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The Universal, Inalienable Right of the Child to the Marriage of His Biological Parents

*Patrick F. Fagan and William L. Saunders*¹

At the center of culture lie romance, courtship, and marriage, which all lead to the child. A family-centered culture, the patrimony which Western (Judeo-Christian) civilization bequeathed to the people of the twentieth century, is not being passed on to the generations of the twenty-first.² As a result, the child, rather than being the object and end of culture, has become the victim of the new “culture”—victimized at levels never experienced by *any group, religion, or race* in history. In answer to this crisis, we propose the recognition and the promulgation of a right ever-present but not articulated: The universal, inalienable right of every child to the marriage of his biological parents and to their weekly worship of God.

The Universal Declaration of Human Rights is the legal embodiment of modern international human rights. The nations of the world, still reeling from the massive victimization of the innocent during WWII, and to prevent its happening again, state in the Preamble, that the “recognition of the inherent dignity and of the equal and inalienable rights *of all members of the human family* is the foundation of freedom, justice and peace in the world.”³ The Universal Declaration

¹ We have two lifetimes of experience in the study of marriage, family and children, and international human rights, especially the child’s right to life. Thus, two different orientations—law and social science—cooperate in this project.

² For a fuller development, see Fagan paper on the same at The World Congress of Families, Budapest, May 27, 2017. To view multiple angles of consideration of this phenomenon, see *The Decomposition of the American Family Over Time*, Marriage and Religion Research Institute (Feb. 14, 2018), <http://marri.us/decomp-family/>.

³ G.A. Res. 217 A (Dec. 10, 1948) (emphasis added).

also says, “Everyone has *duties to the community* in which alone the free and full development of his personality is possible,” while Article 25 states that children “are entitled to special care and assistance.”⁴

Every culture that endures—that transmits life and thrives—has the child as its centerpiece, but little did the UN-founding nations of 1948 foresee that they themselves, over the next two generations, would victimize their own children at levels far surpassing victimization of the WWII era. The average daily death toll then—military and civilian combined—was 24,700.⁵ Today, the average number of babies aborted across the globe is 34,400.⁶ And these are only the unborn victims. Other serious forms of victimization, such as out-of-wedlock births with all their attendant deficits, the divorce of parents with the subsequent weakening of the children affected, and cohabitation of parents with each other or, even more debilitating, with non-parents, bring totals to mind-numbing levels.⁷ Today, only 46 percent of American 17-year-olds have grown up with both their married biological parents.⁸ Europe is not far behind. In England and Wales, out-of-wedlock births approach 50 percent.⁹ Every child needs his parents to be married to reach his full potential.¹⁰

⁴ *Id.*

⁵ Thomas W. Jacobson & Wm. Robert Johnston, *Abortion World Wide Report* (2017).

⁶ *Id.*

⁷ Patrick F. Fagan & Aaron Churchill, *The Effects of Divorce on Children*, MARRIAGE AND RELIGION RES. INST. (2012); Patrick F. Fagan, *Rising Illegitimacy Americas Social Catastrophe*, THE HERITAGE FOUND. (1994); Patricia Lee June, *Cohabitation Part 2: Effects of Parental Cohabitation and Other Non-Marital Sex on Children*, AM. C. OF PEDIATRICIANS (2014).

⁸ Patrick F. Fagan & Christina Hadford, *The Fifth Annual Index of Belonging and Rejection*, MARRIAGE AND RELIGION RES. INST. 1, 2 (2015).

⁹ *Births by Parents Characteristics*, Office of National Statistics, UK (2017), <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/datasets/birthsbyparentscharacteristics> (last visited Mar. 8, 2018).

¹⁰ Contrast this with an early professional experience that taught Fagan the inextricable linkage between the well-being of the child and the marriage of his parents. By his third year as a therapist, because of growing insights, he would not see the child referred until he could see the whole family, including the father. By keeping the focus off the referred child and, instead, on the family, after four or five sessions, when he had a good grasp of what was going on,

The universal need for married parents is illustrated in the U.S. (and also British) federal survey system. On every outcome measured, adults and children in an always-intact married family do best in education, health, crime, income and savings, employability, happiness, and mental health.¹¹ The U.S. federal survey system also shows that those who worship weekly excel under each factor and those who worship the least do not.¹² When both family structure and frequency of religious practice are combined, we find that the always-intact married family that worships God weekly performs best in each category. These people are the core strength of the nation. The opposite is also true. Adults and children from the non-intact family that never worships fare the worst.

These demographic phenomena illustrate the power of the two great loves: the love of God (measured by worship on the Sabbath) and love of one's neighbor (spouse and children). These two great loves yield the greatest benefits to mankind across all 150 outcomes measured so far.¹³ This data teaches in a new way the universals by which men and societies thrive. In the last few decades, discussions of sexual matters have placed a heavy emphasis—an almost exclusive emphasis—on the rights of the adults, especially women. But, the good of the community and of the polis demands a rebalancing, a focus on the good of the victimized child. About one third of victimized children, as they become adults, will victimize their children, and it is critical to devise a means of breaking the cycle in which they are trapped. When parents conceive, whether they are

especially between the parents, he would say to them, "Let us leave the children at home next time!" and then work with the parents on the conflicts in their marriage. For 95 percent of the referred children the symptoms disappeared without any direct intervention when the unity of the marriage was restored. The child thrived in the restored soil and sunshine of the unity between his parents.

¹¹ *Mapping America Sampler Booklet*, MARRIAGE & RELIGION RES. INST. (Feb. 14, 2018), <http://marri.us/wp-content/uploads/Mapping-America-Sampler.pdf>. There are a few exceptions but even these are to be expected from purely statistical considerations.

¹² See, e.g., *id.*

¹³ See generally *id.*

teenagers or older, their obligation of justice to their child is the same: They owe that child their married love. The society that undermines the married love of biological parents is a victimizing society.¹⁴

The injustice to children is prevalent in the federal data, which shows that the child conceived outside of marriage does not reach his potential, but that his peers conceived and raised within their parents' marriage do.¹⁵ If a newly-conceived child were able to speak, he would say to his new parents:

*You have just called me into existence and I am totally dependent on you. Because you have called me into existence, I call on you to give me your life-long marriage, which I need if I am to grow to my potential. If you love each other I will thrive. Even if each of you, individually, were to love me well, yet not sacrifice for each other, I would not thrive as I should. You are duty bound to give me your marriage. Or else I am your victim. You know this in your bones for I am flesh of your flesh; every cell in my body will always be imprinted with your chromosomes. For eternity I will be of both of you. From here on, all three of us are dependent on this marriage, which is my due.*¹⁶

¹⁴ It is very clear that Europe is culturally well on its way to debilitation and near-extinction. It is well into its second generation of below-replacement birth rates, with its third such generation emerging. *Id.* If the average continental birth rate is 1.4 within four generations, the European peoples will have been reduced by 80%. *Id.* Europe is creating its own demographic vacuum. The US is not far behind.

¹⁵ See generally MARRIPEDIA, www.marripedia.org (last visited Mar. 4, 2018) (providing an extensive overview of the relevant literature and the ability to search by different variables).

¹⁶ A good poet would do much better and we hope one will soon for this is a universal fact, and its articulation today is universally urgent.

The dependence of the one-cell child on his parents is the basis of its rights, which spring from the actions of the father and the mother. This right reframes the sexual revolution and everything that flows from it, including abortion, out-of-wedlock births, divorce, and cohabitation. This right is anterior to all other rights. As soon as a male and female begin to think of sexual intercourse, this right ought to immediately be “in play” in their minds.¹⁷ This is why strong families, communities, and cultures confine sexual intercourse to marriage. It is for the good of the community as much as it is for the good of the child.¹⁸

The same holds for the child’s right to a religious upbringing. Without weekly worship, the child will not become the person he is meant to be. Weekly worship is one of the Ten Commandments for good reason. Humans need it. For instance, in academic performance, adults and children who worship weekly do best, and those who worship not at all do worst, as the following graph illustrates.¹⁹

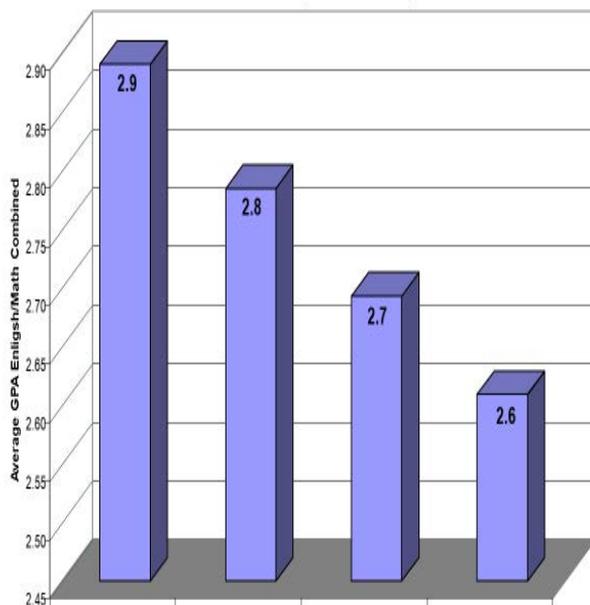
¹⁷ The use of contraceptives does not put this to the side because 9 percent of all *births* are *conceived* while the mother is practicing the most commonly used forms of contraception. See “Effectiveness of Family Planning Methods”, Center for Disease Control, 2018

¹⁸ Thus, the Supreme Court ruling in *Eisenstadt v. Baird*, 405 U.S. 438 (1972) was *the* major political upheaval event in modern American history by extending the right to purchase contraceptives to unmarried persons.

¹⁹ From the Add Health Survey (Waves I and II), the largest national sample (16,000) of American students from grades 7 through 12. See *Mapping America: Education*, MARRI, <http://marri.us/wp-content/uploads/Education-Mapping-America-Booklet.pdf> (last visited Mar. 8, 2018)

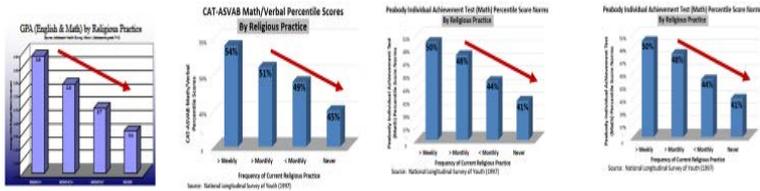
GPA (English & Math) by Religious Practice

Source: Adolescent Health Survey, Wave I. Adolescents grade 7-12.



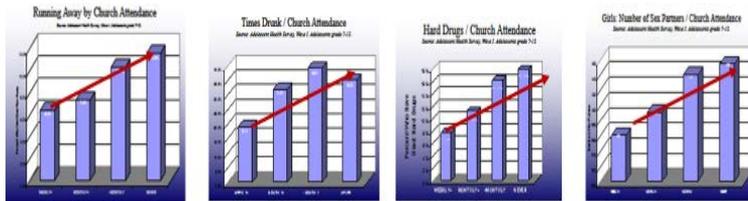
Adolescents who worshiped weekly performed best academically. Those who worshiped a few times per month did next best, followed by those who worshiped a couple of times a year. The worst were those who never worshiped. This is a snapshot of American *teenagers!* The more that social scientists analyze the data on religious practice the more powerful it reveals itself to be.²⁰

²⁰ For two syntheses of the extant major studies, see Patrick F. Fagan, *Why Religion Matters: The Impact of Religious Practice on Social Stability*, 1064 THE HERITAGE FOUND. 1 (1996); Patrick F. Fagan, *Why Religion Matters Even More: The Impact of Religious Practice on Social Stability*, 1992 THE HERITAGE FOUND. 1 (2006).



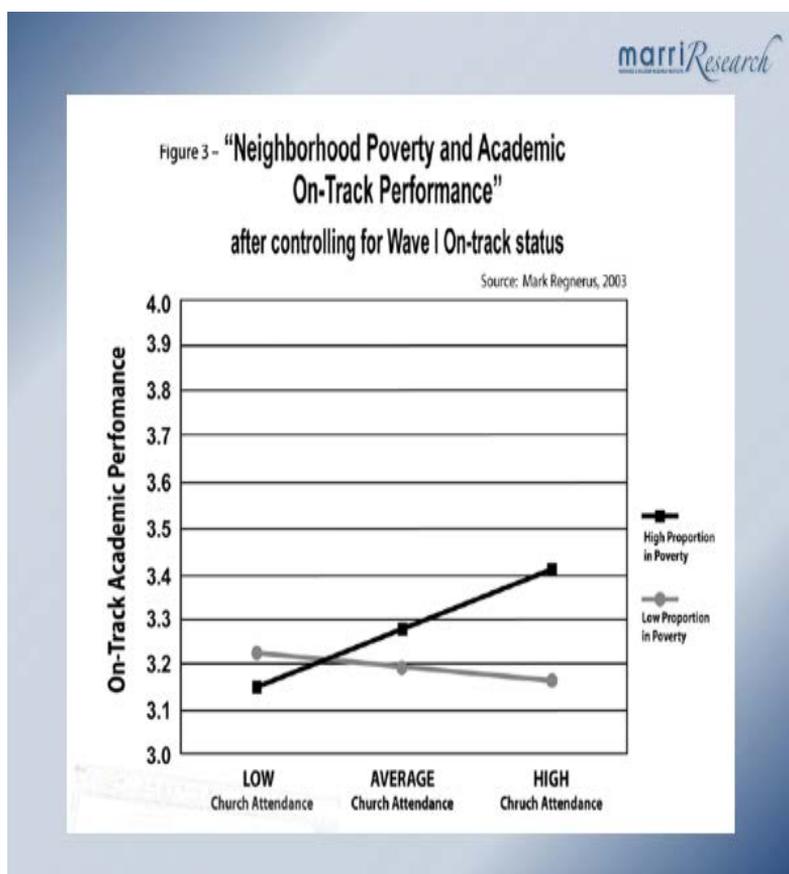
Positive

Negative



It can seriously be contended from reviews of the literature, that religious practice has more impact for good than anything else in the social sciences.²¹ Though marriage is a one-time event, engaged in or not, religious worship is totally different. Some parents, such as aggrieved parents in divorce, have no choice about being in a non-intact family, but every parent can choose to worship God weekly. When parents do worship, the impact on all in the family is profound.

²¹ *Id.* Also, for an overview of myriad measures of the average demographic correlations for the US population, see *Mapping America: Religious Practice*, MARRI, <http://marri.us/wp-content/uploads/Religious-Practice-Mapping-America-Booklet.pdf> (accessed March 8, 2018).



Single, black, inner-city welfare mothers who bring their children to church each week give them much of the same benefits as if they moved into a middle-class neighborhood and sent them to middle-class schools.²² By contrast, the recent major Congressional initiative, “No Child Left Behind,” which poured billions of dollars into the public schools, achieved extraordinarily little.²³ By contrast, attendance at weekly

²² Mark D. Regnerus, *Shaping Schooling Success: Religious Socialization and Educational Outcomes in Metropolitan Public Schools*, 39 J. FOR THE SCI. STUDY OF RELIGION 363, 367 (2000).

²³ See Thomas Dee & Brian Jacob, *The Impact of No Child Left Behind on Student Achievement: NBER Working Paper #15531* (Nov. 2009), <http://www.nber.org/papers/w15531> (providing clear evidence of some gain in math scores). No Child Left Behind is also a great

religious worship, which is totally free, has massive benefits, with the poor benefitting most.²⁴

Weekly worship improves virtually every other outcome measured in the U.S. federal survey system. The only interesting question for the social scientist is not “if” but “how much” benefit weekly worship delivers. Thus, every newly-conceived child can say to his parents:

“To reach my potential I need your worship of God, for without it I will not become the person I am capable of becoming. The choice is yours. The result is mine.”

We are confident that the focus on the universal and inalienable rights of the child to the marriage of his parents will reshape the future of nations. Our purpose is to reverse the massive victim-ization of children. Though the disastrous numbers of out-of-wedlock births across the globe are treated as benign, they are far from benign for the child and for society. The future of mankind is by way of the family, and that future will be very troubled if it is founded on families in which the father and mother deprive their children of their marriage and their worship of God. The data show it.

To repeat the Universal Declaration: “Everyone has *duties to the community* in which alone the free and full development of his personality is possible.”²⁵ It is a great gift to grow up in a stable community. But that gift depends on another gift that cannot be imposed but needs to be assured: the gift to the next generation of the marriage of their parents and their worship of God. All other choices are forms of victimization of the child. The abandonment of marriage and worship ensures the gradual

example of the violation of the principle of subsidiarity—with the predictable effects of such a violation. *See id.*

²⁴ See Regnerus, *supra* note 22.

²⁵ G.A. Res. 217 A, *supra* note 3.

collapse of nations. Peace and prosperity require the end of the victimization of the child through the recognition, promulgation, and practice of that child's universal, inalienable rights to the marriage of his parents and their weekly worship of God.