

NACFLM

## **Intro**

Many of you knew me as the pro-life “voice” for the US bishops, though that’s getting to be quite a while ago

During that tenure, I interviewed post-aborted women for a project to help those who were suffering, to express their thoughts so that other women might learn about what leads to abortion. There I came to understand what I work on now a great deal: which you might call the demand side of abortion. And I have been working on them in family law for the last 17 years.

By the demand side I mean the ideas about sex, marriage, parenting, women, male/female relationships... driving the demand for abortion...that formed the ideas about the baby they were carrying, the sex that made the baby, the life they would lead with or without the baby...what relationship they should have with a man, and so on.

I have always been fascinated by the meaning of our creation as male and female, about m/f relations, about sex and parenting...these things from God’s hands, these sources of so much joy and angst, of so much anger against the Church, and of so much attention – nay obsession-- from the world.

What was God *thinking* putting together tempting pleasure, and babies...kin, future, family? Why has it proved fraught with so much exploitation of women and girls, particularly those already most vulnerable...the poorest...minorities? How did sex become the ultimate consumer item, and the thing that *sells* consumer items? How did sex on men’s terms—no baby-- become the stuff of the new feminist standard, and currently,

the source of suspicion or worse....regarding Christians' exercise of religious freedom ?

Those of us who work on family issues know that what I'm about to speak about today – family as a social justice issue—is a no-brainer of a connection. And I'll spell out that “narrative” very shortly. But we also know how deep runs the suspicion of our work in this area today...and the resistance there will be to moving in this direction, no matter HOW much the evidence, and our own reason and common sense, and the evidence on the ground, confirm the link. Precisely because of the current zeitgeist and landscape I just described above.

To wit, our work on family is often regarded as:

- An expression of Catholics' distaste of sex
- A reflection of our continuing problem with women's equality and freedom'
- Occupying a great deal of our time judging who's in and who's out of the bark of salvation!
- And a misguided attempt to recreate a non-representative time in history – the 1950s family; ...alongside callousness toward those who cannot meet this “norm” which never existed.

Even within our own church – there are many who say that we have given too much attention to the family in the past, in a way that smacks of moralism... and that we need to move on.

When therefore, we speak in terms of family and social justice, it is as if we are simply looking to clothe distasteful ideas in appealing garb...or we are trying to escape a ghetto into which we are rightly cabined.

At the same time, not only empirical data, but increasingly voices from both the left and the right, are confirming the rationality and compassion of our ideas and our work. (E.g., I think of the AEI/Brookings joint Working Group on Poverty, reasserting the good of helping the poor and working poor toward marriage and marital childbearing. And the work of Brad Wilcox on the Right and Nick Wolfinger on the left to understand and address the opportunities and difficulties in the Black and Hispanic families across the U.S., in their book *Soulmates*)

And you know all the good that you do on the ground. The individuals and families heartened, enlightened, and stabilized by your words and your work.

Still...still... there does not exist the conviction necessary – and the arguments, the *narrative* necessary ...to allow Catholics and *all* people of good will to understand that it so much *more* than “boilerplate” when we affirm that the family is the basic cell of society...such that when people are struggling to form or maintain couples and families, and when they fall down ...we’ve got a social justice issue on our hands.

I often recall that it took the pro-life movement decades to hone our understanding of the issue ... of the women involved, and of the political/interest-group/industrial complex driving the issue...decades to understand and to speak to people in language that would attract their will to understand and to embrace the good of the hard work of caring for children.

You can witness the success of this journey in the beautiful, woman-and-children-affirming language and efforts of a mostly female led pro-life movement today. You can see it in the thousands of crisis pregnancy centers dotting the country.

Likewise there is a learning curve to understanding what is driving family fragility, mistrust between the sexes, a disaffirmation of the good of being a woman or a man or the unique good of their union. ....what is driving the fear of parenthood, and the despair about the possibility of marital permanence. It is only relatively recently that we have been demanded to explain what we assumed all agreed: that the stable family is a social good.

So we shouldn't *berate* ourselves if we don't have all the answers quite yet, or the perfect sound bytes to capture adequately, even *persuasively!* Our conviction, ...the truth of the matter....that the family is a social justice issue.

So let me try some thoughts out with you, and hear yours, so that we can move forward even more successfully, to generate social consensus that the family is a social justice issue which should provoke our compassion and our openness to what works and what is true...., and should avoid reduction to a right versus left, or feminist versus anti-feminist, or nostalgic versus progressive fight.

**(OUTLINE) I will first THEREFORE,**

-TALK A LITTLE DATA and how this means we've got a social justice issue on our hands

-**THEN** SPEAK OF THE SOCIAL JUSTICE SIGNIFICANCE OF THIS DATA AT A LEVEL BEYOND EVEN THE OBVIOUS ECONOMIC AND EDUCATIONAL FIGURES. AND HOW ...IF FAMILY IS A SOC JUSTICE ISSUE....THEN SO IS SEX.

-**THEN** SPEAK ABOUT SOME RECOMMENDATIONS

ON THE DATA:

We all know the data illustrating how it is the family is a social justice issue. This data is even bringing left and right together more often toward this.

We know that the well-off and those with more years of education are now considerably more likely to marry. In 1960, while both college educated and those with some college or less were equally likely to be married; by 2011, 64% of college educated American adults were married, but only 48% of those with some college or less.<sup>1</sup>

The well-off are also less likely to divorce and more likely to have marital versus nonmarital children

Among college educated women, only 7-11% have nonmarital children. But that figure rises to 54% of those with only a high school degree and to 70% among those who did not finish high school.

The better off are also less likely to cohabit ... which of course means they are less likely to experience this significant risk factor for divorce and nonmarital childbearing, in all but a few circumstances.

We also know that family structures – with their inherent advantages or disadvantages—are prone to intergenerational transmission. There are a variety of mechanisms for this:

- through assortative mating whereby the more privileged marry each other and then coordinate their efforts to pass advantages on to their children;
- through actions or compensatory behavior by children of divorce or by divorced spouses themselves who may despair of

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fidelity or permanence, and be more prone to “testing out” potential partners via cohabitation and sexual involvement. -through the cause and effect interplay between family structure deficits and poverty, lesser education, peer and neighborhood influences, absent fathers, and diminished mental and physical health.

We know that family life experiences are closely tied to individual person’s health, happiness, economic and educational opportunities, ...tied to the amount of time parents’ can devote to forming and educating their children, ...tied to the possibility that a spouse will be there to care for an aging spouse....tied to the likelihood that children will care for their aging parents,... tied to whether people can weather unemployment or disability or depression, and I could go on (tied to the propensity to vote, to be stably employed, to volunteer in one’s community, and even to practice religion)

All of which is also to say that family structure deficits are both **causal** of future family structure deficits, and of poverty, reduced years of education, unemployment, crime, and diminished health, AND that they are the **effects** of economic, educational, emotional, and geographic deficits. It’s a vicious circle if ever there was one.

There are also cultural influencers: the de-normalization of marriage as an expected path of life. The growing social acceptance of premarital sex and single parenting. A struggling and changing economy with fewer jobs for less-educated men which means fewer perceived “marriageable” men. More men were raised in nonmarital homes themselves, and lacking role-models of husbands and fathers. Concentrations of divorce and single parenting in particular neighborhoods. And within

some of the poorest communities, ...far fewer marriageable men due to incarceration and involvement with drugs. <sup>2</sup>

Family structure deficits are ALSO increasingly associated by top-flight researchers with growing socioeconomic “gaps” which trouble a lot of Americans, on the left, of course,...but also increasingly trouble those on the right, of which I believe Exhibit A to be the Trump election.

So family structure gaps – i.e. less marriage and marital parenting and more divorce, cohabitation and single parenting – are a very significant factor in the growing wealth and employment and income gaps between the richest and the poorest and even the working poor. And between black and white and Hispanic Americans.

A less well-known but increasingly well-documented set of gaps – respecting economics, education and employment...is growing between boys and girls reared without a father. Celebrated Harvard economist Raj Chetty--the “dean” of social mobility research in the U.S. today—and other economists too, are performing studies showing that sons of single mothers are falling considerably behind their sisters. Researchers are not certain of the mechanisms of course, but theorize that we are looking at some combination of the:

- loss of a male role model,
- mothers’ possibly differing relations with daughters versus sons
- and daughters’ ready access to a role model who can “do it all” when it comes to work and family. (More on this study).

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<sup>2</sup>

In sum, the **loss** of parents stably connected to one another and to their children is closely –and researchers believe CAUSALLY-- associated, with the suffering of the poor and working poor. The **presence** of both parents and thus family stability among Americans with **more** money and education is closely and causally associated with the economic and educational and emotional flourishing of the children of these /this groups.

How to communicate briefly? regarding why then this is a social justice issue?

-Because the opportunity to get married, stay married and have marital children is today varying radically depending on one's level of social privilege.

Because this diverges sharply from America's commitment to equal opportunity.

Because all of these opportunities are not only tied to the happiness, stability, and freedom of adult Americans, and the flourishing of communities and the nation, but to the happiness, stability and freedom of children, a **vulnerable** population whose **bed we adults make**, and as such, **whom we are required to put first**. In the words of the philosopher credited with inventing the modern environmental movement's guiding moral principles, Hans Jonas:

The child is the “archetypal” example of a demand for timely responsibility. The child is both a living person and “not yet.” The child requires help securing her proper ends. Jonas refers to the “radical insufficiency” of “the begotten,” and the “pledge thereto” as “implicit in the act of generation.” ...And

how omission is “as lethal as commission” where the child’s well-being and ends are concerned.<sup>3</sup>

This is true regarding the family environment as it is the natural environment.

We can go a level deeper to explain why family is a social justice issue too. ... Beyond money and education outcomes and inputs. Beyond social gaps. ...To the theological level:

Because every person deserves the opportunity to come to know truth and love as God authors these, and our faith teaches that mothers and fathers, parents and children, provide a *unique* kind of glimpse at that truth and love.

Because family opens our eyes in unique way to comprehending the good of both male and female, and their uniquely complementary and fruitful relationship

Because family is also a privileged way of coming to understand the world as we find it, full of diverse people, differently gifted, differently disabled, but radically equal – and worthy of welcome, kindness, sacrifice and generosity.

Nowhere else is there the context in which we so easily, so clearly understand that a person—other than me, different than me, a different sex, older, younger, darker, lighter, more or less academic, funny, conventionally attractive, social, talkative, athletic....you name it—is **first** is **foremost**, to be loved, engaged with, understood, ministered to....and so on. In short, family is key to acquiring the ability to live as we ought in the world God has given us – granting others’ dignity and

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<sup>3</sup> *Id.*, 134-35.

equality right alongside their diversity from the FIRST MOMENT of encounter. GIVING – in the words of Benedict XVI -- EVERY PERSON THAT LOOK OF LOVE THEY CRAVE, with our first glance.

Because family is a privileged way of coming to understand the human person as *essentially* interdependent. Sometimes we are tempted to think that we are MOSTLY independent in our lives, with the exception only of brief periods of dependence when we are very young, very old, or sick. **Oh sure....** there's those *other* "brief" periods when we are sad or lonely, unemployed or underemployed, poor, hungry, in need of advice or expert guidance. And ....oh yes...let's add those *brief* times it takes to build up the kind of trust and love with another person so that he or she will pledge themselves to us for a lifetime. Or OK, there's the "brief" amounts of time it takes to show our children the kind of love and devotion that inspires them to care for us when we are less mobile or sick. You get my drift.... we are **essentially** interdependent, **essentially** social, ...and family life shows us this

Then there's that whole strain of Pauline theology about glimpsing who God is and how God loves us by way of appreciating the marital couple.

So how is it NOT a social justice issue for religious people, when a wide swath of God's people – many less socially privileged to begin with—are denied this means of coming to know God and the world as He has made it? How is it NOT a social justice issue when we see especially the working poor increasingly less likely to claim religious affiliation or practice?

**Now let me put into words, a perhaps more controversial proposition.**

If family ...family structure and stability ...is a social justice issue, then sex is a social justice issue. Because sex starts a family, and in fact, a child's family structure is largely determined at the moment of sex. That is, while **some** nonmarital partners **later** marry such that the child has a marital family, increasingly they do not, ...and even if they do, data show that they are more prone to divorce. This is also true of cohabitation and not **just** dating partners. (Data)

While children born *into* marriage are certainly not immune from family instability via divorce, they are certainly dramatically less prone than children conceived nonmaritally. (Data)

In an interview once, a reporter put a particular case before Pope Benedict XIV regarding a couple who wanted to use contraception in response to rational fears regarding finances and existing children. Pope Benedict replied in a "who am I to judge moment" saying that he would prefer the couple have a full conversation with their own pastor before any moral theological pronouncement...., but then he added commentary which affirming my notion of sex as social justice. He said that the thrust of the Church's teaching on contraception was its insistence upon a real welcome and acceptance of children, of vulnerable others. And its insistence upon never using the other person. (Cite). This is thinking about sex as SOCIAL...as about others' wellbeing...and thinking in terms of Justice, ...what is owed the other.

**Today**, we find that a cultural and even political obsession with sexual expression as the pinnacle of human freedom

....sexual expression unlinked even to the *idea* that it is the place of creating children... and *agnostic* regarding a relationship between the partners...we find that this obsession is a leading cause of the *immiseration* especially of women and children, but of course also of men. A leading source of the exploitation and degrading of women, a leading source of abortion, single parenting, father-absence, poverty, and so forth.

No government, no corporation, no interest group, no politician, no academic, no celebrity....NONE of the “powers that be ... should be allowed to forget that in the same way that “family” is a social justice issue....the sex that **makes** family is also a social justice issue. And that they have **no** business (whatsoever) forwarding an idea of sex which degrades especially women, and which puts children at the back door. There is **no** substitute in the life of a child, or a family, for durable bonds and the exchange of gifts that family member provide.

Good and necessary as **many** of them are and will continue to be...and **decades** after they have begun, we know now that no government programs....no Nurse Family Partnership, no Early Head Start, No Head Start, no After School Program, no My Brother’s Keeper, no federal marriage initiative, and no foster care system can SUBSTITUTE for the family. These remain an important part of our social duty of care for the vulnerable...but we can’t fool ourselves that we can forget that sex is a social justice issue for both private people and governments.... That it is never enough to put adults at the front door while leaving children attended only the **back** door with programs which try to “make it up to them” after the fact, but which cannot actually SUBSTITUTE for the family.

## In Conclusion

America has no “family policy”.

“Family values” as a concept has never recovered from the Dan Quayle-era beating it took...from some strands of feminism, from the contraception/abortion industrial complex, from the media.

And yet...and yet...Americans report that their relatives are their greatest source of support, love, security, role modeling. Every popular television show featuring unrelated people enjoying brilliant, comically timed and always-faithful set of relationships with one another-- Cheers, Friends, The Big Bang Theory, The Office, --every one of these is a reflection of Americans’ deep longing for that always-faithful relationship in sickness and in health, for richer for poorer.... that—in the **real** world—families usually supply.

It’s time you and I speak more plainly about this to Catholics and all people of good will.

To stop the literally “ignorant” idea that sexual expression divorced from kids or commitment could produce freedom...especially for kids and women.

To show that sex that understands its real weight and beauty – its link with the future, with kin, with children -- is neither boring nor frightening but more satisfying than its opposite.

To overcome the hermeneutic of suspicion cast over marriage and family by some strands of feminism especially considering all we know know, and how marriage and family can allow women to flourish

To get to work better to extend the blessings of family to the poor and working poor. To find the ways both to help them understand and commit to the goods of marriage and marital parenting, and to move gov't and corporations and the media and the academy to understand the roles they can play to help people economically, educationally, and respecting employment policies and culture, to enter into and sustain family life.

Yes, in the US, there has been a resurgence of governmental attention to marriage since the 1990s, following the skyrocketing rates in the 1980s of nonmarital parenting, abortion, sexually transmitted infections and divorce. Under both the Bush and Obama administrations.

Several states have devoted considerable attention to marriage strengthening, particularly among the poor. And the federal government continues to experiment with various types of stable marriage promotion projects.

But these efforts do not mean that we have arrived at a consensus about the good of marriage in the US, or about how to strengthen it. Some strands of feminism continue to cast doubt on the ability of marriage to promote women's happiness and freedom. Furthermore, the conversation is not always fairly joined. Opponents of marriage promotion label it "frog marching" couples to the altar,<sup>4</sup> or leaving women to the risk of domestic violence, though neither of these is true.

More common is the notion of "to each her own," *i.e.* marriage as a very individual choice about maximizing one's own

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<sup>4</sup> Porter? Other?

happiness. In this view, there are no norms--rather, marriage is whatever you say it is.

Regarding poverty and marriage, however, there is today no empirical doubt of the correlation between nonmarital parenting and poverty, even while there is a live disagreement about the way forward. But I believe that the gap is narrowing between competing sides.

The Church in my view has not sufficiently made the link between poverty and the retreat from marriage a "*cause celebre*," at either the universal or the local level, although it has mentioned it more than a few times via our *for your marriage* website, or here and there by the CCHD. But neither in Pope Francis' *Amoris Laetitia*, nor in the documents or public statements of dioceses or bishops at the local level in the United States. With the possible exception of the document from the Indiana bishops *Poverty at the Crossroads: The Church's Response to Poverty in Indiana*.<sup>5</sup> which I think does a brilliant job.

This document is so well done, it is worth quoting extensively. But for purposes of length, I will highlight only a few passages: it refers to marriage as a "crucial element in God's plan for humanity," the "school of deeper humanity," love and hope for society (Vatican II, *Gaudium et Spes*, 52). The place where we learn who we are as individuals, as members of society, how to share our gifts, how to welcome life and know that it is sacred, and how to collaborate with others in peace and human equality. It refers to the family as the place we learn to value human beings non-commercially, in a non-utilitarian way. It refers to a loving family as a child's right, and an ideal "worth

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<sup>5</sup> The Bishops of Indiana, 2015, <http://www.archindy.org/archbishop/poverty-2015.html>

fighting for.” Then it turns to the struggles and sadnesses faced by the poor respecting marriage and family. It names consumerism, promiscuity, and the special vulnerability of the poor to both. It laments that “stable marriages are increasingly the luxury of the rich,” while single-parent families are “increasingly the norm for the poor.” And it concludes that in order to “address the long-term effects of poverty in our society, we must strengthen marriage and family life.” With the church making a “special effort to understand” single-parent families and “offer the wisdom of her tradition.”

The way of the future for Catholics confronting the relationship between marriage and poverty is the way of the Indiana pastoral. It captures the theological significance of marriage to individuals, to couples, to children and to communities. It also captures the nonsubstitutable practical intellectual, emotional and physical benefits of marriage for human growth and flourishing.

In documents like these, we should practice and get better at phrasing our teachings () on family in a way that touches contemporary hopes, ideals and values. To speak about even the most controversial things, in language that attracts. For example:

To speak of sex as a social justice issue because it is the place where vulnerable children’s family structure begins...and thus their odds of family stability. To speak of the insanity of government or private actors actually promoting sexual expression for kids or singles without reference to justice to children....to speak of the utter failure of, government efforts simply to avoid nonmarital childbearing by means of aggressive contraception programs, ...which are the cause in part of the rise in nonmarital pregnancies -- eightfold

nationally, and more among the poor-- during the years in which federal and state governments have offered enormous quantities of free or low-cost contraception to the poor.<sup>6</sup> To say rather on this neuralgic topic: if you get in the habit of distancing yourself emotionally and mentally from sexual partners and from the children you might create, it could be harder for you to form a strong marriage later, or for you and your spouse to become dedicated parents. In addition to its health effects on women, it's likely that widespread reliance on contraception increases the pressure on women to participate in sex they don't really want, and thereby also increases rates of nonmarital births and subsequent difficulties for those children.

To demand Education and employment prospects for the poor and working poor which pave the way to a couples' considering getting married.

To speak of marriage, as the "place" where we are most likely to remain together for children's needs...not ignoring the couple...but never forgetting children either.

To speak of the **scandal** that marriage is more and more becoming a luxury item "affordable" only by the more economically and educationally privileged.

To offer remote marriage preparation as well as ongoing assistance to married couples.

Regarding same-sex marriage – to note that legal marriage used to be the last place the law invited men and woman to have children in a context where they could be known and loved by mother and father stably. The laws against fornication, cohabitation, adultery, illegitimacy, no fault divorce...all gone. In the case of the first four, not without

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reason. But Marriage was the last place inviting adults to have marital versus nonmarital children... now it's gone too. Post-*Obergefell/same sex marriage*, the state is FORBIDDEN to conclude that there is *anything* especially good about the procreative relationship between the man and the woman, or about linking children with the mother and father who made them.

\*\*\*(Close with a few remarks about my nonprofits IBiL WSFT...i.e. under the banner of "Reconnect media", where my goal is to reconnect sex, marriage and kids for the good of women and children and the whole community).