

The Family as the Cradle of International Human Rights

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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."ⁱ 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.ⁱⁱ

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 the family, marriage, motherhood, childbearing and child rearing. As one of the principal drafters of the Universal Declaration of Human Rights noted, "[t]he family [is] the cradle of all human rights and liberties" because it is "in the family that everyone learned to know his rights and duties."ⁱⁱⁱ

I. The Natural and Fundamental Group Unit

The founding documents of the UN System acknowledge that the family is the cradle – not only of human rights – but also of society and civilization itself. Article 16 of 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”^{iv} and is entitled to “protection by society and the State.”^v Regarding marriage and family life, the Declaration proclaims that “[t]he right of men and women of marriageable age to marry and to found a family shall be recognized”^{vi} and “motherhood and childhood are entitled to special care and assistance.”^{vii} The Declaration also recognizes the primacy of the family unit on questions related to the education and upbringing of children; Article 26 establishes that parents have “a prior right to choose the kind of education that shall be given to their children.”^{viii}

Later international negotiations and conventions have elaborated upon and reinforced the norms set out in the Universal Declaration of Human Rights. Chapter II, Principle 9 of the International Conference on Population and Development, for example, notes that “husband and wife should be equal partners.”^{ix} The Convention on the Rights of the Child, for its part, recognizes that the “child, by reason of his physical and mental immaturity, needs special safeguards and care before as well as after birth.”^x Various UN Conferences, including the World Summit for Children, affirm that “[t]he family has the primary responsibility for the nurturing and protection of children from infancy to adolescence.”^{xi} Consensus language adopted at the UN Conference on Human Settlements and UN Conference on Environment and Development, finally, commits the international community “to the recognition of family, in its supporting, educating and nurturing roles,”^{xii} “with respect for cultural, religious and social aspects, in keeping with freedom, dignity and personally held values.”^{xiii}

The unsettling truth, however, is that, despite this noble rhetoric, the great plan of those who founded the UN System (and those who crafted language to elaborate on that plan) has largely been ignored. During the past 65 years there has been great (and laudable) progress in individual rights and freedom, particularly with regard to equality for women.

But the family – and the associated civic virtues of hard work, tolerance, patience, kindness, forbearance and forgiveness that are taught to children by wise and loving parents – has been ignored. It is well past time for the international community to acknowledge the fundamental roles played by the family and to take appropriate action to strengthen and support the family.

As reflected in the precise and elegant terms of the Universal Declaration, the family is not merely a construct of the human imagination. On the contrary, the family has a profoundly important connection to nature. This connection begins with the realities of reproduction, but extends 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.^{xiv} The family, in short, is the “natural and fundamental group unit of society” – and mounting evidence shows that the survival of society depends upon the positive outcomes derived from the natural union of a man and a woman.

II. The Benefits of Family Life

Social science data demonstrates two nearly incontestable conclusions: (1) stable marital structures provide profound benefits for men, women and children, while (2) the breakdown of marriage imposes significant social costs upon individuals and society at large. Marriage and family life, as recognized in the Universal Declaration of Human Rights, have marked benefits for marital partners and their offspring.

1. Benefits flowing to children and youth

According to one scholar, marriage is “by far the most emotionally stable and economically secure arrangement for child rearing.”^{xv} Research, in fact, indicates that – for children – nothing compares to a solid, stable marriage between their biological parents.

a. Education. Studies consistently show that children in two-parent families are significantly less likely to drop out of school than children in a one-parent family.^{xvi} Some studies have found that the likelihood of dropping out more than doubles for children in single-parent households.^{xvii}

b. Poverty reduction. Children raised outside marriage are more likely to be raised in poor economic conditions.^{xviii} These children suffer not only from economic deprivations, but also from a lack of parental attention and high rates of residential relocation, all of which disadvantage the child's development.^{xix}

c. Crime prevention. Dual parenting plays a critical role in developing 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."^{xx}

d. 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."^{xxi} Young adults in single-parent households are also more likely to give birth out of wedlock, and are more likely to be out of both school and the labor force.^{xxii}

2. Benefits flowing to adults.

The benefits of family life are equally significant for adults. These benefits, moreover, do not flow from some natural selection process in which healthy, strong, bright and charismatic people are the most likely to marry and, therefore, the most likely to profit from the union. "Married people do not simply *appear* to be better off than unmarried people; rather, marriage changes people in ways that *produce* such benefits."^{xxiii}

a. 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.^{xxiv} These statistics are especially significant for unmarried men who

“face higher risks of dying than married men, regardless of their marital history.”^{xxv}

Moreover, married persons, both men and women, are less likely to engage in risk-taking behavior.^{xxvi} Perhaps even more importantly, researchers believe that marriage actually encourages responsible, healthy behaviors.^{xxvii} Perhaps flowing from all of the above, research 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.^{xxviii}

b. Mental and emotional health. “The psychological well-being of the married is substantially better than that of the unmarried.”^{xxix} “Married people have lower rates of depression and suffer significantly less from any psychiatric disorder than their divorced, never-married, or cohabitating counterparts.”^{xxx} Married individuals, furthermore, are less likely to be admitted to a public mental institution,^{xxxi} less likely to be admitted to a psychiatric clinic and more likely to cope with psychologically stressful events.^{xxxii} Marriage has also been linked with reports of increased happiness, life satisfaction, and overall occurrence of positive emotions.^{xxxiii} Indeed, “no part of the unmarried population – separated, divorced, widowed, or never married – describes itself as being so happy and contented with life as the married.”^{xxxiv}

c. Social productivity. Marriage, finally, has a significant (but often overlooked) impact on social productivity. Marriage, to take but one example, has proven to be a positive factor in the workplace. One study, in fact, has indicated that married men logged more than double the hours of cohabiting, single men.^{xxxv} Yet another noted scholar has concluded that the “salutary role” of “father, mother, and their children living together and caring for their individual and collective progress” provides the essential foundation for personal liberty and an efficient market economy.^{xxxvi}

III. The Costs of Family Instability

There are growing signs of distress – including poverty – in global society. This distress is

directly linked to the breakdown of marriage and family. As one American scholar has written:

Much of the debate about the growing gap between rich and poor . . . focuses on the changing job force, the cost of living, and the tax and regulatory structure that hamstring businesses and employees. But analysis of the social science literature demonstrates that the root cause of poverty and income disparity is linked undeniably to the presence or absence of marriage. Broken families earn less and experience lower levels of educational achievement. Worse, they pass the prospect of meager incomes and family instability on to their children, making the effects inter-generational.^{»xxxvii}

Family breakdown disables the future generation. As demonstrated above, “[r]esearch has documented that natural family structures benefit nearly every aspect of children’s well-being. This includes greater educational opportunities, better emotional and physical health, less substance abuse, and lower incidences of early sexual activity for girls, and less delinquency for boys.^{»xxxviii}

In sum, stable marital unions promote the health, safety and social progress of women, men and children. Unstable marital relations promote poverty, crime, abuse and social disintegration. These realities, moreover, are particularly acute for women and children. Society would do well to heed the fact that “the family as an institution exists to give legal protection to the mother-child unit and to ensure that adequate economic resources are passed from the parents to allow the children to grow up to be viable adults.^{»xxxix}

IV. A Call to Action

What is the import of the foregoing? First, the family is essential to social progress. Second, the family – particularly in the developed world – is functioning less well than (perhaps) at any other time in history. Third, and finally, as members of an increasingly global society, we must work together to restore the family to its proper strength and function. The classic Taoist text, *The Chuang Tzu*, explains that familial ties are the basis of any stable society because “[w]hen people are brought together by Heaven, . . . when troubles come, they hold together.”^{xl}

Why does a well-functioning family hold society together? Because a well-functioning family has extraordinary strength. Such a family is characterized by (1) a strong, committed

marital relationship (2) which centers upon transmitting appropriate ethical, cultural and religious values to children (3) in an atmosphere that emphasizes the interconnectedness, complementarity and responsibilities of family members toward each other, members of the extended family, and 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 may be some, mounting research ratifies and confirms the importance of the well-functioning 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 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.^{xli}

A 1997 American Medical Association study similarly found that the factor most “significantly related” to a decrease in risky adolescent behaviors was “the presence of connected, caring parents.”^{xlii} The researchers concluded that “one can only hope” that government at all levels will seek to “develop policies that support families.”^{xliii}

Because families are the fundamental unit of society, governments and other social assistance actors should not by-pass the unit that can best strengthen society. Fathers and mothers, by and large, love their children. Policies and assistance that permit fathers and mothers to work together to strengthen their families to improve the condition of their children will not only be more successful than other possible approaches, they will

strengthen society itself. By building a healthy family, we build a healthy society and – ultimately – a healthy world.

In this regard, I would like to draw your attention to a book recently published by the Doha International Institute for Family Studies and Development. The book, entitled “The Family and the MDGs: Using Family Capital to Achieve the 8 Millennium Development Goals,” provides sound research demonstrating not only how the family can be engaged to achieve the MDGs, but also an overview of best practices from around the world on each of the eight goals. I urge you to pick up a copy of this important publication. Additional copies can be obtained by contacting the Doha Institute.

ⁱⁱ *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.

ⁱⁱ Allan 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).

ⁱⁱⁱ Morsink, 1999, at 255.

^{iv} 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

^v 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”).

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

^{vii} Universal Declaration of Human Rights, Art. 25-2.

^{viii} Universal Declaration of Human rights, Art. 26(3).

^{ix} International Conference on Population and Development, Chapter II, Principle 9; United Nations Conference on Environment and Development, Chapter II, ¶ 31.

^x Convention on the Rights of the Child, Preamble.

^{xi} World Summit for Children, ¶ 18.

^{xii} Second United Nations Conference on Human Settlements, Chapter III, ¶ 40-k.

^{xiii} United Nations Conference on Environment and Development, Health ¶ 6.12.

^{xiv} *See, e.g.*, “Why Marriage Matters: 26 Conclusions from the Social Sciences” (2nd Edition, Institute for American Values, 2005).

^{xv} Berger, above note 1, at 44.

^{xvi} Linda J. Waite, Does Marriage Matter?, 32 DEMOGRAPHY 483, 494 (November 1995).

^{xvii} *Id.*

^{xviii} Waite above note 3, at 494.

^{xix} *Id.* (citing N.M. Astone & S.S. McLanahan, Family Structure, Residential Mobility, and School Dropout: A Research Note, 31 DEMOGRAPHY 575-84 (1994)).

^{xx} 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).

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

^{xxii} Waite, above note 3, at 494.

^{xxiii} 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).

^{xxiv} 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.").

^{xxv} Waite, above note 3, at 489.

^{xxvi} Waite, above note 3, at 486. Risk-taking behavior was determined by looking at five factors: (1) carelessness resulting in accidents around house and workplace, (2) taking risks against one's better judgment, (3) serious arguments or fights at home, (4) serious arguments or fights outside the home, and (5) problems leading to arguments with others. *See id.* at 486-87.

^{xxvii} 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, above note 3, 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)).

^{xxviii} 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).

^{xxix} Walter R. Gove et al., The Effect of Marriage on the Well-Being of Adults, 11 JOURNAL OF FAMILY ISSUES 7 (1990).

^{xxx} Elizabeth VanDenBerghe, The Enduring, Happy Marriage: Findings and Implications from Research *in* STRENGTHENING MARRIAGE AND FAMILY: PROCLAMATION PRINCIPLES AND SCHOLARSHIP 30 (David C. Dollahite, ed., Bookcraft, Salt Lake City).

^{xxxi} Gove et al., above note 16, at 5, 9, table 1.

^{xxxii} *Id.* at 13 (citing L. Pearlin & J. Johnson, Marital Status, Life Strains and Depression, 42 AMERICAN SOCIOLOGICAL REVIEW 704-15 (1977)).

^{xxxiii} 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)).

^{xxxiv} VanDenBerghe, above note 17, at 30.

^{xxxv} Waite, above note 3, at 495, figure 15.

^{xxxvi} Berger, above note 1, at 44.

^{xxxvii} Patrick F. Fagan, "How Broken Families Rob Children of Their Chances for Future Prosperity," The Heritage Foundation Backgrounder, No. 1283 (June 11, 1999).

^{xxxviii} Craig H. Hart, Ph.D., "Combating the Myth that Parent's Don't Matter," at 3 (address delivered at the World Congress of Families II, Geneva, Switzerland) (available on-line at www.worldcongress.org).

^{xxxix} Dr. Maria Sophia Aguirre, "Family Economics and the Information Society: How are They Affecting Each

Other?" at 12 (paper presented at the World Congress of Families II, Geneva, Switzerland) (available on-line at www.worldcongress.org).

^{xi} The *Chuang Tzu: A New Complete Translation of the Classic Taoist Text* (Martin Palmer and Elizabeth Breuilly, trans. 1996).

^{xli} 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.

^{xlii} "Protecting adolescents from harm: findings from the National Longitudinal Study," *The Journal of the American Medical Association*, Vol. 278, No. 10 (Sept. 10, 1997) at 864.

^{xliii} *Id.*