

# The Natural Family

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# The Natural Family

## The Real Rights of Children

Allan C. Carlson

**THE UNITED NATIONS** Convention on the Rights of the Child, adopted as an international treaty in 1989, enjoys ratification by most nations on earth; the United States is the one notable exception. As the UNICEF website explains, this Convention “spells out the basic human rights that children everywhere . . . have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. . . . The Convention protects children’s rights by setting standards in health care, education and legal, civil and social services.”<sup>1</sup>

The architects of this Convention hoped to protect children from exploitation in armed conflicts, from the abuses of child labor, and from sexual exploitation. These are worthy goals. They also wanted to reduce disparities within societies, such as the gap often seen between urban and rural health systems. Again, this is a worthy goal.

All the same, prominent legal scholars have raised strong criticisms of the Convention. Some point to passages, such as Article 13, which appear to undermine the ability of parents to protect their children from

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1. “A summary of the rights under the Convention on the Rights of the Child,” UNICEF, December 2016, available at <https://www.unicef.org/montenegro/en/reports/summary-rights-under-convention-rights-child>.

harmful outside influences. Others see language that threatens cultural diversity and religious liberty. Still others worry about the very nature of “rights” when applied to children, seeing this as implicitly granting excessive power over the young to governments relative to parents and other kin.

It is not my purpose in this essay to weigh and evaluate these arguments. Instead, I want to take a few minutes and—as an American management consultant might say—“think outside the box” about what children really need.

Forty-five years ago, I began work on my doctoral dissertation, which examined the origins of family and population policies in Sweden during the 1920s and 1930s. In the years since, I have given almost exclusive attention to two questions: What modern movements, forces, and developments threaten families and children? And how can we strengthen families and protect children in our time?

My pursuit of answers has led me into research and writing that cuts across the academic disciplines: sociology, psychology, and the biological sciences; medicine, child development, and history. One project that I initiated 33 years ago was collecting and abstracting for average readers scholarly journal articles on child and family questions. These abstracts now number over 5,000 entries, and they tell us a great deal about the real needs of children.

From this work comes my special problem. For when I read the Convention on the Rights of the Child, I find it inadequate: not so much wrong, as poorly focused. It contains many fine sentiments and worthy ideas, but it misses larger truths about children and their needs. Too often, I think, the convention inappropriately presses adult issues and adult language onto children’s unique circumstances.

And so, I want to engage here in a small fantasy. With all due humility, I will assume that I have been asked by the nations of the world to draft a new and more appropriate Charter of Rights for children. It is to be called *The Real Rights of Children*, and it is to reflect the freshest and most compelling new research on this question. After much consideration, I have settled on Ten Articles, and I will now set them forth. They are:

### **Article I: Each Child Has the Right to a Mother**

Despite the best arguments for the view that differences between the genders are insignificant, the modern sciences continue to reinforce what custom and common sense also teach: on issues of human reproduction, men and women are very different. Only women have the gift to carry the conceptus to birth. Only women can develop the unique hormonal bonds between mother and child mediated by that amazing organ, the placenta. And only women can provide that fountain of nurture, giving human babies exactly the nutrition they need when they need it: namely, breast milk. As the children grow, mothers play unique roles in guiding girls and boys into psychologically healthy development. As research reported in *The Journal of Genetic Psychology* explains, having “a recollection of the mother as available and devoted predicted less loneliness, less depression, less anxiety, higher self esteem, and more resiliency in dealing with life’s events.”<sup>2</sup> In these ways, mothers are vital to what economists call long-term human capital formation.

Yet at times, modern society seems to conspire against motherhood. During the last 100 years, mothers’ tasks have been devalued in the West, from the Highest of Vocations to a distraction or a kind of hobby. Some of the pressures come from the short-sighted views of modern business. Commenting on the flow of married women into the labor market, *The Economist*—a business-friendly magazine also known for its frankness—wrote: “Women are proving a godsend to many employers. They usually cost less to employ than men, are more prepared to be flexible and less inclined to kick up a fuss if working conditions are poor . . . Employers like them because they . . . command lower pay, and because part-timers can be pushed harder while they are at work.”<sup>3</sup> This form of exploitation may or may not be good for women; it certainly is not good for their children, born, unborn, or potential.

To fulfill the Child’s Right to a Mother, governments should take all reasonable steps to treat motherhood as the most important of vocations and to ensure that the mother-child bond is given priority over

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2. Mohammedreza Hojat, “Satisfaction With Early Relationships with Parents and Psychological Attributes in Adulthood,” *The Journal of Genetic Psychology* 159 (1998): 203-20.
  3. “For better, for worse,” Special Report, *The Economist* (July 16, 1998).

short-term economic needs.

### **Article II: Each Child Has the Right to a Father**

The evidence has now accumulated here as well: fathers are not optional adornments in the household; they are necessary to the healthy growth of children. Books by David Blankenhorn, David Popenoe, and Barbara Dafoe Whitehead summarize the vast body of research on this point. So does a recent article in *Demography* by scholars at the Universities of North Carolina and Pennsylvania. “Fathers matter,” they write. A father’s involvement in a child’s life “significantly influences [three] outcomes: economic and educational attainment and [avoidance of] delinquency.” Fathers who are “both emotionally close and highly involved in joint activities” play a major role in a child’s maturation. Adolescents who experience “increasing closeness” with their fathers are protected from “delinquency and psychological distress,” and find themselves less often the victims of bullying.<sup>4</sup> Children with a father present in the home are even less likely to be obese.<sup>5</sup>

Here again, though, the biases of modern life discourage fatherhood. Many governmental welfare programs encourage fatherless households with children, by creating financial incentives for out-of-wedlock births. Even for married fathers, work expectations and routines undermine their physical and psychological availability to their children. The popular Western media commonly portray fathers as fools.

To fulfill the Child’s Right to a Father, governments should take all reasonable steps to protect and celebrate the father-guided Family.

### **Article III Each Child Has the Right to a Home Built on Marriage**

The research evidence on family and children, accumulating for decades,

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4. Kathleen Mullan Harris, Frank F. Furstenberg, Jr., and Jeremy K. Marmar, “Paternal Involvement with Adolescents in Intact Families: The Influence of Fathers Over the Life Course,” *Demography* 35 (May 1998): 201-16; Leonardo Bevilacqua *et al.*, “The Role of Family and School-Level Factors in Bullying and Cyberbullying: A Cross-Sectional Study,” *BMC Pediatrics* 17 [2017]: 160, Web.
  5. Erika R. Cheng *et al.*, “Association of Missing Paternal Demographics on Infant Birth Certificates with Perinatal Risk Factors for Childhood Obesity,” *BMC Public Health* 16 [2016]: 453, Web.

points to one overwhelming conclusion: children are most likely to be healthy, happy, well-behaved, and responsible; most likely to succeed in school and in life; and least likely to be promiscuous, delinquent, or users of alcohol and illegal drugs if they live with their two natural parents who, in turn, are lawfully married. Any willed variation from this model—due to cohabitation, legal separation, divorce, sole-parenting, or even remarriage—will predictably lead to more negative results for the children. Even first marriages that are troubled are predictably better for children than the alternatives (except in cases involving physical violence between husband and wife or parent and child, or the sexual abuse of a child by a parent). A recent British study summarized, “For all outcomes, children [continuously living with both biological parents] are better off than children of lone mothers.”<sup>6</sup>

The good home for children is also a place rich in functions, where the young become both the center of daily life and participants in meaningful household work. The good home takes seriously the task of education, and parents become the prime educators of their children, starting with moral training. The good home defends its autonomy and authority, for this again has positive effects on children.

It is the union of male and female through marriage that produces these results. Each partner brings gifts to the marital bond that are complementary. Honest research shows how this works. For example, one unusual study reported in the journal *Criminology* found that the active bonds between wives in a neighborhood—such as borrowing food or tools or having lunch at a neighbor’s home—had a strong effect in reducing neighborhood rates of violent crime. Interestingly, this result was not produced through the bonds of husbands in a neighborhood. And yet, the presence of “family rooted men” in the same neighborhoods did reduce rates of out-of-wedlock births among neighborhood teenagers. According to the researchers, a single-mother home with teenage daughters present was viewed by young neighborhood males as “an unprotected nest,” because it lacks “a man, the figure the boys are

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6. Elena Mariani, Berkay Ozcan, and Alice Goisis, “Family Trajectories and Well-being of Children Born to Lone Mothers in the UK,” *European Journal of Population* 33.2 [2017]: 185-215.

prepared to respect, . . . to keep them in line.”<sup>7</sup> The lesson here is that a husband and a wife complement each other; each marital partner brings unique talents to the building of a home, so that it becomes greater than the sum of its parts.

To fulfill the Child’s Right to a Home, responsible governments will use all prudent means to encourage lawful marriage, discourage divorce, and recognize the prior existence and autonomy of families.

#### **Article IV: Each Child Has the Right to Siblings**

The current trend, particularly strong in developed lands, is toward a one-child family system. For example, if current trends in Europe continue for another 30 years, by the year 2050 a majority of the European people will have no brothers or sisters, no aunts or uncles, no cousins. A range of anti-natalist impulses help explain this, including economic pressures to put work before family and children and the heavy burden of taxation on household budgets.

This trend toward a one-child family system portends great trouble and great loneliness. The relationships between brothers and sisters have long been understood to be critically important in shaping for the good the moral and psychological character of children. One recent study has found that siblings that have an affectionate relationship tend to be more sympathetic and demonstrate more pro-social behavior in adolescence.<sup>8</sup> In contrast, children without siblings disproportionately develop hostile, anti-social personalities. In China, for example, where the government has aggressively pursued a one-child-per-couple policy for years, researchers report in the journal *School Psychology International* that a child without siblings is more likely to disrupt the school classroom than a child reared with brothers and sisters. When compared to the latter, “only children display considerably more behavior problems, particularly

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7. Pamela Wilcox Rountree and Barbara D. Warner, “Social Ties and Crime: Is the Relationship Gendered?” *Criminology* 37 (1999): 789-810.

8. James M. Harper, Laura M. Padilla-Walker, and Alexander C. Jensen, “Do Siblings Matter Independent of Both Parents and Friends? Sympathy as a Mediator Between Sibling Relationship Quality and Adolescent Outcomes,” *Journal of Research on Adolescence* 26.1 (March 2016): 101-14.



in terms of learning, impulsivity, hyperactivity and anxiety.”<sup>9</sup>

Later in life, sibling bonds also remain strong. Indeed, this is the longest blood relationship that people normally have in their lives, longer than relationships with parents, children, or spouse. Recent research shows that older adults commonly feel closer to their siblings than to anyone except their own children, attachments that grow with the passing of years.

Sometimes, of course, it is not possible for parents to have more than one child. But the main cause at this time is extreme voluntary child limitation. Such actions deliberately diminish the psychological prospects of sole children.

To secure for Children the Right to Siblings, governments should welcome the birth of multiple children in a family through all prudent and proper means.

#### **Article V: Each Child Has the Right to Ancestors**

Children know emotional wholeness and personal security if they see themselves as part of a great chain of family being, binding together ancestors, their living family, and their descendants. It is this that makes sense out of death, suffering, and sacrifice, which, in turn, supplies purpose and meaning to life. Indeed, children show a great hunger for stories about their families. Reporting in the *Journal of Marriage and Family* on a study of the telling of family stories, the researchers found it “a particular surprise” that “the younger generation told just as many, if not more family stories than the older generation.”<sup>10</sup> More recently, another study surveyed how many children knew the answers to detailed questions about their parents, grandparents, and other family—things like where their parents met, where various family members were from, etc. Being able to correctly answer questions on this survey was the best predictor

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9. Fang-Fang Wang, Thomas Oakland, and DeHua Liu, “Behavior Problems Exhibited by Chinese Children from Single- and Multiple-Child Families,” *School Psychology International* 13 (1992): 313-321.

10. Peter Martin, Gunhild O. Hagestad, and Patricia Diedrick, “Family Stories: Events (temporarily) Remembered,” *Journal of Marriage and the Family* 50 (1988): 533-41.

of children's well-being.<sup>11</sup> Having ancestors, and knowing things about those ancestors, matters for children's sense of identity, as well as their connectedness and resilience.

And yet, too often today, the young learn in schools or from the drumbeat of modernist propaganda in the media that their ancestors were ignorant, bigoted, and mean-spirited. However, as the great rhetorician Richard Weaver once remarked, "those who have no concern for their ancestors will, by simple application of the same rule, have none for their descendants." And this diminishes not only the lives of children, but of the global community as a whole.

To secure a Child's Right to Ancestors, governments should ensure that its schools and institutions appropriately honor the struggles and positive gifts of those generations which came before.

#### **Article VI: Each Child Has The Right to a Posterity**

Current myths hold that the population control movement represents a rational adaptation of family size to modern conditions. While this change began in the West, it gains strength in the Developing Nations because of its popularity.

Honest research shows these myths to be false. A careful history of fertility decline (by a leading advocate for population control), appearing in *Population and Development Review*, shows that neo-Malthusian "ideas, ideologies, and organized assistance"—or propaganda instead of steady conversion—was key. The task for these propagandists was to attack the status of large families. Their key triumph, according to the author, was the "rolling back of religion's grip on . . . sexuality," urging persons to "ignor[e] the religious view." These ideologies then spread originally to the Third World through colonial administrators using "eugenic" arguments to control native populations and—later—through private organizations such as The Population Council and The Ford Foundation.<sup>12</sup>

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11. Referenced in Bruce Feiler, "The Stories that Bind us," *The New York Times* (March 15, 2013), available at <https://www.nytimes.com/2013/03/17/fashion/the-family-stories-that-bind-us-this-life.html?pagewanted=1&r=0>.

12. John C. Caldwell, "The Global Fertility Transition: The Need for a Unifying Theory,"

It is time to end this war on human fertility, for the sake of children. In the early decades of the twenty-first century, it is objectively clear that depopulation rather than overpopulation is the problem that looms before the world. The best evidence also shows that population growth actually stimulates economic growth, both absolutely and on a per-capita basis.

It is natural for each person to want to create progeny and to live into the future through them. This is each child's destiny. Propaganda against the building of families is a direct assault on this destiny.

To secure a Child's Right to a Posterity, governments should take all appropriate actions to affirm the value of fertility within marriage and to support and protect larger families.

#### **Article VII: Each Child Has the Right to Religious Faith**

Religious families better protect their children physically and psychologically when compared to families that reject religious faith.

This finding flies in the face of the modernist bias that sees religion as resting on ignorance and repression. For example, a study on parenting styles reported in *American Sociological Review* found that "while it is true conservative Protestant parents are more likely to rely on [spanking than non-religious parents], it is also true that they are more likely than other parents to practice warm and expressive emotional work with their children."<sup>13</sup>

Strong religious faith also protects youth from destructive behaviors such as premature sexual activity. The *Journal of Marriage and Family* reports that while the percentage of all white American female adolescents who were virgins fell from 51 percent in 1982 to 42 percent in 1988, the percent who were virgins among fundamentalist Protestants rose from 45 to 61 percent over the same six years. The authors credit this, in part, to the effect of "church sermons and Sunday school."<sup>14</sup> Another

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*Population and Development Review* 23 (Dec. 1997): 803-12.

13. W. Bradford Wilcox, "Conservative Protestant Childrearing: Authoritarian or Authoritative?" *American Sociological Review* 63 (1998): 796-809.

14. Karin L. Brewster, *et.al.*, "The Changing Impact of Religion on the Sexual and Contraceptive Behavior of Adolescent Women in the United States," *Journal of Marriage and Family* 60

recent study out of Harvard found that those who attended regular religious services or practiced daily prayer or meditation as children reported higher levels of life satisfaction in their twenties, and were also less likely to be depressed, use recreational drugs, smoke, or have a sexually transmitted disease.<sup>15</sup>

In short, children thrive best within families that recognize Divine authority and seek to apply this faith in their daily lives.

To secure a Child's Right to Religious Faith, governments shall respect families' free exercise of religion.

### **Article VIII: Each Child Has the Right to Live in a Healthy Community**

No good home stands alone. Extended family members—grandparents, aunts and uncles, cousins—properly take an interest in and help protect and rear children. In somewhat different ways, good neighbors also provide environments which give special protection to children. It is common, as well, for religious co-believers to seek to live near each other. And the evidence shows that this is good for all children.

An important article in *The Journal of Socio-Economics* examined the role of religiosity among neighbors in building a healthy community. Even in the highly secularized, modern nation of Sweden, the researcher found the importance of religion to be strong. Specifically: “the higher the rate of Christians in a Swedish city, the lower the rates of divorce, abortion, . . . and children born out of wedlock.” Even non-Christians living among a relatively high number of believers found themselves behaving in ways more friendly to children: they too were much less likely to get divorced, have an abortion, or beget a child outside of marriage.<sup>16</sup>

To secure a Child's Right to Live in a Healthy Community, governments shall not unduly interfere with the healthy, spontaneous growth of neighborhoods and towns.

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(1998): 493-503.

15. Ying Chen and Tyler J. VanderWeele, “Associations of Religious Upbringing With Subsequent Health and Well-Being From Adolescence to Young Adulthood: An Outcome-Wide Analysis,” *American Journal of Epidemiology* 187.11 (November 2018): 2,355–64.

16. Niclas Berggren, “Rhetoric or Reality? An Economic Analysis of the Effects of Religion in Sweden,” *The Journal of Socio-Economics* 26 (1997): 571-96.

### **Article IX: Each Child Has the Right to Innocence**

The word “innocence” here means the opportunity to have a true childhood, the chance to mature normally in terms of physical, emotional, and moral development.

Many outside forces threaten childhood: war; employers greedy for child labor; the modern media; ideologically-driven education. But the research does show one consistent protector of childhood innocence: living in an intact, two-natural-parent family.

For instance, articles in *Child Development* and *The Journal of Personality and Social Psychology* show the same amazing result: “girls who were in single-mother homes at age 5 tend to experience earlier puberty.” This premature onset of sexual maturity occurs because “girls from paternally deprived homes are more likely to become exposed to the pheromones of stepfathers and other unrelated adult males,” which accelerates their physical development. Early puberty is worrisome because it is associated with poorer health, emotional problems such as depression and anxiety, problem behaviors such as alcohol consumption, and sexual promiscuity.<sup>17</sup>

Intact homes are also much more able to control the intrusions of the outside media—from television to the Internet—into the lives of children.

To secure a Child’s Right to Innocence, governments shall honor and protect the institution of marriage and they shall respect and support parental control of outside media directed at children.

### **Article X: Each Child Has the Right to a Tradition**

Children are born into families, immediate and extended; they are also born into villages or neighborhoods which help and support families; and they are born into traditions or cultures, which give depth to their lives. G.K. Chesterton called Tradition “the democracy of the dead,” where the living recognize the lessons of life learned, often with great

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17. Bruce J. Ellis and Judy Garber, “Psychosocial Antecedents of Variation in Girls’ Pubertal Timing: Maternal Depression, Stepfather Presence, and Family Stress,” *Child Development* 71 (2000): 485-501; and Bruce J. Ellis, *et.al.*, “Quality of Early Family Relationships and Individual Differences in the Timing of Pubertal Maturation in Girls: A Longitudinal Test of an Evolutionary Model,” *Journal of Personality and Social Psychology* 77 (1999): 387-401.

difficulty and sacrifice, by those who came before. Respect for tradition does not require blind obedience to the past. However, it does place the advocacy burden on those calling for change. Children find protection and meaning within the cloak of tradition, which gives them emotional stability and the means to survive even great tyranny.

The *Polish Sociological Review* carried an article on developments in Uzbekistan during the period of Soviet Communist rule. The author writes: “only traditional relationships enabled the people to survive the particularly difficult conditions which prevailed throughout the Soviet period. . . . [W]hile the sovietization of Central Asian society rocked the religious and cultural foundations of the family, its basic . . . features were preserved.” In many cases, the task of preservation fell to women. The author again: “I know of families where the father was a teacher of scientific atheism, while the wife said her prayers five times a day and observed ‘Ramadan,’ so as to (as she put it) atone for her husband’s sins.” When the Communists fell, and Uzbekistan regained its freedom, these traditions were still there, so that the children and their parents could rebuild a nation.<sup>18</sup>

To secure a Child’s Right to Tradition, governments shall respect the inherited beliefs and customs of peoples as parts of their informal or social constitutions.

And so I call on the nations of the world to secure to each child Rights to a mother, a father, a home built on marriage, siblings, ancestors, posterity, religious faith, a healthy community, innocence, and tradition. The scientific evidence is overwhelming: these are the qualities that are best able to give children security, health, happiness, emotional stability, spiritual satisfaction, material abundance, and inner peace. These are what children need, the real rights of children.

*Allan C. Carlson is Editor of The Natural Family.*

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18. Marfua Toktakhodjaeva, “Society and Family in Uzbekistan,” *Polish Sociological Review* 2 (1997): 149-65.

## Parental Rights Around the Globe

Michael P. Farris

**Ms. TRUDE STRAND LOBBEN** was struggling with a difficult pregnancy when, in May 2008, she approached the Norwegian social services authorities for assistance. They suggested that during the first months of the child's life she stay at a family centre for evaluation, where she could be offered additional support.

Her son was less than a month old when the centre's staff requested an emergency meeting. They noticed that the baby was losing weight and raised concerns about his mother's feeding routine. The authorities immediately seized the infant and placed him into compulsory care and ultimately into a foster home on an emergency basis on the ground that the boy may not have been receiving enough food. The County Child welfare board approved the seizure of the baby—granting the mother only two hours of supervised access to her son on six occasions during the year. Twelve hours per year, and under supervision.

In an appeal to the City Court, the judge found that the initial weight loss may well have been due to an eye infection rather than any neglect or error by the mother. Nevertheless, the court declined to return the baby to his mother because she had "limitations" in her parenting skills, and he had special needs. Subsequently, in December 2011, the County Social Welfare board determined that the mother's parental rights should be terminated, and the baby placed for adoption.

An appeal to the High Court failed in 2012 with the appellate judges noting that the mother had not shown an improvement in "empathizing" with her son, who was psychologically vulnerable. A further appeal to the Supreme Court of Norway was unsuccessful. All of Strand Lobben's

parental rights were terminated.

This is not, unfortunately, a rare or exceptional story in Norway. This country's child welfare agency, the Barnevernet, is notorious for its extreme statist views and cavalier interference in the right of parents to raise their children. In 2015, the Barnevernet removed all five children from the Bodnariu family, including the family's three-month-old infant. Initially, the removal was justified on the claim that the family practiced corporal punishment, which is illegal in Norway. However, upon further investigation, it was determined that the authorities were also concerned that the parents were "indoctrinating" their children in their Christian faith. Upon intense pressure from the international community, the authorities returned the children to the family. The family then left Norway to prevent any further removal of their children.

Finland's system is little better. In 2005, Camelia Smicala married Petri Jalakoski, with whom she had two children. She gave birth to the couple's two children, Mihail and Maria, in 2006 and 2007, respectively. The Finnish Child Protection Service was first called by the father in 2007, when he claimed that the mother had "bad parenting skills." She reported that he had been subjecting her to domestic violence since 2006. The authorities conducted an investigation consisting of daily visits to the family home for a few weeks.

In 2010, the couple divorced because of the husband's increasingly aggressive behavior. Shared custody was agreed to by the parties, but primary care was given to the mother. In 2012, the Finnish social services opened a new "social inquiry" to "investigate and clarify" a family situation. This procedure is common in the aftermath of divorce. The inquiry concluded with the observation that the relationship between the children and the father was initially reasonably good, yet had deteriorated over time. The report suggested that it was possible that the mother might try to turn the children against their father and that, as a result, supervision by social services was warranted.

Primary care was reassigned to the father, who, during a series of supervised meetings, suggested carrying out physical abuse—including waterboarding and other life-threatening acts. After this, the children were not returned to their mother, but were instead separated and put in outside care—one in a state institutional facility and the other in foster



care.

The authorities refused to return the children to their mother even though their initial concern was only that she might turn the children against their father by speaking ill of him. The real reason for the state's action appears to be motivated, or at least substantially influenced, by the fact that the children were dual citizens of Finland and Romania. The authorities did not want the children moved by their mother to Romania. The children are Romanian Orthodox, and officials have consistently denied them access to appropriate religious practices and services.

This case has been tied up in a multitude of Finnish legal proceedings in several courts. The children remain separated from their mother despite the clear facts that the mother's questions about the appropriateness of the father's pattern of behavior were more than justified.

Homeschooling families have been specifically targeted by several European countries, but two cases rise to the level of true infamy. In 2009, Annie and Christer Johansson, along with their son Domenic, were on a plane sitting on the runway about to leave for India. Annie is an Indian citizen. Domenic possesses dual citizenship in India and Sweden. The family had decided to move to India permanently. The right to move to another country is one of the most protected principles of international human rights law.

Authorities raided the plane, removing Domenic on the ground that the family was intending to homeschool their son in India. The parents never regained custody, and their parental rights have been terminated.

German authorities also responded with an egregious show of force against a homeschooling family. Early on the morning of August 29, 2013 a group of 33 police officers and 7 youth welfare officers stormed the home of the Wunderlich family near Darmstadt, Germany. The police squad threatened to use a battering ram to open the door and shoved the father, Dirk, into a chair as they dragged away his four children, aged 7 to 14. A policeman pushed aside Petra, Dirk's wife, as she tried to kiss one of her daughters goodbye, telling her: "Too late now!" The couple, powerless, watched their children being taken away.

What had led to these terrifying events? The family had just sat down to begin its first homeschool lesson of the year—in Germany, homeschooling is forbidden. Germany's ban on homeschooling dates back to

1918. Since then, the nation has signed onto a number of international human rights agreements that explicitly protect the right of parents to choose the manner of education for their children. Germany has failed to honor these agreements on several occasions, pursuing families—such as the Wunderlichs—who have chosen to educate their children at home.

Dirk and Petra Wunderlich wanted the best for their children and felt that their home environment was the best choice. This also allowed them to teach on the basis of their Christian faith. The family had moved around Europe several times in order to find a place where they could pursue their wish to homeschool. Finally, when they settled back in Germany, authorities illegally took their passports in an attempt to keep them from moving again. It was just as they were about to start homeschooling in August 2012 that the police officers and social workers forcibly entered their home and took away their children.

In the litigation that followed, Germany ironically claimed that the seizure of the Wunderlich children was justified. They would be forced to attend the local school and hence “learn to deal with those who think differently.”

The war against parents who defy progressivist theology is not limited to Europe. The Supreme Court of British Columbia held that a father had committed “family violence” for referring to his daughter as a “she” rather than as her “preferred” gender. Over his objection, but with the consent of her mother, this 14-year-old girl was given testosterone injections to attempt to “align” her body with the male gender.

And in England, the medical authorities, backed by the government and judiciary, determined that they—rather than the parents of Charlie Gard and Alfie Evans—would decide whether or not either of these children could be transferred to a medical facility in another country for experimental treatment. Children died because government, rather than parents, were in charge.

In every one of these cases, the national government prevailed in its domestic courts. And I can find a close parallel to each of these cases with an American family under legal attack—many of them from cases that I have personally litigated. The war against parents and families in the part of the world that used to be called “the West” is the direct result of a philosophical revolution.

### **International Law**

The reason that the Americas, Western Europe, Australia, and New Zealand were called the “West” had little to do with geography. Rather, these were the nations that compromised Western Civilization. Western Civilization was, of course, founded upon the worldview arising from Christianity.

Those who claim that the Enlightenment, rather than Christianity, was the foundation for these societies mistake the parasitic plant for the original tree. The Enlightenment in its purest form rejects all theories of the divine. Man, and man alone, is the measure of all truth. God’s truths are rejected as myth.

God teaches that life is sacred. Man teaches that Charlie Gard should be allowed to die because men have decided that his life is not worth living. God teaches that parents, not government, should be responsible for the upbringing of children. And, of course, God expects parents to raise children to believe in Him. But Germany, Sweden, Norway, and Finland believe that their governments—guided by the enlightened leadership of their nations—should decide how children are raised.

God teaches that we are created male and female. The government of British Columbia—joined by a vast number of nations, states, and provinces within “Western Civilization”—think that men get to decide which gender a child should be. And even a parent who objects to men changing God’s choice will be silenced by court order.

The Supreme Court of the United States correctly identified the irrefutable linkage between parental rights and Western Civilization in its 1979 decision of *Parham v. J.R.*<sup>1</sup> As the Court ruled:

Our jurisprudence historically has reflected Western concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course; our constitutional system long ago rejected any notion that a child is “the mere creature of the State” and, on the contrary, asserted that parents generally “have the right, coupled with the high duty, to recognize and prepare [their children]

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1. 442 U.S. 584, 602-606 (1979).

for additional obligations.”<sup>2</sup> . . . [other citations omitted] . . . The law’s concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life’s difficult decisions. More important, historically it has been recognized that natural bonds of affection lead parents to act in the best interests of their children. 1 W. Blackstone, *Commentaries* 447; 2 J. Kent, *Commentaries on American Law* 190.<sup>3</sup>

The current effort of the leftist progressive utopians—also known as Social Justice Warriors—is not the first time that serious efforts have been made to dismantle Western Civilization from within. Nazi Germany rejected every premise of Western Civilization and sought to replace it with a man-made philosophy that seemed glorious to some but was hideous to decent people everywhere. Among the other evils of the Third Reich was its efforts to disconnect children from their primary loyalty to their parents and their families. The government schools were the primary mechanism for this attempted transformation.

As the world sought to recover from the horrors of Nazi philosophy, the international human rights movement arose, seeking to declare that some things are beyond the legitimate power of any government. The power of government to demand the authority to raise children in their preferred worldview was decisively denounced by the foundational documents of international human rights law. Article 26(3) of the Universal Declaration of Human Rights proclaimed: “Parents have a prior right to choose the kind of education that shall be given to their children.” It is undisputed that this right was meant to be prior in two senses: Parental rights are both first in time and first in priority.

The UDHR was a 1948 resolution by the United Nations. Its altruistic language was expanded into two separate treaties—the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Both the ICCPR and the ICESCR contain strong parental rights provisions.

The ICESCR’s parental rights provision is found in Article 13(3):

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2. *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925)

3. Full text available at <https://supreme.justia.com/cases/federal/us/442/584/>.

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

Article 18(4) of the ICCPR provides:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

In American law, our rights have been classified by the Supreme Court as fundamental and non-fundamental rights. (This is a judicially created formula that is completely unrelated to the text of the Constitution.) The two different levels of rights are primarily used to describe the circumstances in which government may override one of these freedoms. Fundamental rights may be overcome only with a rigorous showing; it is intended that it be difficult for government to prevail. Non-fundamental rights may be shunted aside with relative ease.

In international law, a very similar theory is called the doctrine of derogation. If a government can override a legitimate claim of rights, it is said that a derogation of the rights has been permitted. In both the ICCPR and the ICESCR, there is a specific article which sets forth the rules for when a government may derogate a claim of protected rights.

Here are the rules for the derogation of rights contained in the ICCPR, Article 4(2):

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex,

language, religion or social origin.<sup>4</sup>

This is a very high standard. In order to derogate these protected rights there must be a three-part showing: (1) there must be a public emergency; (2) that emergency must be so grave that it threatens the life of the nation; and (3) this emergency must be publicly declared. And then, even when the derogation is permitted, it must be a limited derogation following three additional rules: The incursion into rights must be strictly limited, no other international legal obligations can be violated, and derogations cannot be discriminatory.

However, even these very constrained forms of derogation have an additional exception that is found in Article 4(2). This section absolutely prohibits the derogation of certain rights *even when* the life of the nation is threatened by an emergency that has been publicly declared. Rights that are listed in Article 4(2) are considered non-derogable—rights that can never be violated by a nation no matter how urgently necessary the government believes it is to do so.

There are seven articles of the ICCPR which contain non-derogable rights. These include the protection of the right to life in Article 6, the ban on torture and cruel punishments in Article 7, the prohibition against slavery in Article 8, the prohibition on using jail time to collect contractual debts in Article 11, the ban on *ex post facto* definition of crimes in Article 15, and the rule requiring the law to always respect the personhood of every individual in Article 16.

Human rights lawyers recognize the right to life, the prohibition of torture and slavery, and the others listed to be at the very pinnacle of the human rights protections. Any state that violates these rights—even in times of dire national emergencies—is considered a rogue state acting outside the bounds of civilized society.

But there is one additional article—Article 18—that is enumerated in this list of non-derogable rights. Article 18 contains the broad protection of religious freedom for all persons. Thus, religious liberty is also a non-derogable right. However, it is Article 18(4) that is of special interest

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4. ICCPR, Article 4(1), adopted December 16, 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

here—and it is also a non-derogable right.

Section 18(4) protects the rights of parents to choose education for their children that conforms to their own moral and religious convictions.

Thus, under the unmistakably clear language of the ICCPR, the right of parents to choose an education for their children that is consistent with the parents’ religious and moral beliefs and convictions is absolute—this is a non-derogable right.

### **The Implications**

The lesson is clear. Sweden, Norway, and Germany have crossed the line and are rogue states from a human rights perspective. Any nation that believes that the government, rather than parents, should determine the philosophical upbringing of children is dangerously close to sharing their status as an outlaw nation—a nation outside the boundaries of civilization.

Despite this clear and lofty status of parental rights, international courts have been extremely deferential to national governments when parents appeal denials of their rights.

The Wunderlich and Johansson families both lost their cases in the European Court of Human Rights. Alliance Defending Freedom International and Home School Legal Defense Association joined together in both appeals.

The Wunderlich family won a recent lower court victory in Germany that is allowing them to homeschool for the moment. But the Johanssons have never been reunited with their son.

ADF International has filed an appeal (technically called a “communication”) to the UN Committee on the Rights of the Child in the *Smicala v. Finland* case.

But the biggest news in international human rights protections for parents came in 2019 in the *Strand Lobben v. Norway* case in the European Court of Human Rights. In its 2019 decision, the Grand Chamber of the European Court of Human Rights found that Norway violated the fundamental right to family life through the actions of its child welfare services. *Strand Lobben v. Norway* was one of several cases appealed to the European Court of Human Rights in which parents complained that Norwegian authorities unlawfully removed their children from their

care.

In a previous ruling, the Fifth Section of the European Court of Human Rights had upheld the government's removal of the child—finding no violation of Article 8 of the European Convention of Human Rights which protects the right to family life. However, in October 2018, the Grand Chamber, the highest level of the European Court of Human Rights, agreed to review the case. ADF International intervened before the Grand Chamber as a Third Party arguing for greater respect for parental rights in Norway and highlighting fundamental issues with child protection services in Norway.

The Court reiterated the consistent position that family ties between child and parents may only be severed in very exceptional circumstances and that everything must be done to preserve personal relations and, if and when appropriate, to “rebuild” the family. The Grand Chamber applied this standard to the actions of the Norwegian authorities in this case and found them to be in violation of this human rights norm. While noting that the best interests of the child (the theory advanced by Norway) was of “primordial importance,” the Court held that the process leading to the withdrawal of parental responsibilities and consent to adoption shows that the domestic authorities did not attempt to perform a genuine balancing exercise between the interests of the child and his biological family.

The Court found that at all times the actions of the Norwegian authorities were “focused on the child's interests instead of trying to combine both sets of interests,” and that at no time did they “seriously contemplate any possibility of the child's reunification with his biological family.”

In reality, some adult is always going to be making the decisions regarding the upbringing of children. Norway believes that its government should be in the primary position for such decisions. This important case from the highest international human rights court in Europe is a crucial step in regaining the proper priority for parental decision-making.

Embedded in these legal disputes and international law texts is an important truth about living as a peaceable, civilized, and free society. Totalitarian regimes understand that families are their ultimate enemy. When parents train their children with beliefs and loyalties that differ



from those that the state wishes to propagate, rebellion is not far away. Love of freedom and a culture of virtue are learned at the hearth and can only be suppressed with violence—and then only for a season.

Any nation that seeks to supplant parents with the apparatchiks of the state is dangerous to all forms of freedom. When parental prerogatives about childrearing come under attack, every citizen who loves any aspect of freedom should realize that it is time to stand up and fight. The family is truly the bellwether of freedom.<sup>5</sup>

*Michael P. Farris is president, CEO, and general counsel of Alliance Defending Freedom.*

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5. Some case descriptions have been adapted from ADF International materials.



## Therapists Go Rogue: When Family Rights Are Undermined by Child Protective Services

Nicole M. King

**IT WAS A CASE THAT SHOULD HAVE** been on the front page of every major newspaper, or the opening story on every newsfeed—a case that seemed to have more akin to a bad horror flick than to reality.

In the spring of 2019, police arrested 18 people in the Emilia Romagna region of Italy for allegedly “brainwashing” children into believing they had been abused by their parents. These people—therapists, social workers, and others of the helping professions—used coercive therapeutic techniques to convince children they had been sexually abused or even forced into satanic activities.<sup>1</sup> Methods included leading questions (in which the answer was presumed), electroshock, the alteration of children’s drawings to add details of an explicitly sexual nature, and even dressing up as the evil characters of fairy tales.<sup>2</sup> Once separated from their parents, the children were given to foster parents in exchange for money. The scheme, reports the *Guardian*, involved “hundreds of thousands of Euros.” At least some of the children were then sexually abused by their new foster parents.<sup>3</sup>

The investigation, code-named “Angels and Demons,” began in 2018

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1. Chiara Bertoglio, “Italy investigates its own child abuse disaster,” *MercatorNet* (October 8, 2019), available at <https://www.mercatornet.com/features/view/italy-investigates-its-own-child-abuse-disaster/22933>.
  2. “Italian police arrest 18 for allegedly brainwashing and selling children,” *The Guardian* (June 17, 2019), available at <https://www.theguardian.com/world/2019/jun/27/italian-police-arrest-18-for-allegedly-brainwashing-and-selling-children>.
  3. “Italian police arrest 18 for allegedly brainwashing and selling children,” *The Guardian*.

when police noticed an unusually high number of child-abuse allegations in the region. Details were recorded via wire-taps and hidden cameras, and the footage is horrific. In one taped session, a therapist is recorded telling a child, “Now we must do a big thing together. Do you know what? We must pretend that we are mourning. Your father does not exist as a father any more, it is as if he were dead, we must make a funeral for him.”<sup>4</sup>

And the parents? Many were tried and subsequently imprisoned. The machine had been running successfully for two decades, and many of the children involved are now adults who still believe their parents perpetrated unspeakable acts against them. Gifts that parents sent to children were found in storage, never opened.

### **Decades of Hysteria**

Sadly, the Emilia Romagna scandal may be the most organized and perhaps even the most cold-blooded in its explicit motive of money, but it is hardly the only case of mass child-seizing by local agencies, made possible by social workers, therapists, psychologists, and even medical doctors.

In the 1980s and 1990s, a hysteria later dubbed “Satanic Panic” swept the United States, Canada, the United Kingdom, and parts of Europe. At its core, the panic dealt with the unsubstantiated claims that children made against daycare workers, babysitters, or even parents of satanic ritualized abuse, in which the children were made to watch and participate in horrific rites (drinking blood, the sacrifice of animals and even babies, midnight gatherings in local cemeteries, satanic orgies, etc.). Literally hundreds of children were removed from their parents.<sup>5</sup>

Many factors seem to have played a role in the leveling of such dark and weird accusations. The period in question witnessed a spike in public interest in the occult, which included the establishment in 1966 of the Church of Satan. The Manson murders and a string of other well-publicized and grisly serial killings (the Zodiac killings, the BTK killer) also sparked public panic. And the 1973 film *The Exorcist* was hugely popular

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4. Bertoglio, “Italy investigates its own child abuse disaster.”

5. Aga Romano, “The history of Satanic panic in the U.S.—and why it’s not over yet,” *Vox.com* (October 30, 2019).

and influential. Another important event was the 1980 book *Michelle Remembers*, co-written by psychologist Lawrence Padzer and his patient, Michelle Smith. In the book, Padzer recounts his therapy sessions with Smith, who tells him during one session that she wants to confide in him something serious, but can't remember what it was. Under hypnosis, Michelle "remembers" (and then vividly recounts in the voice of a five-year-old child) enduring horrific abuse in a series of ritualized Satanic activities, into which she was first inducted by her own mother. (The book has since been discredited. No conclusive reason for Smith's seeming fantasies have been given, but Padzer and Smith both divorced their spouses and married each other. Some speculate that the sessions were Smith's way of spending more time with her therapist.<sup>6</sup>)

A number of child-seizing cases grew out of this panic, including one in Italy later dubbed "The Devils of Lower Modena." In this instance, the allegations began with a child named Dario, who was six at the time and came from a troubled background, bouncing between his impoverished biological family and foster family. Dario first accused his parents and older brother of sexual abuse. From there, the allegations spread—in the end, 9 people were convicted, and 16 children were removed from their parents' homes. Pablo Trincia, a journalist and author of a book on the story, highlights that all of the children were "from deprived families living under the radar of social services" and "manipulated by officials into making accusations."<sup>7</sup> Trincia actually found Dario, now grown, who told the journalist, "I don't know if I told the truth as there were all these social workers, they manipulate you."<sup>8</sup> The case left a trail of blood. One single mother killed herself. The priest who supposedly led groups of children in satanic rites in cemeteries died from a heart attack in his attorney's office after learning of his prison sentence. (He was posthumously cleared of all

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6. Tristin Hopper, "How Canada tricked the world into believing murderous Satanists were everywhere," *National Post* (September 5, 2017), available at <https://nationalpost.com/news/canada/the-canadian-book-that-tricked-the-world-into-believing-they-were-overrun-with-satanist-murder-cults>.

7. Angela Giuffrida, "Italian 'Satanic panic' case returns to court two decades later," *The Guardian* (May 23, 2019), available at <https://www.theguardian.com/world/2019/may/23/italian-satanic-panic-victim-hopes-to-clear-his-name-in-court>.

8. *Ibid.*

charges.) The only evidence in the many convictions was the children's allegations, coupled with the report of one gynecologist, even though other medical professionals disputed those claims.

In the United Kingdom, there were a multitude of similar cases. In 1990 in Rochdale, a panic began when seven-year-old Daniel Wilson told his teachers about his dreams of ghosts. In the mayhem of accusations that followed, 20 children were taken from their parents and placed in children's homes, where they remained for anywhere from a few months up to ten years. No evidence of any satanic activities was ever found, and a number of the children recently sued the city council for negligence. In 2006, the two social workers at the center of the case were still employed by child-protective agencies.<sup>9</sup>

In Orkney, an archipelago off the cost of Scotland, nine children were taken from their homes on charges of satanic ritual abuse—one small girl was dragged from the bathroom, breaking the sink to which she was clinging.<sup>10</sup> The allegations seem to have begun when another young girl, who had actually suffered real sexual and physical abuse first by her father and later by a care worker, admitted to a friend that she was being abused but wouldn't name the culprit. Social workers, mistakenly believing the perpetrators were the girl's brothers, took them all into custody. The boys underwent "disclosure therapy" that led to the charges of abuse against the other families. A judge threw out the case immediately due to a complete lack of evidence and mismanagement by the social workers involved, and the children were returned.

In the United States, many "satanic panic" cases also sprung up, but also two sexual abuse cases devoid of any satanic component. In the small town of Jordan, Minnesota, in 1983, a trash collector and babysitter named James Rud was arrested for sexually abusing two children. In a plea deal, he claimed to be part of a vast sex-abusing ring of parents.<sup>11</sup>

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9. Paul Lewis, "'Satanic abuse' case families sue council for negligence," *The Guardian* (January 11, 2006), available at <https://www.theguardian.com/society/2006/jan/12/childrenservices.uknews>.

10. "The woman who could have stopped Orkney satanic abuse scandal," *BBC* (September 5, 2013), available at <https://www.bbc.com/news/uk-scotland-23958348>.

11. Allan Carlson, "Family Abuse," *Reason* (May 1986), available at <https://reason.com/1986/05/01/family-abuse/>.

The accusations spread like wildfire. In the end, 25 people were accused of abusing 30 children, ranging in age from 2 months to 17 years. The children were taken from their homes, put into foster care, and subjected to a battery of physical tests and interrogation. No physical evidence emerged, and the children kept insisting their parents were innocent. The overzealous chief prosecutor in the case, Kathleen Morris, was the driving force keeping the case alive, and was clearly seeking to build on her reputation for being tough on child abusers. (A local realtor told media at the time, “The County Attorney is a vindictive, power-hungry lady who has a grudge against Jordan.”<sup>12</sup>) Rud later admitted in a radio interview that he had made the whole story up, and the Minnesota attorney general’s office intervened to bring the cases to a close and send the children home.

While in Jordan, an overzealous, power-hungry prosecutor was to blame, in the town of Wenatchee, Washington, it was an ambitious police detective. In 1994 and 1995, 43 adults were arrested on charges of a mind-boggling 29,726 counts of sexual abuse against 60 different children.<sup>13</sup> The instigator in this case was Detective Bob Perez, whose two foster daughters were responsible for a large majority of the allegations. On one occasion, Perez and his foster daughter drove around town, accompanied by social workers taking notes, and the girl identified 22 locations where she claimed she had been abused. Many of the accused were easy targets—poor and borderline intellectually disabled. Perez himself was particularly vicious, arresting those who dared question the case on made-up charges of abuse, and carefully coaching witnesses. Eventually, most of the cases were overturned, and some four million dollars have been paid out in settlements to the wrongfully accused.<sup>14</sup>

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12. Peter Carlson, “Divided by Multiple Charges of Child Abuse, a Minnesota Town Seethes with Anger,” *People* (October 22, 1984), available at <https://people.com/archive/divided-by-multiple-charges-of-child-abuse-a-minnesota-town-seethes-with-anger-vol-22-no-17/>.

13. J. Todd Foster, “Sex Case A ‘Wenatchee Witch Hunt’ Some Incidents Of Incest Were Uncovered But There’s Been No Proof Of Group Child Abuse,” *The Spokesman-Review* (October 22, 1995), available at <https://www.spokesman.com/stories/1995/oct/22/sex-case-a-wenatchee-witch-hunt-some-incidents-of/>.

14. Jefferson Robbins, “Bob Perez, driving force in discredited sex abuse cases, dies,” *Wenatchee World* (December 19, 2013), available at [https://www.wenatchee-world.com/news/local/bob-perez-driving-force-in-discredited-sex-abuse-cases-dies/article\\_0425db16-0a82-562c-a51d-](https://www.wenatchee-world.com/news/local/bob-perez-driving-force-in-discredited-sex-abuse-cases-dies/article_0425db16-0a82-562c-a51d-)

### **All Too Easy**

In all of these horrific cases, there are some common factors that bear careful scrutiny.

First, it took very little for children to be lawfully separated from their parents. In most criminal proceedings, the accused are presumed innocent until proven guilty. In the case of child abuse, however, leaving children with an abusing parent while that parent is investigated seems—rightfully—to be a bad idea. So the children are taken during the investigation. The problem in these cases, however, was that the charges were completely false.

In the United States and much of the world, it is possible to make anonymous reports of child abuse to a child protective services agency (CPS). The CPS is required by law to investigate every report it gets, no matter how far-fetched, and no matter who did the reporting. All states in the U.S. have also passed mandatory reporting legislation, designating certain professions (doctors, teachers, psychologists, etc.) to be people positioned by their work so as to have firsthand knowledge of how children are doing. These people are obligated by law to report even the suspicion of abuse. The CPS may then choose when it is necessary to investigate further by talking to the child or visiting the child's home.

An investigation usually begins within 24 hours of receiving the report.<sup>15</sup> A social worker may visit the home of the suspected abuser, ask to speak to the child and other children, conduct a physical investigation, and, if deemed necessary, take the children into protective custody. While under normal circumstances, a court order is necessary before taking children, social workers also have the authority to take first, and ask later, if the child is deemed to be in imminent danger. A court then later affirms the rightness of the action. After that, the real investigation begins, which may culminate in a hearing or trial.

All of this, of course, is subject to abuse or mismanagement. An irate family member or neighbor, an embittered spouse in a divorce

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15. Christopher Coble, "What Happens When CPS Is Called?" FindLaw.com (March 25, 2015), available at [https://blogs.findlaw.com/law\\_and\\_life/2015/03/what-happens-when-cps-is-called.html](https://blogs.findlaw.com/law_and_life/2015/03/what-happens-when-cps-is-called.html).



proceeding, a jilted ex-lover—all can, and do, call in “anonymous” tips in acts of revenge.

In the meantime, the numbers of children that go through “the system” in one way or another are staggering. In 2012, the United States CPS followed up on 3.2 million children.<sup>16</sup> Of that number, 2.5 million were eventually declared “non-victims.” (The report isn’t clear on how many of those children were declared “non-victims” immediately, and how many were taken into custody for a time and later returned to their parents or guardians.) Of those remaining, 686,000 were deemed neglected or abused. Conor Friedersdorf broke these numbers down further in a 2014 piece in *The Atlantic*:

Among the victimized children, 18 percent were physically abused, 9 percent were sexually abused, and 8.5 percent were psychologically maltreated. The vast majority, 78.3 percent of victims, suffered mere “neglect” without physical, sexual, or psychological abuse. The degree and harmfulness of neglect can vary tremendously, but in many cases would seem to lend itself to interventions short of taking the child and charging the parent—an approach that is only attempted in some states—especially given how many neglect cases are due largely to poverty.<sup>17</sup>

The majority of cases in 2012, some 59%, were reported by professionals who came into contact with the child over the course of their workday; nurses, doctors, teachers, bus drivers, or others—many of them “mandatory reporters”—were responsible for over half of the reports to CPS. Nonprofessionals (friends, neighbors, etc.) were responsible for 18% of reports, and “other” (anonymous, unknown) for the remaining 23%.<sup>18</sup>

More recent data suggest that either CPS has become even more

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16. Conor Friedersdorf, “In a Year, Child-Protective Services Checked Up on 3.2 Million Children,” *The Atlantic* (July 22, 2014), available at <https://www.theatlantic.com/national/archive/2014/07/in-a-year-child-protective-services-conducted-32-million-investigations/374809/>.

17. *Ibid.*

18. *Ibid.*

vigilant, child abuse rates have gone up, or something in between. In 2017, CPS received 4.1 million referrals, involving 7.5 million children. Of these, a little over half (57.6%) were “screened in,” or met the criteria for an investigation or other action by CPS. Of that number, 674,000 children were deemed to be victims of abuse or neglect. In 2017, “professionals” were also responsible for a majority of the reporting—65.7% of reports, with the highest percentage of that number (19.4%) being from education personnel.<sup>19</sup>

In *The Atlantic* article, Friedersdorf cites Professor Paul Chill to demonstrate the ramifications of these investigations:

Removals can be terrifying experiences for children and families. Often they occur at night [when families are presumed to be home]. Parents have little or no time to prepare children for separation. The officials conducting the removal, as well as the adults supervising the placement, are usually complete strangers to the child. Children are thrust into alien environs, separated from parents, siblings and all else familiar, with little if any idea of why they have been taken there. Such experiences may not only cause “grief, terror and feelings of abandonment” but may “compromise” a child’s very “capacity to form secure attachments” and lead to other serious problems. The trauma may be magnified when the child is actually suffering abuse or neglect in the home, and in any event it is increased when reunification with loved ones does not occur quickly.<sup>20</sup>

And while “removals” are supposed to be relatively rare, only for the most serious of cases, Chill went on to state that “more than 100,000 children who were removed in 2001—more than one in three—were later found not to have been maltreated at all.” Anonymous tips don’t help the situation, as a huge number of anonymous tips are completely unsubstantiated, made by people who are not trained in how to detect abuse,

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19. U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau, *Child Maltreatment 2017*, available at <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment>.

20. Paul Chill in Friedersdorf, “In a Year, Child-Protective Services Checked Up on 3.2 Million Children.”

nosey neighbors, or even bitter spouses locked in divorce battles. One study found that nationally, only 1.5% of all reports were “both anonymous and substantiated.”<sup>21</sup> The majority of anonymous reports are made against minority, poverty-stricken families.

### **False Memories and Leading Interrogations**

Another common factor in all of the tragic cases that opened this essay is the use of what may be called “overzealous” interrogation techniques. In the Emilia Romagna case, false memories were actively planted into the children’s heads, but in many, many other cases, social workers, therapists, or others who are convinced that fault is present, mislead impressionable children.

All that it seems to take for misleading interrogations to be permitted is the cooperation of one or two individuals who are convinced a crime has occurred. In the “Angels and Demons” case, a few therapists employed by one corrupt social-services agency willfully planted the idea of abuse into children’s heads. In the “Devils of Lower Modena” case, the report of one gynecologist was all it took to separate 16 children from their families. In the Jordan, Minnesota, case, one ambitious prosecutor kept children apart from their families. And in Wenatchee, one detective actually seems to have persecuted those whose testimony didn’t line up with his foster daughter’s (later recanted) allegations of abuse.

Reporting on a more recent spate of allegations of abuse for the *Guardian*, Christopher Booker compared a 2015 ongoing investigation to the cases of Rochdale, Orkney, and others of the 1990s and 1980s: “What all those episodes had in common . . . was the way the cases against the adults were gradually built up on the basis of prolonged interrogation of the children by social workers, foster carers and police during the months and years after they had been removed from their families.”<sup>22</sup>

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21. Dale Margolin Cecka, “How child abuse hotlines hurt the very children they’re trying to protect,” *The Washington Post* (May 6, 2015), available at <https://www.washingtonpost.com/posteverything/wp/2015/05/06/how-child-abuse-hotlines-hurt-the-very-children-theyre-trying-to-protect/>.

22. Christopher Booker, “Social workers get the story they’re after,” *The Guardian* (May 31, 2015), available at <https://www.telegraph.co.uk/comment/11641375/Social-workers-get-the-story-theyre-after.html>.

Booker further describes the techniques used to influence the “memory” of a boy in Dyfed, a town in the U.K.,

... the entire case had sprung from an eight-year-old boy, “Jason”, who, after being taken into care when his parents split up, had been subjected over three years to 28 separate interviews, some lasting for much of a day. These had been conducted by a particularly zealous social worker who specialised in “memory work”: getting the boy to admit to having witnessed scenes of which he had no recollection.<sup>23</sup>

Booker further describes how similar coercive or leading techniques had been used in other of the United Kingdom’s “satanic panic” cases, such as “rewarding the children with extravagant praise and little treats whenever they came up with the answers that were wanted.”

Numerous studies have demonstrated that for small children, such tactics work. In a book chapter entitled, “The Police Interrogation of Children and Adolescents,” Allison D. Redlich and colleagues reviewed the relevant research to determine that children in particular are very susceptible to misleading interrogation techniques. One study “found that when children were interviewed by friendly, supportive interviewers (e.g., smiled, made eye contact, sat with a relaxed posture), errors and suggestibility decreased in comparison to intimidating, non-supportive interviewers (e.g., did not try to establish rapport, minimal eye contact and smiling).”<sup>24</sup> Another study found that “reinforcement [treats, praise, etc.] dramatically increased the rate of making false allegations by children ages 5 to 7 years.”<sup>25</sup>

There is also the case of “false memories,” or “repressed memories”—the concept that memories can be so traumatic that they are buried deep in the mind, only to be recalled years later, usually through extensive

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23. *Ibid.*

24. Carter et al. (1996), in Allison D. Redlich, Melissa Silverman, Julie Chen, and Hans Steiner, “The Police Interrogation of Children and Adolescents,” in G. Daniel Lassiter, ed., *Interrogations, Confessions, and Entrapment* (New York: Spring, 2004), pp. 107-25.

25. Garven et al. (2000), in Redlich et al., “The Police Interrogation of Children and Adolescents,” 116.

therapy. Elizabeth Loftus, who has conducted extensive research shedding doubt on the concept of repressed memories, contends that therapists themselves have a remarkably powerful effect in planting the seeds of such thoughts in their clients' minds. One therapist, who has had over 1,500 clients who were victims of incest, confided in Loftus that a technique she uses to help her clients "remember" is to lead with: "You know, in my experience, a lot of people who are struggling with many of the same problems you are, have often had some kind of really painful things happen to them as kids—maybe they were beaten or molested. And I wonder if anything like that ever happened to you?" Others began, "Your symptoms sound like you've been abused when you were a child. What can you tell me about that?" or even "You sound to me like the sort of person who must have been sexually abused. Tell me what that bastard did to you."<sup>26</sup> Repressed memories were widely acknowledged during the 1980s and 1990s, when some of these horrible instances of child-seizing occurred. Today, such memories, based originally on the work of Freud, are largely discredited. And while adults are the ones normally "remembering" a formerly "repressed" memory, the experience of therapists assuming a reality and then asking questions to elicit the responses they believe to be true certainly is not a solely adult phenomenon.

### **Reasons Why, and the Way Forward**

How, exactly, do such horrible abuses of justice occur, wherein both children and parents are permanently traumatized?

Allan Carlson writes in *Reason* that the roots of the problem, at least in America, go back to the origins of "child-saving":

[N]ew attitudes grew dominant during the early 19th century with the emergence of the "child-saving" movement. In 1825, America's first juvenile reformatory, the New York House of Refuge, opened its doors. Setting a pattern for the next 100 years, this institution blurred the distinctions among abused, neglected, poor, and delinquent

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26. Elizabeth Loftus, "The Reality of Repressed Memories," *American Psychologist* 43 (1993): 518-37.

children. Children who fell into one or several of these categories could be institutionalized through court order, with the dual intent of removing real or potential delinquents from “unworthy parents” and separating them once in state custody from hardened adult criminals. As penologist Enoch Wines phrased the matter in 1880, these children “are born to [crime], brought up for it. They must be saved.” Following the infamous “Mary Ellen” case of 1875, Societies for the Prevention of Cruelty to Children appeared in many cities. State legislatures granted these societies—known among the targeted poor as “the Cruelty”—extraordinary police powers of investigation and arrest.<sup>27</sup>

Not until 1967 did the U.S. Supreme Court rule that juveniles have the same right to due process as adults, and that the legal concept of *parens patriae* (guardianship of the state), which had been the legal basis for many child-seizures, was murky and suspicious. Nonetheless, during the 1950s and 1960s, a wave of interest in the concept of child abuse swept the nation, with major publications like *Life*, *The Saturday Evening Post*, and *Good Housekeeping* “running articles on ‘Parents Who Beat Children.’”<sup>28</sup>

Nonetheless, Carlson argues, “emotion has triumphed.” Mandatory reporting laws, the abolishment of ages below which children are considered unreliable witnesses, and other legal changes have all combined to allow emotion, fear, and ignorance to prevail, and child-seizing by legal entities for indeterminate periods of time to continue.

So what should the future hold? One law professor argues that abolishing hotlines for child-abuse reporting is one possibility.<sup>29</sup> Certainly, in cases that involve vast amounts of money, a hard look at who gets paid for what is warranted. (In the cases highlighted above, numerous people—therapists, doctors, counselors, prosecutors, law enforcement—were seeking to further their careers.) Carlson argues that we should begin by acknowledging that all research points to the fact that children are safest with their married, biological mother and father. He adds:

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27. Carlson, “Family Abuse.”

28. *Ibid.*

29. Cecka, “How child abuse hotlines hurt the very children they’re trying to protect.”

It is time to face up to our human imperfections and construct a new balance in child-abuse proceedings. It should focus on preventing the most serious cases of physical abuse and chronic pedophilia. It should recognize the enormous dangers inherent in bonding the imprecise sciences of psychology and sociology to relatively unbridled judicial authority. And it should pay respect to the institution of the family, the place where the vast majority of American children always will be best protected.<sup>30</sup>

Such advice seems a good place to start. Only a society that respects the family as the fundamental social unit, entitled to protection by the state, is poised to truly protect the interests of both children and parents. Only a society that acknowledges that children are happiest, healthiest, and safest when raised by their married, biological parents will be hesitant to allow mass, unfounded panics and crazy social schemes to separate children from parents.

Let us aim for such a society, where the rights of families are protected.

*Nicole M. King is the Managing Editor of The Natural Family.*

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30. Carlson, "Family Abuse."





## Capturing Other People's Children: The New Bio-Politics of Fertility

Bryce J. Christensen

**IT HAS BEEN MORE THAN A CENTURY AND A HALF** since Charles Darwin first taught the world that all species—including human beings—are locked in an unrelenting, competitive struggle for reproductive success. Often translated into the grim phrase “the survival of the fittest,” the outcome of this evolutionary contest depends finally on the transmission of genes that carry each species’ biochemical blueprints. In this Darwinian paradigm, genes that succeed in getting themselves reproduced triumph over those that do not. For doctrinaire Darwinian theorists, therefore, all human activities—from the discovery of new principles of astrophysics to the composing of orchestral symphonies—are ultimately no more than alternate strategies for securing some advantage in the propagation of genes. Biologist Richard Dawkins states the orthodox scientific view with provocative bluntness: “[Genes] are in you and in me; they created us, body and mind; and their preservation is the ultimate rationale of our existence. . . . [W]e are their survival machines.”<sup>1</sup> And neo-Darwinian philosopher John Gray asserts the centrality of the fight for genetic success with similar brusqueness: “The human mind serves evolutionary success, not truth.”<sup>2</sup>

It is hardly surprising that the Victorian intellectuals who first confronted the unsettling doctrines of Darwinism recoiled from the spectacle of “Nature, red with tooth and law” and lamented that “Nature

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1. Richard Dawkins, *The Selfish Gene* (New York: Oxford University Press, 1976), 21.

2. John Gray, *Straw Dogs: Thoughts on Humans and Other Animals* (London: Granta, 2003), 26.

lends such evil dreams.”<sup>3</sup> However, for most 21st-century Americans the whole notion of life as a ruthless struggle for reproductive success seems irrelevant, perhaps even absurd. Even some neo-Darwinians admit that a phrase such as “the survival of the fittest” simply does not reflect modern social realities. “Entire human societies,” remarks molecular biologist Lee M. Silver, “have already stopped playing by Darwinian rules as a result of a confluence of cultural changes caused by modern technological civilization. . . . [I]n liberal democracies, an ethic of a universal right to life and liberty prevents people with one kind of gene from curbing the reproductive output of those with an alternative kind of gene.”<sup>4</sup>

However, even if very few Americans still view life as simply a fight for reproductive success or see themselves as simply survival machines designed to protect and propagate genes, a great many are beginning to recognize that changes in American fertility patterns are very much implicated in a fight that is cultural and political, not merely biological. The reality of such cultural and political clashes has indeed been acknowledged by Dawkins, who recognizes that above and beyond the biological competition that determines the fate of competing genes, the workings of human society inevitably involve contests between the competing cultural units that he calls *memes*. Defining a meme as “a unit of cultural transmission,” such as an idea, a fashion, or a particular way of performing a task, Dawkins sees a clear parallel between the biological competition between genes and the cultural competition between memes: “Just as genes propagate themselves in the gene pool by leaping from body to body via sperms or eggs, so memes propagate themselves in the meme pool by leaping from brain to brain in a process which, in the broad sense, can be called imitation.”<sup>5</sup> Following in Dawkins’s tracks, Silver stresses that “part of the ‘life’ cycle of a meme is its moment-to-moment competition with other ideas . . . within a host brain.”<sup>6</sup>

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3. Alfred Tennyson, *In Memoriam A.H.H.* [1850], LVI, 15; LV, 6; in *Victorian Poetry*, 2nd ed., E.K. Brown and J.O. Bailey, eds. (New York: Ronald, 1962), 54.
  4. Lee M. Silver, *Challenging Nature: The Clash of Science and Spirituality at the New Frontiers of Life* (New York: ecco, 2006), 320.
  5. Dawkins, 206.
  6. Daniel C. Dennett, *Breaking the Spell: Religion as a Natural Phenomenon* (New York: Viking, 2006), 120-21.

### **The Conflict of “Memes”**

Neo-Darwinian theorists insist that the competition between memes differs from the competition between genes and occurs on a different plane. As one theorist explains, “[Memes] have their own fitness as replicators, independent of any contribution they may or may not make to the genetic fitness of their hosts, the human vectors.”<sup>7</sup> Gray laments that “memes are not genes [and therefore] [t]here is no mechanism of natural selection in the history of ideas.” Gray judges it naive to suppose that in memetic evolution “competition among ideas could result in the triumph of truth.” “Certainly ideas compete with one another,” Gray cynically remarks, “but the winners are normally those with power and human folly on their side.”<sup>8</sup> But despite the clear distinction between the competition between genes and the competition between memes, neo-Darwinian Daniel C. Dennett detects “strong interactions between genetic and memetic evolution” and believes it imperative “to look at the *cui bono?* question” in such interactions.<sup>9</sup> Who does benefit from transmission of a particular meme? To what degree does a meme-related benefit confer or deny a biological benefit in propagating genes?

Such questions have become more and more pressing in recent decades in a country swept by liberal ideological memes that have disrupted family life and depressed fertility. The U. S. Department of Health and Human Services reported in May 2019 that America had witnessed new all-time lows in 2018 in both general fertility (59.0 births per 1,000 women aged 15-44) and completed fertility (1.72 lifetime births per American woman).<sup>10</sup> The liberal memes that have depressed fertility include those promulgated by New Leftists, Sexual Liberationists, Malthusians, Feminists, Environmentalists, Marxists, Homosexual Activists, and Secularists. Those who care most about these ideological memes are beginning to realize that they can hardly rely on their own

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7. Dennett, 350.

8. Gray, 26.

9. Silver, 355, 82.

10. “Births: Provisional Data for 2018,” *NVSS: Vital Statistics Report Release*, U. S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, National Vital Statistics System (May 2019), 1, available at <https://www.cdc.gov/nchs/data/vsrr/vsrr-007-508.pdf>.

genetic offspring to promulgate these memes in the decades ahead. There are simply too few of them. After all, the demographic event that some commentators have called “the Birth Dearth” has been—unsurprisingly—most pronounced among those Americans committed to spreading liberal memes subversive of traditional family life.

Commentator Philip Longman has thus described a “liberal baby bust” in social data indicating that “secular and libertarian elements in society fail to reproduce.”<sup>11</sup> The reason for this reproductive failure is easy to see: “Childlessness and small families are increasingly the norm today among progressive secularists.”<sup>12</sup> Translating cultural dynamics into the language of biology, Longman remarks, “The greatly expanded childless segment of contemporary society, whose members are drawn disproportionately from the feminist and countercultural movements of the 1960s and 70s, will leave no genetic legacy.”<sup>13</sup>

It is therefore entirely understandable that Dutch demographer Dirk van de Kaa would trace the sharp drop in western European fertility rates during the late 20th century to the rise of “progressive ideologies” among young adults who “embrace the new . . . [and] largely disregard the past.”<sup>14</sup> Also understandable is the work of researchers Ron Lesthaeghe and Johan Surkyn, who have updated and extended Van de Kaa’s analysis with polling data showing that fertility rates are particularly low among those who infrequently or never attend church and who accept soft drugs, homosexuality, and euthanasia.<sup>15</sup> In centers of secular urban liberalism, observers already marvel that “you find more dogs than children.”<sup>16</sup>

Because of the increasing potency of fertility-depressing memes within the Democratic Party, the editors of the *Economist* even feared in 2004 that one of America’s two great political parties is “ceasing to

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11. Philip Longman, “The Liberal Baby Bust,” *USA Today* (March 14, 2006); and Philip Longman, “The Return of Patriarchy,” *Foreign Affairs* (March/April 2006): 60.

12. Longman, “The Liberal Baby Bust.”

13. Longman, “The Return of Patriarchy,” 60.

14. Dirk J. van de Kaa, “Europe’s Second Demographic Transition,” *Population Bulletin* 42 (1987): 11.

15. Lesthaeghe and Surkyn, data cited in Longman, “The Return of Patriarchy,” 64.

16. “The Fear Myth,” *The Economist* (November 20, 2004): 38.

be the mom-and-pop party.” Looking at the 2004 Presidential election, the editors pointed out that the fertility rate in Kerry states ran 12% lower than the fertility rate in Bush states. The editors underscored the repudiation of childbearing among the Democratic standard-bearers by contrasting the low fertility rate of Vermont (“perhaps the most left-wing [state] in the country,” the home of Howard Dean, and the first state to legalize homosexual unions), with the much higher fertility rate of Utah (a conservative state in which 71% of voters cast their ballots for Bush). While sterile Vermont was at that time reporting only 49 births for every 1,000 women of childbearing ages, fertile Utah was reporting 91 births per 1,000 women of comparable ages.<sup>17</sup>

Nor has the pattern limned in 2004 by the *Economist* changed since then. Writing in 2014, columnist Lauren Sandler remarked, “Almost invisibly, over the past decade, family size in America has emerged as our deepest political dividing line.” Sandler explained, “The postponement of marriage and parenting—the factors that shrink the birth rate—is the very best predictor of a person’s politics in the United States, over even income and education levels.” Understanding this relationship, Sandler declared, “Tell me a state’s fertility rate, and I’ll tell you how it voted,” as she pointed to the fact that all of the states with under 60 births per 1,000 women aged 15-45 voted for Obama while all of the states with over 70 births voted for Romney.<sup>18</sup>

A parallel pattern may be discerned in the 2016 election: The five states with the lowest fertility (Vermont, Rhode Island, New Hampshire, Massachusetts, and Connecticut) voted for Clinton; the five states with the highest fertility (North Dakota, South Dakota, Utah, Alaska, and Nebraska) voted for Trump.<sup>19</sup>

No wonder commentator Mark Steyn has asked hard questions

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17. *Ibid.*

18. Lauren Sandler, “Tell Me a State’s Fertility Rate, and I’ll Tell You How It Voted,” *The Cut* (November 19, 2012), available at <https://www.thecut.com/2012/11/states-conservative-as-their-women-are-fertile.html>.

19. *Cf.* “Presidential Election Results: Donald J. Trump Wins,” *New York Times*, August 9, 2017, available at <https://www.nytimes.com/elections/2016/results/president>; “State and Territorial Data: Births, Birth Rates, Deaths, and Death Rates by State and Territory,” National Center for Health Statistics, Centers for Disease Control and Prevention, March 31, 2017, available at <https://www.cdc.gov/nchs/fastats/state-and-territorial-data.htm>.

about the biological reproduction of enlightened Americans whose “big thing is feminism or abortion or gay marriage” and whose family model is the “yuppie model of one designer baby” born to a careerist mom who belatedly fits childbearing into her life schedule “at the age of thirty-nine.” Such enlightened Americans need to think much harder, Steyn argues, about what kind of social and cultural legacy they will leave behind. And to guide them in their thinking, he parodies the political slogan once used so effectively by progressive Democrat Bill Clinton (father of one very visible designer child). Steyn insists, “It’s the demography, stupid!”<sup>20</sup>

Because of the pro-family and pro-natalist memes they cherish, conservatives have long recognized the national danger in recent demographic trends. But *New York Times* columnist Ross Douthat remarked in a 2019 commentary, “The continued plunge in the American birthrate, amid prosperity and low unemployment, has finally made fertility a topic that it is O.K. to worry about even if you aren’t a deep-dyed reactionary.”<sup>21</sup> The relationship between liberal memes and depressed fertility has particularly unsettled some of the champions of those memes. Even liberal cartoonist Garry Trudeau saw fit to devote a 2006 Sunday *Doonesbury* comic strip to the way “fertility correlates with political views,” depicting an anguished liberal worried that “it won’t be long before people like us are completely marginalized” because of “inaction” in having children.<sup>22</sup> Progressive readers may not have laughed too heartily or too long over this strip, but its very existence says that 21st-century liberals are increasingly aware of the demographic challenge they face in promulgating their memes.

Recent demographic trends do not look entirely ominous to Americans who still believe in the memes defined by religious and family commitments. To be sure, birth rates have fallen in recent decades even among conservatives and traditionalists. But the fertility of America’s more conservative groups has still remained above replacement levels—and far above the levels seen among the nation’s liberal and radical

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20. Mark Steyn, “It’s the Demography, Stupid!” *The New Criterion* (January 2006): 16-18.

21. Ross Douthat, “Are Liberals Against Marriage?” *New York Times* (December 3, 2019), available at <https://www.nytimes.com/2019/12/03/opinion/liberals-marriage.html>.

22. Garry Trudeau, “Doonesbury,” *The Spectrum* (April 23, 2006): Comic Supplement.

communities. Noting that historically it has been groups devoted to “traditional, patriarchal values” that have “maximized their population,” Longman sees the same pattern emerging in the 21st-century world. In the years ahead, Longman anticipates “the emergence of a new society whose members will disproportionately be descended from parents who [have rejected] the social tendencies that [have] made childlessness and small families the norm [among liberals].”<sup>23</sup> Even a commitment to feminist theory does not prevent economist Nancy Folbre from acknowledging the fertility-enhancing effects of traditional, patriarchal values. “Patriarchal control over women,” Folbre writes, “tends to increase their specialization in reproductive labor, with important consequences for both the quantity and quality of their investments in the next generation.”<sup>24</sup>

### **Battle Over the Children**

America’s more conservative communities—it would appear—can still hope to rely on their genetic offspring as the primary preservers and promulgators of their cultural memes. However, only the most hopelessly naive conservatives should suppose that liberals, who have largely given up on reproducing their genes, are anywhere near giving up in their efforts to reproduce their memes. Despite their own low fertility rates, liberals hope very much to triumph over conservatives culturally through the promulgation of their sterile and sterilizing ideological memes. Indeed, Douthat sees progressives actually becoming more aggressive in advocating their memes. “The emerging progressivism,” Douthat writes, “seems hostile not only to anything tainted by conservative religion or gender essentialism but to the very idea of sexual or reproductive normativity, period.”<sup>25</sup>

How do feminists and homosexuals, environmentalists, secularists, and New Leftists hope to win out in the cultural arena after being routed so decisively in the maternity ward? Do they plan to recommit

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23. Longman, “The Return of Patriarchy,” 58-60.

24. Folbre qtd. in Longman, “The Return of Patriarchy,” 63.

25. *Ibid.*

themselves to childbearing? Hardly, for that would require jettisoning the very memes that define them ideologically. It would mean accepting culturally conservative memes—the only memes that offer real promise of above-replacement fertility. No, rather than recommitting themselves to childbearing, a growing number of sterile liberals hope to recoup everything they have lost in the gene war by zealotry in the meme war. More specifically, even as they have turned ever more decisively away from memes that lead to the bearing of children, American progressives have been turning toward ways of spreading their anti-family cultural memes through strategies for capturing the children born to others.

Lacking biological offspring upon whom they can rely to preserve and advance their anti-family cultural memes in the future, American liberals must use entertainment and public policy, educational indoctrination and activist jurisprudence to capture the offspring of others to perform that labor for them. They may have ceded primacy in the reproduction of genes to conservatives (who are, in the view of Trudeau's angst-ridden liberal, "breeding like rabbits"<sup>26</sup>), but they will fight like dragons to win the war of memes, ceaselessly trying to capture a good number of the children of conservatives. Capturing other people's children is indeed their only possible strategy for securing the long-term survival of their cultural memes.

One of the ways that liberals are now trying to capture the children of others is through state policies—often mandated by aggressively liberal jurists—that authorize homosexual couples and unmarried individuals to adopt. It is true that children up for adoption have not typically been born to parents endorsing distinctively conservative memes. However, biology still dictates that those parents be heterosexual, and the very fact that they have not availed themselves of legal abortion suggests that they have resisted at least one of the memes of modern liberalism. But allowing unmarried and homosexual individuals to adopt other people's children gives to the advocates of liberal memes a huge cultural victory, and puts those children on a life course much more likely to make them cultural defenders and advocates of those liberal and anti-family memes.

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26. Trudeau.



Thus, journalists were right in 1997 to count it as “a big win” for those promulgating the meme of homosexual rights when New Jersey courts struck down restrictions on homosexual adoption, so “symbolically recogniz[ing] the gay and lesbian family”—and incidentally making it “easier for unmarried heterosexuals to adopt” as well.<sup>27</sup> Similarly, when New York courts ruled that officials placing children for adoption could not consider “the sexual orientation or marital status of the individuals seeking to adopt them,” they validated liberal anti-family memes by “legitimizing” what the unmarried homosexual plaintiffs “feel about [their] union and [their] family.”<sup>28</sup>

In the war over cultural memes, the victory that homosexuals have won through public policies allowing them to capture other people's children through adoption has been amplified through laws that have driven adoption agencies entirely out of operation if they adhere to more traditional cultural memes. Thus, the likelihood that Massachusetts children needing adoption will be placed in a conservative, traditional family declined markedly when the Catholic agency that handles adoption there announced in March 2006 that it would “abandon adoption services entirely rather than comply with a state law requiring no discrimination against homosexual couples.” “Sadly,” a Catholic official explained to the media, “we have come to a moment when Catholic Charities must withdraw from the work of adoptions to exercise the religious freedom that was the prompting [motive] for having begun adoptions many years ago.”<sup>29</sup> And, unfortunately, the triumph of gay-rights memes has in like manner since shuttered faith-based social-service agencies in Washington, D.C. and Illinois.<sup>30</sup>

The gay-rights evangelists spreading their anti-family memes gained

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27. “Homosexuals Secure a Big Win in New Jersey,” *U.S. News and World Report* (December 29, 1997): 42.

28. James Dao, “New York’s highest court rules unmarried couple can adopt,” *New York Times* (November 3, 1995), 1.

29. Chuck Colbert, “Catholic agency to halt adoption work,” *National Catholic Register* (March 24, 2006): 6.

30. Kelsey Dallas, “Explainer: What’s Going on with Faith-Based Adoption Agencies? And What Will Happen Next?” *Deseret News*, June 2, 2019, available at <https://www.deseret.com/2019/6/3/20674661/explainer-what-s-going-on-with-faith-based-adoption-agencies-and-what-will-happen-next>.

a powerful ally in 2015 when five heedless Supreme Court justices abandoned all sense of judicial restraint and created, out of whole cloth, a new “right” to same-sex marriage, in *Obergefell v. Hodges*. As commentator Kelsey Dallas observed, “When the Supreme Court legalized same-sex marriage . . . justices acknowledged that the ruling would put pressure on religious conservatives.”<sup>31</sup> In large part because of the new legal environment created by this stunning judicial activism, religious social-service agencies in many places—including Pennsylvania, New York, Michigan, Texas, and South Carolina—now face intense pressure to replace their religious family-affirming memes with anti-family progressive ones. That pressure could grow even more intense through passage of the Equality Act endorsed by the House of Representatives in May 2019 (but not likely to win approval in the Senate). That Act would compel religious institutions to join in the spread of gay-rights memes or to face unprecedented persecution.<sup>32</sup>

Though homosexual activists have embraced a way of life that precludes reproduction of genes, they and their allies have clearly mastered strategies for capturing other people’s children and so reproducing their cultural memes. They have even devised strategies for handicapping conservatives in the fight over which cultural memes are to prevail in the lives of other people’s children when those children are placed for adoption.

### **Hollywood Tricks**

The strategies liberals deploy to reproduce their memes can involve the coercive power of the state—as the officials of faith-based social-service agencies have learned to their dismay in Massachusetts, Illinois, and Washington, D.C. But very often the strategies infertile anti-family activists use to advance their cultural memes involve the non-coercive seductions of entertainment. Liberals in Hollywood are probably no more successful in reproducing their genes than liberals elsewhere. But infertile

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31. *Ibid.*

32. Thomas F. Farr, “The Equality Act Will Harm Religious Freedom,” *Real Clear Religion* (May 16, 2019), available at [https://www.realclearreligion.org/articles/2019/05/16/the\\_equality\\_act\\_will\\_hurt\\_religious\\_freedom\\_110219.html](https://www.realclearreligion.org/articles/2019/05/16/the_equality_act_will_hurt_religious_freedom_110219.html).

Hollywood liberals are remarkably skillful in ensnaring other people's children and then securing their help in preserving and spreading their memes. Only Hollywood's adeptness at capturing other people's children can explain why the pro-homosexual 2005 film *Brokeback Mountain* did very well in heartland cities such as Tulsa, Oklahoma; Lubbock, Texas; and Billings, Montana.<sup>33</sup> And, of course, since *Brokeback* appeared, Hollywood has advanced gay-rights memes in many other Hollywood productions—including, recently, *Booksmart*, *From Zero to I Love You*, *Port Authority*, and *Last Ferry*. Conservative critic Ann Coulter exaggerates only a little when she complains that “Hollywood can never do enough for gays.”<sup>34</sup>

Infertile Hollywood liberals likewise capture other people's children as carriers for their memes by scrambling the memes of traditional morality in films that depict all kinds of offenses against that morality—divorce, adultery, incest, prostitution—without any indication whatever “that [such] actions have consequences [or] that there is a line to be drawn between good and evil.”<sup>35</sup> And to capture even more of other people's children as carriers for liberal memes, Hollywood scriptwriters and producers make sure that any character who appears on the screen voicing a belief in “family values” is immediately reduced to a “conservative Devil incarnate,” a repulsive figure who “combines the Pillsbury Dough Boy looks of Newt Gingrich with the dour countenance of Bob Dole and the snarling nastiness of Phil Gramm.” In the assessment of one movie critic, “No ugly personality trait in this caricature is left unturned.”<sup>36</sup>

But infertile liberals command channels other than cinema for propagating their memes by capturing unrelated children. The news media serve infertile liberals quite well in their fight to transmit their memes without relying on their own children. With good reason, commentator Robert J. Bresler recognizes “clear liberal domination of what we call the

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33. Andrew Sullivan, “Gay cowboys embraced by redneck country,” *Sunday Times* (Feb 26, 2006).

34. Ann Coulter, “Speaking truth to dead horses,” *Tribune Review* (March 5, 2006).

35. Stephen Whitty, “In Today's Hollywood, Traditional Morality is Missing in Action,” *Newhouse News Service* (December 29, 1998), 1.

36. Frank Rich, “It's Not a Wonderful Life on Film,” *San Antonio Express News* (November 30, 1995), 1.

elite media.”<sup>37</sup> Writing three decades ago, conservative publisher William A. Rusher viewed media bias as “a fundamental problem of the distribution of forces within the American society,” as journalists increasingly abandoned their “historic role” of “objective observers of the political conflict” and became “highly partisan participants” in that conflict.<sup>38</sup> Solid evidence of 21st-century media partisanship emerged in a study conducted in 2004 by scholars from UCLA, Stanford, and the University of Chicago. Analyzing the nation’s major newspapers and television networks, the researchers found that “the media are skewed substantially to the left of the typical member of the House [of Representatives],” evincing a perspective that is consistently “far to the left of most of their customers.”<sup>39</sup>

Nor has the media bias against conservative, family-supporting memes diminished since 2004. Writing in 2019 in the *New York Times*, journalist David Leonhardt frankly acknowledged, “Most mainstream journalists do lean left.”<sup>40</sup> The editors of *Investor’s Business* declared in a 2018 editorial that they had uncovered ample evidence of leftist bias even in the supposedly conservative journalists covering economic matters. These editors concluded that the “profound leftward ideological bias of the Big Media” is now so ubiquitous that “pretty much all of journalism now leans left.”<sup>41</sup> Of course, for infertile liberals trying to propagate their memes, the media bias constitutes not a problem, but rather an essential solution to a problem.

And when it comes to media coverage of social issues, media bias is particularly blatant. Even left-leaning journalist Mark Hertsgaard—who unpersuasively denied media bias in general in a 2002 analysis—admitted that the liberal slant on “social issues” such as abortion, homosexuality, and religion creates “the one plausible aspect” of conservatives’

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37. Robert J. Bresler, “Media Bias and the Cultural Wars,” *USA Today* (July 2004), 13.

38. William A. Rusher, *The Coming Battle for the Media: Curbing the Power of the Media Elite* (New York: William Morrow, 1988), 186.

39. Cf. Robert J. Barro, “The Liberal Media: It’s No Myth,” *Business Week* (June 14, 2004), 28.

40. David Leonhardt, “The Six Forms of News Bias,” *The New York Times* (January 3, 2019), Web.

41. “Media Bias: Pretty Much All of Journalism Now Leans Left, Study Shows,” *Investor’s Business Daily* (November 16, 2018), available at <https://www.investors.com/politics/editorials/media-bias-left-study/>.

complaint of media bias.<sup>42</sup> In the same way, in his 2019 assessment of left-liberal bias in the media, Leonhardt implausibly asserted that journalists generally keep their ideological bias out of their coverage of events, but that “[O]n issue-based coverage liberal bias exists.”<sup>43</sup> That bias is nowhere so apparent as in media coverage of family-related issues.

The media bias on abortion is so pronounced that conservative columnist Don Feder has compared national coverage of the issue to the mendaciously slanted stories that used to appear in the state-run press of the Soviet Union. “Soviet subjects,” Feder writes, “used to joke that there was no truth in *Izvestia* (Russian for ‘the news’) and no news in *Pravda* (‘the truth’).” Feder believes the same kind of mirthless jest is appropriate for American media coverage on abortion.<sup>44</sup> But infertile liberals are laughing quite heartily. After all, though such coverage may not serve the truth, it does serve the cause of preserving and spreading their memes.

Like the prestige media, most American universities now aid liberals trying to spread their memes by capturing other people’s children. As conservative columnist George Will pointed out in a 2004 column, many American campuses are now so dominated by the liberal-left that they have become “the intellectual versions of one-party nations.” Will highlighted in particular the ongoing campus labors of professors working to discredit the notion that “the nuclear family proves the best unit of social well-being.”<sup>45</sup> The on-campus bias favoring liberal memes is indeed particularly pronounced in the social sciences: Surveys in the 1990s already indicated that almost nine in ten academic sociologists considered themselves “liberal” or “radical,” while only one in twenty considered himself or herself a “conservative.”<sup>46</sup>

Academic bias against family-friendly memes has only grown more pronounced in recent decades. In a 2017 article in *Inside Higher*

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42. Mark Hertsgaard, *The Eagle's Shadow: Why America Fascinates and Infuriates the World* (New York: Picador, 2002), 93-4.

43. Leonhardt.

44. Don Feder, “Media bias lingers in abortion debate,” *Boston Herald* (April 23, 1997): 23.

45. George Will, “Academia Stuck to the Left,” *Washington Post* (November 28, 2004): B7.

46. Survey cited in Norval Glenn, “A Plea for Objective Assessment of the Notion of Family Decline,” *Journal of Marriage and Family* 55 (1993): 543.

*Education*, Scott Jaschik cited 2016 data revealing that a survey of 40 leading American universities found 11.5 Democrats for every Republican in the history and social-science departments.<sup>47</sup> Reporting another on-campus imbalance in a 2018 *New York Times* article, Samuel J. Abrams—professor of politics at Sarah Lawrence College—reported a 12 to 1 liberal-conservative imbalance among 900 “student-facing” university administrators.<sup>48</sup>

### **Liberal Memes at School**

In their search for a reliable conduit of their anti-family memes, however, infertile liberals finally rely even more on the public schools than upon Hollywood movies or metropolitan newspapers. After all, those who embrace traditional social memes can choose not to watch anti-family movies, can simply ignore the left-leaning media, and can still find a few conservative colleges, but compulsory-education laws put most of their children in public schools. And once in those schools, the children of traditionalist parents often find themselves under a steady barrage of liberal and anti-family memes.

To be sure, many public-school teachers are themselves quite conservative in their social thinking. Many school-board members are likewise conservatives who believe in the memes that reinforce traditional marriage and family life. However, the curricula for secondary and primary schools inevitably reflect higher education’s commitment to anti-family progressive memes. After all, those writing these curricula were bombarded by such memes during their university years while acquiring their professional credentials. What is more, the National Education Association (NEA)—the powerful teachers’ union with decisive collective bargaining leverage in almost all public schools—openly espouses a long list of anti-family memes, often in open defiance of elected school boards. As Gary Beckner of the Association of American Educators

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47. Scott Jaschik, “Professors and Politics: What the Research Says,” *Inside Higher Education* (February 27, 2017), available at <https://www.insidehighered.com/news/2017/02/27/research-confirms-professors-lean-left-questions-assumptions-about-what-means>.

48. Samuel J. Abrams, “Think Professors Are Liberal? Try School Administrators,” *New York Times* (October 16, 2018), Web.

complained in 2006, the NEA has “dominated the debate and direction of [public] education” ever since it “veered dramatically to the left” in the 1960s.<sup>49</sup> The NEA’s lurch to the left has translated into any number of anti-family memes, including Lesbian and Gay History Month, open attacks on “misguided and divisive” ballot initiatives affirming traditional marriage, official sponsorship of pro-abortion marches, free in-school distribution of contraceptives, and adoption of textbooks that evasively define family as “a group of people” or “the people you live with.”<sup>50</sup> In a 2019 initiative indicating its unflagging commitment to anti-family memes, the organization unsurprisingly proclaimed that “the NEA vigorously opposes all attacks on the right to choose and stands on the fundamental right to abortion.”<sup>51</sup>

Concerned parents can shield their children from this steady fusillade of anti-family memes by enrolling them in a conservative private school or by educating them at home. Predictably, the NEA strongly opposes homeschooling unless the parents who do it are state-licensed and use the approved state curriculum (a curriculum increasingly laced with antifamily memes).<sup>52</sup> Just as predictably, the NEA vehemently opposes vouchers or tax credits that would make it easier for conservative parents to enroll their children in a philosophically congenial private school or even a state-funded charter school.<sup>53</sup>

The ferocity with which the NEA and its ideological allies oppose any measure allowing parents greater educational choice may seem

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49. Gary Becker, “NEA Just Not Listening,” *Cincinnati Post* (January 16, 2006), A11.

50. Cf. Ken Ward, “Gay agenda for our schools,” *Las Vegas Review-Journal* 15 (October 2000): 15B; George Archibald, “Pro-life teachers angered by march; Nea sponsors pro-choice rally,” *Washington Times* (April 19, 2004): A1; Colbert I. King, “Dispensing with Common Sense?” *Washington Post* (December 6, 2003): A19; Paul C. Vitz, “A Study of Religion and Traditional Values in Public Schools Textbooks,” in *Democracy and the Renewal of Public Education*, ed. Richard John Neuhaus (Grand Rapids: Eerdmans, 1987), 127-8.

51. Jessica Anderson and Lindsey Burke, “Teachers Union Has Become an Arm of the Abortion-Rights Left. Conservative Teachers Should Quit,” *USA Today*, July 17, 2019, available at <https://www.usatoday.com/story/opinion/2019/07/17/conservative-teachers-should-quit-nea-union-over-abortion-column/1733671001/>.

52. Cf. Kate Tsubata, “NEA teaches a lesson in exclusion,” *Washington Times* (September 12, 2005): B4.

53. Martin DeAgostino, “NEA President Decries ‘Undermining’ of Public Education,” *South Bend Tribune* (December 14, 2002), 1.

astonishing. But such ferocity is exactly what neo-Darwinians would predict in a life-or-death struggle. And for infertile liberals who have largely given up on genetic reproduction, the public schools are perhaps the most important battlefields in their fight to keep alive their memes. If conservatives prevail not only in passing along their genes but also in promulgating their memes, then conservative triumph truly will be complete and liberal defeat will be absolute. Because they recognize what is at stake, liberals are ready to wage a last-ditch battle for control of the public schools as a venue in which they can convert other people's children into carriers of their liberal memes.

It is similarly a ferocious attachment to liberal memes that accounts for the otherwise irrational behavior of the National Organization for Women (NOW) in attacking all public policies that promote or strengthen marriage. Twenty years ago NOW repeatedly attacked the Bush Administration's efforts to launch federal social programs promoting healthy marriage and likewise denounced state-level initiatives to create divorce-resistant "covenant marriages." At that time NOW Vice-President Loretta Kane claimed that "a vein of sexism" runs through all such federal and state policies.<sup>54</sup> The persistence of such thinking among NOW leaders helps account for their decision in 2016 to name a new scholarship for lesbians in technical education for Edith "Edie" Windsor, a math and computer expert who won NOW's undying gratitude for bringing the lawsuit that led to the Supreme Court overturning the Defense of Marriage Act in 2013.<sup>55</sup>

Why do feminist leaders persist in attacking rather than defending heterosexual wedlock, despite convincing empirical research that such marriage improves the lives of women and their daughters, adding years to their lives, enhancing the health of their bodies, enlarging their financial resources, and elevating the well-being of their psyche?<sup>56</sup> The answer

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54. Kane qtd. in Kathleen Parker, "Federal policy to promote marriage, fatherhood?" *The Grand Rapids Press* (April 24, 2001): A12; cf. also Cathy Young, "Covenant marriage foes fail to make their point," *Detroit News* (August 19, 1997): A7.

55. Jessica Guiynn, "Groups Team for LGBTQ Coding Scholarship," *USA Today* (May 5, 2016), available at <https://www.pressreader.com/usa/usa-today-us-edition/20160505/281934542153105>.

56. Eunice M. Areba, Marla E. Eisenberg, and Barbara J. McMorris, "Relationships between



lies in other research: namely, research showing that women are more likely to endorse feminist ideas if they have been divorced or have borne a child out of wedlock than if they are married and have born children within wedlock.<sup>57</sup> When looking at marriage and child-bearing within wedlock, feminists have even been heard to bewail “the depoliticizing consequences for women.”<sup>58</sup> Apparently, feminists care far, far more about the well-being of their feminist memes than they do about mere flesh-and-blood women and girls. Feminists indeed appear recklessly willing to sacrifice the well-being of these women and girls so long as

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- Family Structure, Adolescent Health Status, and Substance Use: Does Ethnicity Matter?” *Journal of Community Psychology* 46.1 (2018): 44-52; Madhu S. Mohanty and Aman Ullah, “Why Does Growing Up in an Intact Family during Childhood Lead to Higher Earnings during Adulthood in the United States?” *The American Journal of Economics and Sociology* 71 (2012): 662-95; John P. Hoffman, “Family Structure and Adolescent Substance Use: An International Perspective,” *Substance Use & Abuse* 52.13 (2017): 1,667-83; Yuaureng Hu and Noreen Goldman, “Mortality Differentials by Marital Status: An International Comparison,” *Demography* 27 (1990): 233-50; Eugene Litwak et al., “Organizational Theory, Social Support, and Mortality Rates: A Theoretical Convergence,” *American Sociological Review* 54 (1989): 49-66; I.M.A. Joung et al., “Health Behaviors Explain Part of the Differences in Self-Reported Health Associated with Partner/Marital Status in the Netherlands,” *Journal of Epidemiology and Community Health* 49 (1995): 482-88; Myriam Khlat, Catherine Sermet, and Annick Le Pape, “Women’s health in relation with their family and work roles: France in the early 1990s,” *Social Science & Medicine* 50 (2000): 1,807-25; Ingrid Waldron, Christopher C. Weiss, and Mary Elizabeth Hughes, “Marital Status Effects on Health: Are There Differences Between Never-Married Women and Divorced and Separated Women,” *Social Science & Medicine* 45 (1997): 1,387-97; P.A. Davison, “Family Structure and Children’s Health and Well-Being: Data from the 1988 National Health Interview Survey on Child Health,” paper presented at the annual meeting of the Population Association of America, Toronto, 1990; American Academy of Pediatrics Task Force on the Family, “Family Pediatrics,” *Pediatrics* 111 Supplement (2003): 1,541-53; Karen Seccombe, “Families in Poverty in the 1990s: Trends, Causes, Consequences, and Lessons Learned,” *Journal of Marriage and Family* 62 (2000): 1,094-1,113; Thomas A. Hirschl, Joyce Altobelli, and Mark R. Rank, “Does Marriage Increase the Odds of Affluence? Exploring the Life Course Probabilities,” *Journal of Marriage and Family* 65 (2003): 927-38; Allan V. Horwitz, Helene Raskin White, and Sandra Howell-White, “Becoming Married and Mental Health: A Longitudinal Study of a Cohort of Young Adults,” *Journal of Marriage and Family* 58 (1997): 895-907; Bruce J. Ellis et al., “Quality of Early Family Relationships and Individual Differences in the Timing of Pubertal Maturation in Girls: A Longitudinal Test of an Evolutionary Model,” *Journal of Personality and Social Psychology* 77 (1999): 387-401.
57. Cf. Martin Plissner, “The Marriage Gap,” *Public Opinion* (February/March 1987): 53; Paul W. Kingston and Steven E. Finkel, “Is There a Marriage Gap in Politics?” *Journal of Marriage and Family* 49 (1987): 57-64; James E. Gruber and Lars Bjorn, “Routes to a Feminist Orientation Among Women Autoworkers,” *Gender and Society* 2 (1988): 496-509; S. Philip Morgan and Linda J. Waite, “Parenthood and the Attitudes of Young Adults,” *American Sociological Review* 52 (1987): 541-47.
58. Beatrice Halsaa Albrektsen, “Women’s Political Activity,” *International Journal of Sociology* 8 (1978): 118-19.

doing so advances their memes.

Despite their clear disadvantage in the maternity ward, feminists and other infertile liberals have been remarkably shrewd and successful in developing strategies for capturing other people's children and converting them into carriers for their own liberal memes. But infertile liberals ought to pause before they indulge overmuch in self-congratulation. For their very success threatens their future liberal ambitions. It must be remembered, after all, that the ambitions inscribed in liberal memes require large government programs for their realization and that such programs require a large tax base. Liberals' success in spreading their memes through other people's children threatens that tax base. For liberal memes are sterilizing memes: Regardless of who their own genetic parents may have been, children who have embraced liberal memes will rarely script an adult life that includes more than two designer children. Many who embrace liberal memes will choose to have a single child—or no child at all. As liberal memes turn more and more away from child-bearing, the number of citizens left to shoulder the tax burden dwindles.

To be sure, those who embrace the sterilizing memes of modern liberalism have for some time enjoyed a free-rider status in their retirement by drawing Social Security and medical benefits paid for by other people's children.<sup>59</sup> In a somewhat similar way, women who have made feminist memes their guide for building “mother-state-child” families have been free-riding on public policies forcing traditional bread-winning husbands to support their own households through their earnings and the households of unmarried mothers through their taxes.<sup>60</sup>

But what happens when liberals are so successful in spreading their sterilizing and anti-family memes that the number of free-riders equals or surpasses the number of taxpayers? Already the advocates of anti-family memes are enjoying so much success that they are endangering many of the government programs that they cherish most. Peter G. Peterson, an acute political analyst and the former chairman of the

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59. Cf. Charles F. Hohm *et al.*, “A Reappraisal of the Social Security-Fertility Hypothesis: A Bidirectional Approach,” *The Social Science Journal* 23 (1986): 149-68; Van de Kaa, 46-53.

60. Cf. Randal D. Day and Wade C. Mackey, “Children as Resources: A Cultural Analysis,” *Family Perspective* 20 (1985): 258-62.

Federal Reserve Bank in New York, has pointed out that one of the greatest threats to the nation's Social Security and Medicare programs is the "precipitous fertility-rate decline" that the nation experienced in the second half of the 20th century.<sup>61</sup> Though they are loud in their defense of Social Security, Medicare, and other large government programs, infertile liberals continue to spread the very sterilizing and anti-family memes that are helping to kill these programs. Editorialists for the *New York Post* confronted the issue squarely in a 2018 commentary on why "America's falling fertility is seriously bad news": "To put it bluntly, who is going to pay for Social Security and Medicare when there are fewer working-age adults paying taxes for every oldster receiving benefits?"<sup>62</sup> It would appear that today's infertile liberals need a basic lesson in biology: When parasites kill their host, they die, too.

Meanwhile, it would also appear that American conservatives likewise need a fundamental lesson: one in cultural Darwinism. Conservative memes produce stable marriages and new human lives. But those beneficent and life-producing memes may disappear if conservative parents cede cultural victory to "those [liberals] with power and human folly on their side." Conservative pro-family memes can die if those who carry them look on insouciantly as liberals capture their children and convert them into carriers of anti-family memes.

Endorsing conservative memes makes men and women distinctively successful in transmitting their genes through stable marriage and child-rich families. Everyone—including liberals—understands that. Now those who endorse conservative memes need to devise strategies that will enable them to transmit those memes to their relatively numerous children. They need to start frustrating infertile liberals intent on capturing other people's children and converting them into carriers of their memes. Such strategies will surely require conservatives to manifest greater commitment to electing pro-family political leaders, to exercise much greater care in determining the movies and other entertainment their children

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61. Peter G. Petersen, *Running on Empty* (New York: Farrar, Straus, and Giroux, 2004), 63.

62. Michael Barone, "America's Falling Fertility Is Seriously Bad News," *New York Post* (December 21, 2018), available at <https://nypost.com/2018/12/21/americas-falling-fertility-is-seriously-bad-news/>.

see, to maintain greater vigilance in selecting media outlets allowed into the home, to act with more aggressiveness in finding educational options that reinforce rather than subvert pro-family cultural memes, and to demonstrate greater wisdom in identifying and neutralizing those anti-family memes that inevitably do impinge on their children's lives.

Already ascendant in the reproduction of their genes, conservatives can prevail also in the reproduction of their memes. Infertile liberals will fight for their memes like wild beasts locked in evolutionary genetic struggle. But only one set of memes promises the perpetual renewal of life. And that renewal can and should, in the end, mean victory.

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## **A Children's Rights Perspective on Embryo Adoption**

Katy Faust

As a children's rights advocate, I defend children's universally-recognized right to life and right to their mother and father.<sup>1</sup> That means while I can (and do) sympathize with adults' very natural desire to have children, when it comes to technological interventions and policies that require children to forfeit their rights, I side with the kids.

I'm often asked about embryo adoption, both by troubled parents when their annual storage fee for their cryogenically frozen babies comes due, as well as by pro-life friends wondering if they should open their wombs so these babies can escape the freezer. A response that honors the rights of the child while accounting for sometimes irrevocable circumstances is not simple.

Before we can address embryo adoption, we must first understand both why the question needs answering in the first place, and also what the alternatives to adoption are.

### **Both Abortion and Reproductive Technologies Commodify Children**

There is significant overlap between the *baby-making* and *baby-taking* wings of the "medical" world, if either making babies in a lab or the practice of abortion can be considered "medicine." Both processes treat children as commodities, and those concerned with protecting children's rights should take note of the similarities.

The abortion debate has taught us that it is immoral to violate a

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1. "Children Have Rights," Them Before Us, available at <https://thembeforeus.com/children-have-rights/> (accessed December 16, 2019).

child's right to life, even if a child is unwanted. We should empathize with the woman who is struggling with an unplanned pregnancy, while simultaneously protecting her child's right to life.

The IVF debate should reflect that same ethic. It is immoral to violate a child's right to life or his or her right to either biological parent, even if a child is very wanted. We should empathize with those suffering with infertility or who identify as LGBT, while simultaneously protecting children's right to life and right to his or her mother and father.

All children, wanted or unwanted, have rights to which all adults must conform.

And yet, there is precious little moral clarity on the subject of reproductive technologies, even among religious Americans. Two years ago when I spoke to a group of Baptist pastors about the injustice of donor-conception, the most urgent inquiry during the question and answer session was, "But what should I tell my congregants to do with their leftover embryos?" For a population which is so zealous about a child's right to life when it comes to baby-taking (*i.e.*, abortion), it seems strange that there is so much confusion about that life when it comes to baby-making.

### **How We Got Here**

Many seem to think that in vitro fertilization (IVF) is just sperm + egg = (poof!) baby-with-no-cost-to-mother-or-child.

The truth is that IVF almost always commodifies children. I say *almost* always because while it is theoretically possible to have a scenario wherein the couple uses only the gametes of the intended parents, creates only the number of embryos that will be immediately implanted, ensures that the biological mother and the "carrier" and the woman who raises the child are all the same person, and rejects sex-selection and implantation of the most "viable" embryos, such a scenario is cost prohibitive and therefore extremely rare.

In reality, IVF routinely involves the selection of embryos with certain traits<sup>2</sup> (such a practice is also called "eugenics"), high rates of embryo

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2. Antonio Regalado, "The World's First Gattaca Baby Tests Are Finally Here," *MIT Technology Review* (November 8, 2019), available at <https://www.technologyreview.com/s/614690/polygenic-score-ivf-embryo-dna-tests-genomic-prediction-gattaca/>.

loss during transfer<sup>3</sup>, “selective reduction” (that is, abortion of unwanted multiples)<sup>4</sup>, sex-selection<sup>5</sup>, use of “donor” egg and sperm<sup>6</sup>, the womb of a third party<sup>7</sup>, and the creation of “surplus embryos” that often spend years in storage. By some estimates, there are close to one million children on ice in this country. Most are waiting to be implanted by their commissioning parents, but many are leftovers due to the successful implantation of their genetic siblings.<sup>8</sup> One clinic estimates that 21% of the embryos created there have been abandoned.<sup>9</sup> Because neither the Center for Disease Control (CDC) nor the American Society of Reproductive Medicine (ASRM) requires fertility clinics to report the number of embryos in storage, it is impossible to know the scope of the crisis.

Parents who have the family that they desire, but still have embryos in storage, are now faced with what is likely one of the most gut-wrenching family-planning decisions they never thought they would have to make: what to do with their unborn babies.

If parents with surplus embryos turn to the ASRM for advice, they will be told they have three options<sup>10</sup>:

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3. “Embryo Freezing,” Human Fertilisation and Embryology Authority, available at <https://www.hfea.gov.uk/treatments/fertility-preservation/embryo-freezing/> (accessed December 18, 2019)
  4. “What is Multifetal Reduction?” *WebMD*, available at <https://www.webmd.com/infertility-and-reproduction/fertility-multifetal-reduction#1> (accessed December 18, 2019).
  5. Shawn Radcliffe, “Controversy Over Choosing Sex of Child Using IVF,” *healthline* (March 4, 2016), available at <https://www.healthline.com/health-news/controversy-choosing-sex-of-child-using-ivf#1>.
  6. “Three Things You Should Know About Third Party Assisted Reproduction,” The Center for Bioethics and Culture Network Factsheet, available at [http://www.cbc-network.org/pdfs/3\\_Things\\_You\\_Should\\_Know\\_About\\_Third\\_Party\\_Reproduction-Center\\_for\\_Bioethics\\_and\\_Culture.pdf](http://www.cbc-network.org/pdfs/3_Things_You_Should_Know_About_Third_Party_Reproduction-Center_for_Bioethics_and_Culture.pdf) (accessed December 18, 2019).
  7. “Three Things You Should Know About Surrogacy,” Center for Bioethics and Culture Network Factsheet, available at [http://www.cbc-network.org/pdfs/3\\_Things\\_You\\_Should\\_Know\\_About\\_Surrogacy-Center\\_for\\_Bioethics\\_and\\_Culture.pdf](http://www.cbc-network.org/pdfs/3_Things_You_Should_Know_About_Surrogacy-Center_for_Bioethics_and_Culture.pdf) (accessed December 18, 2019).
  8. Alison E. Zimon *et al.*, “Embryo donation: Survey of in-vitro fertilization (IVF) patients and randomized trial of complimentary counseling,” *PLoS ONE* 14.8 (2019): e0221149.
  9. Mary Pflum, “Nation’s fertility clinics struggle with a growing number of abandoned embryos,” NBC News (August 12, 2019), available at <https://www.nbcnews.com/health/features/nation-s-fertility-clinics-struggle-growing-number-abandoned-embryos-n1040806>.
  10. “What are my options if I decide not to use my stored embryos?” American Society for Reproductive Medicine, *ReproductiveFacts.org*, FAQs About Infertility, available at [https://www.reproductivefacts.org/faqs/frequently-asked-questions-about-infertility/q11-what-are-my-options-if-i-decide-not-to-use-my-stored-embryos/?\\_](https://www.reproductivefacts.org/faqs/frequently-asked-questions-about-infertility/q11-what-are-my-options-if-i-decide-not-to-use-my-stored-embryos/?_)

- Thaw and Discard
- Donate to Research
- Embryo Donation (Anonymous or Direct)

None of these options honors a child's right to life and right to be known and loved by his or her mother and father. And the ASRM fails to mention the one option that honors both fundamental rights, which we shall discuss later. But first, let's examine why all three of these options include significant loss and harm to children.

### **Thaw and Discard**

For those of you who have had to cut your teeth on the science of embryology fighting pro-abortion arguments, you know that while they may be small, those frozen embryos are of course still fully human. From a genetic standpoint, the only difference between those "surplus embryos" and their four-year-old sister playing in the backyard is time. "Thaw and discard" is very simply the choice to deny children their right to life.

This first ASRM option should open the eyes of everyone, but especially of those who consider themselves "pro-life," to the ways in which reproductive technologies commodify children. We spend so much time and energy defending children's right to life in the abortion debate that many of us fail to see the rampant "taking new life" that is transpiring in the branch of the medical world dedicated to "making new life." As outlined above, the IVF process itself treats children as designer products to be manufactured, designed, and selected based on the parents' wishes. That the ASRM even suggests "thaw and discard" as an option for parents should drive home the extent to which reproductive technologies treat children as a disposable commodity.

If the intended parents do choose to "thaw and discard," they should offer these babies a dignified end. Center for Bioethics and Culture President Jennifer Lahl cites theologian Gilbert Meilaender on the topic:

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ga=2.256772235.1240042603.1568920132-1618125825.1568920132 (accessed December 18, 2019).



What Christians, at least, should want [with respect to abandoned embryos] is a brief religious ritual to accompany their dying, a liturgy in which we commend these weakest of human beings to God, though perhaps also a liturgy in which with the psalmists we ask God how long his providence will permit this to continue. . . . We demonstrate our humanity by accompanying frozen embryos to their death and committing them liturgically to God's care.<sup>11</sup>

Parents demonstrate not only their humanity, but also the humanity of these tiny lives when they grant their frozen embryos the same mournful ritual that would be given to their already-born siblings. Such a burial sends a clear signal about the cost to children when we permit babies to be frozen and stored.

### **Donate to Research**

Option number two is surprisingly common. One would think that parents who have already seen the full humanity of these embryos' siblings crafting at their kitchen table would find donating frozen embryos to research to be unthinkable. But according to a recent study, more than twice as many couples (29%) feel comfortable donating their surplus embryos to research than they do "discarding" them (13%).<sup>12</sup>

The revelation that Planned Parenthood has been profiting from aborted baby parts in the name of "research" makes it obvious that there is a growing market for unborn humans.<sup>13</sup> Abandoned and surplus embryos can be used for everything from embryonic stem cell research to human development research to creating designer babies through gene "editing." One senior researcher explains,

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11. Gilbert Meilaender, qt. in Jennifer Lahl, "An Absurd Fate: What Happens to Abandoned Embryos?" *Public Discourse* (October 15, 2017), available at <https://www.thepublicdiscourse.com/2017/10/20180/>.

12. Zimon *et al.*, "Embryo donation."

13. Samantha Kamman, "Planned Parenthood was just forced to admit in court to harvesting aborted fetal parts," *Washington Examiner* (September 12, 2019), available at <https://www.washingtonexaminer.com/opinion/op-eds/planned-parenthood-was-just-forced-to-admit-in-court-to-harvesting-aborted-fetal-parts>.

Every embryo donated for research makes an immensely valuable contribution to medical science, and is greatly appreciated. The information gained from the scientific studies will not only lead to optimisation of human embryo culture systems to improve fertility treatment, but also help in understanding the origin of defects and to avoid miscarriage.<sup>14</sup>

In other words, researchers destroy these little lives for the sake of preserving future lives.

But this research is not just about “preserving” future lives. It is also about designing them. Last year a Chinese scientist used CRISPR technology to edit the genes of two babies, claiming that the twins are now immune to HIV.<sup>15</sup> Another Russian scientist is moving toward a hearing-improved gene-edited baby.<sup>16</sup> Beyond the fact that gene editing may create unintended mutations<sup>17</sup> in these children, those concerned with the rights of children must also be deeply alarmed by how many hundreds of embryos “donated to research” are being destroyed in pursuit of these genetically improved babies.

All can agree that experimentation on human beings is abhorrent—this is international law. But when those humans do not yet have names, cannot be photographed, and cannot testify before an ethics committee, and when the experimentation supposedly serves the greater good, it somehow seems more acceptable to most. But the smallness of the victims, and the fact that their demise is at the hands of medical or other highly trained professionals, should not dilute our resolve to defend their rights.

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14. Kay Elder, “Human embryos donated for research: a gift that goes on giving,” *BioNews* 922 (October 16, 2017), available at [https://www.bionews.org.uk/page\\_96220](https://www.bionews.org.uk/page_96220).

15. Dennis Normile, “CRISPR bombshell: Chinese researcher claims to have created gene-edited twins,” *Science* (November 26, 2018), available at <https://www.sciencemag.org/news/2018/11/crispr-bombshell-chinese-researcher-claims-have-created-gene-edited-twins>.

16. David Cyranoski, “Russian ‘CRISPR-baby’ scientist has started editing genes in human eggs with goal of altering deaf gene,” *Nature* (October 18, 2019), available at <https://www.nature.com/articles/d41586-019-03018-0?fbclid=IwAR1hrk4mXiiFQaNfQdYpSw6-31bqzk17IIBKnJ5NzBwoxbMVjMFDwb1NFNI>.

17. “China gene-edited baby experiment ‘may have created unintended mutations,’” *The Guardian* (December 3, 2019), available at <https://www.theguardian.com/science/2019/dec/04/china-gene-edited-baby-experiment-may-have-created-unintended-mutations>.

No one who is pro-life or pro-child should condone the “donate to research” option.

### **Embryo Donation/Adoption**

Once you look closely at the first two options, option number three seems ideal. Often referred to as “snowflake adoption,” embryo adoption is viewed by many in the pro-life world as a no-lose solution: childless couple, plus surplus embryo, equals two birds with one stone. The embryo is donated to an infertile or same-sex couple, or to an individual without a mate, or to a couple who already has a houseful of children but who are burdened by these frozen souls.

There are some cases wherein embryo adoption truly is the only option left that protects these babies’ right to life. In the rare cases wherein the biological parents are genuinely unable to safely carry their children to term due to advanced maternal age, or after a hysterectomy, or because the biological mother has died, “embryo donation” really is the only child-honoring option. But we should not be under the illusion that embryo adoption, which always violates a child’s right to be known, loved, and raised by his or her biological parents, is “ideal.”

Because the practice of embryo adoption is so new, we do not yet have data on how these children will fare. It will be decades before sociologists will be able to evaluate population-based samples of adults conceived through embryo adoption, and such an examination will be even more difficult because the demographic is so small. Even research on children born via sperm and egg donation is sparse, despite the fact that we have been making babies in laboratories for over four decades. Thus, we must draw conclusions about the impact of this novel practice from what we know of both traditional adoption and sperm and egg donation.

### **Donor-Conception vs. Traditional Adoption**

As I have detailed elsewhere, adoption supports children’s rights, while donor conception violates children’s rights.<sup>18</sup> Adoption, when properly

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18. Katy Faust, “Third Party Reproduction Vs. Adoption—there’s a big difference,” ThemBeforeUs.com (April 17, 2017), available at <https://thembeforeus.com/third-party-reproduction-vs-adoption-theres-a-big-difference/>.

understood and practiced<sup>19</sup>, functions as an *institution* to meet the needs of children. In contrast, reproductive technologies function as a *market* to meet the desires of adults. Defending children's right to a mother and father means opposing all third-party reproduction because such practices *intentionally separate* children from one or both biological parents. It also means supporting adoption as a means of *uniting* children in need to well-vetted parents. Here are three key differences between adoption and donor conception:

- **Adoption mends a wound; donor conception creates the wound.** Adoptees often mourn their first family. Adoptive parents are not responsible for the child's wound, but are seeking to remedy it. Adoption says, "Let me help." Children created through sperm and egg donation also mourn the loss of their missing parent. But the adults who are raising them are responsible for their loss. Third-party reproduction says, "Let me have."
- **In adoption, the child is the client; in donor-conception, the adult is the client.** In adoption, the adults sacrifice for the child. Not all adults waiting for a child has one placed with them, but ideally every child is placed with loving parents. Adoptive parents undergo extensive training and screenings prior to placement. In third-party reproduction, the child sacrifices for the adult. The fertility industry aims to provide every adult with children, with no required training or screening of prospective parents.
- **In adoption, adults support the child; in donor conception, children support adults.** Both adoptees and donor-conceived children need to be supported through the loss of their biological parent(s). The adoptee is more free to grieve because he or she is not being raised by the adults responsible for the child's loss. Donor-conceived children are raised by the adults responsible for their loss, so they often feel the need to support their parents' feelings even if doing so means suppressing their own. One

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19. Katy Faust, "Position Statement on Adoption," ThemBeforeUs.com (September 13, 2017), available at <https://thembeforeus.com/position-statement-adoption/>.

donor-conceived woman writes, “We risk rejection from our ‘parent(s)’ if we disagree with their decision. We grow up walking on eggshells, lest we hurt them. We grow up emotionally numb because everyone tells us that we shouldn’t feel something for our biological parent(s), grandparents, aunts, uncles, cousins, siblings, language, culture. In so many ways, we parent our parents. . . . We exist for someone else’s happiness. That’s a very heavy burden to bear.”<sup>20</sup>

For children, both households involve loss. But one home makes it easier for a child to grieve, process, and heal.

### **How Embryo Adoption is Similar to Traditional Adoption**

Embryo adoption is a strange hybrid between traditional adoption and donor conception. The similarities and differences between the two deserve our attention. First, let’s examine the similarities, some of which are positive and some negative.

One similarity is the concept of genealogical bewilderment. Especially in adolescence, children are seeking to answer the question, “Who am I?” Throughout history, most humans have drawn upon kinship bonds and racial/ethnic identities to formulate an answer to that existential question. Children raised apart from their biological parents and extended family must establish their identities absent those foundational human relationships. Psychologist H.J. Sants coined the term “genealogical bewilderment” to describe the additional stress that this identity struggle places on children who have lost their parents.<sup>21</sup>

Traditional adoptees were the first to experience genealogical bewilderment, but donor-conceived children soon followed. Genealogical bewilderment can manifest as feeling isolated or separated from their family or the world around them. One donor-conceived woman described feelings of alienation and “otherness,” resulting in stress and anxiety. Adoptees and donor-conceived people, unable to identify where

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20. Facebook blog post, @katyfaustblogger, December 1, 2016.

21. H.J. Sants, “Genealogical bewilderment in children with substitute parents,” *British Journal of Medical Psychology* (June 1964): 37, 133.

they got their distinctive features, have described difficulty looking at their own reflection.<sup>22</sup> The experience of adoptees, many of whom were raised by loving parents, reveals that a great deal of stress, confusion, and identity struggles are the natural outcome of being raised apart from one's biological parents. Their stories should direct us never to casually or intentionally separate children from their biological parents.

When contemplating embryo adoption/donation, we would do well to heed the lessons learned from traditional adoptees. Namely, loving adoptive parents can never fully compensate for everything that these children have lost. Adults who choose embryo donation should be aware of, and prepared to shepherd their children through, the genealogical bewilderment that will likely play a part of their child's adolescence and early adulthood.

Another similarity between traditional and embryo adoption is the presence of supportive parents. In traditional adoption, the adoptive parents did not choose for the child to require adoption. They are simply responding to a child in need. Embryo adoption shares this reality. Parent and children's rights expert Melissa Moschella explains,

Donor conception intentionally creates children in a way that will separate them from one biological parent and half of their biological ancestry. By contrast, in adoption—including embryo adoption—the children are in a tragic situation because their biological parents cannot or will not raise them. Adoptive parents step in to provide a loving family to those children in need, but they are not the ones responsible for the children's separation from their biological parents.

Further, the potential ethical problems with embryo adoption (i.e. treating children as commodities, enabling the irresponsibility of biological parents, etc.) can exist for post-natal adoption as well. However, if it is done in an ethically responsible way—with proper vetting of the potential adoptive parents, without incentivizing or enabling biological parents to give up their children when they are

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22. "Ellie—Now it is my turn to speak. I hate my conception," ThemBeforeUs.com (January 2, 2018), available at <https://thembeforeus.com/ellie/>.

capable of raising them themselves (or to create more children than they are willing to raise), without exorbitant fees in excess of cost, and with the right intention on the part of the adoptive parents (i.e. to provide a loving family to a child need, rather than primarily to fulfill their desire for parenthood)—then adoption (either at the embryonic stage or the post-natal stage) is a generous and morally praiseworthy action.<sup>23</sup>

When traditional or embryo adoption is done properly, every attempt to keep the child with the family of origin will be sought prior to adoption.<sup>24</sup> It should only be due to desperate or tragic circumstances that non-biological adults will be sought to raise the child. Those adoptive parents are not the cause of the crisis but rather are seeking to remedy the family wound created by the crisis.

This distinction, that the parents raising the child are not responsible for the child's loss, likely explains why adopted children have better psychological outcomes than donor-conceived children, despite the fact that donor-conceived children are raised by at least one biological parent and adopted children are raised by neither. *My Daddy's Name is Donor*, the only study to compare outcomes between donor offspring and adopted children, found that adopted children fare better on several key metrics (although neither group did as well as those raised by both biological parents):

- Nearly half of donor offspring (48%) compared to about one fifth of adopted adults (19%) agree with the statement: "When I see friends with their biological fathers and mothers, it makes me feel sad." Similarly, more than half of donor offspring (53%), compared to 29% of the adopted adults, agree that, "It hurts when I hear other people talk about their genealogical background." Forty-three percent of donor offspring, compared to 15% of adopted persons and 6% of those raised by their biological parents, agree, "I feel confused about who is a member of my family and who is not."

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23. Personal correspondence, November 2019.

24. Faust, "Position Statement on Adoption."

- Almost half of donor offspring (47%) agree, “I worry that my mother might have lied to me about important matters when I was growing up.” This compares with 27% of those who were adopted and 18% of those raised by their biological parents. Not only are the donor-conceived more than two and a half times as likely as those raised by their biological parents to agree with this statement, they are about four times as likely to agree strongly.
- Many donor offspring agree that “I don’t feel that anyone really understands me”; 25% agree strongly, compared to 13% of adopted and 9% of those raised by biological parents.<sup>25</sup>

One donor-conceived woman makes no bones about the difference between adoption and donor-conception: “With adoption, you are making the best of the raw deal life dealt a child. With donor conception, you are creating that raw deal. . . .”<sup>26</sup>

Both traditional adoptees and donor-conceived children experience loss. Both are grappling with genealogical bewilderment. Both have endured some kind of separation from their parent(s). But adoptees likely fare better because they are more free to verbalize and process their confusion and longing. When they wonder aloud, “What do you think my father is like?” or “Does my mother ever think about me?” or comment “I wish I looked like everyone else in this family,” they are not talking to the adult responsible for their loss, but rather to the adults who are seeking to remedy it.<sup>27</sup>

Parents of embryo adoption are similarly positioned to support their child through grief. They did not choose for the child’s biological parents to have created more embryos than they were willing to raise. Rather, parents of embryo adoption have simply recognized that there is a child

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25. Elizabeth Marquardt, Norval D. Glenn, and Karen Clark, “My Daddy’s Name Is Donor: A New Study of Young Adults Conceived Through Sperm Donation,” Institute for American Values (2010), available at [http://americanvalues.org/catalog/pdfs/Donor\\_FINAL.pdf](http://americanvalues.org/catalog/pdfs/Donor_FINAL.pdf).

26. “Build-A-Baby Workshop,” AnonymousUs.org (January 15, 2013), available at <https://anonymousus.org/build-a-baby-workshop/>.

27. “Is Surrogacy Just Like Adoption?” WhatWouldYouSay.org, powered by the Colson Center for Christian Worldview, available at <https://whatwouldyousay.org/is-surrogacy-just-like-adoption/> (accessed December 18, 2019).



in need and are seeking to step into that place of need. They should also expect, and be prepared to answer, the kinds of questions that traditional adoptees have been asking for a century: “Who are my biological parents?” “Do they love me?” “Why didn’t they want me?” But the answers that parents of embryo adoption give will be more complicated than, “there was a tragedy” or “they weren’t prepared to be parents.” Because in most cases, the biological parents were not only prepared to be parents, but were already parenting the children’s biological siblings.

### **Differences Between Embryo Adoption and Traditional Adoption**

We have examined a few ways that embryo adoption is similar to traditional adoption. Now let us evaluate how embryo adoption is different from traditional adoption—once again, some of these differences are positive, and some negative.

The first difference is the *possibility* that children of embryo adoption will not bear the “primal wound.” For the first time in human history, a child who has lost her *biological* mother will still remain connected to her *birth* mother. Unlike traditional adoptees (and those born of surrogates<sup>28</sup>), who experience a “primal wound”<sup>29</sup> when separated from their birth mother, children of embryo adoption can maintain the bond with their birth mother.

This is no minor difference. For the child, pregnancy is not just incubation, and the pregnant woman is not just an “oven.”<sup>30</sup> Rather, for the first 40 weeks of life, the birth mother is the only relationship the child has, and the only parent he or she knows. We do not immediately place newborns on the chests of random women so they can forge a bond. We place a baby on her mother’s chest, because they have an *existing* bond, one that lays the foundation for trust and attachment in every other

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28. Katy Faust, “Yes, Surrogacy is Wrong Even When Straight Couples Do It,” ThemBeforeUs.com (September 24, 2018), available at <https://thembeforeus.com/yes-surrogacy-is-wrong-even-when-straight-couples-do-it/>.

29. Nancy Newton Verrier, *The Primal Wound: Understanding the Adopted Child* (Baltimore: Gateway, 1993).

30. “A surrogate mum’s story: ‘I was just the oven at the end,’” Newsbeat, BBC (January 18, 2018), available at <https://www.bbc.com/news/newsbeat-42729308>.

relationship that the child will form later in life.

When children are denied the continuation of this critical maternal bond, that traumatic separation has long-lasting effects. Studies have shown that maternal separation is a major psychological stressor for the infant.<sup>31</sup> Even brief maternal deprivation has been found to permanently alter the structure of the infant brain.<sup>32</sup> Singer and songwriter Mary Gauthier, an adoptee herself, says of that separation:

I was told as a child that my mother loved me so much that she gave me away. I was told she “loved me too much to keep me.” A child cannot make sense of this, but even as an adult it makes my head swim. Loved me too much to keep me? . . . The problem with this (aside from the fact that it’s probably not true) is that it forever equates love with abandonment, and the fear of abandonment has haunted me my entire life.<sup>33</sup>

On her birthday, the donor-conceived baby does not know that the woman who has carried her for the better part of a year is not biologically related; she just knows that this woman’s voice and smell and milk and body are the only ones she wants. Children of embryo donation will benefit from developing and maintaining their prenatal bond with the woman who will raise them.

Will retaining the relationship with one’s birth mother diminish the many social and emotional challenges faced by other adopted children?<sup>34</sup> As with so many other concerns with embryo adoption, it will be decades before research will give us answers.

Another difference between traditional and embryo adoption is that

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31. Barak E. Morgan, Alan R. Horn, and Nils J. Bergman, “Should Neonates Sleep Alone?” *Biological Psychiatry* 70.9 (2011), doi: 10.1016/j.biopsych.2011.06.018.

32. Sarine S. Janetsian-Fritz et al., “Maternal deprivation induces alterations in cognitive and cortical function in adulthood,” *Translational Psychiatry*, 8.71 (2018), <https://doi.org/10.1038/s41398-018-0119-5>.

33. Mary Gauthier, “Behind the Song: Blood is Blood” (April 12, 2015), available at <https://www.marygauthier.com/news/behind-the-song-blood-is-blood>.

34. Nicholas Zill and W. Bradford Wilcox, “The Adoptive Difference: New Evidence on How Adopted Children Perform in School,” Institute for Family Studies (March 26, 2018), available at <https://ifstudies.org/blog/the-adoptive-difference-new-evidence-on-how-adopted-children-perform-in-school>.

in embryo adoption, the adults are at the center of the placement. As discussed above, the child is the client in traditional adoption. Ideally, every child will be placed with loving parents, but not every adult who wants a child will get one. When it comes to rates of abuse and neglect in the home, biology matters. Specifically, non-biologically related adults are far more likely to neglect and abuse children in their home than are biological parents.<sup>35</sup> This is a reality of which social workers and adoption professionals are well aware, and it is also why prospective adoptive parents undergo screenings, background checks, physical/mental evaluations, and training prior to placement. They also receive post-adoption supervision. When done properly, the adoption process is child-centric.

Embryo adoption is dissimilar to traditional adoption in that while the FDA requires that recipient parents undergo a psychological evaluation, they are not required to complete home studies, background checks, references, or post-placement supervision. While some embryo adoption agencies<sup>36</sup> require adoption-like screening, agencies that do not provide these safeguards subject children to increased risk. In that sense, as it stands now, embryo adoption is much more adult-centric than child-centric.

Another difference between traditional adoption and embryo adoption is the greater possibility of a “closed donation.” When parents opt for the third ASRM option of embryo adoption, they must choose between “anonymous” and “direct” donation. An “anonymous donation” is more like a “closed” adoption, where the child has no contact with, and may not even know the identity of, the biological parents. In traditional adoption, closed adoption is now a thing of the past, making up less than 5% of all adoptions.<sup>37</sup> That’s because social workers have observed that even

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35. W. Bradford Wilcox, “Suffer the Little Children: Cohabitation and the Abuse of America’s Children,” *Public Discourse*, April 22, 2011, available at <https://www.thepublicdiscourse.com/2011/04/3181/>.

36. “Embryo Adoption Agencies—Providers,” Embryo Adoption Awareness Center, available at <https://embryoadooption.org/embryo-adoption/where-to-find-embryos/embryo-adoption-agencies/> (accessed December 18, 2019).

37. Deborah H. Siegel and Susan Livingston Smith, “Openness in Adoption: From Secrecy and Stigma to Knowledge and Connections,” Evan B. Donaldson Adoption Institute (March 2012), available at [https://www.adoptioninstitute.org/wp-content/uploads/2013/12/2012\\_03\\_OpennessInAdoption.pdf](https://www.adoptioninstitute.org/wp-content/uploads/2013/12/2012_03_OpennessInAdoption.pdf).

if the child cannot be raised by the birth parents, he or she benefits from as many connections with the family of origin as possible.

“Direct donation” is more like an open adoption, often with regular contact between the biological parents and the recipient parents. This route will hopefully mitigate the genealogical bewilderment common among adoptees and donor-conceived children.<sup>38</sup> Even some embryo adoption agencies recognize that children of embryo adoption will be curious about the identities of their genetic parents and encourage adoptive parents to be prepared with answers.<sup>39</sup>

### **How Will the Embryo-Donated Child Fare?**

Whether anonymously or directly adopted, some of these embryo-adopted children will fare well, just as some traditional adoptees have. They will bond with their adoptive parents, be un-phased by the lack of genetic connection, and be grateful that they were rescued from the orphanage or foster care system or, in this case, a deep freeze.

But I will not be surprised if many of these children struggle. As founder and director of Them Before Us, a non-profit devoted to defending children’s rights to their biological parents, I can tell you that broken parental bonds rarely have a neat and tidy ending, especially if children are told that they should be grateful because their only alternatives were to be aborted, live in an orphanage, be thawed and discarded, or be donated to research.

For the last two years I have been collecting the stories of children who have been denied a relationship with their mother and/or father.<sup>40</sup> Donor-conceived children are chief among those, as they are intentionally denied a relationship with one parent from the moment of conception. Given that the first successful pregnancy from frozen sperm took place in 1953, most of the donor-conceived stories on our site belong to children who were raised apart from their biological father. The first

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38. Clark, Glenn, and Marquardt, “My Daddy’s Name Is Donor.”

39. “12 Questions Embryo Adoptees Want Answered,” Embryo Adoption Awareness Center, May 1, 2016, available at <https://embryoadoption.org/2016/05/12-questions-embryo-adoptees-want-answered/>.

40. For more of these, visit <https://thembeforeus.com/stories/>.

successful pregnancy via egg donation took place in 1983, so we have very few stories yet from donor-conceived children who were raised apart from their biological mother. According to the Embryo Adoption Awareness Center, the first embryo adopted was in 1999.<sup>41</sup> So we only have one story of a child who was conceived via embryo adoption and born of a surrogate as well.<sup>42</sup>

All that said, we simply do not know how embryo-adopted children will fare. When it comes to sharing their stories, I have found that kids, even run-of-the-mill children of divorce, do not start processing the pain of their childhood until their late 20s. So it will be years before children of embryo adoption are old enough to reflect on the circumstances of their conception and have enough distance from their childhood to speak for themselves.

But we can certainly hazard a guess at some of the challenges they will face. I have asked a few donor-conceived adults (separated from only one genetic parent) to speculate on what challenges adopted embryos (separated from both genetic parents) may experience. Below are some of their responses.

As a donor conceived adult, I have very mixed feelings about embryo adoption. I regard embryos as human beings, albeit tiny ones, so the fact that they are left to languish in freezers for years on end is deeply troubling. If well-meaning people wish to give them a chance of life, that is laudable, but I worry that the whole process is part of the commodification of human beings, and will lead to significant psychological struggles for the children born from this process. They will be utterly cut off from their genetic parents, and the reality of their origins may well be concealed from them. If they have been

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41. "A look at the History of Adoption and Embryo Adoption," Embryo Adoption Awareness Center (June 11, 2012), available at <https://embryoadooption.org/2012/06/a-look-at-the-history-of-adoption-and-embryo-adoption/>.

42. "To be loved by the two who created you and not from the strangers who bought you, is natural and beautiful. But I was denied this primal family structure to support a business and an unfamiliar infertile couple," ThemBeforeUs.com (July 11, 2019), available at <https://thembeforeus.com/to-be-loved-by-the-two-who-created-you-and-not-from-the-strangers-who-bought-you-is-natural-and-beautiful-but-i-was-denied-this-primal-family-structure-to-support-a-business-and-an-unfamiliar-infert/>.

kept frozen for many years, their genetic parents may be elderly or deceased by the time they are old enough to question their origins. Direct-to-consumer DNA tests mean that their genetic reality won't be concealed forever, but could well give them more questions. Why did their genetic parents effectively abandon them? What about their frozen brothers and sisters, potentially dozens of them, who weren't so lucky? What about their living siblings, the ones who weren't frozen? They might be many years older. It is not impossible that they might meet without knowing their true relationship. These Frankenstein scenarios are just a sample of the problems thrown up by this issue. - Elizabeth Howard<sup>43</sup>

From another donor-conceived individual:

I think the irresponsibility of the parents creating the embryos is unacceptable, but more so the doctors. Do doctors offering IVF not share the weight of what they're creating with the parents? Why would someone create babies out of desperation, and then only accept a few of them? How can children understand to accept and love others in hard circumstances, when they—or their frozen siblings—are not loved in hard circumstances? Even if those “hard circumstances” are simply a matter of preference for how many children one wanted to begin with?  
- Kathryn

And again:

The worst parts of this are that you have now created two groups of people from the viable embryos. You have the embryos that were wanted, and the embryos that were discarded. These were future people cast aside by their biological parents, then sold to another couple to raise. If that isn't bad enough, as the child grows we face two scenarios: 1) they know where they come from, or 2) they have not been told the truth, but will eventually find out (because they will). In the first

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43. “Elizabeth Howard—Part 2—For the first time in my life, I know who you are,” ThemBeforeUs.com (January 3, 2018), available at <https://thembeforeus.com/elizabeth-howard-part-2/>.

scenario, the child has to grow up knowing that they were cast aside by their biological family and are the leftover children. They have full siblings out there being raised by their parents, that the donor conceived child will not get to grow up with. For me, this would be immensely painful. I already feel loss from my half-siblings, and I can only imagine the terrible loss from this situation. In scenario two, you now face complete identity loss when they find out. Not only are they not related to the family that they grew up with, but they have no idea who they are. Can you imagine looking in a mirror and having no idea who you are looking at? Where did those features come from? Where do their personality traits come from? These are children growing up with no tie to their genetic relatives, and they are supposed to just sit down and be ok with it because “someone” wanted them. Along with that statement, they have to stomach the notion that someone else, their real parents, didn’t want them. Children are the victims here, and it is to meet the wants of the adults. - Gregory Loy

Beyond the challenges that children of embryo adoption face, donor-conceived people have another major concern when promoting embryo donation as a solution for these souls on ice: It does little to discourage the creation of surplus embryos.

One donor-conceived man remarked, “The most heinous issue with embryo-donation is that it encourages fertility establishments to haphazardly create more during fertility treatments where they wouldn’t otherwise potentially have been so flippant.”

Another man agrees, “We have an industry that creates many viable embryos to satisfy the wants of parents, but then gives them the option to ‘donate’ them to another family. In reality this is a monetary transaction, and it is the sale of people.”

Matt Doran, founder of DonorChildren.com, adds, “If you participate in embryo adoption you are playing a part in systematic adoption at an industrial level and hurting people by tearing them apart from their natural family, healthy history, heritage, and identity. Humans have a right to these basic things and if we can avoid it at all costs we should not fail to protect these rights.”

### **What Should Happen To Surplus Embryos?**

The solution to these souls on ice is not “embryo adoption.” The solution is never creating surplus embryos to begin with. Humans should not be frozen. Humans should not be in storage. And humans should not be donated.

The only option that honors the rights of these children is not listed on the ASRM website: Implant them in their mother’s womb and allow them to grow or terminate naturally in her body like every other human prior to these “advances” in medical technology.

The reality is that these children are not commodities to be swapped and traded<sup>44</sup>, thawed and discarded, used for research, or donated to another family. They are the very real children of the mother and father who created them. And just like every other child on the planet, those frozen children have a right to be known, loved, and raised by their mother and father. As one donor-conceived woman notes, “Wanting a child and loving a child are two different actions; the first is a natural desire of one’s drive to continue the world in your own way. The second is giving your very life so that someone can thrive. Creating, freezing, and abandoning embryos to any options other than raising them yourself is not giving your life for their cause; it is sacrificing them to yours.”

Yes, implanting surplus embryos in their mother’s body means that the biological parents will probably have more children than they intended. Yes, that means they’re going to spend more money than they planned. But in a world that respects the rights of children, adults don’t ask children to sacrifice their right to life or right to their mother or father just because it’s hard on the adults. This world of children’s rights demands that all adults respect the rights of all children regardless of the cost to the parents. Adults must do hard things, so children don’t have to.

This is the definition of parenthood: adults bending their lives and worlds to protect and nurture their children. This duty is part and parcel with making babies. At *Them Before Us*, we expect adults to conform to their child’s right to be known and loved by both mother and father

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44. Jane Ridley, “Mom to the internet: Anybody want to trade my girl embryo for a boy?” *New York Post* (November 3, 2018), available at <https://nypost.com/2018/11/03/mom-to-the-internet-anybody-want-to-trade-my-girl-embryo-for-a-boy/>.



regardless of how babies come about—whether made the old-fashioned way or in petri dishes. No adults—neither those who get pregnant out of wedlock, those who have a difficult marriage, those who experience same-sex attraction, nor those who struggle with infertility—get a pass. If you make a baby, you have an obligation to conform your life to the rights of that baby. Even in the non-IVF world, sometimes you don't get to plan your family. Sometimes your family plans you.

Responsibility demands that we raise the children we make, no matter how they came to be.

*Katy Faust is the founder and director of the children's rights organization, Them Before Us.*



## Reproductive Rights in Europe

Ludovine de La Rochère

**AS EXPRESSED AT THE CAIRO CONFERENCE** in 1994, reproductive rights are at the heart of population and development policies. Officially, these are not new rights, but rather clarifications concerning existing human rights: those guaranteeing to everyone full freedom to enjoy their bodies and their reproductive capacities.

Over the years, and with dramatic upheavals in society encompassing the claims of various groups, the scope of reproductive rights has widened. Now this term includes such things as the improvement of pregnancy monitoring, prevention against genital mutilation of women, family planning, access to contraception, and voluntary or medical termination of pregnancy, but also the right to access methods of assisted procreation or gender self-determination.

The advancement of these reproductive rights—which are not, however, recognized as such by the United Nations—has been the subject of many international and European summits. They are even the basis of the United Nations Agenda 2030 for Sustainable Development. The implementation of these rights, which the UN encourages everywhere, cannot, however, look the same in all countries. Aware that certain points are divisive, international texts take care to recall, from the Cairo Conference of 1994, that their application must be made “with full respect for the various religious and ethical values, cultural backgrounds and philosophical convictions” of each country’s people.<sup>1</sup>

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1. United Nations, “Report of the International Conference on Population and Development,” Cairo, September 5-13, 1994, p. 9, available at <https://www.un.org/en/development/desa/>

Individual countries therefore decide as to the implementation of reproductive rights in their national legislation. In Europe, this freedom leads to a great disparity within the countries of the European Union on these issues.

### **From Country to Country**

On abortion (often called IVG, the acronym for “L’Interruption Volontaire de Grossesse,” or Voluntary Interruption of Pregnancy) for example, while France adopted in February 2017 a law extending misdemeanor status to the obstruction of abortion, which was meant to target directly pro-life associations active on social networks and the Internet<sup>2</sup>, and while the question of suppressing the conscience clause for doctors comes back regularly<sup>3</sup>, abortion is completely prohibited in Malta and its access is severely restricted in Poland.

There are also very large disparities inside the EU with regard to gender self-determination. Five EU countries allow sex change without either hormone treatment or surgery: Hungary, Finland, Sweden, the United Kingdom,<sup>4</sup> and France.<sup>5</sup> At the same time, sterilizing treatment or long psychological follow-up is required in other countries. The differences in procreation issues are also significant. Belgium, the Netherlands, Spain, Denmark, Sweden, Finland, Portugal, Spain, the United Kingdom, and Ireland allow IVF for single women and for female couples, while this remains prohibited in particular in Germany, Poland, Italy and, until

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population/events/pdf/expert/27/SupportingDocuments/A\_CONE.171\_13\_Rev.1.pdf.

2. “Loi relative à l’extension du délit d’entrave à l’interruption volontaire de grossesse,” website of the French Senate, March 21, 2017, available at <https://www.senat.fr/dossier-legislatif/pp116-174.html>.
3. “The medical conscience clause relating to abortion is debated at the Assembly,” *Le Monde* (March 23, 2019), available at [https://www.lemonde.fr/sante/article/2019/03/23/la-clause-de-conscience-des-medecins-relative-a-l-ivg-fait-debat-a-l-assemblee\\_5440063\\_1651302.html](https://www.lemonde.fr/sante/article/2019/03/23/la-clause-de-conscience-des-medecins-relative-a-l-ivg-fait-debat-a-l-assemblee_5440063_1651302.html).
4. “Rights of transgender people: where is Europe at?” *Toute l’Europe*, August 4, 2011, available at <https://www.touteurope.eu/actualite/droits-des-personnes-transgenres-ou-en-est-l-europe.html>.
5. “Civil Status of Transgender People: The ECHR Confirms the Recommendations of the Defender of Rights,” *DéfenseurDeDroits*, April 11, 2017, available at <https://www.defenseurdesdroits.fr/fr/actus/actualites/etat-civil-des-personnes-transgenres-la-cedh-conforte-les-recommandations-du>.

very recently, in France.<sup>6</sup>

Hence, the European Union contains several contradictory currents with regard to reproductive rights. Progressives see this lack of unity across Europe and the strong opposition to some of these reproductive developments as serious dangers to be overcome.

Indeed, reproductive rights are supposedly “universal,” and should be guaranteed to all, without any distinction. They are “fundamental human rights, essential for the autonomy of women and equality between all people regardless of gender identity or sexual orientation.”<sup>7</sup> But such an assertion omits the warning highlighted by the Cairo Conference.

### **The Concern of Reproductive Rights Activists**

It is to respond to this “danger” that the Economic, Social and Environmental Council (EESC) gathered its members in Paris on November 12 of 2019, to take stock of reproductive and sexual rights in Europe and to outline “avenues for reflection to guarantee effective access to these rights.”<sup>8</sup> The numerous interventions suggested at this very progressive conference all agree on one point: One of the worrisome new European phenomena concerning reproductive rights is the capacity of opponents to organize themselves into powerful and active associations in the EU. This hotbed of associations is the mother of all dangers for European reproductive rights.

During this summit, progressives especially targeted associations actively fighting abortion, or disseminating information on the harmful consequences that abortion can have on women and the rest of society, or calling for a different sex education than the one currently promoted. Also targeted, of course, were the actions of associations opposed to opening IVF to single women and female couples.

Cited as the spearhead of European opposition to reproductive rights,

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6. “PMA : quels droits en Europe?” Toute l’Europe, August 23, 2019, available at <https://www.touteleurope.eu/actualite/pma-quels-droits-en-europe.html>.

7. Véronique Sehier, “Droits sexuels et reproductifs en Europe : entre menaces et progrès,” Conseil Économique Social et Environnemental, adapted November 12, 2019, available at <https://www.lecese.fr/travaux-publies/droits-sexuels-et-reproductifs-en-europe-entre-menaces-et-progres>.

8. *Ibid.*

the French group La Manif Pour Tous, of which I am the president, was a key player in the debates. Active since 2012, our group had just organized in Paris (on October 6, 2019) a large demonstration against the opening of IVF to single women and female couples registered in article 1 of the bioethics law currently debated in the French Parliament. This bill has been demanded for years by LGBT associations, but it is not supported by a consensus in the country, contrary to what liberals want the public to believe. And the media was very surprised that hundreds of thousands of French people were determined enough to march through the streets of Paris and proclaim their opposition.

### **Fallacious Arguments in Favor of Reproductive Rights**

There is nothing more astonishing and scandalous to progressives than opposition to the progress of reproductive rights. Why are these protesters marching to refuse to grant a human right to a large swath of the population?

We march, because these rights have become, over the years and through activism, a right to a child. In other words, something naturally impossible is made legal, since a single person or a same-sex couple is unable to found a family. This shift is of course explained by the technology of IVF, which uses the gametes of the other sex from a third donor (or even seller). This process makes it possible to pretend that single women and female couples can have children by themselves.

One of the greatest arguments of promoters of IVF for single women and female couples in France is that this is already widely occurring beyond French borders. If neighboring countries like Belgium and Spain have authorized it, for years and without public dissent, why doesn't France catch up? It is estimated that 900 to 1,000 French lesbian couples cross the border to take advantage of Belgian clinics annually.<sup>9</sup> In Spain, more than 4,600 women used the services of a particular fertility clinic between 2012 and 2016.<sup>10</sup> This clinic, IVI Fertility, goes so far as

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9. "Vu de Belgique. La France refuse de reconnaître les 'bébés Thalys,'" *Courrier International*, May 5, 2014, available at <https://www.courrierinternational.com/article/2014/05/05/la-france-refuse-de-reconnaitre-les-bebes-thalys>.

10. Christine Mateus, "PMA : un bébé sous 24 mois ou remboursé," *Le Parisien*, April 30,

to guarantee its clients a baby within 24 months, or reimburse them for their procedures.

Large-scale PR campaigns regularly argue that France must grant this right to its citizens, since it is done in other countries, obscuring totally the fact that opening up IVF to single women and female couples is legally organizing the permanent absence of a father for the unborn child. This does follow some logic: For the proponents of so-called “fatherless IVF,” male and female are no different, and therefore motherhood and fatherhood are indistinguishable as well. Fatherless IVF is based on gender ideology. The only thing that counts for liberals is the love given to the child. If the child is loved, all is good—they argue.

This battle of opinion is waged with poignant testimonies playing on the suffering of people wanting a child and supported with numerous surveys. One such survey, published in April 2019, is supposed to show that 65% of French people are in favor of opening IVF to people who do not suffer from fertility pathology.<sup>11</sup> This survey, commissioned by the Ministry of Health, feeds the position of militant associations which also publish their own polls. Another such example is the poll of the Association of Homoparental Families which, in June 2019, released a public opinion survey revealing that “nearly 2 out of 3 French people are in favor” of fatherless IVF.<sup>12</sup>

In fact, however, some other polls underline that the overwhelming majority of French people want children to have a father and a mother. This is the result of the survey commissioned in June 2019 by La Manif Pour Tous: To the question “do you think that children born by IVF have the right to have a father and a mother?”, 83% of those surveyed responded favorably.<sup>13</sup> The perspective is therefore quite different when

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2018, available at <http://www.leparisien.fr/societe/pma-un-bebe-sous-24-mois-ou-rembourse-30-04-2018-7690644.php>

11. Loup Besmond de Senneville, “65 % des Français favorables à l’extension de la PMA, selon un sondage,” *La Croix*, April 23, 2019, available at <https://www.la-croix.com/Sciences-et-ethique/Ethique/65-Francais-favorables-lextension-PMA-selon-sondage-2019-04-23-1201017410>.

12. Antoine Patinet, “64% des Français sont favorables à l’ouverture de la PMA à toutes les femmes,” *Têtu*, June 26, 2018, available at <https://tetu.com/2018/06/29/pma-gpa-sondage/>.

13. Michel Feltin-Palas, “Extension de la PMA: la grande récup des sondages,” *l’Express*, October 10, 2019, available at [https://www.lexpress.fr/actualite/societe/extension-de-la-pma-la-grande-recup-des-sondages\\_2101887.html](https://www.lexpress.fr/actualite/societe/extension-de-la-pma-la-grande-recup-des-sondages_2101887.html).

one approaches the question from the rights of the child.

Besides this battle of opinion, there is pressure from the reproductive market. French bioethics laws are based on a founding principle: that of the unavailability of the human body. This principle governs organ donation and gamete donation. However, opening IVF to single women and female couples places the CECOS (the French acronym for Centers for Studies and Conservation of Human Eggs and Sperm) in a difficult position. This organization is already experiencing a worrying shortage of donors, resulting in very long waiting times for male and female couples in need of donations. Currently, the CECOS are not able to meet the needs of the 3,000 couples awaiting gametes.<sup>14</sup>

It is impossible to maintain the free donation of gametes and to cope with the increase in needs induced by the opening of IVF. The example of neighboring countries is very enlightening in this regard. This opening would represent nearly 2,000 additional requests, according to estimates by the Ministry of Health.<sup>15</sup> How to respond to the increase in demand? There are two possible solutions: Pay men for providing their sperm, or import missing gametes from countries that pay men. It is this second solution that has been implemented by neighboring countries. The United Kingdom (which also compensates men) imported 40% of its sperm donation in 2016. In Belgium, these imports represent 63% of the sperm used for IVF.<sup>16</sup>

It is therefore absolutely impossible to consider the opening of assisted procreation techniques to single women and female couples while maintaining the principle of the unavailability of the human body. Extending IVF is automatically opening up human commodification, the trade in gametes; it is entering the world procreation market. And the pressure from this market is huge. The Californian firm Grand View

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14. Céline Hussonnois-Alaya, "Pénurie de donneurs, stocks de sperme: pourquoi la PMA pour toutes n'est pas pour demain," BFMTV, September 24, 2019, available at <https://www.bfmtv.com/societe/penurie-de-donneurs-stocks-de-sperme-pourquoi-la-pma-pour-toutes-n-est-pas-pour-demain-1772995.html>.

15. *Ibid.*

16. Sébastien Grob, "Ouverture de la PMA : la pénurie de sperme, risque à anticiper," *Marianne*, July 30, 2019, available at <https://www.marianne.net/societe/ouverture-de-la-pma-la-penurie-de-sperme-risque-anticiper>.



Research estimated in 2017 that the sperm banks alone would reach an annual global turnover of 5 billion dollars in 2025.<sup>17</sup> Opening of IVF on French territory would represent a new market for these banks.

The advance of reproductive rights is based on a very deep human desire: that of having a child. That initial, natural desire has since been transformed into a commercial argument serving a world market of titanic dimensions. The entire reproductive industry is estimated to be worth \$20 billion.<sup>18</sup> This market makes possible and democratizes reproductive techniques. The pressure it exerts on states to open up new markets by expanding reproductive rights is further reinforced by the ideological pressure of active minorities claiming ever more rights. These two pressures feed on each other, making the advancement of reproductive rights a very powerful groundswell.

One of the most dangerous consequences of the alliance between these two pressures is that it tends to completely suppress the interest of the child, which appears only very rarely in debates. Reproduction is only seen through the lens of adults. The baby is the crowning achievement of a well-thought-out, socially-supported adult project that can be realized with the help of powerful multinational companies. Everyone, in their view, should have the right to procreation, since it is theoretically possible for everyone. In following steps, ever more important “rights” are claimed, as if the constraints of our bodies and biological realities had been totally erased by the power of the technique.

The opening of IVF to single women and female couples is already deemed insufficient by some of the LGBT activist associations. Indeed, beyond women, another category of the population suffers from not being able to satisfy their desire for children: transgender people. This is why the Inter-LGBT (an alliance of dozens of other LGBT groups) denounces in a press release of November 20: “Countries protect transgender people very little, laws discriminate against them, patriarchal and binary society rejects them. We recently saw with bioethics law MPs

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17. “The Business of Sperm Banks,” *The Economist*, September 14, 2017, available at <https://www.economist.com/business/2017/09/14/the-business-of-sperm-banks>.

18. “La PMA, un marché à 20 milliards de dollars,” France.TV, May 21, 2019, available at <https://www.france.tv/france-2/infrarouge/999899-la-pma-un-marche-a-20-milliards-de-dollars.html>.

exclude transgender people from access to IVE, forcing them to choose between transitioning or starting a family. Once again, rights, equality and inclusiveness have been denied to the transgender population.”<sup>19</sup> The groundwork is already being laid.

### **The Strategy to Promote Surrogacy**

If the pressure for IVF seems intense, the pressure for legalized surrogacy is even more so. France is indeed one of the few countries to maintain an officially prohibitionist position on this issue: no surrogacy contract can be signed on the territory. French legislation even provides a fine of €7,500 for any mediator between a surrogate mother and a sponsoring couple.<sup>20</sup>

Surrogacy is prohibited in France under, among others, the principle of the unavailability of the human body. This founding principle prevents a woman from being used as an incubator for the benefit of a third party and in exchange for salary or compensation.

Despite this, the pressure for surrogacy is very strong. First, there is the communication campaign: Various French personalities regularly and reassuringly speak publicly about the birth of their children through surrogacy abroad. The comedian and TV host Jarry talks about his twins born through surrogacy<sup>21</sup>; the TV host Alex Goude introduces his own twins in *Paris Match*<sup>22</sup>; the journalist and director of the BFM news channel Marc-Olivier Fogiel publishes a book describing his own and other French couples' journeys in surrogacy.<sup>23</sup>

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19. “TDOR 2019, La Transphobie Tue Toujours, l'État Reste Complice!” InterLGBT.org, November 19, 2019, available at [https://www.inter-lgbt.org/tdor\\_2019/](https://www.inter-lgbt.org/tdor_2019/).

20. “Étude de législation comparée n° 182 - janvier 2008 - La gestation pour autrui,” Website of the French Senate, available at <https://www.senat.fr/lc/lc182/lc1820.html>, accessed February 3, 2020.

21. Thomas Robert, “Jarry évoque ses deux enfants nés par GPA : ‘Je suis tellement fier d'être papa,’” *Télé-Loisirs*, November 12, 2019, available at <https://www.programme-tv.net/news/people/243630-jarry-evoque-ses-deux-enfants-nes-par-gpa-je-suis-tellement-fier-detre-papa/>.

22. Anthony Verdout-Belaval, “Alex Goude : ‘Le jour où je suis devenu papa par GPA,’” *Paris Match*, February 17, 2017, available at <https://www.parismatch.com/People/Alex-Goude-Le-jour-ou-je-suis-devenu-papa-par-GPA-1131056>.

23. Interview by Benoît Daragon and Christine Mateus, “Marc-Olivier Fogiel : ‘J'oublie que mes filles sont nées d'une GPA,’” *Le Parisien*, October 3, 2018, at <http://www.leparisien.fr/societe/marc-olivier-fogiel-j-oublie-que-mes-filles-sont-nees-d-une-gpa-03-10-2018-7910478.php>.

The method is the same in each interview: The desire for a child is very strong, these people have had a successful parental project, the technology exists, so why refuse this right on French territory? And thus a technique absolutely contrary to human dignity is gradually presented as a reproductive right to which everyone should be allowed access. Foreign surrogacy agencies take care of finding great stories to tell in the French press. Thus, the story of Samuel and Jean-Raphaël and their surrogate mother Angie<sup>24</sup>: She carried and gave birth to their child, while continuing to work herself as a recruiter of other surrogate mothers for a Canadian surrogacy agency.<sup>25</sup>

Aware that the exploitation of women's bodies can be an obstacle to general public approval of surrogacy, the question is tackled from a different angle: the civil status of children born by surrogacy contracts abroad. These children are said to be "ghosts of the Republic," presented as second-class citizens to whom is denied French nationality and over whom the parents have no rights. The most emblematic case of this fight is that of the Mennesson family. This French couple used surrogacy in the early 2000s to have twins in California. The two girls have an American civil status. The couple requested the transcription of their American civil status to French civil status, including naming the intended mother as the legal mother, so that she does not have to go through adoption. After a decades-long legal battle, they won their case last October at the Court of Cassation (the highest level of the French judiciary system).<sup>26</sup> This problem of "ghosts of the Republic" is, however, propaganda, as the philosopher Sylviane Agacinski reminded us during his recent hearing

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24. Violaine Chatal, "'J'ai porté le bébé de Samuel et de Jean-Raphaël,' Angie raconte sa GPA," *Le Journal des Femmes*, November 14, 2019, available at <https://www.journaldesfemmes.fr/societe/combats-de-femmes/2565190-j-ai-porte-le-bebe-de-samuel-et-de-jean-raphael-angie-raconte-sa-gpa/>.

25. @Le CoRP, "publi-reportage de promotion de la GPA. La mère porteuse est 'chargée de recrutements et responsable marketing', dit l'article. En oubliant de préciser : dans l'industrie de la GPA. Autrement dit, elle recrute des mères porteuses" (Twitter post), November 14, 2019, 12:45 PM, available at [https://twitter.com/Le\\_CoRP/status/1195050209602129921](https://twitter.com/Le_CoRP/status/1195050209602129921).

26. Paul Chaulet, "GPA à l'étranger : la filiation du couple Mennesson entièrement reconnue en cassation," *l'Express*, October 4, 2019, available at [https://www.lexpress.fr/actualite/societe/justice/gpa-a-l-etranger-la-filiation-du-couple-menesson-entierement-reconnue-en-cassation\\_2101397.html](https://www.lexpress.fr/actualite/societe/justice/gpa-a-l-etranger-la-filiation-du-couple-menesson-entierement-reconnue-en-cassation_2101397.html).

by the Senate.<sup>27</sup>

This decision is a milestone for promoters of surrogacy, who know full well that systematic authorization to transcribe foreign birth certificates would *de facto* be equivalent to accepting and standardizing surrogacy in France.

### **A European and International Fight**

Also very serious is that France has been participating since 2015 in the work of the Hague Conference on Private International Law on surrogacy agreements contracted abroad.<sup>28</sup> This group of experts is considering the modalities of an international legal framework in order to avoid civil status problems as a result of these types of conventions and taking into account the great diversity of global law. And “most experts have agreed, in principle, on the feasibility of a separate protocol on the recognition of foreign court decisions in cases of international surrogacy agreements.”

La Manif Pour Tous had the opportunity to report in May 2018 the problems posed by this work during a hearing of the Committee of Experts. First, we recalled that if France establishes a legal instrument for the regularization of surrogacy agreements, this would be the equivalent of automatic recognition of surrogacy around the world. Then we pointed out that some experts on the Committee were closely linked to the surrogacy industry. Thus, some of the Committee’s recommendations are strangely similar to a document from the powerful American Bar Association, an association of American lawyers who receive great benefits from the surrogacy business.<sup>29</sup>

However, France still officially refuses to open the door to surrogacy on its territory or for its citizens, either by recognition of surrogate mothers or by the automatic recognition of civil status. Nicole Belloubet,

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27. “PMA : audition de Mme Agacinski-Les matins du Sénat (24/10/2019),” YouTube, posted October 24, 2019, available at <https://www.youtube.com/watch?v=KapvbzwlQA>, see 42 min., 50 sec.

28. “Filiation: Maternité de Substitution,” Hague Conference on Private International Law, available at <https://www.hcch.net/fr/projects/legislative-projects/parentage-surrogacy>, accessed February 3, 2020.

29. Dean Hutchison & Natalie Kanellis, “Overseas Surrogacy,” American Bar Association, June 27, 2019, available at [https://www.americanbar.org/groups/family\\_law/committees/assisted-reproductive-technologies/overseas-surrogacy/](https://www.americanbar.org/groups/family_law/committees/assisted-reproductive-technologies/overseas-surrogacy/).

Minister of Justice, refuses to admit that France's participation in the work of the Hague Committee of Experts is dangerously close to recognizing surrogacy and maintains that France's position, however flawed, will not change.<sup>30</sup>

Isolated in its prohibitionist position, France suffers triple pressure on the issue of surrogacy: internal pressure with militant campaigns aimed at allowing this practice to be accepted as a "new right," European pressure from the decisions of the European Court,<sup>31</sup> and finally international pressure. France is thus seen as a "market to be won"—this is what Melissa Brisman, director of Reproductive Possibilities in New Jersey, told La Manif Pour Tous very directly during a phone interview in March 2018.

In this context of ideological and mercantile pressure, it becomes very difficult to oppose the advance of what are presented as new rights to be won. Since its creation in 2012, La Manif Pour Tous has constantly raised public awareness of the dangers of procreation governed by technique and profits, which create incredible filiations, disconnected from all biological and psychic reality, and from the child's needs.

Children are indeed, and unfortunately very often, the first forgotten of these "conquests." Opening more reproductive rights means more and more trampling on the most basic needs of the child and, at the same time, his most legitimate rights, yet recognized by the International Convention on the Rights of the Child. The child has "the right, as far as possible, to know his parents and to be brought up by them," according to article 7. At the height of manipulation, progressives pretend that the word "parents" does not necessarily designate the biological father and mother of the child, even though this article concerns the birth of the child and consequently those from which he was born.

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30. Answer of Nicole Belloubet, Minister of Justice, published on November 5, 2019, to the written question of Charles de La Verpillière, right-wing MP from the department of Ain, published on March 19, 2019.

31. "GPA : la CEDH répond à la France et consacre le droit à la filiation," *Huffington Post*, April 10, 2019, available at [https://www.huffingtonpost.fr/entry/gpa-la-cedh-repond-a-la-france-et-consacre-le-droit-a-la-filiation\\_fr\\_5cae4e8ce4b09a1eabf740cb](https://www.huffingtonpost.fr/entry/gpa-la-cedh-repond-a-la-france-et-consacre-le-droit-a-la-filiation_fr_5cae4e8ce4b09a1eabf740cb).

La Manif Pour Tous therefore fights at all levels to urge politicians to genuinely defend the rights of the most vulnerable. We are active with French parliamentarians, and were interviewed by MPs and senators in the context of debates on the bioethics bill. With the partner association “Marchons Enfants” (“Let’s walk, children!”—referring to the first sentence of the French national hymn), it continues its mobilization on a large scale: after the demonstration on October 6, “pickets for the rights of the child” covered France on the weekend of November 30-December 1, and thousands marched against the new bill opening IVF on January 19 of this year in Paris.

With EU accreditation, La Manif Pour Tous successfully acted to achieve, by the end of 2015, the condemnation by the European Parliament of all forms of surrogacy. For the 30th anniversary of the International Convention on the Rights of the Child celebrated in Brussels on November 20, 2019, La Manif Pour Tous recalled the respect due to all the rights of the child, including that listed in article 7. We stressed that this right implied in particular that we must fight by all possible means against surrogacy and that the condemnation of this technique was not enough: Strong acts are necessary and urgent in this area.

Finally, as an advisory organization in the UN since 2016, La Manif Pour Tous is also working to promote a different European voice.

### **To Conclude**

Fighting the indefinite extension of individual rights, particularly in matters of procreation, is very difficult today and the will and the capacity to oppose differ greatly from one country to another. Many western European countries—Denmark, Spain, Great Britain, Greece, Luxembourg, the Netherlands, Portugal, and others—have unfortunately remained passive and have seen their legislation admitting ever more transgressions: later and later abortion, sexual education imbued with gender ideology, IVF without medical reason, surrogacy, etc. Only Italy and France have been fighting for years to avoid such excesses.

On the central and eastern European side, reproductive rights remain much more restricted. Some countries even see associations organizing and acting to protect future generations. This is why Croatia, in 2013, anticipated the effects of gender ideology by defining marriage

in its constitution as the union of a man and a woman. In other countries, governments themselves intervene: Hungary, for example, refuses to disseminate the sex education promoted by the European Union in its schools. This difference of views regarding reproductive rights is even one of the reasons for the current disagreement between Brussels and Budapest. While every European country is theoretically sovereign over every issue regarding family, strong criticism of the EU against Hungary speaks clearly about international pressure for reproductive rights.

However, as La Manif Pour Tous has been saying since 2012: “We never give up!”

*Ludovine de La Rochère is President of La Manif Pour Tous.*





## REVIEWS

### **The Burden of the Bondwoman**

Rebekah Curtis

#### **Broken Bonds**

Jennifer Lahl, Melinda Tankard Reist, and Renate Klein (eds.)

Spinifex, 2019; 140 pages, \$24.95

**Charlie Sheen gained fame** as an actor, but notoriety as a john. When a judge asked him why a man of his status would have any need for commercial coitus, Sheen is reported to have explained that he wasn't paying the hookers for sex. He was paying them to leave.

The governance of Sheen's principle in the realm of gestational surrogacy is wrenchingly demonstrated in *Broken Bonds*, a collection of testimonies from surrogate mothers. Their stories reveal that the popular narrative of surrogacy does not reflect the experiences of all women who carry other people's children for love or money. Surrogacy is rhetorically packaged as a win-win for infertile couples and "Happy Breeders," those altruistic and/or enterprising women with functioning, available wombs. The couple gets a baby; the womb-person gets a check and the feminine satisfaction of having helped. Except, the surrogates tell us, when she doesn't.

#### **Failed Fundraising**

Checks are easier to assess than satisfaction, or it seems like they should be. But women who are supposed to have received them report that

surrogacy transactions get buggy. Numerous surrogates in *Broken Bonds* end up in debt, even with contracts in place. One of them, Michelle, explains, “Once the baby or babies are born, it is very hard to collect already paid out monies, or ask extra fees to be paid. The intending parents literally don’t care. I have carried more than one of these children on my health insurance for a time, despite no reimbursement, when legally the fees were not mine to pay.”

Surrogates often incur expenses that contracts (whether by accident or design) fail to anticipate. The hormonal manipulation required for surrogacy makes high demands on the mother’s health. Twin or triplet pregnancies common to IVF bring more risk than singletons, and selective abortions in such cases are both common and complicating. Surrogates whose prenatal and delivery costs are covered have found themselves paying for postpartum treatments and recovery after the intended parents disappear with the baby. Mental health problems caused or aggravated by surrogacy easily make their way onto the surrogate’s side of the ledger.

Surrogacy compensation focuses on health care, but pregnancy expenses are not confined to exam and delivery rooms. Incidental costs like maternity clothing and other personal items for the surrogate are harder to request and recover. Surrogates tend to be women who are already mothers, but intending parents are focused on the child they have commissioned. They are less interested in covering babysitting for children whose mother is having to spend time at the clinic and hospital. Surrogates’ careers are another potential casualty. Those who suffer complications that prevent them from working during or following pregnancy lose wages. They may lose their employment altogether, and their career advancement also takes an irrecoverable hit. Finally, arrangements that go awry add legal fees to the surrogate’s expenses if she tries to correct muddles in court.

*Broken Bonds* does not detail the contracts or agreements that leave surrogates in the red. Clearly, however, there is a disconnect between the way surrogacy is advertised and the way it is practiced. Assisted reproductive technology is famously unregulated, leaving both parties at the mercy of each others’ honor systems. In some of the stories of *Broken Bonds*, one can almost hear the hiring parent(s) countering the

surrogate's version of events: They paid what they agreed to pay, it was a lot of money, and it's not their fault that her expenses exceeded their agreement. They want what they paid for: her graceful exit from their life.

### **Happy to Help?**

So much for checks, but what about the feminine satisfaction of having helped? Some states and countries prohibit commercial surrogacy altogether. There are also women who volunteer to carry a baby for others (often family members) solely out of care and sympathy. Surrogacy stories that end "happily ever after" are easy to find in the popular press, but *Broken Bonds* studies cases that conclude differently. Childbearing is too intrinsic to the female psyche to be shared without major emotional complication. No matter how great the surrogate's love for the intending parents, her bond to the child she carries takes an abiding toll. It can be felt as anything from yearning to heartbreak.

This bond is a threat to the security of the intended parents. Those who had initially agreed to an open relationship with the surrogate may end up shutting her out after the child's birth. In several stories, the infertile woman in the intending couple is particularly unable to sustain a healthy relationship with the surrogate. Gay couples display contempt for the breeder they have hired. Surrogacies within families have an exquisite dimension of breakdown as relatives go to war.

But less pathological situations cannot be said to have happy endings. Many surrogates surrender a baby to loving parents, rejoice in the happiness they have helped create, and still feel that their child is lost. Woman after woman reports that giving away a baby requires either a deliberate, artificial disengagement from the whole situation (which most find impossible), or a permanent sense of bereavement. Altruistic surrogacy comes with insurmountable costs even under the best circumstances.

The surrogates in *Broken Bonds* dwell on the connection they feel to the child they have carried. Related from the perspective of personal experience, this may be understood or spun as being purely esoteric, bordering on hysterical. However, research has measured lasting material connections between a mother and the baby she carries. Editorial reference to this body of scientific work would offer welcome support to the surrogates' testimonies of bare grief. Epigenetics, which studies the

effect of environment upon gene expression, shows that a baby's genetic development is influenced by the body of the mother during pregnancy. Reciprocally, women who have carried a baby become lifelong microchimeras, undergoing physiological changes from the incorporation of the baby's cells into their own tissues. The idea that birth mothers and their babies affect each other is not sentimental or imaginary. The emotional bond surrogates describe is ratified by the material, permanent effects of mothers' and babies' bodies upon each other.

### **Broken Bondwomen**

The stories in *Broken Bonds* range from disillusionment to devastation, but a story's power is in its telling. Some surrogates' stories are told so baldly as to lack pathos, a rhetorical aspect of the book's argument that is of particular importance. On the other hand, this artlessness illustrates one of the industry's open secrets: It is exclusively undertaken by the economically and socially disadvantaged. The fundamentally exploitative nature of surrogacy is backhandedly revealed in that gestational surrogates are not drawn from well-spoken classes of society ladies. It is little wonder that they have been the losers in the battle of narrative.

*Broken Bonds* makes no ethical comment on gestational surrogacy as an act. It is concerned entirely with harms suffered by surrogates. While these harms are shown to be considerable, they are not the strongest case to be made for stopping surrogacy now (the stated goal of editors Lahl, Reist, and Klein). This approach backs into the same corner as harm-based arguments against prostitution. There are people who want to turn tricks, perceive positive outcomes, and appear to have arguments for personal liberty on their side. Put another way, arguing from harms allows a strong case to be made against marriage by selectively spotlighting those who have been hurt by a spouse. Theoretically, stricter regulations on the surrogacy industry could eliminate the commercial problems, and don't the other harms simply amount to the hurt feelings that menace all human relationships? Eliminating surrogacy requires a stronger ethical rationale than bad individual outcomes.

Toward that end: The inextricable connection of a woman to the baby to whom she gives birth raises a concern which a surrogate named Marie Anne rightly identifies as "the biggest thing." "Regardless of how I feel,"

she says, “how do you think the baby feels?” For every used and abused surrogate, there is another person whose origin is a grotesque engineered tragedy, whose life is built by others upon a precipitous breakup, and whose story is written in the language of coveting and commerce. No surrogate can tell her story without reference to a person who has been equally, but involuntarily, cut off from everything that was familiar and consoling to him. This consideration (along with others) is crucial to a complete ethical case against surrogacy.

Nevertheless, the testimony of surrogates remains a major (if insufficient) component of that case. Elena, a Romanian surrogate, describes the total human dysfunction at work when pregnancy is outsourced: “[A]s a relatively poor woman, I have a trump card up my sleeve, I have an advantage,” she says. “I can do something this rich woman can’t do: I can get pregnant. That makes me feel proud. In fact, I feel superior.” There is nothing new under the sun. Hagar despises Sarai, Sarai deals harshly with Hagar, and the bondwoman is cast out. Only then does she see that she was selected not because she was desirable, but because she was disposable.

*Rebekah Curtis is co-author of LadyLike (Concordia, 2015).*

## **Identity Crisis**

William C. Duncan

### **Primal Screams: How the Sexual Revolution Created Identity Politics**

by Mary Eberstadt

Templeton Press, 2019; 192 pages, \$24.95

**It is commonplace**, though surely justified, to lament the extreme polarization of public life. With the launching of impeachment proceedings during an election year, those divisions seem unlikely to dissipate soon. Related and in some cases underlying this division is the rise of “identity politics.” Mary Eberstadt describes this latter phenomenon succinctly: “For many Americans and other citizens, political desires and political agendas have become indistinguishable from the desires and agendas of the particular aggrieved faction with which they most ‘identify’—and the human beings outside those chosen factions are treated more and more not as fellow citizens, but as enemies to be eliminated by shame, intimidation, and, where possible, legal punishment.”

For some decades, commentators have noted sociological factors related to this development, such as “solitariness” among young adults, “an increasingly emotive, irrational tone in public life,” and a culture of “hyperindividualism.” The contribution Mary Eberstadt makes in her new book is novel—an exploration of the “demand-side answer” to the question of why identity politics have become ascendant in the public square. In other words, the novelty of identity politics arises from an even more novel phenomena—a widespread retreat from family.

The book is framed by an analogy to wolves. Contrary to legendary

perceptions, the introduction notes, wolves are “intensely familial animals,” and a lone wolf is more mythical than real. This is true for many species, which, we are learning, behave in “familial ways.” Ironically, while increasing numbers of humans believe a family can be defined by “whatever its self-appointed say it is, other animals do not.” In a striking passage, Eberstadt points out that misunderstandings of animal behavior may stem from studying captive animals separated from family ties. These animals appear to experience heightened anxieties, repetitive tics, aggression, and other atypical behaviors because they are in “forced packs” with unrelated animals. In such packs, “problems of dominance and hierarchies become accentuated.”

Now, she notes, we see some of the same phenomena in young people: “a marked rise in anxiety and repetitive behaviors,” decreasing life expectancy and self-harm. While some believe the “familial mutations” Eberstadt calls “the Great Scattering,” caused by the sexual revolution, are a net social benefit, the book points out these changes have “rained down destruction on the natural habitat of the human animal.”

This, she argues, explains much of the contentious, frantic, often irrational fights over identity on both left and right. Like the animals discussed in the introduction, “humanity does not gravitate to anonymous or ‘forced packs.’” More and more find themselves in such packs and alternative forms of identity have come to the fore to answer primal questions of belonging. These identities also provide a way to assert dominance and establish hierarchies in a rootless culture.

Eberstadt draws on these trenchant observations when she evaluates a common metaphor for our political moment—that it is an age of tribalism. The limitation of this insight is that: “Tribes themselves grow out of units of family and extended family.” Thus, perhaps “many people today are claiming to be victims because they are and their societies are victims—not so much of the ‘isms’ they point to as oppressors, but because the human animal has been selected for familial forms of socialization that for many people no longer exist.” Deprived of “the most elementary of human connections” of family, “erotic leanings and ethnic claims have become substitute answers” to the question of personal identity.

Eberstadt catalogs the trends contributing to the unprecedented weakening of family ties: absent fathers, identity crises in children

precipitated by parental divorce or abandonment, legal facilitation of parents creating children with the express intention of never having a relationship with them, the disappearance of siblings incident to demographic collapse, a developing crisis of loneliness, and the decline of religious practice and religious affiliation (described effectively in her earlier book, *How the West Really Lost God: A New Theory of Secularization*). Thus, “[o]ur micropolitics have become a mania about identity, because our micropolitics are no longer familial.” While some manage to dominate in this new milieu, many “are left vulnerable to the heightened stresses of the artificial pack in ways that would not have existed in the natural, albeit receding, pack of their own.”

She also effectively marshals a large body of evidence of a “great scattering”: childish insistence on recognition devolving into petty squabbles or bullying mob actions, increased vulnerability of women, “subsidized androgyny” resulting from increased “penalties for traditional masculinity and femininity,” and a breakdown in “social learning” that makes men and women increasingly incomprehensible to one another. Each item of evidence is supported by perceptive observations of pop culture, sociology, and politics.

The book concludes with three brief commentary chapters marked by a thoughtful engagement with the book’s thesis, even as each sees it differently. The commentators are Rod Dreher, whose most recent book, *The Benedict Option*, grapples with the options for families and coherent communities in the wake of the damage Eberstadt describes; Mark Lilla, a liberal critic of identity politics who nevertheless sees the trajectory the book describes as mostly inexorable; and Peter Thiel, a future-thinking entrepreneur who highlights (as summarized by Eberstadt) “commercial exploitation of today’s anxiety over identity.”

Dreher argues that what Eberstadt has described constitutes a civilizational crisis and that “for those who want to endure the Great Scattering, the Benedict Option is not a choice, but a mandate.” This Option is an intentional shift of focus by believers “to construct local forms of community” in which family and faith can be nurtured and protected.

Lilla charges Eberstadt with giving too little attention to economic explanations for the changes cataloged in the book and suggests her critique is just a “panic attack” caused by inevitable changes that need to be



understood, but probably cannot be resisted.

Thiel points out that “identity politics itself functions as a cheap substitute for economic progress.” Thus, for “incumbent elites” trying to promote “diversity,” identity politics is “easier, and less threatening” than “structural reform of a stagnant economy” that has contributed to family weakness.

At the conclusion of the main portion of the book, Eberstadt returns to the lupine image with which she began. “The otherwise unexplained hysteria of today’s identity politics is nothing more, or less, than just that: the collective human howl of our time, sent up by inescapably communal creatures trying desperately to identify their own.” Rod Dreher notes that the great contribution of the book is to show how this understandable terror was “produced by the disintegration of society, of community, of family, and even, as we now see, of the self.”

If this book successfully reframes the discussion of identity politics and cultural divisions by retuning our attention to the source of conflict in disappearing families, it will do a great service. Even then, solutions will be very difficult to find. Restoring a family culture is the solution, but how to do that? That work of restoration will have to take place in the context of hostility from powerful interests that benefit from continued division. As Eberstadt notes, “The sexual revolution is bedrock—off-limits for revision, intellectually, morally, and politically.”

Families, however, can see in this challenging analysis a recognition that theirs is the most important work and perhaps a spur to uproot “the evil in the fields that we know, so that those who live after may have clean earth to till” (J.R.R. Tolkien, *The Return of the King*).

*William C. Duncan is President of the Marriage Law Foundation.*



## NEW RESEARCH

Nicole M. King

### **A Dwindling Dating Pool**

Commentators have noticed for some time now the seeming dearth of “marriageable” men, i.e. the ones with education, employment, and income comparable to women’s. Many factors have been blamed for this trend—lack of economic opportunity, higher rates of female education, a crunched labor market. Now, researchers from Cornell, Brigham Young, and South Utah Universities have joined together for a systematic study of this phenomenon in America.

“Recent declines in U.S. marriage are reflected both in delayed marriage and increases in permanent singlehood, punctuated by intermittent spells of nonmarital cohabitation,” open the researchers. Whether due to differences in education, a decline in economic prospects, or racial disparities, “[y]oung women seemingly face shortages of demographically similar men to marry.” And yet, all studies indicate that marriage remains a top priority for most young people. There is a gap between intentions and reality, which the researchers seek to understand. “Our overall goal,” they summarize, “is largely descriptive: to appropriately characterize U.S. marriage market conditions for currently unmarried women with different sociodemographic profiles.” They do this with two specific objectives. First, the researchers “use data imputation methods to infer what the sociodemographic characteristics of each woman’s spouse would be if they married a man with similar characteristics to the husbands of comparable women.” In other words, they set up a group of “synthetic spouses.” Second, they “compare the

distribution of characteristics of synthetic husbands with the distribution of all unmarried men in our sample” to determine how many women were left without a suitable partner. Their discussion focuses on two groups specifically: Poorly educated or low-income women, and highly educated women, both of whom fare the worst on the marriage market. (The women in the middle of the spectrum seem to fare better.)

To conduct their analysis, the researchers use five-year data samples from the American Community Survey, covering the periods 2008-2012 and 2013-2017, then split this data into four groups based on sex and marital status (males and females, married and unmarried). They do not consider same-sex couples, and they assign cohabiting couples into the “unmarried” category instead of the “married” category, which they say reflects cohabitation’s increasingly unstable nature. They then seek to assess “the characteristics of the spouse to whom the unmarried women in our sample would likely be married, assuming they exhibit the same mate selection patterns as currently married women.” The researchers estimate the “synthetic spouse” of each unmarried woman, then compare the characteristics of the synthetic spouse with the characteristics of the actual unmarried men in their sample.

The results are grim, for unmarried women nationwide. “The synthetic spouses had an average income that was about 55% higher (\$53,000 vs. \$35,000), were 26% more likely to be employed (87% vs. 70%), and were 18% more likely to have a college degree (29% vs. 25%) than the actual unmarried men who were available in the United States. These estimates suggest large differences in the demand and supply of unmarried men with certain characteristics.” In the data for actual unmarried men, “there was an excess supply of men with incomes less than \$20,000 (with a shortage of men with incomes greater than \$40,000) as well as a marriage market mismatch in education—too many men had only a high school degree and too few had a college or graduate degree.” The researchers also added that, encouragingly, men who married their child’s mother tended to see an income uptick, and that their findings may not accurately represent this reality. Younger and less-educated women had an easier time finding husbands than did older or more-educated women. These findings were much more stark for racial minorities, who “were significantly less likely to find suitable marital partners, regardless

of their education or income levels.”

The researchers also understand that marriage doesn’t happen in a vacuum, and thus sought to take geographic location into account. When requiring that marriages take place within PUMAs (Public Use Microdata Areas), the odds of finding good husbands get even lower. “For example,” they report, “a 10% increase in a woman’s age was associated with a 2.42 percentage point decrease in likelihood of finding a match nationwide. When we required all matches to occur with the same PUMA, a 10% increase in women’s age correlated with a 15.32 percentage point decrease in the likelihood of finding a suitable match.”

The researchers close by affirming that yes, claims that marriageable men are hard to find are founded in the research, summarizing, “Our analyses provide clear evidence of an excess supply of men with low income and education and, conversely, shortages of economically attractive unmarried men (with at least a bachelor’s degree and higher levels of income) for women to marry.” They suggest that “promoting good jobs” may thus be more important than promoting marriage education courses as a way to stimulate marriage. They also wonder if, in response to this new trend, women may start considering “marrying down” instead of “marrying up,” but point out that this has historically not been the practice.

Whatever the solution, the problem is real. Whatever the driving forces, being a single woman on the marriage market these days is difficult.

*(Daniel T. Lichter, Joseph P. Price, and Jeffrey M. Swigert, “Mismatches in the Marriage Market,” Journal of Marriage and Family [2019], doi: 10.1111/jomf.12603)*

### **Children Achieving Less**

Researchers have long understood that parental divorce tends to lead to lower educational attainment for children. Now, a group of scholars seek to understand exactly how this trend occurs. In spite of the broad knowledge about children and divorce, “little is known about the relative explanatory power of children’s skills, both in comparison to one another

and with respect to key explanatory factors such as family income and instability.” In other words, precisely how do certain factors mediate the effect of parental divorce upon children’s educational outcomes? And how do such results differ for white versus nonwhite children, whose experiences vary widely?

For the purposes of their study, the researchers identify four such “mediators”: family income, family instability, children’s psychosocial skills, and children’s cognitive skills. The study uses data from the National Longitudinal Survey of Youth, and couples this with a separate survey of children of NLSY women, called the NLSCM. The researchers ended up with a sample of 8,319 children of 3,940 mothers. They then identified children who experienced parental divorce before the age of 17, and restricted the sample further to those children who were 18 years old or older by 2012. About one-third of the final sample had experienced a parental divorce as children, with 7 being the average age at which such a divorce occurred.

The researchers then ran a series of equations to evaluate their data, and find what effect the mediating factors had on the final outcome of educational attainment. (Interestingly, along the way, they highlighted a number of “predictors” of divorce. Their results demonstrate that among other factors, “mothers who themselves were raised in large families with fathers present during childhood are less likely to divorce.”)

The final results are sobering. “We observe,” the researchers report, “a 4-percent-lower probability of children’s high school completion, a 7-percent-lower probability of college attendance, and a 7-percent-lower probability of college completion.” They compared the effects for white versus nonwhite children, and found “no significant effects for nonwhite children, with point estimates being near zero.” Furthermore, the effects are somewhat smaller for children whose parents divorced during adolescence, versus those whose parents divorced during younger childhood.

The researchers find support for their theory that their mediators are, in fact, significant. “The mediating influence of family income,” they find, “is high for all levels of educational attainment (accounting for about 30 to 40 percent of the total effect) but particularly high for college completion among adolescents whose parents divorced (accounting for 67 percent of the effect).” Family instability explains between 20 and 40

percent of divorce's effect on children's educational attainment, particularly when the divorce occurs in early childhood. Divorce-caused changes in children's psychosocial skills account for more than 20 percent of the gap in educational achievement when divorce occurs in early childhood, including 25 percent of the explanation upon college completion. When divorce occurs during the children's adolescence, changes in psychosocial skills account for 15 percent of the effect on college completion. The researchers find no mediating effect of divorce on children's cognitive abilities. They further explain, "Among nonwhite children, parental divorce is one of many disadvantaged events faced in childhood, rendering the effect of any particular adverse event less adversely disruptive."

The researchers close with two policy recommendations. First, they recommend more efforts at promoting the education of children of divorce. And second, they caution that programs that aim at strengthening the marriages of nonwhite persons "oversimplify the range of adversities these children face that limit their education attainment and overlook the possible benefits to their parents separating."

Given the other negative ramifications of divorce for children (including health and emotional well-being), such recommendations for nonwhite children seem to miss out on a great deal. Nonetheless, what should certainly be evident from this study is that for children, parental divorce is a huge blow to educational success.

*(Jennie E. Brand, Ravaris Moore, Xi Song, Yu Xie, "Why Does Parental Divorce Lower Children's Educational Attainment? A Causal Mediation Analysis," Sociological Science 6 [April 2019]: 264-92.)*

### **Growing Old, With Family and Friends**

Given the past century's dramatic increases in life expectancy, at least for those living in developed nations, much research is now centering on how to increase the quality of those additional years of life. Adding to this research is a new paper assessing how marriage, parenthood, and social network impacts the subjective well-being and mental health of older adults.

To open their study, the researchers—who hail from universities in

Germany and the Netherlands—point out that “Evidence suggests that being married or living with a partner can have a positive effect on life satisfaction and is associated with higher well-being, better mental health and fewer depressive symptoms in old age.” They contrast this finding with another demonstrating that “Parenthood, on the other hand, does not appear to be associated with enhanced mental health.” Many studies have demonstrated that, particularly for women, subjective well-being and depressive symptoms tend to be worse for parents, but particularly for parents who have resident children. The researchers also point out “evidence that the relationship between children and well-being becomes more positive for older adults.” Next, the researchers point to studies that clearly limn the benefits of social networks to older adults. In their study, they aim to bring together the relationship between both family and social support, particularly seeking to define what that social support looks like in terms of personal closeness, proximity, times contacted per week, etc. The researchers hypothesize: “i) A positive association with being married, ii) a positive association with the number of children and grandchildren not living at home, and iii) a positive association with having a strong social network implied by family background.”

For their study, the authors turn to a cross-national database, and target adults 50 years old and older. Their data consists of information gathered from over 55,000 adults not living in a nursing home, between 2010 and 2012, from 16 European countries. They controlled for age, gender, country of residence, urban residence, employment, education, income, and a number of other potential variables. They also asked questions to determine self-assessed physical health, and also whether the respondents took medications for sleep, anxiety, or depression. To measure social support networks, the researchers sought to determine the network’s size (how many persons the individual discussed important matters with), relationship (partner, children, other relatives, friends, and others), contact frequency, geographical proximity, and closeness.

The results for the most part supported the researchers’ hypotheses. For the family categories, they find that “marriage is consistently positively correlated with well-being and lack of depressive symptoms.” They also find a positive association between children and well-being, but only for non-resident children. (When children are still living at home,



parents feel stressed and overwhelmed with juggling work and parenting roles.) Surprisingly to the researchers, “Grandchildren correlate positively with life satisfaction and network satisfaction, but negatively with quality of life and lack of depressive symptoms.” As they did not capture data on whether grandchildren lived with grandparents, the researchers write that they cannot account for this finding. The findings for family support are very similar for both men and women.

Next, the researchers turn to results for social network. Unsurprisingly, in support of their hypothesis, “all network types relate positively to measures of well-being, for both males and females, even after controlling for family structure.” They find that overall, the “partner” network tends to be the strongest predictor of life satisfaction and lack of depressive symptoms. They also “find consistently that the closeness and contact measure is positively correlated with mental health and well-being,” but “a negative relationship of mere proximity with well-being and mental health.” In other words, having friends or family nearby, but not interacting regularly with them or feeling close to them, is actually detrimental. In closing, they highlight, “We find clear evidence of positive relationships [sic] of all types of social networks with our measures of well-being, over and beyond the respective underlying family status indicators. Hence, a simple focus on family status measures, not accounting for the resulting network structures, misses important aspects of the relationship of family and well-being and mental health.” The researchers elaborate that it is not just being married per se that is beneficial, but also the quality of that “partner” status and how people feel about that relationship.

The researchers continue, “Taken together, our results suggest that social networks may be important for well-being and mental health in old age. Spouses, partners and children are often the basis of long-lasting social networks, which can provide social support to elderly people.” This paper is a valuable contribution to the literature on the well-being of elderly adults, and an important reminder in a day and age when many suggest that various social policies can fill the gap that lack of family creates for all too many.

(Christoph Becker, Isadora Kirchmaier, and Stefan T. Trautmann, “Marriage, parenthood and social network: Subjective well-being and mental health in old age,” PLoS ONE 14.7 [July 2019]: e0218704.)

### **Hormonal Contraception=Decreased Perseverance**

It has long been known that hormonal contraception alters women’s brains, moods, and bodies in ways that are still being discovered. Now, a team of researchers from Texas Christian University are seeking to uncover the impact of hormonal contraception on one very specific brain function—perseverance.

The authors open by highlighting the adage, “If at first you don’t succeed, try, try again.” This adage, they say, “appropriately highlights the incredible power of perseverance in achieving success.” But given what the researchers know about hormonal contraception (HC) and its impact on the brain, they hypothesize “that women taking HCs (when compared to naturally-cycling women) would exhibit diminished perseverance on both simple and challenging cognitive tasks.” And they further hypothesize that through this mediating influence of diminished perseverance, these women would perform at a lesser level than their naturally-cycling peers at these cognitive tasks.

The researchers open by detailing what is already known of HC’s impact on the body. It is, as they say, associated with a reduced risk of ovarian cancer, but also with heightened risk of thrombotic stroke, myocardial infarction (heart attack), and breast cancer. And although “less frequently discussed,” research also indicates that HC use may have an impact on women’s brain structure and function. “For example,” the authors continue, “compared to naturally-cycling women, women using HCs exhibit decreased resting state functional connectivity in the brain’s executive control network . . . which plays an important role in self-regulatory behaviors such as attention, learning, and memory.” Other research has suggested “that HC use is associated with higher likelihood of academic performance problems in a sample of young female college students.”

To test their hypothesis related to HC use and female cognitive perseverance, the researchers recruit a sample of 149 young women for study

1, and 175 for study 2. Of the first group, 73 were on hormonal birth control; the second group had 89 women on hormonal birth control.

To conduct their study, the researchers collected detailed information from the participants about their HC use or cycles, and then had them complete a series of cognitive tasks: First, a “spot-the-difference” task; second, some GRE quantitative problems; and finally, a series of anagrams, three of which were solvable, and three unsolvable. (The unsolvable tasks were included to assess perseverance, or the length of time spent on the task.)

The results indicated that the researchers’ hypotheses seem to have been correct. For the “spot-the-difference” task, naturally-cycling women “spent significantly more time . . . than HC women . . . and this increased time spent on the spot-the-difference task predicted increased performance on the task.” For the GRE math problems, “naturally-cycling women not only exhibit more perseverance on GRE math problems, they also perform better.” And for the word scrambles, once again, naturally-cycling women spent more time on the problems, which predicted slightly better outcomes. The researchers then ran mediation analyses, and determined that perseverance did, in fact, mediate the results—it explained the longer amounts of time spent, and the improved performance. Type of hormonal birth control used did not seem to matter.

In their discussion, the researchers highlight a number of ways that hormonal contraceptive use impacts brain structure and function, and suggested that these differences are what accounted for the differing levels of perseverance in completing cognitive tasks between HC users and non-users. They close in highlighting a number of possible limitations to their study, but state that their results “add to a growing body of literature demonstrating the far-reaching, and often unanticipated, effects of taking HCs.”

*(Hannah K. Bradshaw, Summer Mengelkoch, and Sarah E. Hill, “Hormonal contraceptive use predicts decreased perseverance and therefore performance on some simple and challenging cognitive tasks,” Hormones and Behavior 119 (2020), doi: 10.1016/j.yhbeh.2019.104652.)*

### **Birth Control and the Brain**

Preliminary research delivered at the annual meeting of the Radiological Society of North America indicates that women taking oral contraceptives “had significantly smaller hypothalamus volume, compared to women not taking the pill.”

The abstract to the paper—which is forthcoming—describes “limited evidence on the structural and functional effects of hormonal contraceptives on the brain.” This is particularly true for the impact of hormonal contraception on the hypothalamus, the structure located at the base of the brain, and responsible for producing hormones and helping to “regulate essential bodily functions including body temperature, mood, appetite, sex drive, sleep cycles and heart rate.”

To conduct their study, the researchers took brain MRIs of a group of 50 healthy young women—21 were taking oral contraceptive pills (OCPs), and 29 were not. They then validated various methods for assessing the volume of the hypothalamus. They found that “[t]otal hypothalamic volume in participants taking OCPs was smaller than those not taking.” In the press release issued on the research, lead researcher Dr. Michael L. Lipton described this difference as “dramatic.” He adds, “This initial study shows a strong association and should motivate further investigation into the effect of oral contraceptives on brain structure and their potential impact on brain function.”

Interestingly, the study also found “a significant association of hypothalamic volume with greater anger ( $p=0.02$ ) as well as a strong correlation with depression ( $p=0.09$ ).” In this study, differences in cognitive results did not manifest. If these findings bear out in more thorough analyses, they may partly explain the longstanding link between incidence of depression and hormonal contraceptive use in women. If nothing else, they demonstrate that OCPs are powerful drugs that have a more far-reaching effect than has hitherto been understood.

*(Radiological Society of North America press release, “Study Finds Key Brain Region Smaller in Birth Control Pill Users” (December 4, 2019), available at [https://press.rsna.org/timssnet/media/pressreleases/14\\_pr\\_target.cfm?ID=2136&fbclid=IwAR2\\_9vbyqy4aERRWTV7QSZZMpKCdB0d5R9uQgAXLl5iKkEg0NpIcoKkttc0](https://press.rsna.org/timssnet/media/pressreleases/14_pr_target.cfm?ID=2136&fbclid=IwAR2_9vbyqy4aERRWTV7QSZZMpKCdB0d5R9uQgAXLl5iKkEg0NpIcoKkttc0).)*

### **What's Love Got to Do With It?**

Parents are often guilty of putting their own relationship on hold while they focus time, attention, and other resources on raising their children. That may be a dire mistake, according to new research based in Nepal, where a team of Canadian and American researchers discovered that self-reported parental affection was associated with children's greater educational attainment and later marriage.

To conduct their research, the authors of the study used survey data from the Chitwan Valley Family Study, which began in 1995 in the Western Chitwan Valley region of Nepal. Married couples were asked (separately but simultaneously) to rate the "level of affection they had for their partner" by answering the question, "How much do you love your (husband/wife)? Very much, some, a little, or not at all?"

The researchers then followed the children of these couples for 12 years, to determine what impact their parents' relationship had on their own life trajectory. "We find," the researchers summarize, "that children whose parents report strong marital affection and less spousal conflict attain higher levels of education and marry later than children whose parents do not."

"Furthermore," the researchers continue, "these findings are independent of each other and of multiple factors known to influence children's educational attainment and marriage timing. These intriguing results support theories pointing toward the long-term intergenerational consequences of variations in multiple dimensions of parents' marriages."

"Family isn't just another institution," reported lead researcher Sarah Brauner-Otto. "It's not like a school or employer. It is this place where we also have emotions and feelings. . . . Demonstrating and providing evidence that love, this emotional component of family, also has this long impact on children's lives is really important for understanding the depth of family influence on children."

The researchers' next task is to determine how, exactly, parental love operates to help children delay marriage and earn more education. They "speculate that when parents love each other, they tend to invest more in their children, leading to children remaining in education longer." In addition, the researchers also posit that when home lives are happier, children are less likely to want to "escape" to their own marriages, and

also more likely to view their parents' high-quality marriage as something worth waiting to achieve.

Whatever the reason, the implications are clear. Even in Nepal—which still has a high rate of arranged marriages, and where most children have fewer years of formal education—the impact of a loving marriage on children is clear. Parents around the world would do well to heed this advice, and put in the effort to make their own marriages more loving.

*(“Love matters: How parents’ love shapes children’s lives,” Science Daily press release [February 12, 2020], available at <https://www.sciencedaily.com/releases/2020/02/200212150134.htm>; also, Sarah R. Brauner-Otto, William G. Axinn, and Dirgha J. Ghimire, “Parents’ Marital Quality and Children’s Transition to Adulthood,” Demography [2020], doi: 10.1007/s13524-019-00851-w.)*

### **Rough Childhood, Greater Risk of Dementia in Japan**

As the global population ages, due to advances in medicine and other developments leading to longer life expectancies, interest in what leads to a healthier old age is increasing.

Chief among the concerns older adults might have to face is the onset of dementia, as a team of Japanese researchers highlights in the opening to their new paper studying the relationship between adverse childhood experiences and incidence of dementia in older Japanese adults. “Approximately 47 million people had dementia in 2015 worldwide,” the researchers open, “and this number is expected to triple by 2050.” Research has demonstrated that overall health has a crucial impact on chances of developing dementia, but in a recent model, “education showed the second highest percentage in terms of the contribution to the onset of dementia,” which the researchers believe demonstrates the importance of childhood experiences to the later risk of developing this dreaded disease.

The researchers speculate that “adverse childhood experiences”—which includes loss of a family member, family psychopathology, and child maltreatment—may play a role in the risk of developing dementia, as previous research has demonstrated that “individuals who experienced

adverse childhood experiences showed deficits in brain structure and function.”

Japan, the researchers continue, is a “unique case” to study the relationship between adverse childhood experience and risk of dementia for two reasons. First, the Japanese are noted for their longevity. Second, older Japanese adults experienced the consequences of being reared amidst (or shortly after) World War II. To conduct their study, the researchers used data from the Japan Gerontological Evaluation Study, a large-scale survey administered to older Japanese adults (over 65 years of age) in 2013. This data was then linked to the incidence of depression by 2016. Survey participants were born between 1915 and 1948.

Survey respondents answered seven questions detailing what, if any, of these adverse childhood experiences they underwent before the age of 18: “interpersonal loss (parental loss or parental divorce), family psychopathology (parental mental illness or family violence), and abuse and neglect (physical abuse, psychological neglect, or psychological abuse).” The participants were then grouped depending on whether they had experienced 0, 1, 2, or 3 or more of these. The researchers also took into account a range of covariates, including economic hardship and child height (a proxy for nutrition).

The researchers report that, “The prevalence of each adverse childhood experience was similar for men and women. The adverse childhood experience with the highest prevalence was parental death (1881 men [23.1%] vs 2048 women [22.1%]), and that with the second highest prevalence was psychological neglect (1182 men [14.5%] vs 939 women [10.1%]).” Divorce was rare, with only 326 participants reporting parental divorce. The researchers also found that “participants who experienced adverse childhood experiences had a lower education level, were more likely to be unmarried, had less social participation, were more likely to have a history of smoking, and were more likely to have depression.”

In the follow-up, dementia was present in 703 participants, and adverse childhood experience did, in fact, have an impact on the risk of developing dementia. Specifically, the more adverse events survey respondents faced in childhood, the greater the risk of developing dementia. So while experiencing parental death alone (the most common risk factor) was not enough by itself to increase the risk of dementia,

experiencing parental death along with some form of abuse was associated with increased risk. Interestingly, although the numbers of children who experienced parental divorce were small, these children had a hazard ratio of 1.2-1.29 of developing dementia, while children who experienced parental loss had hazard ratios of 0.96-0.99 (no association). While the researchers fail to comment on this, and it may be partially due to other factors (divorce was rare, and thus perhaps even more stigmatized and traumatic), children who experienced parental divorce actually had a higher risk of developing dementia than those who experienced parental death.

The researchers also report, “We found that participants who experienced adverse childhood experiences had a lower education level, were more likely to be unmarried, had less social participation, were more likely to have a history of smoking, and were more likely to have depression,” and that adult factors like this accounted for 67% of the association between adverse childhood experiences and risk of developing dementia. They also note that those same adverse experiences “can hinder opportunities in terms of receiving education, building social relationships, and developing healthy behaviors, thus increasing the risk of diseases associated with the onset of dementia.” In other words, a large part of the problem is the types of negative psychosocial or socioeconomic impacts that adverse childhood experiences bring throughout the life course.

In summary, the researchers report that “This study found an association between adverse childhood experiences and late-life dementia onset longitudinally among older adults, using a large-scale population-based sample in Japan.” For pro-family advocates, this study bears an important lesson: Childhood experiences have a crucial impact on the life course, and even on the brain.

*(Yukako Tani, Takeo Fujiwara, and Katsunori Kondo, “Association Between Adverse Childhood Experiences and Dementia in Older Japanese Adults,” JAMA Network Open 3.2 [2020]: e1920740.)*



### **Who Has the Most Sex?**

Research has long documented that sex is important to a marriage—both the quantity and the quality. Consequently, scholars continue to be interested in what makes for sexual frequency and satisfaction within marriage. In a new study, Emma Altgelt and Andrea Meltzer of Florida State University seek to understand how premarital factors might impact both the frequency and quality of sex in the early years of a first, heterosexual marriage.

The researchers open, “Western mores regarding dating and marriage have changed over time—most notably, individuals in the U.S. are increasingly delaying marriage (U.S. Census Bureau, 2010).” This later marriage means that couples are experiencing things that previously only married couples experienced—extended courtships or time together before marriage, cohabitation, and even parenting. It is possible, they believe, that such factors impact both sexual frequency and sexual satisfaction in the early years of the marriage—which then may contribute to the couple’s overall satisfaction with the marriage. Altgelt and Meltzer speculate that those who are together longer before marrying, those who cohabit, or those who have children together, may be “sliding” vs. “deciding” to enter marriage. Given that, the researchers speculate that such behaviors may lead to reduced sexual frequency and sexual satisfaction early in the marriage, but also that such differences may even out over time.

The researchers conducted analyses on survey results from 226 individuals in Dallas County, Texas. At the first survey, the couples were in their first marriage, had been married less than four months, were at least 18 years old, and spoke English. At the initial survey and doing follow-up surveys every six months for four years, these couples answered questions pertaining to frequency of sex, sexual satisfaction, length of courtship, premarital cohabitation, and premarital children. They also answered questions about a number of covariates, such as “age, education, parental divorce, employment status, neuroticism, depression, chronic stress, marital satisfaction, marital conflict, and perceived marital problems.”

The results mostly supported the researchers’ hypotheses. When it came to frequency of sex, “couples with longer (versus shorter) courtships engaged in less frequent sex at the start of their marriages, though

they also experienced less steep declines over time. Moreover, couples who did (versus did not) cohabit prior to marriage engaged in less frequent sex at the start of marriage and continued to engage in less frequent sex over time. Premarital children were not significantly associated with couples' frequency of sex trajectories."

Interestingly, couples with longer courtships actually had more frequent sex four years into marriage than couples with shorter courtships. Couples who had cohabited prior to marriage, however, at four years into the marriage experienced roughly half the sex that non-cohabiting-couples experienced. Interestingly, and perplexingly to the researchers, couples with premarital children engaged in similar rates of sex at the beginning of their marriage, but had more sex four years into the marriage than couples without premarital children.

When it came to sexual satisfaction, the outcomes were again most bleak for those couples who had cohabited before marriage. They reported being less sexually satisfied at the beginning of their marriages than did non-cohabiting couples, and they remained so four years later. In contrast, those who experienced longer courtships had less steep declines than those who experienced shorter courtships, and those with premarital children did not see significant changes in their sexual satisfaction trajectories compared to those without premarital children.

In closing, the researchers summarize that although courtship duration played a more significant role at the beginning of the relationship, rates of sexual frequency and sexual satisfaction eventually evened out over time for couples who had experienced both shorter and longer courtships. (The researchers did, however, highlight that this did not take into account any couples who divorced in these years, perhaps in part because of reduced sexual frequency and sexual satisfaction.) They also pointed out the seeming anomaly that couples who had premarital children seemed to enjoy greater sexual frequency four years into the marriage than those who did not.

But for cohabiting couples, the outcomes remained bleak: "Couples who did (versus did not) cohabit prior to marriage engaged in less frequent sex initially and continued to engage in less frequent sex over time; both couple members who did (versus did not) cohabit likewise reported lower levels of initial sexual satisfaction that remained relatively lower

over time.” The researchers speculated that this may be due in part to the “sliding vs. deciding” phenomenon—couples who cohabit often end up doing so almost accidentally, or for economic or other practical reasons, and may not be choosing the right mate.

Whatever the reasons, the implications are clear: Cohabitation is not good for early marital sex.

*(Emma E. Altgelt and Andrea L. Meltzer, “Associations Between Premarital Factors and First-Married, Heterosexual Newlywed Couples’ Frequency of Sex and Sexual Satisfaction Trajectories,” The Journal of Sex Research [2019], doi: 10.1080/00224499.2019.1695722.)*

### **Why Danes Divorce**

With divorce rates in developed nations still hovering at 40-50%, much research has focused on the important question of why couples choose to end their marriages. In a new study out of Denmark, a group of four researchers from the University of Copenhagen seek to better understand why Danish people choose to divorce. This is particularly important, they remark, because divorce has been found “to detrimentally affect a wide range of mental and somatic health outcomes,” which “include depression, anxiety, stress, well-being, and physical health among divorcés and divorcées and their children.” They also note that men and women have historically reported different motives for divorce, with women more often than men reporting behaviors like violence and addiction. Previous research has suggested that such differences may be due in part to women’s decreased dependence on marriage, accompanied by an increase in the importance of emotional factors, and also an increased willingness on behalf of both partners to end the marriage.

To conduct their study, the researchers surveyed 2,371 recently divorced Danes. These couples were allowed to divorce without a mandatory separation period, and thus, the scholars report, their answers as to reasons for divorce were likely to be less impacted by issues of memory. The average age was 45.21 years, 83% of respondents had children, and the average marital duration was 12.65 years. Sixty-six percent of the respondents were women. Of note is that 41% of respondents indicated

“low or very low levels of conflict” in their marriages. About 30% said they had experienced moderate levels of conflict, and only 29% indicated high levels of conflict.

Not surprisingly, given the global trend in more divorces occurring for emotional reasons, the top reasons given for divorce “were (1) lack of love/intimacy, (2) communication problems, (3) lack of sympathy/respect/trust, and (4) growing apart, while the least frequently given motives were addiction and violence.” “These findings,” the researchers comment, “also suggest that people may place increased importance on love, intimacy, communication, sympathy, respect, trust, and feeling connected with their partner.” The study also revealed a number of gender differences in reasons for divorce. Women were more likely to report problematic behaviors such as infidelity or addiction, while men were more likely to indicate sexual problems or sexual dissatisfaction. But the results were more nuanced than age-old stereotypes would imply: “Half of the male respondents indicated lack of love/intimacy and this was significantly more than for women. We speculate that this could be because men are becoming more sensitive to relationship dynamics and placing more importance on the emotional aspects of marriage.”

The researchers suggest that therapists should be sensitive to such motives in their counseling, and more aware that things like lack of love or connectivity could be a harbinger of divorce. “These findings,” they report, “follow global trends of the increased importance of emotional and psychological aspects of relationships.”

Many historians have noted the rise of the companionate marriage, one that relies more on emotional connection than economic necessity. And while in many ways such a development is positive, it also means that when that emotion fades, couples have less motive to try to make things work. These Danish findings seem to support the idea that marriages are becoming more fragile, for less serious reasons.

*(Jenna Marie Strizzi, Søren Sander, Ana Ciprić & Gert Martin Hald, “I Had Not Seen Star Wars’ and Other Motives for Divorce in Denmark,” Journal of Sex & Marital Therapy 46.1 [2020]: 57-66, doi: 10.1080/0092623X.2019.1641871.)*

### **Children of Divorce—Suffering the Health Consequences**

Ever since the beginning of the Divorce Revolution, scholars have eagerly studied the children of divorce. Do these children bounce back? Or do they suffer long-term ill consequences of their parents' break-up? Much research has been done on the impact divorce has on children's cognitive abilities, educational performance, emotional stability, etc. But according to a team of researchers out of the United Kingdom and Luxembourg, far fewer studies have delved into the effects of divorce on children's physical well-being. Furthermore, say these scholars, most of those studies have been on American children. The researchers seek to remedy this gap by studying the effects of divorce on children's body mass index (or BMI, a measure of body fat) in the United Kingdom.

The researchers begin by highlighting the need for their research. "To our knowledge," they begin, "no study has examined the effects of parental separation on children's physical health using longitudinal and representative data from outside the U.S. context." This gap is important, as the studies that use cross-sectional (vs. longitudinal, representative) data "may be influenced by unobserved family characteristics that affected both the risk of separation and children's physical development." In addition, the authors of this new study point out that most research has treated separation as a distinct event, whereas they believe that it is more akin to a process, one that begins before the actual separation takes place. They seek thus to assess the changes in BMI over the length of this process.

The study uses data from the Millennium Cohort Study, which follows the lives of a group of children born between 2000 and 2002. The first survey was completed when the children were 9 months old, and subsequent follow-ups administered at ages 3, 5, 7, 11, and 14. A range of data was collected, including such things as children's BMI and whether or not a parental separation occurred. Unfortunately, the researchers do not distinguish between break-ups in cohabitation and break-ups in marriage, as "cohabitations in the United Kingdom have been found to be more committed and marriage-like than in the United States." Perhaps so, but given the large body of research demonstrating significant differences between the two even in countries where cohabitation is more normalized, this grouping is unfortunate.

The data show that although there is little change in BMI in the “anticipation” period before a break-up, and lack of a “large, statistically significant” change immediately after separation, the “results suggest that the effect gradually accumulates and results in a longer-term effect of parental separation on children’s health.” The researchers elaborate, “The effect of parental separation on children’s BMI becomes increasingly important and statistically significant two to three years after separation, which could be the consequence of a cumulative penalty over time. The finding that it takes longer for the risk of overweight/obesity to show significant differences echoes the indication that continuous increases in BMI result in increases in the risk of becoming overweight obese later on.” The results are more serious for children whose parents separated before they turned six years old.

The researchers speculate as to the mechanisms through which these results might occur, including reduced economic resources, more maternal time at outside paid employment, increased time watching television, the lack of a regular bedtime, and other behaviors that have been shown to influence childhood BMI. They find that although such factors do not fully explain the change in BMI, they do change with length of separation and thus likely play some role. The authors of this study speculate that perhaps further research would demonstrate more definitely how such factors interact with separation and children’s BMI.

The authors close by emphasizing that because “separation and children’s weight gain strengthens as the time since the separation increases, efforts to prevent these children from gaining weight should start early, and soon after separation. Intervening early could help to prevent—or at least attenuate—the process that leads some children to develop unhealthy adiposity trajectories.”

If only more researchers and policymakers alike would recommend measures aimed at sustaining marriages instead of early interventions aimed at repairing the damage divorce causes.

*(Alice Goisis, Berkay Özcan, and Philippe Van Kerm, “Do Children Carry the Weight of Divorce?” Demography 56 [2019]: 785-811, doi: 10.1007/s13524-019-00784-4.)*

### **Cohabiting in America**

Cohabitation has been on the rise in America for decades now, as couples either delay marriage or forego it altogether in favor of living together. And while many researchers all over the world continue to hypothesize that perhaps it may one day take the place of marriage or at least be equal to it, for now, many, many differences remain. A new Pew Research Center report highlights some of those differences as well as the trends in cohabitation in the United States.

To begin, the report highlights that “The share of U.S. adults who are currently married has declined modestly in recent decades, from 58% in 1995 to 53% today,” while the share of unmarried adults living together has risen from 3% to 7% in the same period. But while the numbers of cohabiting adults are still much smaller than the numbers of married adults, “the share of adults ages 18 to 44 who have ever lived with an unmarried partner (59%) has surpassed the share who have ever been married (50%).” Younger Americans tend to view cohabitation more positively, while older adults view it more negatively. Religious affiliation also plays a role in views on cohabitation: “About three-quarters of Catholics (74%) and white Protestants who do not self-identify as born-again or evangelical (76%) say it’s acceptable for an unmarried couple to live together even if they don’t plan to get married. By contrast, only 47% of black Protestants and 35% of white evangelical Protestants share this view.”

Nonetheless, there are some key differences between cohabitation and marriage, and marriage comes out ahead in the comparison. To begin with, “Married adults have higher levels of relationship satisfaction and trust than those living with an unmarried partner”—this satisfaction encompasses a range of attitudes and activities, including things like how well they believe the relationship is going, and also how fairly they believe chores are divided.

Another key finding is that the reasons that couples get married and the reasons they decide to cohabit are rather different. Married couples tended to say more often that they married for love, companionship, because they wanted to have children, or because they wanted a formal commitment. Conversely, cohabiting couples reported reasons such as “it made sense financially,” convenience, and “testing” the relationship.

Many studies have documented that cohabitation is leading to marriage less often than it used to, and that finding is also true in this survey. Less than half (44%) of adults living together with their partner and who were not engaged when they first began living together saw cohabiting as a step toward marriage. (In this, education plays a significant role, with the more educated being more likely to report seeing cohabitation as a step toward marriage than the less educated.)

Other findings include the facts that: “Two-thirds of cohabiters who want to get married someday cite either their own or their partner’s finances as a reason why they’re not engaged or married”; “Younger adults are more likely to see cohabitation as a path to a successful marriage”; “A majority of Americans say cohabiting couples can raise children just as well as married couples”; “Most Americans favor allowing unmarried couples to have the same legal rights as married couples”; and “Most don’t see being married as essential to living a fulfilling life.”

Given the first finding—that married couples report higher levels of trust and satisfaction—we might ponder why Americans are still so accepting of cohabitation as a functional equivalent to marriage. The data continue to say otherwise.

*(Pew Research Center, November 2019, “Marriage and Cohabitation in the U.S.”)*

### **A Debate on the Nuclear Family**

The author and *New York Times* columnist David Brooks made waves in the March 2020 issue of *The Atlantic*, where he argued that “The Nuclear Family Was A Mistake.”

Brooks’ argument runs thus: In previous centuries, mankind lived not in nuclear families of parents and children, but in large, extended kin networks. These kin were not necessarily related by blood—some were the people you hunted with, and some were the people you migrated with. Fast forward several thousand years. “Through the early parts of American history,” Brooks continues, “most people lived in what, by today’s standards, were big, sprawling households.”

The Industrial Revolution changed all of that, as individual men and



women fled the farm, and their families, to pursue life in the big city. When these men and women formed families, they were not the big, sprawling kin networks of old. Rather, they were nuclear families—two parents, with children.

But the nuclear family, Brooks argues, is “inherently fragile.” It worked briefly, in a historical blip from roughly 1950-1965, but has been falling apart ever since, whereas extended families “have two great strengths.” “The first,” Brooks continues, “is resilience. An extended family is one or more families in a supporting web.” When one relationship falls apart—someone leaves, or divorces, or a relationship is strained—there are grandparents, cousins, uncles, etc. to step in and take care of any children. There are people there to fill the gaps. Brooks continues, “The second great strength of extended families is their socializing force.” Children have numerous adults to look up to for education and moral instruction.

But those families are gone, and the nuclear family is in crisis. What are we to do? Brooks’ solution is “forged families”—“In reaction to family chaos,” he writes, “accumulating evidence suggests, the prioritization of family is beginning to make a comeback. Americans are experimenting with new forms of kinship and extended family in search of stability.” Part of this “comeback,” he believes, is truly a return to prior ways, as more Americans are now living in multigenerational homes—many of them adult children returning to live with parents, and aging parents moving in with children. But some of this movement looks a bit different. Brooks writes, “The past several years have seen the rise of new living arrangements that bring nonbiological kin into family or family-like relationships.” He documents networks of single mothers who share spaces and childcare duties, co-housing communities for young parents, or other co-housing units where residents share some common meals and duties but have private spaces. “For decades we have been eating at smaller and smaller tables, with fewer and fewer kin,” Brooks closes. “It’s time to find ways to bring back the big tables.”

This lengthy essay had its controversial moments, and the Institute for Family Studies published six separate responses to it. Many of these responses share common themes.

Wendy Wang and W. Bradford Wilcox point out that yes, more

Americans are now living in multigenerational homes, but data show that “Adults who live with their parents are less happy than others.” And similar research shows that parents are happier when their adult children leave the house. Scott Stanely wonders, “how many elderly Americans *want* to have less autonomy and live with their kin?” Many, he continues, “cling to their autonomy and will fight to keep it until reality forces them to do otherwise.”

Andrew Cherlin and Kay Hymowitz both point out research that flies in the face of David Brooks’ historical narrative. “Scholars now pretty much agree,” Hymowitz writes, “that the nuclear family household has been the ‘dominant form’ in Western Europe and the United States since the dawn of the industrial era.” There is something innate in men and women alike that leads them to form pair bonds. Furthermore, “In data published in a 1994 paper, [Steven] Ruggles estimated that as of 1880, more than two-thirds of white couples, the large majority with children, lived in independent households. The anomaly was the extended family, not the nuclear family.” Cherlin agrees: “[I]n the past, white families were rarely centered on large family groups.” He believes that Brooks’ “forged families” have their own fragility problems: “These kinship ties are easier to break because they are voluntary; neither strong norms nor laws stand in the way of ending them.”

Richard Reeves agrees with Brooks that “both the quality and the quantity of our relationships matter,” and continues, “The idea of a ‘chosen’ family is consistent with the development of modern liberalism, in which relationships are contingent rather than coerced.” Rod Dreher cites the decline in religious commitment for the failure of the family. “One can only hope for [forged families’] success,” but without religious commitment, “it seems doubtful.”

So where are we left, after all of that? The authors agree that the nuclear family is on the decline, and this presents problems—mostly for children. They all agree that unfettered desire for personal autonomy and freedom has made families more fragile, and again, life for children harder.

But many of the experts at the Institute for Family Studies contend that in calling the nuclear family a “mistake,” Brooks is glossing over rather a lot.

New Research

*(David Brooks, “The Nuclear Family Was A Mistake,” The Atlantic [March 2020]; Institute for Family Studies symposium, featuring Wendy Wang, W. Bradford Wilcox, Rod Dreher, Kay Hymowitz, Richard Reeves, Andrew Cherlin, and Scott Stanley, available at <https://ifstudies.org/blog>.)*