringing to a larger extent to people whose values and function as models they know very little about. Most people in Norway will be very unwilling to loan their new car to a relatively unknown person, at least over any length of time. But one loans one's children to strangers for month after month and year after year, already from their second year of life. One is anxious for damages on the car, but one closes one's eyes to possible unfortunate influence on children—unless it concerns something as drastic as violence from a childminder or sexual abuse in a kindergarten.²⁰

What, if anything, can be done to halt the trends noted by Justice Rieber-Mohn? A definitive answer is well beyond the ken of a simple law professor from Utah. Nevertheless, I offer a few initial suggestions.

First of all, we must live “by every word that proceedeth out of the mouth of God” (Matthew 4:4). Three and one-half years ago, the First Presidency and the Quorum of the Twelve Apostles issued a proclamation to the world regarding the centrality and importance of the family unit. The fundamental truths taught in that proclamation must become a central part of our social discourse. A valiant, worldwide struggle for individual rights over the past 50 years has led many to assume (or at least presume) that autonomy is the fullest reality anyone can hope to achieve. But our collective faith in this modern chimera ignores the homely reality that, as the poet said, “no man is an island.”²¹ We exist and find ultimate fulfillment only as members of communities. No community is more important—more central—to who we are, what we can be, and what we should be than the family.

Let me become a little personal and depart from my text for a minute at this point to bear you my testimony about the importance of the Church's proclamation on the family. I was a bishop in Orem when that document was

issued at Women's Conference in September 1995, as I recall. I remember attending that meeting and hearing it read by President Hinckley. My reaction at the time may have been the same reaction that many of you might have had. It was a nice document. It stated things that I believed in, truths that I understood and felt to be true, but I thought it was just a nice statement. I didn't expect that it would do much, and frankly, at the time, I was rather convinced that the world was on a tack where the world wouldn't listen. This was a proclamation to the world. In fact, I remember thinking as I drove home from the meeting, and my firm conviction at the time was, that the world not only wouldn't listen but perhaps couldn't listen.

In Istanbul I had an opportunity to speak about the proclamation to people who didn't even know they were hearing the words of a modern prophet. As a result of a four-minute speech that encapsulated a few of the ideas in that proclamation, I saw some amazing things happen. I have since described them as the legal equivalent to the parting of the Red Sea, and it was close to that kind of an event.

As I concluded that conference in Istanbul, I had the privilege of hiking to a mosque in Istanbul, the Süleymaniye. There I saw many of my Moslem brothers and sisters praying on a rug that my guide explained to me represented the tree of life. The tree at the bottom of the rug was in tight bud, but at the top where they placed their hands to pray, the tree was bearing white fruit. The guide explained that if we attained life in the presence of Allah, we would be in his presence and would be able to eat of the fruit of what he called the tree of life. At that moment I had a profound spiritual witness that we are indeed children of the same God. We are all children of the same Heavenly Father. He loves us, and he speaks to all of us through a modern prophet. I felt a kinship with my brothers and sisters there in that mosque that day that has changed my life. I bear you

my witness that the proclamation on the family to the world is indeed the word of God to this generation and to the entire world at this time. Because of that fact, I'll go to my second point.

Second, we must be willing to engage in social discourse about the family even if the discourse (at times) becomes difficult. We have just concluded a very difficult meeting in New York involving the five-year review of the Conference on Population and Development. Things didn't go as well as we'd hoped. There wasn't a miraculous parting of the Red Sea this time. There were some things that happened at this conference that, perhaps, were somewhat negative. Nevertheless, people listened, and seeds were planted. There have been changes made. When I look back at the difference between the way people are listening to the principles taught in the proclamation now, as opposed to three years ago when this whole project began, I'm dumbfounded. I will never forget the U.N. ambassador who asked me, "Where have you been?" The answer at the time was, "Home in Provo, Utah, minding my own business."

In fact, I wasn't just minding my own business; I was busy writing law review articles, moaning and groaning about how bad things were and that they were only going to get worse. I found out in Istanbul that I didn't just have to moan and groan. I could stand on my feet, pull up my socks, take a deep breath, exhibit a little courage, and speak out the truth of modern prophets. The time has come for all who care about reversing the trends described by Justice Rieber-Mohn to make their presence known in the public square.

The first draft of the Habitat Agenda provided numerous prescriptions (and proscriptions) that would have significantly altered family life—including the very definition of *spouse*. The outcome at Istanbul would have been quite different if profamily advocates had stayed home. I daresay the outcome even at this last somewhat disappointing meeting in

New York would have been different if profamily advocates had stayed home. There needs to be more than one voice on these issues. The world has heard one voice for an extended period.

From the 14th to the 17th of November 1999, the World Family Policy Center from Brigham Young University (formerly known as NGO Family Voice) will host (together with the Howard Center of Chicago, Illinois) the Second World Congress of Families in Geneva, Switzerland. The congress will bring together leading scholars, governmental officials, diplomats, and religious leaders from around the world to discuss strengthening the family "as the fundamental unit of society." In fact, I just received this morning from my fax machine a letter of confirmation from the Vatican that Cardinal Trujillo—the head of the Pontifical Council on the Family and head of the Congregation of the Faith, the most important of the three congregations within the Vatican—will be attending this congress as an official representative of the Catholic Church. As part of that effort, A Call from the Families of the World has been drafted by a prestigious international, interfaith community. Copies of the call have been placed in the lobby of this auditorium and are also available in 45 different languages at my office in the Law School. The call is also posted on the World Wide Web at www.worldcongress.org. I urge you to visit the Web site and learn more about the World Congress of Families. In particular, I urge you to read the call and sign it. The families of the world must make their voices heard.

Third, as we engage in social discourse about the family, it is time to thoughtfully (and prayerfully) reexamine the basics. According to Justice Rieber-Mohn, one of the basic causes for familial disintegration in Norway is mothers leaving the home. Although one answer (repeatedly given by modern prophets) is to encourage mothers to return home, this response may not be feasible in every situation.

So how should families respond? This question will be difficult enough, but even more fundamental questions loom: Does marriage consist of a union between a man and a woman? If the answer to this question is “yes” (as the proclamation states), we have to answer the question with “why?” These questions must now be asked, and we must learn to give them answers. Thoughtful answers will help illuminate not only *what* roles families have traditionally played, but *why* society has valued the family and *how* that value can be perpetuated in the modern world.

Fourth, we should take all necessary steps to strengthen our own familial relationships. Although expert advice abounds and bookshelves groan on this subject, one of the best—and simplest—formulas for a successful family comes from an African-American scholar, Niara Sudarkasa. She has written that the Yoruba society from West Africa strove to inculcate “seven Rs” into family life: respect, responsibility, restraint, reciprocity, reverence, reason, and reconciliation.²² Families that teach (and evidence) these remarkable traits will provide essential strength, not only for family members but for society (and the world) at large.

Fifth, and finally, we must retain faith in a faithless world. However out of style, we must not forget that a quest for transcendence is essential to human success. A recent visit to Rome reacquainted me with some of the greatest art in the world—much of it directly inspired by religious faith. Great works, including great families, require commitment to something greater than ourselves. And that, in the end, may be the most valuable gift that we gain by defending our families. I say this in the name of Jesus Christ. Amen.

Notes

1. From title of article by Bruce C. Hafen and Jonathan O. Hafen, “Abandoning Children to Their Autonomy: The United Nations Convention on the

Rights of the Child,” *Harvard International Law Journal* 37, no. 2 (spring 1996): 451–91.

2. *Ibid.*, p. 491.

3. The first Habitat conference had been convened by the U.N. in 1976 in Vancouver, Canada.

4. The series of conferences began in 1992 with the Rio Conference on the Environment. Other conferences included the Vienna Conference on Human Rights in 1993, the Cairo Conference on Population and Development in 1994, the Copenhagen World Summit for Social Development in 1995, and the Fourth World Conference on Women held in Beijing that same year.

5. E.g., Nafis Sadik, “Reflections on the International Conference on Population and Development and the Efficacy of UN Conferences,” *Colorado Journal of International Environmental Law and Policy* 6 (summer 1995): 249–53. (“More than any previous events of their kind, these conferences have fostered the mobilization and participation of civil society and the private sector in the affairs of the international community. . . . [The] process has nurtured the growth of democracy at the national level and democratized processes at the international level, increasing their transparency and accountability” [p. 253].)

6. Mary Meaney, “Radical Rout,” *National Review* 48, no. 13 (15 July 1996): 25; see also p. 26, where the author refers to the Habitat II conference as “the Istanbul miracle.” Mary Meaney is currently studying international government as a Rhodes scholar at Oxford University, England.

7. See “The Family: A Proclamation to the World,” *Ensign*, November 1995, p. 102.

8. Remarks of Richard G. Wilkins at U.N. Habitat for Humanity, 10 June 1996, Istanbul, Turkey, in Charles D. Cranney, “A Fiddler on the U.N. Roof,” *Clark Memorandum*, spring 1997, p. 20; see <http://advance.byu.edu/law/istanbul.html> as well.

9. *Ibid.*

10. *Ibid.*, p. 21.

11. In the original draft, the Habitat Agenda stated that “[i]n different cultural, political and social systems, various forms of the family exist.” This broad sentence, in the same paragraph that

provided that all family forms are “entitled to receive comprehensive protection and support,” would almost certainly have extended legal protection to same-sex marriages (Draft Habitat Agenda, par. 18). The final version of paragraph 18 now adds that, while “various forms of the family exist,” “marriage” arises out of the “free consent of the intending spouses, and husband and wife should be equal partners” (Habitat Agenda, chapter 2, Goals and Principles, par. 18). Thus, “marriage” involves “spouses” who are “husband and wife.”

12. The draft of the Habitat Agenda prior to debate in Istanbul contained more than 28 explicit references to abortion. All of these references were dropped and replaced with a single admonition that governments “should” (not “must,” as in the earlier draft) “ensure universal access for women throughout their life span to a full range of affordable health care services, including those *related to* reproductive health care” (Habitat Agenda, chapter 4, Global Plan of Action, par. 96[d][bis]; emphasis added).

The underlined words *related to* were added to clarify that abortion was not *necessarily* part of “reproductive health care.” Prior to the Habitat Agenda, “reproductive health care” had been defined by the World Health Organization (a U.N.

agency) as including the “interrupt[ion of] unwanted pregnancies.” The “related to” language was designed to insure that “reproductive health care” did not automatically include the “interrupt[ion of] pregnancies.”

13. Habitat Agenda, chapter 2, Goals and Principles, par. 18.

14. Georg Fr. Rieber-Mohn, “Development of Crime and Society in the Postwar Scandinavia—With Emphasis on Norwegian Circumstances: The Dissolution of Core Values,” address given on March 4, 1998, to the David M. Kennedy Center for International Studies at Brigham Young University, p. 3.

15. *Ibid.*, pp. 4–6.

16. *Ibid.*, p. 6.

17. *Ibid.*, p. 7.

18. *Ibid.*, p. 9; emphasis in original.

19. *Ibid.*, pp. 12–13.

20. *Ibid.*, pp. 15–16.

21. John Donne, *Devotions upon Emergent Occasions* (1624), no. 17.

22. Niara Sudarkasa, *The Strength of Our Mothers: African and African American Women and Families: Essays and Speeches* (Trenton, New Jersey: Africa World Press, 1996).