

STRENGTHENING THE “NATURAL AND FUNDAMENTAL GROUP UNIT OF SOCIETY”

By **Richard G. Wilkins**
Managing Director
The Doha International Institute for Family Studies and Development
Doha, Qatar
Managing Director and the Robert W. Barker Professor of Law (On Leave)
Brigham Young University

INTRODUCTION

At the end of World War II, the globe’s most eminent social philosophers, lawyers, scholars and political leaders gathered in San Francisco to inaugurate a new inter-government organization to be known as the United Nations. The goals of this new organization were far-reaching and included eliminating “the scourge of war,” promotion of “social progress” and the maintenance of “international peace and security.”¹ Strengthening the family was considered crucial to the attainment of these vitally important objectives.

As noted scholar Allan Carlson has written:

The horrors created by the Nazi occupation of Europe—the death camps, the eugenics campaigns, the experimentation on human subjects—were vivid images in the minds of those who gathered in San Francisco in 1945 to inaugurate the new organization. It became important both to restore respect for the “human person” and to rescue “the family” as an ideal from the race-motivated distortions of Adolph Hitler.²

Following two global conflicts, the international community was well aware that great evil is possible (and perhaps inevitable) when fundamental moral values are corrupted. The United Nations was organized to combat programmatic evil and promote social responsibility, decency and liberty. Importantly, however, those who established these vital goals believed that their achievement required recognition of and respect for certain *intrinsic* and *absolute* values—including those relating to life, family, marriage, motherhood, childbearing and child rearing.

¹ See, e.g., the Preamble to the U.N. Charter:

We, the Peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, have resolved to combine our efforts to accomplish these aims. Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

²Allan C. Carlson, “‘The Family’ at the United Nations: What Went Wrong?,” at 2 (paper delivered at the World Family Policy Forum, July 2001, Brigham Young University) (copy on file with the World Family Policy Center).

Thus, the Universal Declaration of Human Rights, drafted and adopted in 1948, proclaims that “[t]he family is the natural and fundamental group unit of society”³ and is entitled to “protection by society and the State.”⁴ Regarding marriage, the Declaration establishes that “[t]he right of men and women of marriageable age to marry and to found a family shall be recognized”⁵ and “motherhood and childhood are entitled to special care and assistance.”⁶ The Declaration also recognizes the primacy of the family unit on questions related to the education and upbringing of children: parents have “a prior right to choose the kind of education that shall be given to their children.”⁷

Later international agreements expanded somewhat on these concepts by recognizing that “husband and wife should be equal partners”⁸ and that the “child, by reason of his physical and mental immaturity, needs special safeguards and care before as well as after birth.”⁹ Numerous contemporary international agreements recognize that “[t]he family has the primary responsibility for the nurturing and protection of children from infancy to adolescence.”¹⁰ Consensus language, finally, commits the nations of the world “to the recognition of family, in its supporting, educating and nurturing roles,”¹¹ “with respect for cultural, religious and social aspects, in keeping with freedom, dignity and personally held values.”¹²

The unsettling truth, however, is that – despite this noble rhetoric – the great plan of those who founded the UN System has largely been ignored. Rather than strengthening the family, numerous UN agencies and commissions focus – not on the fundamental group unit – but on individuals: women, men, children, boys and girls. During the past 50 years there has been great (and laudable) progress in individual rights and freedom, particularly with regard to equality for women. But the family – as well as the civic virtues of hard work, tolerance, patience, kindness, forbearance and forgiveness that are taught to children by wise and loving parents – has been ignored. Even more ominously, the moral norms and ethics that animated the Universal Declaration of Human Rights have been criticized and (in some instances) forgotten.

During the past 50 years, growing numbers of academicians became disenchanted with the family – and marriage in particular. These academicians slowly, but surely, persuaded ever-larger segments of the past two generations that marriage requires neither a man, nor a woman, and has no necessary connection to procreation. Rather, marriage is now described as a utilitarian concept that can (and should) be reconstructed to satisfy the longings of autonomous individuals, who are entitled to define their intimate relationships without the fetters of established sexual and social norms, including those related to human reproduction.¹³ Gender, in

³Universal Declaration of Human Rights, Art. 16-3. *See also* International Covenant on Economic, Social and Cultural Rights, Art. 10-1; International Covenant on Civil and Political Rights, Art. 23-1

⁴ Universal Declaration of Human Rights, Art. 16-3; *compare* International Covenant on Economic, Social and Cultural Rights, Art. 10-1 (the family is entitled to “the widest possible protection and assistance”).

⁵ Universal Declaration of Human Rights, Art. 16-1; International Covenant on Civil and Political Rights, Art. 23-2.

⁶ Universal Declaration of Human Rights, Art. 25-2.

⁷ Universal Declaration of Human rights, Art. 26(3).

⁸ International Conference on Population and Development, Chapter II, Principle 9; United Nations Conference on Environment and Development, Chapter II, ¶ 31.

⁹ Convention on the Rights of the Child, Preamble.

¹⁰ World Summit for Children, ¶ 18.

¹¹ Second United Nations Conference on Human Settlements, Chapter III, ¶ 40-k.

¹² United Nations Conference on Environment and Development, Health ¶ 6.12.

¹³ *See, e.g., Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003) (disassociating marriage from norms related to sexual complementarity, fatherhood, motherhood, human reproduction, or social expectations that conflict with an individual’s conception of “the meaning of life”). *See also* Andrew Koppelman, Essay One *Discrimination Against*

turn, has been similarly deconstructed. Professors (and politicians) now insist that gender is a “social construct” that is “mutable,” “changeable” and not “essential” to “individual identity.”¹⁴ “Fatherhood,” when and if acknowledged, is described in modern classrooms as a relic of patriarchal oppression,¹⁵ while international human rights organizations – including the Committee on the Elimination of Discrimination Against Women -- criticize “motherhood” as a “harmful traditional stereotype.”¹⁶

In short, in recent years, rather than recognizing the family as the “fundamental group unit of society,” various actors (including UN agencies) have concluded that the family is merely a social construct and (perhaps) a harmful construct at that. Accordingly, numerous international documents now recite a near-talismanic phrase: “In different cultural, political and social systems, various forms of the family exist.”¹⁷

On one level, such language is absolutely correct. The family has *always* included single-parent households, households involving stepchildren, and those embracing aunts, uncles, grandparents and other inter-generational relationships. But the modern international assertion is more expansive – the “various forms of the family” *now* have nothing to do with “[t]he right of men and women of marriageable age to marry,” as stated in the Universal Declaration of Human Rights.¹⁸ Furthermore, the “various forms” not only have nothing to do with the union of a man

Gays is Sex Discrimination, in Marriage and Same-Sex Unions: A Debate 209-220 (Lynn D. Wardle, Mark Strasser, et al., eds., Praeger 2003).

¹⁴ See, e.g., Mary K. Klages, “Queer Theory,” materials prepared for students enrolled in Professor Klages’ English 2012 Course, “Modern Critical Thought,” at the University of Colorado at Boulder. See (<http://www.colorado.edu/English/ENGL2012Klages/queertheory.html>) (last visited September 8, 2005). According to Professor Klages:

Feminist theory thus argued that gender was a social construct, something designed and implemented and perpetuated by social organizations and structures, rather than something merely “true,” something innate to the ways bodies worked on a biological level. In so doing, feminist theory made two very important contributions. The first is that feminist theory separated the social from the biological, insisting that we see a difference between what is the product of human ideas, hence something mutable and changeable, and what is the product of biology, hence something (relatively) stable and unchangeable. The second contribution is related to the first: by separating the social and the biological, the constructed and the innate, feminist theory insisted that gender was not something “essential” to an individual’s identity.

¹⁵ See, e.g., Zillah Eisenstein, *The Radical Future of Liberal Feminism* 14-15 (Boston: Northeastern University Press, 1981):

Patriarchy as a political structure seeks to control and subjugate women so that their possibilities for making choices about their sexuality, childrearing, mothering, loving, and laboring are curtailed. Patriarchy, as a system of oppression, recognizes the potential power of women and the actual power of men. Its purpose is to destroy woman’s consciousness about her potential power, which derives from the necessity of society to reproduce itself. By trying to affect woman’s consciousness and her life options, patriarchy protects the appropriation of women’s sexuality, their reproductive capacities, and their labor by individual men and society as a whole.

Ithaca College’s web site describes Professor Eisenstein as “a professor of politics at Ithaca College and activist, educator, and researcher.” <http://www.ithaca.edu/intercom/article.php/20050202095102964> (last visited on September 8, 2005).

¹⁶ See, e.g., Report of the Committee on the Elimination of Discrimination against Women, General Assembly Official Records A/55/35 paras. 311-314 (Germany) and paras. 403-404 (Luxembourg); A/54/38/Rev.1 paras. 259-262 (Spain); (statements from the Committee on the Elimination of Discrimination Against Women, advising countries to make all “necessary” efforts to eradicate the “harmful stereotype” of motherhood and ensure full employment of all women).

¹⁷ See, e.g., Habitat Agenda para 31, Fourth World Conference on Women Platform for Action Mission Statement available at <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm>, Programme of Action of the International Conference on Population and Development, Principle 9 available at http://www.unfpa.org/icpd/icpd_poa.htm, A/RES/S-26/2 Declaration of Commitment on HIV/AIDS para 31.

¹⁸ Universal Declaration of Human Rights, Art. 16-1; International Covenant on Civil and Political Rights, Art. 23-2.

and a woman, they also have no relationship to human reproduction.¹⁹ Instead of the union of a man and a woman, centered on the bearing and rearing of children and predicated on law and ages-old social custom, the modern deconstructed family has become an amorphous concept defined solely by personal choice. The family – thus understood – can no longer play the role assigned to it by the drafters of the Universal Declaration of Human Rights.

An individually defined, socially variable, and norm-free “family” can hardly serve as the “fundamental group unit of society.”²⁰ A “fundamental group unit,” by its very nature, *must* possess clear parameters and boundaries, an established mission, expected outcomes, and governing norms. A “family” based solely on personal (and variable) choices, freed from any boundaries, mission, outcomes or norms, cannot serve as the foundation for an ordered (and orderly) civil society. As a result, in place of the family, the foundation of modern society has increasingly become a mutable morass of newly invented legal rules enforced by judges, lawyers, prisons, reformatories and various other enforcement personnel.

As the family declines (as it did in Nazi Germany), government power grows and the international community moves – one step at a time – from freedom toward totalitarianism. Oddly (and tragically) enough, all of this has taken place because of society’s increasing (and unthinking) obeisance to the modern totem of “individual autonomy.” A society composed of completely autonomous individuals, it seems, requires hordes of policeman (and scads of laws) to keep the unruly and autonomous herd of humanity from running complete amuck.

I believe the great men and women who founded the United Nations System in the late 1940’s and early 1950’s would be genuinely dismayed that the fundamental group unit they established as the necessary foundation for peace and social progress has been ignored, criticized and (perhaps) fatally deconstructed. Nevertheless, in the first decade of this new millennium, there is indeed reason for hope.

I will make three observations. First, regardless of theological and cultural differences, the world’s great faiths share a common understanding of the natural family. Second, this shared understanding is supported, not just by religious beliefs, but by the preponderance of social scientific evidence. Third, and finally, by returning to the foundation left by those who drafted the Universal Declaration of Human Rights, we can make real that noble generation’s promise of peace. By building upon the norms established during the founding period of the UN System, we will not only strengthen the family—we can also bring peace to the world.

I. Our Shared Understanding of the Natural Family

I begin with our shared understanding of the natural family, an understanding that transcends religious and cultural boundaries. The Qur’an states that “Allah has made for you mates from yourselves and made for you out of them, children and grandchildren.”²¹ The Bible, in the second chapter of Genesis, reflects the same truth: “And the Lord God said, It is not good

¹⁹ See, e.g., *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003) (disassociating marriage from norms related to sexual complementarity, fatherhood, motherhood, human reproduction, or social expectations that conflict with an individual’s conception of “the meaning of life”). See also Andrew Koppelman, Essay One *Discrimination Against Gays is Sex Discrimination*, in *Marriage and Same-Sex Unions: A Debate* 209-220 (Lynn D. Wardle, Mark Strasser, et al., eds., Praeger 2003).

²⁰ Universal Declaration of Human Rights, Art. 16-3. See also International Covenant on Economic, Social and Cultural Rights, Art. 10-1; International Covenant on Civil and Political Rights, Art. 23-1

²¹ The Qur’an, Al-Nahl (Sura 16:72).

that the man should be alone.”²² The profound importance of the family unit established by Adam, Eve and their children is recognized in The Torah²³ and explained in the Catechism of the Roman Catholic Church.²⁴ The fundamental truth that the natural family is the basic unit of society, furthermore, extends beyond the great monotheistic religions of Christianity, Islam and Judaism. The classic Taoist text, the Chuan Tzu, explains that familial ties are the basis of a stable society because “[w]hen people are brought together by Heaven . . . when troubles come, they hold together.”²⁵

Why does the natural family hold society together? Because a natural family is strong and resilient. Such a family is characterized by (1) a strong, committed marital relationship between a man and a woman (2) which centers upon transmitting appropriate ethical, religious and cultural values to children (3) in an atmosphere that emphasizes the interconnectedness, complementarity and the responsibilities of family members toward each other, toward members of the extended family, and toward the community and the broader family of mankind. Such a family produces capable and well-socialized women, men and children—the necessary foundation for a stable and peaceful world.

Some may object that this description is idealistic, religiously motivated and inapplicable to the complexities of the modern world. But however appealing such skepticism sounds to some, mounting research ratifies and confirms the importance of the well-functioning natural family. A treatise compiled by the United Nations University in 1995 at the conclusion of the 1994 International Year of the Family, for example, concluded that even in situations of direst poverty the single most important factor influencing social outcomes for individuals is whether they are members of a strong, stable, natural family. As the authors concluded:

Children thriving in poor communities were statistically most likely to live in families characterized by traditional fireside family values; devoted mothers and fathers, happy marriages, and warm cooperative bonds with siblings, grandparents, other relatives and the broader community.²⁶

Strong stable family relationships, therefore, have marked benefits and provide the basis for a productive and peaceful world.

II. The Natural Family is the Foundation for Peace

Those who crafted the Universal Declaration of Human Rights knew that the “natural and fundamental group unit of society” is extraordinarily important.²⁷ A growing body of research demonstrates that those who crafted and signed the Universal Declaration were absolutely right: the natural family *is* indispensable to the welfare of society and to the women, men and children who comprise it.²⁸

²² The Holy Bible, Genesis 2:17.

²³ The Torah, Bereishis 2:18 (explaining that man was not intended to live alone, but to marry).

²⁴ Catechism of the Catholic Church, ¶ 2207 (1994).

²⁵ The Chuan Tzu: A New Complete Translation of the Classic Taoist Text (Martin Palmer and Elizabeth Breuille, trans. 1996).

²⁶ Marian F. Zeitlin, Ratna Megawangi, Ellen M. Kramer, Nancy D. Colletta, E.D. Babatunde, and David Garman, Strengthening the Family: Implications for International Development (United Nations University Press 1995) at 1.

²⁷ Universal Declaration of Human Rights, Article 16(3).

²⁸ Brigitte Berger, “The Social Roots of Prosperity and Liberty,” 35 Society 44 (March 13, 1998) (available on Westlaw at 1998 WL 11168752) (“Although of late we can witness a public rediscovery of the salutary role of the nuclear family of father, mother, and their children living together and caring for their individual and collective progress, policy elites appear neither to have fully understood that public life lies at the mercy of private life, nor do they seem to have

1. *Benefits flowing to children*

According to one scholar, the traditional marital structure is “by far the most emotionally stable and economically secure arrangement for child rearing.”²⁹ For children, no other child-rearing structure compares to a solid, stable marriage between their biological parents.

a. Natural marriage supports children’s education. Studies consistently show that children living with their biological parents are significantly less likely to drop out of high school than children in a one parent family.³⁰ In some studies, a child’s likelihood of dropping out of school more than doubles when raised in a single-parent household.³¹

b. Natural marriage minimizes the likelihood of poverty. Studies also show that children raised outside marriage are more likely to be raised in poor economic conditions. Such children suffer not only economic deprivations, but also a lack of parental attention and high rates of residential relocation, all of which can disadvantage the child’s development.³²

c. Natural marriage aids in crime prevention. Dual-gender parenting plays a vital role in producing law abiding citizens. As one researcher noted, “the single most important factor in determining if a male will end up incarcerated later in life is . . . whether or not he has a father in the home.”³³ The mother-child relationship is equally important. “As mothers spend less time with infants and toddlers . . . the boys’ developing brains, and thus their behavioral systems, are affected.”³⁴ Children without this crucial early bonding are “more likely to start out on a path of later narcissism and out-of-control behavior as [t]hey compensate[] for [the] early deprivation.”³⁵

d. Natural marriage supports healthy socialization. Marriage is an unequalled institution for fostering healthy socialization. “[C]hildren of divorce do not accept monitoring or supervision from live-in partners nearly as much as they do from married parents.”³⁶ Young adults in single-parent households are more likely to give birth out of wedlock and are more likely to be out of both school and the labor force.³⁷ Furthermore, “children who spend part of

apprehended the degree to which the [traditional] virtues and [traditional] ethos continue to be indispensable for the maintenance of both the market economy and civil society”).

²⁹ Berger, note 28 above, at 44.

³⁰ Linda J. Waite, Does Marriage Matter?, 32 DEMOGRAPHY 483, 494 (November 1995).

³¹ Id. Importantly, Waite notes that these statistics “take into account differences in a number of characteristics that affect educational attainment,” thus accentuating the accuracy of the statistics’ indications.

³² Waite, note 30 above, at 494 (citing N.M. Astone & S.S. McLanahan, Family Structure, Residential Mobility, and School Dropout: A Research Note, 31 DEMOGRAPHY 575-84 (1994)). “The presence of two parents potentially means more parental supervision, more parental time helping with homework, and another parental shoulder to cry on after a hard day.” Id.

³³ MICHAEL GURIAN, THE GOOD SON: SHAPING THE MORAL DEVELOPMENT OF OUR BOYS AND YOUNG MEN 182 (1999) (referring to research studies conducted by the University of Pennsylvania and Princeton University).

³⁴ Id. at 42-43.

³⁵ Id. at 43. Gurian notes that today there is a cultural strain on the early bond between both mothers and fathers. “Most boys lose their mothers not because of death but because the importance of the mother-son bond has been gradually diminishing in our culture, and thus in the home. Pressures on contemporary mothers are such that mothers can’t mother their sons as they wish and need to. Similar pressures have for years frayed the father-son bond . . .” Id. at 42. Gurian also notes that “[t]he reason the question of working mothers and child care is so developmentally crucial now is that mother-child attachment itself has changed a great deal by force of culture. Our economic system forces many mothers to work far away from their babies, and the ‘aunties’ — the child-care workers provided by our culture — are generally so slightly paid that they don’t stay around long enough to form bonds. This situation is potentially dangerous to the developing child.” Id. at 74.

³⁶ Sanford M. Dornbusch et al., Single Parenthood, SOCIETY 30 (July 1, 1996) (available on Westlaw at 1996 WL 9295204).

³⁷ Waite, note 30 above, at 494.

their childhood in a single-parent family . . . report significantly lower-quality relationships with their parents as adults and have less frequent contact with them.”³⁸

The above research, taken together, demonstrates that—for the good of our children—society has a compelling interest in promoting and preferring stable, natural marriage. Any breakdown in the importance placed upon natural marriage impairs the social welfare of future generations.³⁹

2. *Benefits flowing to adults.*

The advantages of marriage for children are derivative of the benefits gained by those who enter into the marital vow. As one noted scholar as concluded, “Married people do not simply *appear* to be better off than unmarried people; rather, marriage changes people in ways that *product* such benefits.”⁴⁰ It follows that society has a compelling interest in promoting, sustaining, and preferring the oldest social institution shown to change people in propitious ways; ways that make the world a better—more peaceful—place.

a. Natural marriage promotes physical health. There is a positive—and multi-factored—causal relationship between marriage and physical health. Married men and women live longer than non-married individuals.⁴¹ The statistics are especially significant for unmarried men who “face higher risks of dying than married men, regardless of their marital history.”⁴² Married people are less likely to report “problem drinking” than are non-married persons.⁴³ In addition, married persons are less likely to engage in high-risk activities compared with their non-married counterparts.⁴⁴ Perhaps even more importantly, researchers believe that marriage encourages

³⁸ Waite, note 30 above, at 495 (citing D.N. Lye, et al., *Childhood Living Arrangements and Adult Children’s Relations with Their Parents*, 32 *DEMOGRAPHY* 261-80 (1995)).

³⁹ See, e.g., David Popenoe, “Family Caps,” *SOCIETY* 25, (July 1, 1996) (available on Westlaw at 1996 WL 9295227):

That substantial family disintegration has occurred in the United States in recent decades is now widely recognized. Here are some of the key statistics: From 1960 to 1990 the divorce rate in the United States doubled or tripled (depending upon how one calculates the rate); the percentage of families headed by a single parent tripled, growing from 9 percent to 27 percent; the percentage of out of wedlock births increased from 5 percent of all births to 30 percent; and the percentage of children living apart from their biological fathers more than doubled, growing from 17 percent to 36 percent. It is very much in the public interest for the government to prevent such family disintegration—to promote marriage and the two-parent family and to try to limit single-parent families and out of wedlock births.

⁴⁰ STEVEN L. NOCK, *MARRIAGE IN MEN’S LIVES* 3 (1998) (emphasis in original) (citing R.H. Coombs, *Marital Status and Personal Well-Being: A Literature Review*, 40 *FAMILY RELATIONS* 97-102 (1991)); see also Walter R. Gove et al., *The Effect of Marriage on the Well-Being of Adults*, 11 *JOURNAL OF FAMILY ISSUES* 4, 25 (1990) (“[T]he evidence suggests that [the link between individual benefits and marriage] is not primarily due to particularly competent and healthy persons being more likely to marry and stay married but instead is primarily due to the effect of the marital relationship on individuals”).

⁴¹ Lee A. Lillard & Linda J. Waite, “Til Death Do Us Part: Marital Disruption and Mortality,” 100 *AMERICAN JOURNAL OF SOCIOLOGY* 1131 (1995); see also James S. Goodwin et al., *The Effect of Marital Status on Stage, Treatment, and Survival of Cancer Patients*, 258 *JAMA* 3125, 3125 (1987) (“Married persons live longer, with lower mortality for almost every major cause of death, in comparison with single, separated, widowed, or divorced or divorced persons.”); Gove, note 40 above, at 7-8.

⁴² Waite, note 30 above, at 489. Researchers explain this causal relationship by pointing to marriage’s tendency to curb risky and unhealthy behaviors, increase material well being, and provide a network of help and support, all of which combine to lengthen an individual’s life. *Id.*

⁴³ Waite, note 30 above, at 486. Problem drinking was measured by factors such as drinking more than one planned, failing to accomplish things on account of drinking, and being informed that drinking was hurting one’s health. See *id.*

⁴⁴ Elizabeth VanDenBerghe, *The Enduring, Happy Marriage: Findings and Implications from Research in STRENGTHENING MARRIAGE AND FAMILY: PROCLAMATION PRINCIPLES AND SCHOLARSHIP* 28-29 (David C. Dollahite, ed., 2005).

responsible behaviors.⁴⁵ Research, finally, indicates that married individuals “suffer less from illness and disease and are better off than their never-married or divorced counterparts when they do fall ill.”⁴⁶

b. Natural marriage promotes mental and emotional health. The health benefits of marriage do not stop with the body. A growing mountain of research strongly indicates that “the psychological well-being of the married is substantially better than that of the unmarried.”⁴⁷ “Married people have lower rates of depression and suffer significantly less from psychiatric disorder than their divorced, never-married, or cohabitating counterparts.”⁴⁸ Married individuals, furthermore, are less likely to be admitted to a public mental institution,⁴⁹ less likely to be admitted to a psychiatric clinic⁵⁰ and more likely to cope with psychologically stressful events.⁵¹

Marriage has also been linked with reports of increased happiness, life satisfaction, and overall occurrence of positive emotions.⁵² Marriage offers individuals a “spiritual connection to their deepest values” and satisfies the basic human need for “emotional and physical closeness.”⁵³ Some scholars have opined that marriage “provides individuals with a sense of obligation to others, which gives life meaning beyond oneself.”⁵⁴

c. Natural marriage encourages social productivity. Marriage also has a significant (but often overlooked) impact on social productivity. Besides providing health and psychological

⁴⁵ This may be so because “marriage provides individuals with a sense of meaning in their lives and a sense of obligation to others, thus inhibiting risky behaviors and encouraging healthy ones.” Waite, note 30 above, at 488 (citing W. Gove, Sex, Marital Status, and Mortality, 79 AMERICAN JOURNAL OF SOCIOLOGY 45-67 (1973); D. Umberson, Family Status and Health Behaviors: Social Control as a Dimension of Social Integration, 28 JOURNAL OF HEALTH AND SOCIAL BEHAVIOR 206-19 (1987)). Additionally, scholars have noted that “marriage provides individuals – especially men – with someone who monitors their health and health-related behaviors,” which may also curb the tendency to engage in potentially harmful activities and encourage healthy, productive ones. Id. (citing Catherine E. Ross, Reconceptualizing Marital Status as a Continuum of Social Attachment, 57 JOURNAL OF MARRIAGE AND THE FAMILY 129-40 (1995); D. Umberson, Gender, Marital Status, and the Social Control of Behavior, 34 SOCIAL SCIENCE AND MEDICINE 907-17 (1992)).

⁴⁶ VanDenBerghe, note 44 above, at 29 (citing Coombs, note 40 above; G.T. STANTON, WHY MARRIAGE MATTERS: REASONS TO BELIEVE IN MARRIAGE IN POSTMODERN SOCIETY (1997); Waite, note 30 above; Gove, note 40 above); see also L. Verbrugge, Marital Status and Health, 41 JOURNAL OF MARRIAGE AND THE FAMILY 267-86 (1979) (report of a comprehensive study using numerous national surveys and looking at acute and chronic conditions, conditions limiting physical and social behavior, and medical treatment). Specifically regarding cancer, one study showed a direct causal nexus between marital status and survival after diagnosis with cancer. Goodwin et al, note 41 above, at 3129 (noting that married persons tend to be diagnosed earlier, more frequently receive curative treatment, and are more likely to survive). Scholars noted that one main contributing factor to the higher survival rate among married persons was the degree of social support married persons typically enjoy, which support helps cancer victims cope with the stressful events surrounding cancer diagnosis, treatment, and cure. Id.

⁴⁷ Gove et al, note 40 above, at 7.

⁴⁸ VanDenBerghe, note 44 above, at 30.

⁴⁹ Gove et al., above note 40, at 5, 9, table 1.

⁵⁰ Id.

⁵¹ Id. at 13 (citing L. Pearlin & J. Johnson, Marital Status, Life Strains and Depression, 42 AMERICAN SOCIOLOGICAL REVIEW 704-15 (1977)). Some researchers have linked married individuals’ heightened ability to handle traumatic events with the intimate relationship existing between spouses. “[I]ntimate social relationships . . . increase effective coping by strongly enhancing two intrapsychic resources, self esteem and one’s sense of mastery, both of which [are] important coping resources.” Id. at 14 (citing R.C. Kessler & M. Essex, Marital Status and Depression: The Importance of Coping Resources, 61 SOCIAL FORCES 484-507 (1982)).

⁵² Wendy Wood et al., Sex Differences in Positive Well Being: A Consideration of Emotional Style and Marital Status, 106 PSYCHOLOGICAL BULLETIN 249, 251 (1989) (citing Walter R. Gove, The Relationship Between Sex Roles, Marital Status, and Mental Illness, 51 SOCIAL FORCES 34 (1972)).

⁵³ VanDenBerghe, note 44 above, at 33.

⁵⁴ Waite, note 30 above, at 498.

benefits, marriage positively affects wages and productivity. One study, in fact, has indicated that married men logged more than double the hours of cohabiting, single men.⁵⁵ Another scholar has concluded that the development and reinforcement of marriage (and the inter-generational conception of family flowing from marriage) is the essential foundation for personal liberty and an efficient market economy.⁵⁶

In sum, the weight of social science demographic research indicates that marriage has unique benefits for women and men, as well as for the children that develop from and within the marital union. Marriage offers individuals (and society) natural and inherent benefits. Indeed, the procreative and normative functions of marriage provide the very foundation of civilized and peaceful society. The natural family, therefore, is much more than a religiously motivated ideal. It is an observable, describable and reproducible unit of surpassing importance.

But, despite its importance, not enough private, academic, non-governmental and governmental energy has gone into the imagination and creation of a family-friendly modern world. This is an on-going tragedy because substantial evidence suggests that stable, well-functioning families are extraordinarily successful in reducing (and even eliminating) human suffering. The world *needs* policies to strengthen the family.

III. The Normative Foundation for Peace

Thankfully, the international norms essential to positive, family-affirming policies are already in place. They were crafted during the early years of the UN System by what some have called the “greatest generation.”⁵⁷ These norms, moreover, were brought to the attention of the international community during the 2004 observance of the 10th Anniversary of the First International Year of the Family. In December 2003, the UN General Assembly adopted a resolution welcoming the Doha International Conference on the Family as a major event of the 2004 celebration.⁵⁸ The conference was thereafter organized under the patronage of Her Highness Sheikha Mozah Bint Nasser Al-Missned, Consort of His Highness the Emir of Qatar and Founder of the Doha International Institute for Family Studies and Development. The conference consisted of a year-long series of academic and intergovernmental meetings in major capitals around the world, including Mexico City, Mexico; Geneva, Switzerland; Stockholm, Sweden; and Kuala Lumpur, Malaysia. Governmental events were held in Cotonou, Benin; Baku, Azerbaijan; and Riga, Latvia. Declarations, papers, essays, personal statements, findings and proposals for action developed at these events were reported to the concluding inter-governmental session of the conference in Doha, Qatar.

At that meeting, convened on November 29-30, 2004, governmental representatives negotiated and adopted The Doha Declaration. On December 6, 2004, the UN General Assembly adopted a consensus resolution, supported by 149 nations who joined as co-sponsors, noting the Declaration.⁵⁹ As a result, The Doha Declaration takes its place in the growing canon of declarations, platforms and agendas from which international legal norms are derived by political leaders, judges and lawyers.

⁵⁵ Waite, note 30 above, at 495, figure 15.

⁵⁶ Berger, note 29 above, at 44.

⁵⁷ See, e.g., Tom Brokaw, *The Greatest Generation* (1998).

⁵⁸ UNGA A/RES/58/15 (December 15, 2003)

⁵⁹ UNGA A/RES/59/111 (December 6, 2004).

The language of The Doha Declaration was drawn from established (but long-ignored) principles of international law. Among other things, the Declaration recommits the world to:

- ❖ strengthen “the family’s supporting, educating and nurturing roles;”
- ❖ recognize the “inherent dignity of the human person;”
- ❖ note that, “the child, by reason of his physical and mental immaturity, needs special safeguards and care before as well as after birth;”
- ❖ acknowledge that “motherhood and childhood are entitled to special care and assistance”
- ❖ provide that, within marriage, “husband and wife should be equal partners;”
- ❖ recognize “that the family has the primary responsibility for the nurturing and protection of children from infancy to adolescence;” and
- ❖ acknowledge that “the full and harmonious development” of children is best achieved when they “grow up in a family environment, in an atmosphere of happiness, love and understanding.”

The Declaration reaffirms that “the family is the natural and fundamental group unit of society” and calls upon all nations to take effective action to provide the family with “the widest possible protection and assistance.”

These are widely-shared and fundamental values; values that, for too long, have not been given their deserved attention and respect. Their reaffirmation in 2004 by the UN General Assembly is significant. Legal scholars have called The Doha Declaration “nothing short of miraculous” and the “best thing to come out of the United Nations since 1948.”⁶⁰ The Declaration gives reason to hope that the world can turn its attention from deconstruction to strengthening the family. Perhaps most importantly, the negotiation and adoption of The Doha Declaration has demonstrated that men and women, fathers and mothers, from all cultures and from all political and religious backgrounds *can* come together to preserve society’s most fundamental unit.

CONCLUSION

The Universal Declaration of Human Rights proclaims that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the state.”⁶¹ This short assertion expertly reflects wisdom distilled from the entire course of human history. The family is not merely a construct of the human imagination. The family has a profoundly important connection beginning with the realities of reproduction but extending to the forces that shape civilization itself. It encompasses, among other things, the positive personal, social, cultural and economic outcomes which current research suggests flow from a man learning to live with a woman (and a woman learning to live with a man) in a committed marital relationship.

The family, in short, is the “natural and fundamental group unit of society’ precisely because the survival of society—and any hope for a *peaceful* society—depends upon the positive outcomes derived from the natural union of a man and a woman. Peace is best learned by a child

⁶⁰ Statement of Professor Richard Stith, Valparaiso University School of Law (June 6, 2005) (noting that *The Doha Declaration* “is nothing short of miraculous, one of the best things to come from the UN since the 1948 Universal Declaration of Human Rights”); Statement of Professor Bruce Logan, Maxim Institute, New Zealand (January 7, 2005) (asserting that *The Doha Declaration* is “a major declaration on the family and marriage adopted by the UN; probably the most significant in two decades”).

⁶¹ Universal Declaration of Human Rights, Art. 16-3; *compare* International Covenant on Economic, Social and Cultural Rights, Art. 10-1 (the family is entitled to “the widest possible protection and assistance”).

in the arms of its mother and father. As mothers and fathers learn to love and support each other through good times and bad—and as children live and learn in this environment of warmth and joy—the essential elements of peace are built one couple and child at a time.

My religious tradition warns that “disintegration of the family will bring upon individuals, communities, and nations the calamities foretold by ancient and modern prophets.”⁶² The way to avoid those calamities, and to promote peace, is clear: strengthen the family. But despite the clarity of the path, we have not been quick to see it. Perhaps the reason why is explained by Goethe:


What is the most difficult of all?
That which seems to you the easiest,
To see with one’s eyes
What is lying before them.⁶³

We must all now see what is lying before our eyes. We have a shared commitment to the “natural and fundamental group unit of society.”¹ Let us work together to strengthen the family and, by so doing, bring peace to the world family by family, neighborhood by neighborhood, community by community and nation by nation. No effort is more important.

⁶² The Family: A Proclamation to the World, The Church of Jesus Christ of Latter-day Saints (5 September 1995).

⁶³ Goethe, *Xenien Aus Dem Nachlass #45* (quoted in Marian F. Zeitlin et al., note 7 above, at v).

APPENDIX A

	United Nations	A/59/592
	General Assembly	Distr.: General 3 December 2004

Original: English

Fifty-ninth session

Agenda item 94

Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

Letter dated 2 December 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General

In reference to operative paragraph 2 of General Assembly resolution 58/15 of 3 December 2003, in which the Assembly, welcomed the decision of the State of Qatar to host an international conference to celebrate the tenth anniversary of the International Year of the Family in November 2004, I have the honour to transmit to you herewith, as an annex, the text of the Doha Declaration of the Doha International Conference for the Family, issued on 30 November 2004.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 94.

(Signed) Jamal Nasser **Al-Bader**
Chargé d'affaires a.i.

**Annex to the letter dated 2 December 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of Qatar to the
United Nations addressed to the Secretary-General**

The Doha Declaration

Introduction

Representatives of Governments and members of civil society met in Doha, Qatar, on 29 and 30 November 2004, for the Doha International Conference for the Family, in commemoration of the tenth anniversary of the International Year of the Family.

The Conference was convened under the patronage of Her Highness Sheikha Moza bint Nasser Al-Missned, Consort of His Highness the Emir of Qatar and President of the Supreme Council for Family Affairs, State of Qatar.

The preparatory proceedings of the Doha Conference for the Family gathered the views of government officials, academicians, faith-based groups, non-governmental organizations and members of civil society.

The Conference recalls regional meetings held in Cotonou, Benin; Mexico City, Mexico; Stockholm, Sweden; Geneva, Switzerland; Kuala Lumpur, Malaysia and other venues; and notes the proposals and views expressed during the Conference by all participants.

Preamble

Reaffirming that the family is the natural and fundamental group unit of society, as declared in article 16 (3) of the Universal Declaration of Human Rights;

Noting that 2004 marks the tenth anniversary of the United Nations 1994 International Year of the Family and that the Doha International Conference for the Family was welcomed by the United Nations General Assembly in its resolution 58/15 of 3 December 2003;

Acknowledging that the objectives of the tenth anniversary of the International Year of the Family include efforts to (a) strengthen the capacity of national institutions to formulate,

implement and monitor policies in respect of families; (b) stimulate efforts to respond to problems affecting, and affected by, the situation of families; (c) undertake analytical reviews at all levels and assessments of the situation and needs of families; (d) strengthen the effectiveness of efforts at all levels to execute specific programmes concerning families; and (e) improve collaboration among national and international non-governmental organizations in support of families;

Taking into consideration the academic, scientific and social findings collected for the Doha International Conference, which collectively demonstrate that the family is not only the fundamental group unit of society, but is also the fundamental agent for sustainable social, economic and cultural development;

Recognizing the need to address the challenges facing the family in the context of globalization;

Realizing that strengthening the family presents a unique opportunity to address societal problems in a holistic manner;

Reiterating that strong, stable families contribute to the maintenance of a culture of peace and promote dialogue among civilizations and diverse ethnic groups;

Welcoming the announcement by Her Highness Sheikha Moza bint Nasser Al-Missned, Consort of His Highness the Emir of Qatar and President of the Supreme Council for Family Affairs, State of Qatar, about the creation of an international Institute for Study of the Family.

In this regard, we reaffirm international commitments to the family and call upon all Governments, international organizations and members of civil society at all levels to take action to protect the family.

Reaffirmation of commitments to the family

We reaffirm international commitments to strengthen the family, in particular:

1. We commit ourselves to recognizing and strengthening the family's supporting, educating and nurturing roles, with full respect for the world's diverse cultural, religious, ethical and social values;

2. We recognize the inherent dignity of the human person and note that the child, by reason of his physical and mental immaturity, needs special safeguards and care before as well as

after birth. Motherhood and childhood are entitled to special care and assistance. Everyone has the right to life, liberty and security of person;

3. We reaffirm that the family is the natural and fundamental group unit of society and is entitled to the widest possible protection and assistance by society and the State;

4. We emphasize that marriage shall be entered into only with the free and full consent of the intending spouses and that the right of men and women of marriageable age to marry and to found a family shall be recognized and that husband and wife should be equal partners;

5. We further emphasize that the family has the primary responsibility for the nurturing and protection of children from infancy to adolescence. For the full and harmonious development of their personality, children should grow up in a family environment, in an atmosphere of happiness, love and understanding. All institutions of society should respect and support the efforts of parents to nurture and care for children in a family environment. Parents have a prior right to choose the kind of education that shall be given to their children and the liberty to ensure the religious and moral education of their children in conformity with their own convictions.

Call for action

Taking into account the above commitments, we call upon all Governments, international organizations and members of civil society at all levels to:

Cultural, religious and social values

1. Develop programmes to stimulate and encourage dialogue among countries, religions, cultures and civilizations on questions related to family life, including measures to preserve and defend the institution of marriage;

2. Reaffirm the importance of faith and religious and ethical beliefs in maintaining family stability and social progress;

3. Evaluate and reassess the extent to which international law and policies conform to the principles and provisions related

to the family contained in the Universal Declaration of Human Rights and other international commitments;

Human dignity

4. Reaffirm commitments to provide a quality education for all, including equal access to educational opportunities;

5. Evaluate and reassess government policies to ensure that the inherent dignity of human beings is recognized and protected throughout all stages of life;

Family

6. Develop indicators to evaluate the impact of all programmes on family stability;

7. Strengthen policies and programmes that will enable families to break the cycle of poverty;

8. Evaluate and reassess government population policies, particularly in countries with below replacement birth rates;

9. Encourage and support the family to provide care for older persons and persons with disabilities;

10. Support the family in addressing the scourge of HIV/AIDS and other pandemics, including malaria and tuberculosis;

11. Take effective measures to support the family in times of peace and war;

Marriage

12. Uphold, preserve and defend the institution of marriage;

13. Take effective measures to strengthen the stability of marriage by, among other things, encouraging the full and equal partnership of husband and wife within a committed and enduring marital relationship;

14. Establish effective policies and practices to condemn and remedy abusive relationships within marriage and the family, including the establishment of public agencies to assist men, women, children and families in crisis;

Parents and children

15. Strengthen efforts to promote equal political, economic, social and educational opportunities for women and evaluate and assess economic, social and other policies to support mothers and fathers in performing their essential roles;

16. Strengthen the functioning of the family by involving mothers and fathers in the education of their children;

17. Reaffirm that parents have a prior right to choose the kind of education that shall be given to their children;

18. Reaffirm and respect 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.

We request the host country of the Conference, the State of Qatar, to inform the United Nations General Assembly of the proceedings of the Conference, including the Doha Declaration, in particular during the celebration of the tenth anniversary of the International Year of the Family to be held on 6 December 2004.

¹ Universal Declaration of Human Rights, Art. 16(3).