

9-1-1976

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Recommended Citation

Bruce C. Hafen, *The Loco Parent: Federal Policy and Family Life*, 1976 BYU L. Rev. 709 (1976).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol1976/iss3/4>

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The Loco Parent: Federal Policy and Family Life*

*Theodore Caplow***

The intervention of the federal government in the family has not been very successful. What I want to consider with you are the reasons why the federal programs designed to improve various aspects of family life so often aggravate the problems they are designed to resolve.

A sociologist of some note once wrote that:

There emerged a new conception of political action as a self-contained, self-justifying process capable of creating at will a workable new arrangement for society. The government's arbitrary meddling with traditional social relations gave the strongest sanction to the feeling, already widely diffused in the civil society, that those relations had no intrinsic validity.¹

The sociologist was Alexis de Tocqueville, and the government to which he referred was the old regime in France before the revolution of 1789. There are some perceptible differences between the government of Louis XVI and our government today, but there also are similarities. We were taught in school that the old regime was doomed by its resistance to change. But de Tocqueville, who looked into the matter more carefully, found that it was brought down because it tampered ignorantly with social institutions and left a barren space on the ground where those institutions had stood.

I do not propose that all of our traditional family arrangements deserve to be retained. Many of the government's goals are laudable. Yet, on the whole, the government's expenditure of many billions of dollars for the improvement of family life has done more damage than good—mysteriously frustrated by something in the social machinery.

The Aid to Families with Dependent Children program (AFDC)² continues to function as a family-smashing device. Studies of the welfare population have shown again and again

* Remarks at the Fifth Annual Conference on Government Impact in Family Life at Brigham Young University, February 19, 1976.

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1. A. DE TOCQUEVILLE, *THE OLD REGIME AND THE REVOLUTION* (1865).

2. The Aid to Families with Dependent Children program is provided for by 42 U.S.C. §§ 601 *et seq.* (1970).

how, in the typical case, the family breaks up soon after entitlement for federal welfare payments is first established.³ Indeed, the system virtually guarantees a greater aggregate income to persons who dissolve their family ties.⁴ Despite a great deal of tinkering and tampering, AFDC continues to manufacture an unending stream of fatherless families, whose children are permanently incapacitated in the race for a decent standard of living. The singularity of this effect is reinforced when we consider that all other industrial countries have had underclasses living in poverty, but that nearly all of them have been able to design government programs that alleviate poverty without destroying the families of the poor.⁵ Plainly, some of what we are doing must be misguided.

Another area of government activity that impinges on the family is the Medicare-Medicaid program. We are now managing to spend upwards of \$25 billion a year to obtain a lower level of

3. See, e.g., T. CAPLOW, *TOWARD SOCIAL HOPE* (1975); J. KERSHAW, *GOVERNMENT AGAINST POVERTY* (1970); *THE PRESIDENT'S COMM'N ON INCOME MAINTENANCE PROGRAMS, BACKGROUND PAPERS* (1970).

4. The basic Aid to Families with Dependent Children program (AFDC), adopted in 27 states, requires that one of the parents be absent from the home for the family to qualify. The Unemployed Parent program (AFDC-UP), optional with the states, provides assistance when fathers are in the home but unemployed. 42 U.S.C. § 607 (1970). In the 23 states that have adopted the AFDC-UP program, families with two able-bodied parents in the home may receive AFDC, but only if the father does not work more than 100 hours per month and does not receive unemployment insurance benefits. See *Hearings on the Economic Problems of Women before the Joint Economic Comm.*, 93d Cong., 1st Sess., pt. 2, at 339-40 (1973) (remarks of Congresswoman Griffiths). The effect of each system is illustrated by Senator Long's example:

Here there is a family where the father sees his children regularly, perhaps everyday. He is not married to the mother, but let us say, he is making \$5,000 a year which would average out to a little over \$400 a month but, enough to support that family. Now, if he were doing what the ordinary father does; that is, living with the family and sharing his income with them, then fine. But let us just assume, for the sake of argument, that [he is not living with the family and] the family is on the welfare rolls at \$2,400 a year or \$200 a month

So that there is this family with a combined income of \$7,400; then here is another family living right next door, and the father is working and doing the same thing, has the same income of \$5,000 . . . and he is taxed, so that his taxes help to pay money out to the family who has the \$7,400 income.

Hearings on S. 1842 & S. 2081 Before the Senate Comm. of Finance, 93d Cong., 1st Sess. 122 (1973) (remarks of Senator Long). In order to supplement his income, therefore, the truly responsible low-income father will leave his family to qualify them for AFDC payments.

5. See P. CHOMBART DE LAUWE, *DES HOMMES ET DES VILLES* (1965). For brief reviews of foreign welfare programs see *THE PRESIDENT'S COMM'N ON INCOME MAINTENANCE PROGRAMS, BACKGROUND PAPERS* 31-37 (1970); U.S. DEP'T OF HEALTH, EDUCATION, AND WELFARE, *SOCIAL SECURITY ADMINISTRATION, SOCIAL SECURITY PROGRAMS THROUGHOUT THE WORLD*, 1975 (1975).

family health care, on the average, than when the program was started.⁶ As a system for maximizing the income of physicians and minimizing the attention given to patients, Medicare-Medicaid is a sociological marvel.

Some of you are familiar with the government's efforts to protect the morals of the young by, on the one hand, making an unlimited supply of pornography available to them and, on the other hand, preventing marijuana from falling into their hands. The net result of these opposing futilities has been to sharpen the generation gap that is a perennial feature of family life in modern societies. This problem takes on a peculiar poignancy in this country since so much public money is spent on activities that widen the gap.

There are numerous other examples; the pattern is consistent. Consider the federal low-rent public housing program, which so consistently develops new slums that, in terms of social relations, are worse than the old slums they replace. The Bureau of Indian Affairs, which, given a free hand with its specialized programs, has found it possible to wreck family and kinship structures beyond repair. The curious effects on marriage and the employment of women produced by some government agencies' insistence that the recognition of any differences between the sexes in temperament, physique, or attitudes is contrary to the Constitution.

These failures cannot be blamed on any single branch of government. There was a time when the legislature innovated and the judiciary prevented; there were other times when the executive branch was principally responsible for social improvement. But at present, all three branches are busy re-creating the American family in no particular image. Their efforts are complex to begin with and become more complex as they prove faulty and are repeatedly repaired and patched. At the heart of the government's inability to improve family arrangements is a fundamental lack of understanding of the nature of the family structure.

The family is both an organizational and a moral structure. As an organizational structure, its forms throughout the United States are rather constant. There is surprisingly little organizational variation in the American family by class, religion, ethnicity, region, race, or anything else. For example, this uniformity

6. Meuller & Gibson, *National Health Expenditures, Fiscal Year 1975*, 39 SOCIAL SECURITY BULL. 6 (Feb. 1976).

may be seen in bilateral descent arrangements with no tendency to favor either the mother's or the father's side; an ingenious method of dropping off peripheral relatives in the third degree; a tendency to give much more weight to affinal relationships (those created by marriage) than most other societies; and a unique set of procedures for accommodating step and halfsibling relationships.⁷ When we ask how well great-grandparents are remembered, how one ought to behave toward a sister-in-law or mother-in-law, or any other "hard" kinship question, we discover that nearly the entire population, with its diverse cultural origins and personal preferences, is included in a fairly uniform behavioral pattern.

But as a moral structure, the American family is remarkably pluralistic. The family depends for its continuance, either abstractly as an institution or concretely as an individual family, on the maintenance of certain sentiments, obligations, and reciprocities that are neither automatic nor self-generating. The reasons why husband and wife cleave together, why children honor their parents, and why brothers do not take pay from each other are not derived from the state or its secular culture. There are *moral* sentiments underlying the interactions that constitute the family; otherwise, there would be no family. Self-interest alone will not account for them, and the legal order cannot enforce them.

These moral sentiments do not come out of the same common pool of expectations as the organizational structure. The United States was, from the beginning, a morally pluralistic society. Although its moral expectations might be drawn from the same Judeo-Christian tradition, they come in such a variety of forms and with such a variety of commitments that no single framework could possibly embrace or define them. The framers of the Constitution were acutely aware of this as they erected a wall between church and state. Both believers and unbelievers wanted the state to be permanently incapacitated from meddling with the church. They feared that the state might corrupt the church by ignoring the morally pluralistic nature of the society over which it was placed. But they also feared that the church might corrupt the state by imposing values on it that the state had no means of legitimating. In the kind of society they envisaged, moral values are ultimately derived from individual or collective consciences that are entirely unofficial.

7. Kinship structure studies reveal these and other examples of organizational uniformity. See C. KIRKPATRICK, *THE FAMILY AS PROCESS AND INSTITUTION* (3d ed. 1970).

Although the same reasoning applies to the family, the framers did not specifically provide for the separation of family and state because they assumed the absence of any possible connection between the family and the federal union. Had they decided to regulate the relationship, they presumably would have stipulated that the family and the state should be kept separate on much the same grounds as in the case of religion. The government is likely to corrupt the family whenever it attempts to improve it because it has no legitimate authority to set moral goals for individuals. There is something very odd about a federal agency issuing circulars on the redefinition of sex roles—as currently happens. The government has no place from which to draw the moral sentiments that would make it possible for it to say anything meaningful on the subject. There is no breath to sound that voice.

To have any realistic hope of success, a program of intervention in the family must begin with an image of what the family ought to be. That image must include the moral sentiments that make one family better than another. But how are those sentiments derived? They continue, as in the 18th century, to be drawn from religion, from the private conscience, from the morality of ethnic groups, and from the tradition of special heritages. They are not in the general political domain, and there is no way to put them there.

This problem, if not peculiar to the United States, is more acute here than in other industrial nations. In the countries of Eastern Europe, where the Communist party is officially defined as the source of all values, governments have little difficulty designing and administering programs of intervention in the family. The governments want the family to raise citizens more devoted to the state than to friends. They want the family to suppress restlessness and dissent so that people do not insist on the right to move freely about the country or attach undue importance to freedom of expression. It is fairly easy for the Soviet programmer to define the ideal family. Curiously enough, his definition turns out to resemble a provincial bourgeois family of the 19th century, which, by trial and error, governments have determined to be best suited to the goals they wish to implement. The ability to legislate for the family is not limited to socialist regimes. France, although perhaps not a highly religious society, has a single, rather unified, religious tradition. The French state officially recognizes a connection between attachment to the state and attachment to the home, so it is quite feasible for the French government to have, as it does, a reasonable program for improving family life.

In summary, in order to intervene successfully in the family, a government must be supported by a broad popular consensus about what the family should be and do. There is no way to achieve that kind of consensus in this country without a fundamental—and I think undesirable—transformation of our morally pluralistic society, although it may be possible within the confines of local jurisdictions. The federal government, even though it can unwittingly damage the family institution, is fundamentally incapable of improving it, since any real improvement of the family must consist, in the long run, of some strengthening of the moral sentiments by means of religion, ideology, or personal experience.