

THE FAMILY: GROUND ZERO

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On the morning of September 11, 2001, I arose in my Manhattan hotel room and got ready for another day of the United Nations “PrepCom” (preparatory committee meeting) negotiations for the upcoming Special Session on Children. Representing a non-governmental organization accredited by the Economic and Social Council, I had been amazed at how divisive and protracted the meetings were becoming. Anticipating yet another long day inside the cavernous chambers of the United Nations, I relished the fresh air and crystal blue sky that greeted me as I left the hotel. Perfect fall weather on a peaceful day, I remember thinking.

As I came within sight of the UN building, I was surprised to see policemen and a large crowd gathered outside. I learned it had been evacuated because a jet had crashed into one of the Twin Towers of the World Trade Center, raising a security concern at the UN. Tension mounted as more uniformed officers arrived; we waited for permission to enter. Finally, an announcement came, indicating the building was closed for the day and we should all return home as quickly as possible.

I retraced my steps, but continued past my hotel to look south on 2nd Avenue. The street was filled with people streaming north, many walking briskly yet some running. I was stunned by their expressions of confusion and terror. The scene appeared nearly surreal. Behind them loomed a mushrooming cloud of smoke as if an atomic bomb had just exploded.

When I returned to Manhattan several weeks later, my colleague Richard Wilkins and I visited Ground Zero. The scene of devastation,

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combined with the stench of decaying human flesh, was overwhelming. Intuitively, I reached for my cell phone and called my wife, trying to describe in subdued tones what I was feeling. As I spoke, I noticed Richard had also grabbed his phone and was speaking with his wife. The coincidence struck me: in times of our greatest need and deepest emotion, we instinctively turn to family.

The name “Ground Zero,”¹ as it was applied to the site of the fallen World Trade Center, is derived from the term’s definition, “the point on the surface of the ground . . . at which the explosion of an atom bomb occurs.”² But there is an alternate definition: “the very beginning: square one.”³ Over time, I would come to understand that both definitions could refer to the family itself. Although these definitions are embattled in fiery debates in the United Nations and around the world, it remains square one for the progress and peace of civilization.

I. THE FAMILY IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

In the years since I stood at Ground Zero of the collapsed Twin Towers, I have looked back on that experience as a kind of microcosm of what had transpired decades earlier. In the wake of the global catastrophe known as World War II while mankind contemplated the horrible destruction, individuals turned to family—as memorialized in the *Universal Declaration of Human Rights* in 1948.

Three years earlier at the creation of the United Nations, the *UN Charter* had committed Member States to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”⁴ But in the ensuing months as the world learned of the wartime Nazi atrocities, it became apparent that human rights needed greater definition and articulation. In the first meeting of the UN Commission on Human Rights, it was charged with the “task of . . . following up in the field of peace the fight which free humanity had waged in the fields of war, defending against offensive attacks the rights and dignity of man and

¹ *Ground Zero*, MERRIAM-WEBSTER’S DICTIONARY (3d ed. 1981).

² *Id.*

³ *Id.*

⁴ Charter of the United Nations art. 55 (c), June 26, 1945, available at, <http://www.un.org/en/documents/charter/index.shtml>.

establishing . . . a powerful recognition of human rights.”⁵ A declaration of human rights had to be created.

The drafting and negotiation process proved complex and arduous, requiring nearly a hundred official (and numerous unofficial) meetings over 18 long months during which the delegates worked to produce a document “sufficiently definite to have real significance both as an inspiration and a guide to practice,” but “sufficiently general and flexible to apply to all men, and to be capable of modification to suit people at different stages of social and political development.”⁶ The result was the *Universal Declaration of Human Rights*, adopted by the UN General Assembly in Paris on December 10, 1948. At its adoption, Eleanor Roosevelt, chair of the Commission and its Drafting Committee, told the United Nations:

We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This Universal Declaration of Human Rights may well become the international Magna Carta of all men everywhere.⁷

And so it has been. Recognized by the *Guinness Book of World Records* as the most translated text in history, the *Universal Declaration* has become “the most universal document in the world.”⁸ It “has been adopted in or has influenced most national constitutions since 1948,” and has “served as the foundation for a growing number of national laws, international laws, and treaties, as well as regional, national, and sub-national institutions protecting and promoting human rights.”⁹

⁵ JOHANNES MORSINK, *THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ORIGINS, DRAFTING, AND INTENT* 36 (1999).

⁶ MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS*, 78 (2001).

⁷ G.A. Res. 217 (III) A, *Universal Declaration of Human Rights* (Dec. 10, 1948). Eleanor Roosevelt to the United Nations General Assembly in Paris, on the adoption of the *Universal Declaration of Human Rights*, December 9, 1948).

⁸ *The Universal Declaration of Human Rights is the Most Universal Document in the World*, OHCHR.ORG, <http://www.ohchr.org/EN/UDHR/Pages/WorldRecord.aspx> (last visited Mar. 7, 2016).

⁹ *Allergan Commits to the UN Universal Declaration of Human Rights*, ALLERGAN.COM, http://www.allergan.com/miscellaneous-pages/allergan-pdf-files/human_rights_charter (last visited Mar. 7, 2016).

At a more practical level, Harvard Law Professor Mary Ann Glendon notes:

The most impressive advances in human rights—the fall of apartheid in South Africa and the collapse of the Eastern European totalitarian regimes—owe more to the moral beacon of the *Declaration* than to the many covenants and treaties that are now in force. Its nonbinding principles, carried far and wide by activists and modern communications, have vaulted over the political and legal barriers that impede efforts to establish international enforcement mechanisms.¹⁰

Even so, continues Glendon, “time and forgetfulness are taking their toll” as “the *Declaration* has come to be treated more like a monument to be venerated from a distance than a living document to be reappropriated by each generation. Rarely, in fact, has a text been so widely praised yet so little read or understood.”¹¹

Family is mentioned several times throughout the *Universal Declaration*,¹² and is the primary focus of Article 16, beginning in the first two paragraphs with “the right to marry and to found a family,” and the “equal rights” of the spouses. Paragraph 3 then provides a facially simple description of the family’s relationship to society:

*The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*¹³

According to human rights scholar Manfred Nowak, the intent behind the phrase “*natural and fundamental group unit of society*” was “to emphasize that despite various traditions and social structures, a pillar of all societies is the family as the smallest group unit,” while the language “*entitled to protection by society and the State*” was meant to “shield the family

¹⁰ GLENDON, *supra* note 6, at 236.

¹¹ *Id.* at *supra* note 6, at xvii.

¹² G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948). “No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence. . . . Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity. . . . Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. . . . Motherhood and childhood are entitled to special care and assistance. . . . Parents have a prior right to choose the kind of education that shall be given to their children.” *Universal Declaration*, arts. 12, 23, 25, 26.

¹³ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

as the cornerstone of the entire social order.”¹⁴

This language, that became section 3 of Article 16, originated with a proposed amendment by Charles Malik, the first Lebanese ambassador to the US and the UN, and a man of tremendous talent¹⁵ recognized as “the pivotal figure in the work of the commission”¹⁶ and touted by his fellow delegates as the “driving force” behind much of the document.¹⁷ Malik’s proposed amendment read as follows:

*The family deriving from marriage is the natural and fundamental group unit of society. It is endowed by the Creator with inalienable rights antecedent to all positive law and as such shall be protected by the State and Society.*¹⁸

Malik explained his rationale: “He said that he had used the word ‘Creator’ because he believed that the family did not create itself He also contended that the family was endowed with inalienable rights, rights which had not been conferred upon it by the caprice of men.” Malik further “maintained that society was not composed of individuals, but of groups, of which the family was the first and most important unit; in the family circle the fundamental human freedoms and rights were originally nurtured.”¹⁹

Speaking later of those key groups, “this whole plenum of intermediate institutions spanning the entire chasm between the individual and the State,” Malik declared he was convinced that they are “the real sources of our freedom and our rights.”

We speak of fundamental freedoms and of human rights; but, actually, where and when are we really free and human? Is it in the street, is it in our direct relations to our State? Is it not rather the case that

¹⁴ MANFRED NOWAK, UN COVENANT ON CIVIL AND POLITICAL RIGHTS. CCPR COMMENTARY 404 (1993).

¹⁵ Malik, a Greek Orthodox Arab, was not only the Commission’s Rapporteur (three years later he would succeed Eleanor Roosevelt as its chair) but also served on its Drafting Committee. During the drafting process he would also serve as president of the Economic and Social Council, and, of more direct importance to the outcome, as chairman of the Third Committee. Having studied under Martin Heidegger in Germany and under Alfred North Whitehead at Harvard, where he earned a Ph.D., Malik had been a professor of philosophy at the American University in Beirut, and later held professorship at a number.

¹⁶ ALI A. ALLAWI, THE CRISIS OF ISLAMIC CIVILIZATION 188 (2009).

¹⁷ Drafting of the Universal Declaration of Human Rights (Mar. 9, 2016), <http://research.un.org/en/undhr/draftingcommittee>. Biography on Charles Malik on the Official Website of the Universal Declaration.

¹⁸ MORSINK, *supra* note 5, 254.

¹⁹ *Id.* at 255.

we enjoy our deepest and truest freedom and humanity in our family, in the church, in our intimate circle of friends, when we are immersed in the joyful ways of life of our own people, when we seek, find, see, and acknowledge the truth?²⁰

Malik was articulating not only his personal view, but also that of other principal framers, who, “though they differed on many points, were as one in their belief on the priority of culture.” The French delegate René Cassin observed, “In the eyes of the *Declaration’s* authors, effective respect for human rights depends primarily and above all on the mentalities of individuals and social groups.” And Eleanor Roosevelt, who had directed the drafting process, asserted: “Where, after all, do universal human rights begin? In small places, close to home.” According to Mary Ann Glendon, these, and similar statements by others, reveal something important about the *Universal Declaration*.

Those convictions of the framers undergird one of the most remarkable features of the Declaration: its attention to the “small places” where people first learn about their rights and how to exercise them responsibly—families, schools, workplaces, and religious and other associations. These little seedbeds of character and competence, together with the rule of law, political freedoms, social security, and international cooperation, are all part of the Declaration’s dynamic ecology of freedom.²¹

This key premise underlying the *Universal Declaration* invests its family provision with colossal significance, for of all those “small places”—or, to use Malik’s words, among the “whole plenum of intermediate institutions spanning the entire chasm between the individual and the State”—the only one mentioned in the *Universal Declaration* as having rights *per se* is the family rights the State itself is made expressly responsible to protect. Adding to this emphasis on family are the *Universal Declaration’s* statements that, “Motherhood and childhood are entitled to special care and assistance,”²² and, “Parents have a prior right to choose the kind of education that shall be given to their children.”²³

It is no exaggeration to say that in the *Universal Declaration*, the

²⁰ Charles Malik, *What Are Human Rights?*, THE ROTARIAN, Aug. 1, 1948, at 8. Charles Malik, “What are Human Rights?” was first published in 1948 by the United Nations in The Rotarian.

²¹ GLENDON, *supra* note 6, at 239-240.

²² G.A. Res. 217, *supra* note 12, at art. 25, ¶ 2.

²³ *Id.* at art. 26, ¶ 3.

family is at the very center of rights. The family is fundamental because it is the seedbed of all the other rights delineated in the *Universal Declaration*. To make the world new following the devastation of the most destructive war in history, the United Nations built its structure of universal human rights squarely on the foundation of the family.

The portion of Malik's proposed family language that did not pass was the reference to the Creator, deleted by vote after the Soviet delegate objected. The *Universal Declaration*, he insisted, "was meant for mankind as a whole, whether believers or unbelievers."²⁴

Likewise in Article 1, other proposed references to deity did not make it into the final text after an appeal by the distinguished Chinese delegate, Peng-chun Chang. As summarized by one scholar, Chang explained that his country "comprised a large proportion of humanity, and its people had ideals and traditions different from those of the West." And as he had refrained from imposing Chinese ideals, "he hoped his colleagues would show similar consideration" and not mention God. Nor would this be a great loss to believers, for "those who believed in God, he suggested, could still find the idea of God in the strong assertions that all human beings are born free and equal and endowed with reason and conscience."²⁵

Thus it happened the *Universal Declaration* was left with no express reference to deity, a fact Eleanor Roosevelt later commented:

Now, I happen to believe that we are born free and equal in dignity and rights because there is a divine Creator, and there is a divine spark in men. But, there were other people around the table who wanted it expressed in such a way that they could think in their particular way about this question, and finally, these words were agreed upon because they... left it to each of us to put in our own reason.²⁶

Reading one's "own reason" into the *Universal Declaration* is easily done in the Article 16 provision calling the family "the natural and fundamental group unit of society . . . entitled to protection by society and State."²⁷ Although shorn of its proposed reference to a Creator, the

²⁴ MORSINK, *supra* note 5, at 255.

²⁵ GLENDON, *supra* note 6, at 146-147; MORSINK, *supra* note 5, at 30.

²⁶ *Id.* at *supra* note 6, at 147.

²⁷ G.A. Res. 217, *supra* note 13, at art. 16, ¶ 3.

language is, according to University of Chicago Professor Don Browning, “less than Malik wanted, but more than first meets the eye.” For “the words ‘natural,’ ‘fundamental,’ and ‘group unit’ were retained and are not meaningless. Furthermore, they point to some model of natural law.” And “since society and the state are to protect the family, it is clear that Malik’s formulation deprives society and state of the power to grant the family its basic rights. These rights are independent of these social entities.”²⁸

Those predisposed to believe that the rights mentioned in the *Universal Declaration* originate with a Creator can find ample support in its language echoing both the 1789 French *Declaration of the Rights of Man* (declared “in the presence and under the auspices of the Supreme Being”²⁹) and the US Declaration of Independence (holding that all men are “endowed by their Creator with certain unalienable Rights”).³⁰ And for the adherents of the world’s three Abrahamic religions who believe that the Creator created the family, the *Universal Declaration* family language is flexible enough to be thus read.

But just as Eleanor Roosevelt and the other framers intended, one need not embrace any theistic paradigm to appreciate the insights provided by the *Universal Declaration* regarding the “natural” function of the family in human civilization. According to Professor Richard G. Wilkins:

²⁸ Don Browning, *The Meaning of Family in the Universal Declaration of Human Rights*, in *THE FAMILY IN THE NEW MILLENNIUM: WORLD VOICES SUPPORTING THE NATURAL CLAN, VOLUME 1: THE PLACE OF FAMILY IN HUMAN SOCIETY, PREAGER PERSPECTIVES* 39 (A. Scott Loveless and Thomas B. Holman, eds., 2007).

²⁹ Declaration of the Rights of Man, National Assembly of France (Aug. 26, 1789) (The French delegate told the General Assembly that the *Universal Declaration*, like the French Declaration, “was founded upon the great principles of liberty, equality, and fraternity.”); See also MORSINK, *supra* note 5, at 281.

³⁰ Compare the following texts: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain *unalienable Rights*, that among these are Life, *Liberty* and the pursuit of Happiness . . . We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain *unalienable Rights*, that among these are Life, *Liberty* and the pursuit of Happiness . . . Appealing to the Supreme Judge of the world for the *rectitude of our intentions* . . . That to secure these rights, Governments are instituted among Men . . .” THE DECLARATION OF INDEPENDENCE para. 2, 5 (U.S. 1776) (emphasis added); and “Whereas 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 . . . All human beings are born *free and equal* in dignity and *rights*. They are endowed with reason and conscience . . . They are endowed with reason and *conscience* . . . The family is the natural and fundamental group unit of society and is *entitled to protection by society and the State*.” Universal Declaration of Human Rights, G.A. Res 217 A (III) preamble, art. 16 (Dec. 10, 1948) (emphasis added).

Article 16(3) of the Universal Declaration of Human Rights embodies fundamental truths that, for too long, have not been given their deserved attention and respect As reflected in the precise and elegant terms of the Universal Declaration, the family is not merely a construct of human will or imagination. The family has a profoundly important connection to nature. This connection begins with the realities of reproduction (underscored by recent studies which demonstrate that children thrive best when raised by married biological parents) and extends to the forces that shape civilization itself. It encompasses, among other things, the positive personal, social, cultural, and economic outcomes that 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 mounting evidence attests that the survival of society depends on the positive outcomes derived from the natural union of a man and a woman.³¹

II. DISTILLED FROM THE ENTIRE COURSE OF HUMAN HISTORY

In addition, according to Wilkins, the *Universal Declaration* description of the family “expertly reflects wisdom distilled from the entire course of human history.”³² From China, the oldest continuous civilization on earth, comes timeless insight on the family by Confucius who happens to top the list of the ten all-time greatest thinkers as identified by eminent historian Will Durant. Confucius’s towering insight, says Durant, was the process by which human society can achieve maximum peace and bliss. Born in the sixth century B.C. after the ancient glory of China had declined, Confucius insisted that restoring the luster of his homeland would require a return to ancient and proven principles:

³¹ Richard G. Wilkins, *Preface of the NGO Working Group*, in *THE FAMILY IN THE NEW MILLENNIUM: WORLD VOICES SUPPORTING THE NATURAL CLAN, VOLUME 3: STRENGTHENING THE FAMILY* xiii (A. Scott Loveless and Thomas B. Holman, eds., 2007).

³² *Id.* at xiii-xiv.

The illustrious ancients, when they wished to make clear and to propagate the highest virtues in the world, put their states in proper order. Before putting their states in proper order, they regulated their families. Before regulating their families, they cultivated their own selves When their selves were cultivated, their families became regulated. When their families became regulated, their states came to be put into proper order. When their states came to be put into proper order, then the whole world became peaceful and happy.³³

What was true in China was likewise true outside of China. Despite the inevitable iterations and variations in families across ancient civilizations,³⁴ the natural order of family and its foundational role in civilization has been remarkably constant. Surveying the earliest records of Egypt and Mesopotamia, Professor John Gee explains:

The family as we know it historically, and not as some people have recently tried to redefine it, goes back at least as far as we have human records. It has been civilization's most fundamental and enduring institution. The basic unit of the family is unchanged During periods of societal breakdown . . . the family is the one, and sometimes the only, unit of society to survive. When the family is destroyed . . . , the impact on society is catastrophic: society ceases to exist as a functioning historical entity.³⁵

In ancient Judaism, and continuing down through today, family was the foundation for all human growth and progress, beginning with the divine creation of the first couple Judaism saw as a pattern: "The joining of Eve to Adam," notes Harvard professor Gary Anderson, "will be a model for every subsequent human marriage."³⁶ Millennia later came Abraham and Sarah, to whom God promised abundant posterity who would bless all

³³ WILL DURANT, *THE GREATEST MINDS AND IDEAS OF ALL TIME* 12 (2002).

³⁴ See generally *A HISTORY OF THE FAMILY, VOLUME ONE: DISTANT WORLDS ANCIENT WORLDS* (André Burguière et al. eds., 1996).

³⁵ John Gee, *THE FAMILY IN THE THIRD (AND SECOND) MILLENNIUM. . . BC: WHERE WE HAVE BEEN, IN 1 THE FAMILY IN THE NEW MILLENNIUM* 118 (A. Scott Loveless et al. eds., 2007).

³⁶ GARY A. ANDERSON, *THE GENESIS OF PERFECTION: ADAM AND EVE IN JEWISH AND CHRISTIAN IMAGINATION* 19 (Westminster John Knox Press, 2001).

nations.³⁷ Thus, “in the beginning, the concept of the Jewish family merged with the history of one family, that of Abraham, whose itinerary established modes of thought and behaviour which invested the family with a major role in relation to both the temporal dimension and the history of mankind.”³⁸ In a word, family is everything in Judaism.³⁹

Among the ancient Greeks, the learned Aristotle—student of Plato and tutor of Alexander the Great—“located the family between the individual and the city as a grouping necessary to the proper functioning of a political structure.”⁴⁰ The Roman statesman Cicero held that “the family, itself the basic natural human association in which all things are held in common, is the foundation of the city and the nursery of the state.”⁴¹

For the continent of Africa, the family has always been vital. Acclaimed author Richard Dowden tells that “the self-made man does not exist in Africa In Zulu, there is a saying: ‘One is a person through others’ Africans know who is family and know where they come in it, both vertically and horizontally. A man without a family is no-one. He is nothing.”⁴² Referring to the family in sub-Saharan Africa, Mwelwa C. Musambachime, Zambia’s ambassador to the United Nations, explained:

The family is not just a social symbol or a group through which one is identified with. It is a social system that binds, protects, supports, educates and takes pride in its own members Individually or in groups, members of each family perform many functions: economic production sometimes divided and based on gender, education and training, religious instruction What one has is regarded as belonging to all members of the clan. Food,

³⁷ See, e.g., *Genesis* 12:1-3; 22: 15-18.

³⁸ Frank Alvarez-Pereyre & Florence Heymann, *The Desire for Transcendence: the Hebrew Family Model and Jewish Family Practices*, in 1 *A HISTORY OF THE FAMILY* 155 (André Burguière eds., 1996).

³⁹ Today, as in the past, everyday life for Jewish families and their individual and collective identity are based on an effective and symbolic kind of genealogical continuity and on their reference to a primordial history—starting with the creation of man and woman and continuing through the generations to the descendants of Noah and the destiny of the Patriarchs (Abraham, Isaac and Jacob) and Matriarchs (Sarah, Rebekah and Leah).” *Id.* at 156.

⁴⁰ Giulia Sissa, *The Family in Ancient Athens (Fifth-Fourth Century BC)*, *A HISTORY OF THE FAMILY* 19 (André Burguière eds., 1996).

⁴¹ Neal Wood, *Cicero’s Social and Political Thought* 128 (University of California Press, 1988).

⁴² RICHARD DOWDEN, *AFRICA: ALTERED STATES, ORDINARY MIRACLES* 21 (Public Affairs 2009).

livestock or clothes are shared with as many as possible depending on need. This is reciprocal. Other members of the family do the same when they have the means, skills, time to give or share, or other comparative advantages [This] ensures cohesion among the members of each family and strengthens their bonds to each other Proverbs are used to teach the young the importance of family.⁴³

Sir Winston Churchill – who although remembered mostly for his pivotal role as Prime Minister was also an accomplished historian – summarized the role of the family in Britain. “There is no doubt,” he insisted, “that it is around the family and the home that all the greatest virtues, the most dominating virtues of human society, are created, strengthened and maintained.”⁴⁴

In the United States, President Ronald Reagan emphasized the family’s central role from the beginning:

The family has always been the cornerstone of American society. Our families nurture, preserve, and pass on to each succeeding generation the values we share and cherish, values that are the foundation of our freedoms [T]he strength of our families is vital to the strength of our Nation.⁴⁵

In sum, the sweep of history bears overwhelming witness to the indispensable and irreplaceable role of the family, as noted by world historian Will Durant:

The family has been the ultimate foundation of every civilization known to history. It was the economic and productive unit of society, tilling the land together; it was the political unit of society, with parental authority as the supporting microcosm of the State. It was the cultural unit, transmitting letters and arts, rearing and teaching the young; and it was the moral unit, inculcating through cooperative work and discipline those social dispositions

⁴³ Mwelwa C. Musambachime, *The Institution of Family in Sub Saharan Africa: The Case of Zambia*, Address to the World Family Policy Forum at the J. Reuben Law School of Brigham Young University.

⁴⁴ JAMES C. HUMES, *THE WIT AND WISDOM OF WINSTON CHURCHILL* 23 (Harper Collins Publishers 1994).

⁴⁵ Proclamation No. 4999, 47 Fed. Reg. 51547 (Nov. 12, 1982).

which are the psychological basis and cement of civilized society. In many ways it was more essential than the State; governments might break up and order yet survive, if the family remained; whereas it seemed to sociologists that if the family should dissolve, civilization itself would disappear.⁴⁶

But perhaps the most telling descriptions of family are those contained in national constitutions throughout the world, those highest legal expressions of sovereign self-definition. The impressive thing is how readily and consistently those jealously sovereign nations acknowledge that the fundamental unit of society is not the State but rather the family—notwithstanding the vast cultural, religious and geographic differences between nations.

The constitutions of Malawi and Namibia track precisely the *Universal Declaration* language that “the family is the natural and fundamental group unit of society.” Similar language with slight variations (some prefer the words “constituent” or “element” rather than “unit”) are found in the constitutions of Burundi, Eritrea, Ethiopia, Iran, Ireland, the Kyrgyz Republic, Madagascar, Moldova, Portugal, São Tomé and Príncipe, and Seychelles.⁴⁷

Several other nations use similar language but with some elaboration. Cape Verde calls the family the “fundamental element and basis of all society.” Costa Rica terms it “the natural element and basis of society.” East Timor refers to it as “society’s basic unit and condition for the harmonious development of the person.” Iran designates it “the fundamental unit of society and the main centre for the growth and edification of the human being.” Ireland dubs it “the natural primary and fundamental unit group of Society, and... a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all

⁴⁶ WILL DURANT, *THE MANSIONS OF PHILOSOPHY: A SURVEY OF HUMAN LIFE AND DESTINY* 395-396 (Simon and Schuster 1929).

⁴⁷ Constitutions of Malawi, May 18, 1994, ch. IV, ¶ 22; The Constitution of the Republic of Namibia Feb. 9, 1990, art. 14; The Constitution of Burundi March 9, 1992, art. 32; The Constitution of Eritrea May 23, 1997, art. 22; The Constitution of the Federal Democratic Republic of Ethiopia Dec. 8, 1994, art. 34; The Constitution of Kyrgyz Republic May 5, 1993 art. 26; The Constitution of Madagascar Nov. 14, 2010, art. 20; The Constitution of the Republic of Moldova Aug. 27, 1994 art. 48; The Constitution of the Portuguese Republic, art. 67; The Constitution of the Democratic Republic of São Tomé ad Príncipe, July 12, 1975 art. 50; The Constitution of the Republic of Seychelles June 21, 1993, art. 32.

positive law.”⁴⁸

Other nations employ biological imagery to assert the autonomous and indispensable nature of the family. “Families are the cells of society,” says the constitution of Vietnam, while Burkina Faso describes the family as “the basic cell.” Cuba and Ecuador call it “the fundamental cell” of society, while Armenia terms it “the natural and fundamental cell.” Sometimes the family is described in terms emphasizing its central and controlling role. Qatar, Saudi Arabia, and Yemen proclaim the family to be the “nucleus” of society. For Angola and Colombia, the family is the “basic nucleus,” and for Chile and Nicaragua it is the “fundamental nucleus.” Guatemala’s terminology is similarly evocative of life and growth, but using a fuller description: the family is “the primary and fundamental genesis of the spiritual and moral values of the society and the State.”⁴⁹

Yet, other countries view the family as a kind of footing or support. Bahrain, Egypt, Estonia, Lithuania, Somalia, United Arab Emirates, and Uruguay all recognize the family as the “basis of society.” El Salvador and Papua New Guinea classify it as the “fundamental basis of society.” Rwanda calls it the “natural basis of Rwandan society,” while the Central African Republic refers to it as “the natural and moral basis of the human community.” Chad similarly depicts it as “the natural and moral base of the society.” Estonia describes it as “fundamental for the preservation and growth of the nation, and as the basis for society.”⁵⁰

⁴⁸ Constitutions of Republic *Cape Verde*, Aug. 5, 1992, tit. V, art. 84; The Constitution of the Republic of *Costa Rica*, Nov. 8, 1949 art. 51; The Constitution of the Democratic Republic of *East Timor*, Nov. 28, 1975, art. 39; The Constitution of the Islamic Republic of Iran Oct. 24, 1979, preamble; The Constitution of Ireland July 1, 1937 art. 41.

⁴⁹ 1992 CONSTITUTIONS OF THE SOCIALIST REPUBLIC OF VIETNAM, [rev. 2001] ch. 5, art. 64; BURKINA FASO’S CONSTITUTION OF 1991, [rev. 2012], tit. 1, ch. 4, art. 23; THE CONSTITUTION OF THE REPUBLIC OF CUBA, 1976, ch. IV, art. 35; REPUBLIC OF ECUADOR’S CONSTITUTION OF 1998, tit. 3, ch. 4, third sec., art. 37; ARMENIA’S CONSTITUTION OF 1995 [rev. 2005], ch. 2, art. 32; QATAR’S CONSTITUTION OF 2003, ch. 2, art. 21; SAUDI ARABIA’S CONSTITUTION OF 1992 [rev. 2005], pt. 3 art. 9; THE CONSTITUTION OF THE REPUBLIC OF YEMEN, Feb. 20, 2001, pt. 1, sec. 3, art. 26; CONSTITUTION OF ANGOLA, 1975, pt. 2, art. 29(1); CONSTITUCIÓN POLÍTICA DE COLOMBIA, [C.P.], 1991, tit. 2, ch. 2, art. 42; CONSTITUCIÓN POLÍTICA DE CHILE, ch. 1, art. 1; CONSTITUCIÓN POLÍTICA DE NICARAGUA [Cn.], title 4, ch. 4, art. 70 LA GACETA, DIARIO OFICIAL [L.G.] 9 January 1987; GUATEMALA’S CONSTITUTION OF 1985 [rev. 1993] Preamble.

⁵⁰ CONSTITUTION OF THE STATE OF BAHRAIN, Feb. 14, 2002, ch. 2, art. 5(a); CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 11 Sept. 1971 as amended by May 25, 2005, pt. 2, ch. 1, art. 9; LITHUANIA’S CONSTITUTION OF 1992, [rev. 2006], ch. 3, art. 38; CONSTITUTION OF THE SOMALI DEMOCRATIC REPUBLIC, Aug. 25, 1979, ch. 3, sec. 3, art. 56(1); UNITED ARAB EMIRATES CONSTITUTION OF 1971, ch. 2, art. 15; URUGUAY’S CONSTITUTION OF 1966, sec. 2, ch. II, art. 40 (“the basis of our society”); CONSTITUTION OF THE REPUBLIC OF EL SALVADOR, tit. 2, ch. 2, sec. 1, art. 32; CONSTITUTION OF THE INDEPENDENT STATE OF PAPA NEW GUINEA, Sep. 16, 1975, preamble (5) (“the fundamental basis of our society”);

Still other constitutions prefer to speak of the family as “the foundation of society,” as do Azerbaijan, Brazil, Equatorial Guinea, Haiti, Libya, Paraguay, Tajikistan and Turkey. Andorra designates the family as “the basic foundation of society,” while Cameroon acknowledges it as “the natural foundation of human society.” The Philippines calls it “the foundation of the nation,” while Niger affirms it to be “the natural and moral foundation of the human community.”⁵¹

Perhaps the most poignant imagery comes from nations literally built on the ageless solidarity and stability of stone. The desert nation of Kuwait describes the family as “the corner-stone of Society,” while Greece, whose ancient cities were often built on or around rocky hills, which served as natural citadels, describes the family as “the cornerstone of the preservation and the advancement of the Nation.”⁵²

Such expressions are hardly empty rhetoric, but iceberg-like manifestations of deep and enduring experience. In the case of Vietnam, for example, the constitutional provision calling families “the cells of society” reflects the underlying reality as recently described by that nation’s Permanent Representative to the United Nations:

In Viet Nam, the family has always been conceived as a cell of society, as a place where family members receive, inherit and pass on the nation’s invaluable traditional values such as patriotism, love of freedom, national pride, self-reliance, assiduity, creativity and love and care of each other. Throughout the 4,000-year history of Vietnam, the family has played an essential role in national defense, socio-economic development and in the preservation and

CONSTITUTION OF THE REPUBLIC OF RWANDA, May 26, 2003, tit. 2, ch. 1, art. 27; CENTRAL AFRICAN REPUBLIC CONSTITUTION OF 1992, tit. 1, art. 6; CHAD’S CONSTITUTION OF 1996 [rev. 2005], tit. 2, ch. 1, art. 37; ESTONIA’S CONSTITUTION OF [rev. 2003], ch. 2, art. 27.

⁵¹ The Constitution of the Azerbaijan Republic, Nov. 27, 1995, sec. 2, ch. 1, art. 17(1); CONSTITUIÇÃO FEDERAL [C.F.] [CONSTITUTION] tit. 7, ch. 7, art. 226 (Braz.); Constitution of The Republic of Equatorial Guinea, 1991, pt. 1, art. 21; Constitution of Haiti, 1987, title X, art. 259; Constitution of Libya, 2011, Ch. 1, art. 3; REPÚBLICA DE PARAGUAY [CONSTITUTION] June 20, 1992, pt. 1, title II, ch. IV, art. 49 (Para.); Constitution of the Republic of Tajikistan, Nov. 6, 1994, ch. 2, art. 33; TÜRKİYE CUMHURİYETİ ANAYASI [CONSTITUTION] Nov. 7, 1982, pt. 2, ch. 3, 1, art. 41 (Turk.); CONSTITUCIÓ D’ ANDORRA [CONSTITUTION], Feb. 2, 1986, tit. 2, ch. 3, art. 13(2)(Andorra); Constitution of the Republic of Cameroon, Jan. 18, 1996, Preamble; CONST. (1987), art. XV, § 1 (Phil); Constitution de la VII^E REPUBLIQUE [CONSTITUTION] Nov. 25, 2010, tit. 2, art. 18 (Niger).

⁵² Kuwait Constitution, Nov. 11, 1982, pt. 2, art. 9; SYMTAGMA [SYN.] [CONSTITUTION] pt. 2, art. 21(1) (Greece).

promotion of cultural values.⁵³

This chorus of constitutional statements provides a clear warning that the family is not to be subordinated to any political agenda, but should be diligently protected and empowered—as most of these same constitutions insist. Sovereign nations must at all costs preserve their most precious asset and the very basis of their society, the family.

Sometimes the significance of family becomes most obvious in times of greatest tribulation. No continent on earth has been plagued with greater challenges to human existence than Africa. How her people have managed to survive is attested to in a remarkable declaration by the African Union:

In Africa, due to its multiple roles and functions, the centrality, uniqueness and indispensability of the family in society is unquestionable. For generations, the family has been a source of strength for guidance and support, thus providing members with a wide circle of relatives on whom they can fall back. In times of crisis, unemployment, sickness, poverty, old age, and bereavement, most people rely on the family as the main source of material, social and emotional support and social security. Therefore, the African family network is the prime mechanism for coping with social, economic and political adversity in the continent.⁵⁴

One poignant example comes from the story of Immaculée Ilibagiza, Tutsi survivor of the Rwandan holocaust. Her unforgettable chronicle demonstrates it was from her family while growing up that she had received the inner strength needed not only to survive the horrific genocide, but also eventually to forgive those who had murdered her people—including her family.⁵⁵ To her family she dedicates her book: “You make heaven a brighter place, and I will always love you.”

⁵³ Intervention by H.E. Ambassador Le Luong Minh, Permanent Representative of Viet Nam to the United Nations, Address at the Brigham Young University, Provo, Utah: The 7th annual World Family Policy Forum (July 10-12, 2006).

⁵⁴ *Plan of Action on the Family in Africa*, 13-14, Address at the Regional Conference of the Family in Africa held at Cotonou, Benin (July 27-28, 2004), http://sa.au.int/en/sites/default/files/plan_of_action_on_the_family-16july2004.pdf.

⁵⁵ IMMACULÉE ILLIBAGIZA, *LEFT TO TELL: DISCOVERING GOD AMIDST THE RWANDAN HOLOCAUST* 3-12, 95-98 (2006). See especially her portrait of family life growing up (pp. 3-12) and the incident regarding accusations against her father (pp. 95-98).

In such times of trouble, family can indeed be “an anchor in life, a base to which one can always return,”⁵⁶ as has been the case in Poland. Several years ago in Poland, I heard an articulate Catholic priest tell of the challenges his nation had endured, including, in the twentieth century, everything from Nazi decimation to Soviet tyranny. How had they weathered these terrible storms? It was the strength of Polish families, he stated, that had seen them through. Poland had survived thanks to her strong families.

His words reminded me of something I had heard years earlier, when a colleague and I had the honor of traveling with Her Excellency Ellen Sauerbrey, U.S. Ambassador to the Commission on the Status of Women, through Central America. In one country we were told by a courageous woman about the ordeal her family had suffered during a terrible revolution. Many had chosen to flee abroad, she explained, but she and her husband had decided that the greatest thing they could do for their country was to stay and endure—as a family. Doing so, they found that the last bastion of hope and strength was precisely their family.

On that same trip, in another country, as we sat with the nation’s president in his office surrounded by his staff, he spoke of the foundational role the family played in his country. One statement he made was particularly memorable: Every major problem his nation was facing—and the problems were legion and seemingly intractable—stemmed directly from the breakdown of the family. The importance of family had become clear only when society was literally unraveling because of the breakdown of the family.⁵⁷

The same phenomenon was seen more recently in the wake of the wanton destruction of property in Britain by hordes of young rioters. According to Prime Minister David Cameron, it was clear that the riots were not about race, not about government cuts, nor even about poverty. So “the question hangs in the air: ‘Why? How could this happen on our

⁵⁶ A. Scott Loveless, Thomas B. Holman, *Two Competing Value Systems: Premises and Consequences; Legal and Pragmatic*, 3, THE FAMILY IN THE NEW MILLENNIUM: WORLD VOICES SUPPORTING THE NATURAL CLAN, 15, 25 (2007).

⁵⁷ The World Congress of Families is sponsored by the Howard Center for Family, Religion and Society, and is the world’s largest conference of pro-family leaders and grass roots activists. World Congresses have convened in Prague (1997), Geneva (1999), Mexico City (2004), Warsaw (2007), and Amsterdam (2009), with the next one scheduled for Madrid (2012). There have also been nineteen regional meetings of the World Congress of Families. The World Congress of Families X, <http://www.worldcongress.org/default.htm> (last visited March 14, 2016).

streets and in our country?"⁵⁸ The answer was that "this was about behavior . . . , people with a complete absence of self restraint So this must be a wake-up call for our country. Social problems that have been festering for decades have exploded in our face."⁵⁹ The solution must begin at home:

The question people asked over and over again last week was "where are the parents? Why aren't they keeping the rioting kids indoors?" Tragically that's been followed in some cases by judges rightly lamenting: "why don't the parents even turn up when their children are in court?" Well, join the dots and you have a clear idea about why some of these young people were behaving so terribly. Either there was no one at home, they didn't much care or they'd lost control If we want to have any hope of mending our broken society, family and parenting is where we've got to start.⁶⁰

III. THE FAMILY REMEMBERED AND FORGOTTEN IN ANNIVERSARIES AND DEVELOPMENT GOALS

Nearly a half-century after adoption of the *Universal Declaration*, as the twentieth century was drawing to a close and people were preparing for a new millennium, many paused to take stock. World population had risen from 1.6 billion in 1901 to 6.1 billion by 2000, despite the terrible toll taken by war, genocide, and mass murder.

Contributing to that devastation was the new and brutally effective weaponry of mass destruction, while advances in science, technology, and medicine had lifted much of humanity to an unprecedented standard of living and comfort. Developed countries were enjoying increased affluence, while a billion of earth's inhabitants languished in extreme poverty, often in the squalor of nightmarish slums scattered across Africa, Asia, and Latin America.

Not surprisingly, the greatest burdens fell upon women, often

⁵⁸ David Cameron, Prime Minister of the U.K., PM's speech on the fightback after the riots, Address before the people of Oxfordshire (Aug. 15, 2011) in Gov. UK, "PM's speech on the fightback after the riots" (Aug. 15, 2011), <http://www.number10.gov.uk/news/pms-speech-on-the-fightback-after-the-riots>.

⁵⁹ *Id.*

⁶⁰ *Id.*

oppressed and marginalized. Compounding these problems was the unduly high rate of illiteracy among the world's poor, effectively keeping them locked in their prison of poverty. Meanwhile, Africa was a special case—decimated by corruption and conflict while ravaged by famine, malaria, and the alarming AIDS pandemic that threatened entire populations and orphaned literally millions of children.

Acting to alleviate the world's suffering, and with special focus on helping children, the United Nations convened the largest gathering of world leaders in history. Representing 189 Member States, the Millennium Summit met in September 2000 at UN headquarters in New York, and adopted the United Nations *Millennium Declaration*—a commitment to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women. Building on that declaration, those same leaders then adopted eight specific objectives—the Millennium Development Goals—to be achieved by the year 2015.⁶¹

This colossal commitment was grounded, as the *Millennium Declaration* expresses, in the principles of not only the UN Charter but also the *Universal Declaration*, which the signers resolved to “respect fully and uphold.”⁶² Implicit, then, in the achievement of the Millennial Development Goals was the basic premise that the family is the natural and fundamental group unit of society, entitled to protection by society and the State. Remarkably, however, this point remained unexpressed in both the *Millennium Declaration* and the Millennium Development Goals themselves.⁶³

Even so, in 2004, powerful voices in the United Nations and around the world trumpeted the fact that any successful development effort must begin with the family. The occasion was the 10th anniversary of the International Year of the Family. On July 23, 2004, Secretary-General Kofi Annan presented a report in preparation for the anniversary, stating:

Families have major, albeit often untapped potential to contribute to national development and to the

⁶¹ See, U. N. Development Programme (2016), <http://www.undp.org/mdg/basics.html>.

⁶² G.A. Res. 55/2, art. 25, United Nations Millennium Declaration (Sept. 8, 2000).

⁶³ *Id.* at art. 26 (explaining that the only inclusion of the word “family” or “families” in the *Millennium Declaration* is in the commitment in paragraph 26 to protect “migrant workers and their families,” and in the generalization in the document’s last paragraph 32, that “the United Nations is the indispensable common house of the entire human family.”).

achievement of major objectives of every society and of the United Nations, including the eradication of poverty and the creation of just, stable and secure societies.⁶⁴

At the actual celebration of the 10th anniversary on December 6, 2004, Secretary-General Annan spoke at length about the indispensable role of the family:

Concern for the wellbeing of families dates back to the earliest days of the United Nations. The *Universal Declaration of Human Rights* proclaims the family to be the “natural and fundamental group unit of society . . . entitled to protection by society and the State.” Our long-standing work for children, for the advancement of women, for health, for literacy and for social integration reflects an enduring, system-wide commitment to families.

The International Year of the Family was meant to intensify this focus and to promote greater awareness of what families contribute to economic development and social progress in all societies all over the world. Indeed, the Year’s most far-reaching achievement was to raise the profile of a family perspective, which had never received attention commensurate with its importance

This anniversary is an opportunity to reaffirm the importance and centrality of the family. But it should also incite us to do more to address the challenges that families face In spite of strains and adversity, families are proving resilient, often in remarkable ways. They are doing their best to pull together and to continue serving as a source of strength and inspiration for their members. But they need help. Governments need to do more to help families adapt and thrive, so that they can, in turn, fulfil their social, cultural and economic roles.

One major challenge is to integrate family concerns with broader development and poverty eradication efforts. We must not forget that the family is a vital partner in efforts

⁶⁴ U.N. Secretary-General, *Preparations for and Observance of the Tenth Anniversary of the International Year of the Family in 2004*, ¶ 4, U.N. Doc. A/59/176. (July 23, 2004).

to achieve the Millennium Development Goals and the many other objectives set by the international community during the last decade.

Strong, healthy family structures are essential for human well-being as well. Families are often our first line of support. Policies and programmes must recognize such contributions. The United Nations, for its part, will continue to draw attention to family issues and to support Governments and civil society in their efforts to address them.⁶⁵

In the same session, US Representative Wade Horn focused on how the family is instrumental in human development at a personal level:

Throughout the ages, political philosophers, social historians, and civic and religious leaders have praised the family as the foundation of the social order, the bedrock of nations, and the bastion of civilization The fact is that family is a universal and irreplaceable community, rooted in human nature and the basis for all societies at all times. As the cradle of life and love for each new generation, the family is the primary source of personal identity, self-esteem, and support for children. It is also the first and foremost school of life, uniquely suited to teach children integrity, character, morals, responsibility, service, and wisdom The state's foremost obligation . . . is to respect, defend, and protect the family as an institution.⁶⁶

Another speaker, Bangladesh Ambassador Iftekhar Ahmed Chowdhury, emphasized the connection between family and successful development.

Values and cultures are not static. They change with time. They differ from place to place. They vary with ethnic origins and religious affiliations. But despite these differences, one element remains constant in all. It is the belief that the family is society's core component The

⁶⁵ U.N. GAOR, 59th Sess., 67th plen. mtg. at 2-3, U.N. Doc. A/59/PV.67 (Dec. 6, 2004)(reference omitted in quotation).

⁶⁶ *Id.* at 19-21.

attainment of every Millennium Development Goal must begin with the family. The family is the main instrument of societal transformation.⁶⁷

Among the major events celebrating family during the 10th anniversary were two sponsored by very different entities, the African Union and the Doha International Institute for Family Studies and Development. Notably, their conclusions about the role of family are similar.

At the Regional Conference of the Family in Africa held on July 27-28, 2004, in Cotonou, Benin, the African Union adopted the *Plan of Action on the Family in Africa*. From the multitude of factors that the African Union might have chosen as the core of its continent's desperately needed development process, it chose the family, as stated in the opening paragraph:

Recognition that the family is the basic and most fundamental unit of society, a dynamic unit engaged in an intertwined process of individual and group development, justifies the need to place the African family at the core of society which needs to be strengthened as part of Africa's development process.⁶⁸

Later the document describes how the family has been Africa's means of survival throughout the continent's sundry trials:

It is the principal focus for socialization and education of children and is central to the process of human rights education. In all societies, the family is the setting for demographic reproduction and the seat of the first integration of individuals to social life. As a result, the family is at the centre of the dynamics which affect all societies. Traditionally, Africa's development has been a result of the strength of the family. Large families were a source of labour and an indication of prosperity. The extended family system ensured that the poor families were generally supported by the rich. The unity within the family ensured its survival in cases of internal conflicts,

⁶⁷ *Id.* at 24-25.

⁶⁸ *Plan of Action on the Family in Africa*, *supra* note 54, at 1.

crises and adversity.⁶⁹

As the African *Plan of Action* looked toward the future, the family remained pivotal to progress and development:

The family continues to play a crucial role in Africa's development and development efforts that are family-centered are key to sustainable socio-economic development It is imperative that the African family be well positioned to play a crucial role in the implementation of the Millennium Development Goals.⁷⁰

What the African Union knew to be true about the family in Africa, the Doha International Conference on the Family found to be true about the family worldwide. Organized under the patronage of the nation of Qatar, the conference included regional meetings in Mexico City, Stockholm, Geneva and Kuala Lumpur, with the final session in Doha on November 28-29, 2004. The conference "brought together a unique group of international actors from strikingly diverse cultures, political systems, and faiths," resulting in "extensive evidence" demonstrating that "all peoples and cultures of the world are united by shared understandings related to the natural family."⁷¹

Among the participating scholars was Dr. Maria Sophia Aguirre, Associate Professor from the Department of Business and Economics of the Catholic University of America. To the question she posed at the outset—"Is the family relevant for economic development?"—she gave this answer:

Data from across countries and sciences seem to clearly suggest that the family should be the point of reference if sustainable development is to be achieved. This is not so because the family is a problem to economic development—it is the solution. It is within the family where human, moral, and social capital, all *sine qua non* conditions for an economy to develop, are either encouraged and nurtured or hampered. Children develop best within a family that is functional, i.e., with a mother and a father in a stable marriage. This means that the

⁶⁹ *Id.* at 13-14.

⁷⁰ *Id.* at 14, 31.

⁷¹ Wilkins, *supra* note 31.

family is a *necessary good* for economic development, and thus it should be promoted and protected if sustainable development is to be achieved. At the same time, data across sciences also show that the breakdown of the family damages the economy and the society since human, moral, and social capital is reduced and social costs increased.⁷²

Perhaps the most distinguished scholar to participate in the Doha process was University of Chicago Professor Gary S. Becker, recipient of the 1992 Nobel Prize for Economics and the US Presidential Medal of Freedom in 2007. Despite what Dr. Becker called the “revolutionary alterations” in the family over the last fifty years, it yet remains “the one institution that is ultimately crucial to the functioning of society.” Pointing to the example of Asia, Becker noted that although its nations “have not been immune” to the sweeping change in the family, yet “they have, during the process, maintained a strong reliance on the family. I think,” continued Becker, “there is a connection there—not yet proven by economists, but I believe some day it will be proven that there is a connection—between the rapidity of the Asian economic growth and the fact that they have had this very powerful attachment to the family.”⁷³

The culmination of the Doha conference was the issuance of the *Doha Declaration* stating: “the academic, scientific and social findings collected for the Doha International Conference . . . 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.”⁷⁴ But the clearest statement of what the Doha conference demonstrated was made by the conference organizer, Her Highness Sheikha Moza Bint Nasser, Consort of His Highness The Emir of Qatar, Chairperson of Qatar Foundation for Education, Science and Community Development. Her words are also a call to action:

Safeguarding the family, as noted in Article 16(3) of the Universal Declaration of Human Rights, is a prerequisite

⁷² Maria Sophia Aguirre, *The Family and Economic Development: Socioeconomic Relevance and Policy Design*, in 1 THE FAMILY IN THE NEW MILLENNIUM 79 (Loveless and Holman ed., 2007).

⁷³ Gary S. Becker, *The Role of the Family in Modern Economic Life*, 1 THE FAMILY IN THE NEW MILLENNIUM 4 (Loveless and Holman, ed., 2007). At the University of Chicago, Dr. Becker has been professor of economics and sociology, and professor in the graduate Booth School of Business. He has also been a senior fellow at Stanford University’s Hoover Institution.

⁷⁴ *The Doha Declaration: Preamble*, WORLD FAMILY POLICY CENTER, http://www.law2.byu.edu/wfpc/intl_conf_doha.html (last visited March 16, 2016).

for promoting national progress Accordingly, there is an urgent need for a new mentality that sees the family as part of the solution rather than part of the problem. In other words, what is required is a mentality that does not treat the family as an impediment to social progress and development, but rather as the driving force behind it. Such an approach, in my opinion, requires adoption of references and standards that will safeguard the rights of the family and ensure its integration as an effective and constructive factor in all national, regional, and international development programs.⁷⁵

IV. MOVING FORWARD WITH FAMILY-CENTERED DEVELOPMENT

At the outset of her acclaimed book *The March of Folly*, historian Barbara Tuchman observed:

A phenomenon noticeable throughout history regardless of place or period is the pursuit by governments of policies contrary to their own interests. Mankind, it seems, makes a poorer performance of government than of almost any other human activity. In this sphere, wisdom, which may be defined as the exercise of judgment acting on experience, common sense and available information, is less operative and more frustrated than it should be. Why do holders of high office so often act contrary to the way reason points and enlightened self-interest suggests? Why does intelligent mental process seem so often not to function? Why, to begin at the beginning, did the Trojan rulers drag that suspicious- looking wooden horse inside their walls despite every reason to suspect a Greek trick?⁷⁶

And why, it might also be asked, is there not now a conscious and ardent effort at every level to acknowledge and strengthen the family as (what Sheikha Moza Bint Nasser rightly called) the “driving force” behind all development? For example, after all that was attested and

⁷⁵ Preface of Her Highness Sheikha Mozah Bint Nasser, in 1 THE FAMILY IN THE NEW MILLENNIUM, (Loveless and Holman, ed. 2007).

⁷⁶ Barbara W. Tuchman, THE MARCH OF FOLLY: FROM TROY TO VIETNAM 4 (Random House 1984).

affirmed about the family's pivotal role in development, how is it that the Millennium Development Goals⁷⁷ failed to mention the family's role in development? The same failure persists in the Sustainable Development Goals, despite what Secretary-General Ban Ki-Moon stated in his December 2013 report regarding preparations for the 20th anniversary of the International Year of the Family in 2014: "Focusing on families offers a comprehensive approach to solving some of the persistent development challenges," while "the economic status and stability of families and the quality parenting are vital for children's well-being and the quality of family life is itself an important contributor to a future society which responsible, just and equal."⁷⁸

The striking absence in both the Millennium and Sustainable Development Goals of any acknowledgment of the key role of family and the need to protect it arises from the highly divisive debates in the United Nations over the definition of "family," as many seek to depart from what the *Universal Declaration* acknowledges "the family" to be and always have been: "the natural and fundamental group unit of society."⁷⁹ Such absence in these key documents calls for at least the following three suggestions:

First, do no harm. This famous phrase (from the Latin *primum non nocere*) is one of the principal tenets of medical ethics and a guiding principle for emergency medical services around the world. It is equally essential for policy decisions affecting the family. Decades ago in Minnesota, the annual conference of the Association of Family Conciliation Courts heard this statement by Ted Bowman, Family Development Coordinator of the Family and Children's Service in Minneapolis:

If you were to ask me to focus on one issue that stands out above all others for concern relative to family life, I would quickly speak of the tension between intimacy and individualism From the early sixties to the present . . . and the end is not yet in sight . . . there has been movement after movement that has fostered individual

⁷⁷ U.N. GAOR, 65th Sess., U.N. Doc. A/65/L. 1 (Sept. 17, 2010), available at <http://www.un.org/en/mdg/summit2010/pdf/mdg%20outcome%20document/pdf>.

⁷⁸ U.N. Secretary-General, *Preparations for and Observance of the Twentieth Anniversary of the International Year of the Family*, U.N. Doc. A/69/61—E/2014/4 (Dec. 3, 2013).

⁷⁹ G.A. Res. 217, *supra* note 13, at art. 16, ¶ 3.

rights and self-expression While the injustices which these social movements have been addressing needed and deserved our attention and change, we have, in responding to individual needs, neglected assisting persons with another need . . . that for intimacy.⁸⁰

Bowman astutely identified the very concept that would become a divisive reality at the international level: the troubled intersection of individual rights with the rights of the family. Richard Wilkins has pointed out the “curious new development” as the UN has, in the last two decades, concerned itself with social policy. “In order to improve the social and political standing of women—a goal that is quite laudable—international law has become unusually hostile to long-standing notions of marriage, the natural family and the rearing of children.”⁸¹ Muslim scholar Farooq Hassan likewise deplors the “clear tendency to sacrifice the rights of the family and much of its historically based privileged status in favor of narrow and newly developed human rights.”⁸²

This phenomenon of viewing individual rights in isolation can, ironically, threaten the entire structure of rights, according to Professor Glendon:

The [Universal] Declaration’s ability to weather the turbulence ahead has been compromised by the practice of reading its integrated articles as a string of essentially separate guarantees. Nations and interest groups continue to use selected provisions as weapons or shields, wrenching them out of context and ignoring the rest Forgetfulness, neglect, and opportunism have thus obscured the Declaration’s message that rights have conditions—that everyone’s rights are importantly dependent on respect for the rights of others, on the rule of law, and on a healthy civil society.⁸³

A healthy civil society rests squarely on the wellbeing of its “natural and fundamental group unit”—the family. To pursue any

⁸⁰ Ted Bowman, *The Changing Family*, 15:2 CONCILIATION COURTS REV. 16-17 (Dec. 1977).

⁸¹ Richard G. Wilkins, *International Law, Social Change, and the Family*, THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES.

⁸² Farooq Hassan, *Analysis of Islam and Muslim States’ International Support for Family*, 3 THE FAMILY IN THE NEW MILLENNIUM, 349 (Loveless and Holman, ed., 2007).

⁸³ GLENDON, *supra* note 6, at 239.

agenda that undercuts or undermines the family—even in the name of rights—will in the end prove a march of folly. The first principle for development must be to “do no harm” to the family.

Second, provide the widest possible protection and assistance to the family. Building on the *Universal Declaration* language that the family is “entitled to protection by society and the State,”⁸⁴ a number of United Nations treaties and conference documents have stated that the family is entitled to “comprehensive protection and support.”⁸⁵ But the strongest language comes from the *International Covenant on Economic, Social, and Cultural Rights*: “The widest possible protection and assistance should be accorded to the family.”⁸⁶

This is surely the standard for every nation seeking to protect and assist the institution that is the very key to its development and success. The US representative to the General Assembly on the 10th anniversary of the International Year of the Family may well have been correct when he proclaimed that “the State’s foremost obligation . . . is to respect, defend, and protect the family as an institution.”⁸⁷

Such support must not be an afterthought or left to chance. One example of what is possible at a national level is what President Ronald Reagan did for the United States in 1987. By executive order, he established criteria with which the formulation and implementation of all federal policies and regulations must be assessed as to their potential impact on the family.⁸⁸

Third, place the family squarely at the center of development. President Reagan further declared:

It is a time to recommit ourselves to the concept of the family—a concept that must withstand the trends of lifestyle and legislation. Let us pledge that our institutions

⁸⁴ G.A. Res. 217, *supra* note 13, at art. 16, ¶ 3.

⁸⁵ International Conference on Population and Development, *Program of Action*, P 9, U.N. Doc. A/CONF.171/13 (Oct. 18, 1994); *Id.* at 5.1; Fourth World Conference on Women, *Beijing Plan of Action* P 29, U.N. Doc. A/CONF. 177/20 (Oct. 17, 1995); World Social Summit for Development, *Copenhagen Declaration on Social Development*, P 26-h, U.N. Doc. A/CONF.166/9 (Mar. 14, 1995); *Id.* at P 80; United Nations Conference on Human Settlements, *Istanbul Declaration on Human Settlements*, P 31, U.N. Doc. A/CONF.165/14 (Aug. 7, 1996); UNICEF, Special Session on Children, P 15, U.N. Doc. A/S-27/19/Rev.1 (May 2, 2002).

⁸⁶ *International Covenant on Economic, Social and Cultural Rights*, U.N. Population Information Network at art. 10.1. (Dec. 16, 1966).

⁸⁷ U.N. GAOR, 59th Sess., 67th plen. mtg. at 19-21, U.N. Doc. A/59/PV.67 (Dec. 6, 2004).

⁸⁸ Proclamation No. 12,606, 52 Fed. Reg. 34, 188 (Sept. 2, 1987) (signed by President Ronald Reagan on September 2, 1987 later revoked by President Bill Clinton).

and policies will be shaped to enhance an environment in which families can strengthen their ties and best exercise their beliefs, authority, and resourcefulness.⁸⁹

He was speaking to America, but his words have universal relevance. As what historian Will Durant calls, “the ultimate foundation of every civilization known to history,”⁹⁰ the family remains the very key to development.

The commitments made at Beijing and Copenhagen to enact “policies that strengthen the family and contribute to its stability,”⁹¹ and “policies and programmes to help the family . . . [in] its supporting, educating and nurturing roles,”⁹² are good as far as they go. But to succeed optimally, every development plan must recognize that the family is “the main instrument of societal transformation,”⁹³ even “the fundamental agent for sustainable social, economic and cultural development.”⁹⁴

The family truly is “ground zero” in both senses of the definition: one of the most explosive social issues of our time, while remaining square one as the irreplaceable foundation for the development and progress of civilization.

⁸⁹ Ronald Reagan, *Proclamation 4882: National Family Week*, The American Presidency Project (Nov. 3, 1981), <http://www.presidency.ucsb.edu/ws/index.php?pid=43204&st1=#axzz1UFK6CmLz>.

⁹⁰ DURANT, *supra* note 46, at 395-396.

⁹¹ World Social Summit for Development, *Copenhagen Declaration on Social Development*, ¶ 25. U.N. Doc A/CONF. 166/9, annex I (Mar. 14, 1995).

⁹² Fourth World Conference on Women, *Beijing Plan of Action*, ¶ 285 (a), U.N. Doc. A/CONF.177/20/Rev. 1 (Sept. 15, 1995).

⁹³ U.N. GAOR, 59th Sess., 67th plen. mtg. *supra* note 86, at 24-25, U.N. Doc. A/59/PV.67 (Dec. 6, 2004).

⁹⁴ *The Doha Declaration: Preamble*, WORLD FAMILY POLICY CENTER, http://www.law2.byu.edu/wfpc/intl_conf_doha.html (last visited March 16, 2016).