

Understanding the Divorce Culture

excerpt from The Sexual State, a forthcoming book

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Children of Divorce were the first Victims of the Sexual Revolution. They were followed by Children of Unmarried Parents, and now, by Children of Same Sex Couples and Children of Donor Conception.

The institution of marriage, in every known society, is the socially approved and preferred context for both sexual activity and childbearing.¹ Marriage attaches mothers and fathers to their children, and to one another. This is the essential public purpose of marriage. It is an essential purpose in the sense that, but for this purpose, we would not need marriage as a social institution at all. If we were different kinds of creatures, if we did not reproduce through the sexual interaction of male and female, if our children were born alive and mature, rather than helpless and immature, we would not need marriage. No one would have ever thought of a social convention requiring sexual exclusivity and long term commitment. As it is however, in the world in which we actually live, every known society has something like marriage.

Opponents of natural marriage sometimes claim that marriage is not fundamentally about children since many married couples do not have children. Of course, it is certainly true that not every married couple has children. However, every child has parents.

Every child has a legitimate interest in having a relationship with both parents. Children have a right to know and be known by both parents, in the absence of some unavoidable tragedy. Every child, without exception, has a right to know their genetic and social heritage. Even the United Nations agreed to these rights in the Convention on the Rights of the Child.²

I have a dream: that every child be welcomed into a loving home with a married mother and father. This allows every child to have a relationship with his or her own parents, unless some unavoidable tragedy prevents it. This also ensures that every adult, without exception, can know his or her cultural heritage, genetic identity, and medical history. This is the principle that gets me out of bed in the morning: Children need and deserve their own parents.

When children are deprived of these rights without an inescapable reason, I call this a **structural injustice to the child**.

¹ See my article in **Policy Review** "Marriage and the Limits of Contract," April 1, 2005; available on-line at <http://www.hoover.org/publications/policy-review/article/6909> last accessed April 16, 2014

See also David Blankenhorn, **The Future of Marriage** (New York: Encounter Books, 2007).

² <http://www.unicef.org/crc/>

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Children cannot possibly defend these rights, and protect themselves against this injustice, by themselves. Adult society must protect them by preventing harm, not through restitution after the fact. By the time a child is old enough to grasp that something of value has been withheld from him, he has already experienced a loss that cannot be entirely restored. A six-year-old child cannot march into court and say, "see here: I have not seen my father in a year. Someone come over here and do something about it."

Even if he or she could march into court, there is still a problem: while the legal proceedings are plodding through the court, the child's developmental clock is ticking. A child only gets 12 months to be a two-year-old, or a six-year-old. The child has a whole series of developmental tasks that he or she needs to accomplish during that window of time. Children need adult assistance, preferably the loving, attentive assistance of their own parents. By the time the adults pull themselves together to go through the courts and do all the legal procedures that need to be done, the child's developmental window may be closing.

The institution that adult society has created to protect these universal and legitimate interests of children is, of course, marriage. Adults make a lifelong commitment to each other and to their children hopefully, before the union produces any children. Their commitment is much more than a contract, a carefully orchestrated exchange of services rendered. Rather, the marriage vow is "for richer or for poorer, for better or for worse," in other words, an unconditional commitment to the relationship. This vow, and the legal structure that supports it, provides an institutional structure to protect the legitimate entitlements of children.

We are faced with two competing worldviews. The worldview of people of faith is this: Every child (and hence every adult) has identity rights and relational rights with respect to their parents.

And this is the part we do not like to say too loudly: these rights impose legitimate obligations on adults to provide these things to children. We don't like to say this too loudly because people in our time resist hearing that they have obligations to others that they did not explicitly choose to bear.

The competing worldview is this: Every adult has a right to the sexual activity they want, with a minimum of inconvenience, and children must accept whatever the adults choose to give them. We do not just blurt out that last part explicitly because we would be ashamed of ourselves if we said it out loud. But that is approximately the position of most of the people in power in most of the so-called developed countries: they believe it is the job of the government to minimize the inconvenience that adults experience from their sex lives.

Other Victims of the Divorce Ideology

The Divorce Ideology has claimed many other victims, besides children of divorce. Other children lose access to both of their parents, or perhaps never had access to both of their parents. Children of unmarried parents, for instance, or children of cohabiting parents, are likely to lose contact with their fathers. When their mothers

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acquire new love interests, all the problems of stepfamilies appear, in addition to the instability inherent in the non-marital situation.

All too often, their mothers made decisions based on the lie that children don't need both parents; that single-motherhood is a noble badge of honor, and that she would become a folk-hero of resourcefulness and love. Quite often, women underestimate the difficulties of raising a child alone: the exhaustion of caring for infants, the anxiety of wondering if her child-care provider is reliable, and the lack of respect from a teenaged son who is bigger and stronger than she is. Not to mention the loneliness that can sometimes overwhelm her best judgment about who is a suitable person to be in a relationship with.

The children are victims of the Divorce Ideology because they are deprived of a stable relationship with both of their parents. The parents are victims because the Divorce Ideology systematically misleads them into making bad decisions.

In a similar, but deeper manner, people conceived through anonymous gamete (sperm or egg) donation are victimized by the Divorce Ideology. They never know one of their parents, by design. They do know that their anonymous donor accepted money for his sperm or her egg, that is, half of the child's genetic material. The child does know that their donor parent agreed never to have anything to do with them, their own child.

Advocates for donor conception try to create the impression that Donor Conceived children are so wanted by their parents that the chosen-ness of the children will override all other considerations. The problems that so often arise from living with an unrelated adult, the pain that children so often feel from the absence of one of their biological parents, all these risks can be safely disregarded. In fact, many advocates of these practices barely notice that the children have issues later, as adults. They rationalize these issues, and claim they are no barrier to the adults bringing the child into being.

But the Children of donor conception have their own perspective. Many of them do long for their missing parent. Some feel shame about being partially purchased. Some have anxieties about inadvertently encountering an unknown half-sibling. I recently met a young man who has reason to believe he has 500 half siblings. He left his home town and moved a thousand miles away, because he had had too many encounters with people who looked strangely like himself.

Third party reproduction arrangements are morally problematic for all the same reasons as divorce and unmarried parenthood, only more intensely so. For most of these children, their gamete donor is anonymous and is not part of their family. One of the parents has decided to completely cut the other parent out of their lives. This is a greater injustice than a divorce or separation, because it is deliberate, from the beginning, and permanent.

All these children have at least this one thing in common. The adults' relationship with their sex partners is more important to them than their relationship with the child's other parent. Needless to say, this conflict does not even arise in

families where the mother and father are continuously and faithfully married to each other.

Adult Victims of Divorce: The Reluctantly Divorced Person

Another whole class of victims of the Divorce Ideology are almost completely invisible in society: The Reluctantly Divorced. This is the person who would like to stay married. This person may be a man whose wife left him, but he still considers himself married. This person may be a woman whose husband left her for another man or woman, or whose husband left her for pornography on a computer screen.

These people would have liked to stay married. They were willing to work on improving the relationship. They would have been considered innocent spouses under the old fault-based rules. Their spouses would have been considered offending spouses. We don't even keep the statistics that allow us to know how many marriages end against the will of one party.

In situations with a Reluctant spouse, the divorce must be enforced. The coercive machinery of the state is wheeled into action to separate the reluctantly divorced party from the joint assets of the marriage, typically the home and the children. Justice for the reluctant party? Justice for the children? These concepts go out the window.

The Divorce Ideology presents itself to the public as a great expansion of personal liberty. In reality, no-fault divorce has led to an unprecedented increase in the power of the government over individual private lives.

Family courts tell fathers how much money they must spend on their children, and how much time they get to spend with them. Courts rule on which parent gets to spend Christmas Day with the children, down to and including the precise time of day they must turn the child over to the other parent. I have even heard of family court judges deciding on a teenage girl's prom dress, because the estranged parents couldn't work it out.

The Divorce Ideology conceals all these people and their sufferings. The Divorce Ideology teaches us that divorce should be cheap and easy. After all, we are asked rhetorically, why does the State have any interest in keeping lifeless marriages together? Why should the State stand between two people who have decided to call it quits?

But the better question is this: Why should the State systematically take sides with the party that wants the marriage the least? How is this just to the other spouse and the children? These are the questions the advocates of no-fault, unilateral divorce, refuse to face.