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Family Law:

Balancing Interests and Pursuing Priorities

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Chapter 14

THE ROLE OF THE "NATURAL FAMILY" IN RELIGIOUS OPPOSITION TO HUMAN RIGHTS INSTRUMENTS

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[T]he natural family – *part of the created order, imprinted on our natures, . . . the bulwark of ordered liberty* – stands reviled and threatened in the early 21st century. . . . We see the prospect of a great civil alliance of religious orthodoxies; within nations and around the globe . . . to defend our family systems from the common foe.

—The Natural Family: A Manifesto¹

[T]he UN Convention on the Rights of the Child, taken as a whole, is not . . . the best instrument for developing public policy that would protect children. Its strength is its provisions for shielding children from clearly named and agreed upon abuses. But these provisions are embedded in a framework of individual rights used to legitimate a kind and degree of state interference with the family which could seriously undermine the strength of marriages and families so essential to the true well-being of children [and] make it very difficult for parents to pursue the spiritual purposes of these institutions as they are understood from a Christian perspective.

—Terence B. Anderson²

A. *Introduction.*

This essay examines how the vision of "the natural family" articulated by several prominent conservative religious organizations in the United States shapes their opposition to certain human rights instruments. The United Nations' 1989 Convention on the Rights of the Child ("Convention") seems to reflect an advance in international human rights formulations and to have generated "an unprecedented degree of formal commitment on the part of governments," as evidenced by its quick and virtually universal ratification.³ However, the United States remains the only nation that has not ratified the Convention, and the religious groups examined in this essay strenuously urge that it should not do so, lest it undermine the natural family, motherhood, and parental and national sovereignty. On similar grounds, they support the United States's continuing failure to ratify the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW").⁴

Such religious groups perceive the Convention and CEDAW as "anti-family" forces that threaten the natural family. This opposition is troubling if, as legal scholar John Witte, Jr., argues, one way to resolve the paradox that impressive declarations – on paper – of human rights coexist with gross violation – in actual societies – of human rights is to enlist the unique resources of religion to support a human rights culture.⁵ Arguably, closing this gap between "the near universal embrace of standards for protecting children rights" and children's lives is imperative: "more than half of the world's children are suffering extreme deprivations from poverty, war and HIV/AIDS, conditions that are effectively denying children a childhood and holding back the development of nations."⁶

If enlisting religion as a resource might help to close this gap, then one stumbling block; as the epigraph from Terence Anderson suggests, is the concern that the Convention threatens religious conceptions of family and parental rights and responsibilities and creates adversarial relationships within the family. In addition, it "sanction of a high degree of state authority over families" poses a threat to religious persons "who believe that to be a community transmitting a particular way of life is central to their calling."⁷

This critique of the Convention is expressed, in more polemical form, by the conservative religious organizations examined in this essay: Concerned Women for America (CWA) and the Family

Research Council (FRC) (two organizations viewed as among the "key" conservative groups contributing to President George W. Bush's re-election⁸); the Howard Center for Family, Religion & Society; and the affiliated World Congress of Families (WCF). I also analyze the recent document, "The Natural Family: A Manifesto," co-authored by Dr. Allan Carlson of the Howard Center and WCF (and also a researcher for FRC) and Paul T. Mero, of the Sutherland Institute.⁹ The *Manifesto* is intended to provide a philosophical foundation for "pro family" efforts.¹⁰

These groups invoke the UN Declaration of Human Rights provision (Article 16 (1)) (Declaration) that "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State"¹¹ to critique the Convention and CEDAW as "anti-family." This essay offers some reflections on this defense of the natural family. It critically evaluates how such groups' opposition to these human rights instruments entails a conception of the proper place of men and women within families and society and a conviction that gender equality undermines families.

B. *Conservative Religious Visions of the "Natural Family"*

1. *Concerned Women for America*. CWA describes itself as "the nation's largest public policy women's organization," which helps its members "bring Biblical principles into all levels of public policy."¹² "Definition of the Family" is listed first, on CWA's website, among the six "core issues" that "need Biblical principles most."¹³ Concerns over family definition and national (and parental) sovereignty drive CWA's active opposition, at the UN, to the Convention and CEDAW.¹⁴

2. *CWA's Vision: Biblical Design of the Family*. CWA's web site declares: "CWA believes that the traditional family consists of one man and one woman joined in marriage, along with any children they may have. We seek to protect traditional values that support the Biblical design of the family."¹⁵ Same sex-marriage is contrary to this "Biblical design": "It's a simple truth that marriage is only between a man and a woman. Webster's Dictionary agrees. So does Nature. So does the Bible."¹⁶ Marriage, "civilization's primary institution," is "the natural family" -- the union of "the only type of couple capable of natural reproduction of the human race -- a man and a woman." Through marriage, society gives children the mother and father they need. Government should not create any other, "counterfeit," form of marriage.¹⁷

CWA leaders endorse the *Manifesto*, which defends the natural family as "part of the created order."¹⁸ Thus, Dr. Janice Crouse contends that the abandonment of the "natural family" in favor of alternatives to marriage has been "disastrous for women and children," as evidenced by the "pathetic results" of the experiment of sexual liberation.¹⁹ A recurring theme in CWA's writings -- and advocacy work at the UN -- is the imperative of protecting traditional gender roles in marriage and defending motherhood against pernicious radical feminist ideas.²⁰

3. *The Family Research Council*. FRC also seeks to bring the Judeo-Christian worldview to bear on public policy. It "champions marriage and the family as the foundation of civilization, the seedbed of virtue, and the wellspring of society."²¹ Three of its "Core Principles" concern the family.²² On FRC's website, many writings under the link for "Marriage and Family" are by Dr. Allan C. Carlson, co-author of the *Manifesto*. What is Carlson's vision of the "natural family"?

There is a vital bond between marriage and procreation and fecundity, Carlson contends. This was the "unwritten sexual constitution of our civilization," rooted in early Christianity.²³ Earlier laws against contraceptive use preserved that constitution, but the notion of marital privacy in *Griswold v. Connecticut* was a "direct assault" on it, emptying marriage of meaning and denying natural law. In *Eisenstadt v. Baird*, and then *Lawrence v. Texas*, the Court found "a right to uninhibited sexual expression."²⁴ These opinions sever sexual experience and procreation from marriage (although he concedes that recriminalizing contraception is not a viable position).²⁵

Declining fertility -- and the diminished place of the child -- stem, on Carlson's view, from the declining influence of religion.²⁶ He offers Europe as a cautionary tale of waning "Christian obedience to the Genesis command, 'be fruitful and multiply.'"²⁷ A related culprit is embracing the "Swedish model" for society, which entails welcoming "the disappearance of motherhood as a vocation," demanding full gender equality, the priority of work over family, day care, and generous welfare benefits. On this view,

seemingly family-friendly policies reflect "post-family, anti-child values" because they devalue stay-at-home motherhood and replace parental responsibility for children with that of the state.

The United States, which has enjoyed a sustained increase in fecundity, apparently related to its greater religiosity, now has more in common with Third World nations, which have "family morality" systems that "still acknowledge and respect a transcendent God and a religiously grounded family system."²⁸ Carlson urges that the United States should ally with them and also adopt domestic policies that stress the procreative purpose of marriage and encourage "large families, created responsibly through marriage."²⁹

The idea of the family as a home economy, a site of productive activity, and home schooling are other distinctive features in Carlson's vision, as I discuss below. Restoring motherhood as a vital vocation features prominently. Stay-at-home mothers in suburbia were the "linchpin" of the suburban way of life, but federal anti-discrimination laws of the 1960s in the areas of employment (Title VII) and education (Title IX) and feminism, among other forces, caused the decline of this family system.³⁰

4. *The Howard Center and The World Congress of Families.* The Howard Center, of which Carlson is president, has as its motto, "For Family, Religion, and Society."³¹ Through the Howard Center, Carlson initiated the "World Congress of Families" (WCF). WCF affirms that "the natural family is established by the Creator and is fundamental to the good of the society." It is "inscribed in human nature" and "centered on the union of a man and a woman in the lifelong covenant of marriage." WCF aims to bring together "people of faith" and "all men and women of good will" to "work together to strengthen the natural family."³²

The natural family, WCF declares, faces many threats: "devaluation of parenting, declining family time, morally relativistic public education, confusions over sexual identity, sexually transmitted diseases, abortion, poverty, human trafficking, violence against women, child abuse, isolation, excessive taxation, and below-replacement fertility."³³ "[C]hallenges to the family's very legitimacy as an institution" arise from: "extreme individualism, easy divorce, radical homosexual activism, irresponsible sexual behavior, and *the reinterpretation and misapplication of human rights*."³⁴ Thus, speakers at WCF events critique the Convention and CEDAW.³⁵

Government should "protect and support the natural family and not usurp the vital roles that it plays in society," for example, by failing to support home schooling or school choice or by creating "pressure for mothers to enter the workplace when they would prefer to care for their families full time."³⁶ Gender complementarity is an element of WCF's vision: children need the "complementary" love of mother and father.

4. *"The Natural Family: A Manifesto"*

The conception of the natural family elaborated by the conservative religious groups discussed in this essay finds vivid expression in "The Natural Family: A Manifesto." The *Manifesto* anticipates "the prospect of a great civil alliance of *religious* orthodoxies, within nations and around the globe . . . to defend our family systems from the common foe."³⁷ Since its release in March, 2005, a number of conservative leaders and groups (and one U.S. Congressman) have endorsed it.³⁸

In the *Manifesto*, the "natural family" is "part of the created order," "imprinted on our natures,"³⁹ and:

the union of a man and a woman through marriage for the purposes of sharing love and joy, propagating children, providing their moral education, building a vital home economy, offering security in times of trouble, and binding the generations.⁴⁰

The "ideal, optimal, true family system," it cannot be "re-defined by eager social engineers." Some varied living situations are "caused by circumstance or dysfunction, but "all other 'family forms' are incomplete or are fabrications of the state."⁴¹ The *Manifesto's* authors state: "We deny any such thing as social evolution. The changes we see are either decay away from or renewal toward the one true family model."⁴²

These references to the "true" and "authentic" model of family reinforce its theological nature. The *Manifesto* acknowledges "holding Christian values regarding the family," but maintains that "the other great world faiths" also recognize the "natural family." Moreover, "[b]ecause it is imprinted on our

natures as human beings," the natural family is "universal": it "can be grasped by all persons who open their minds to the evidence of their senses and their hearts to the promptings of their best instincts."⁴³

The *Manifesto's* tone is fervent and apocalyptic. It states: "We are called to be the . . . moral soldiers, in this drive to realize the life ordained for us by our Creator." As a "new spirit" – the "essence of the natural family" – spreads in the world, "the enemies of the natural family grow worried" and "their fury grows." It promises: "the time is close when the persecution of the natural family, when the war against children, when the assault on human nature shall end."⁴⁴

The political vision in the *Manifesto* is one of family sovereignty: "States exist to protect families and to encourage family growth and integrity."⁴⁵ Prior to the state, the natural family – not the individual – is "the fundamental unit of society."⁴⁶ "Just political life also flows out of natural family homes," which are the "the fountain of real democracy, the seedbed of virtue."⁴⁷

The *Manifesto* condemns state invasions of the home, under the guise of protecting children from parents, as well as of children "turned over to state-funded day care" and to public schools that mock chastity and fidelity and marriage.⁴⁸ What of state intervention to address family violence? The *Manifesto* acknowledges that "all families fall short of perfection and a few families fail," but asserts: "The natural family is the answer to abuse."⁴⁹

Fertile households "framed by marriage" are also "the primal economic unit."⁵⁰ The *Manifesto's* ideal of households "restored in line with the intent of its Creator" echoes Carlson's vision:

We see these homes as open to a full quiver of children, the source of family continuity and social growth. We envision young women growing into wives, homemakers, and mothers; and we see young men growing into husbands, homebuilders, and fathers . . . We look to a landscape of family homes, lawns, and gardens busy with useful tasks and ringing with the laughter of many children. We envision parents as the first educators of their children.⁵¹

The Creator's intended design also entails the gendered division of labor within the household. The *Manifesto* identifies feminism as one of the forces aligned against the natural family and counters with an affirmation of different but equal:

We affirm that women and men are equal in dignity and innate human rights, but different in function. . . . [T]he calling of each boy is to become husband and father; the calling of each girl is to become wife and mother. Everything that a man does is mediated by his aptness for fatherhood. Everything that a woman does is mediated by her aptness for motherhood. Culture, law, and policy should take these differences into account.⁵²

The sexes are complementary, and in marriage, these "profound biological and psychological differences" become a source of strength and wholeness.⁵³

Men and women should be allowed "to live in harmony with their true natures." The *Manifesto* affirms "women's rights," but continues: "Above all, we believe in rights that recognize women's unique gifts of pregnancy, birthing, and breastfeeding."⁵⁴ It vows to end "the aggressive state promotion of androgyny."⁵⁵ The *Manifesto* takes the familiar conservative rhetorical attack upon feminism as a form of totalitarian social engineering to a startling – and, frankly, offensive – level:

The goal of androgyny, the effort to eliminate real differences between women and men, does every bit as much violence to human nature and human rights as the old efforts by the communists to create "Soviet Man" and by the nazis to create "Aryan Man." We reject social engineering, attempts to corrupt girls and boys, to confuse women and men about their true identities.⁵⁶

This categorical attack on governmental efforts to foster sex equality illustrates the conviction that such efforts harm families.

As I now illustrate, a zealous concern over guarding the family's prerogatives against usurpation by government and by United Nations bureaucrats also drives conservative religious groups' opposition to the Convention and CEDAW.

C. Conservative Religious Opposition to UN Human Rights Instruments

The conservative religious groups discussed above generally distinguish between the good

intentions and sound principles of the UN Declaration and the dangerous social engineering manifest in later human rights instruments.⁵⁷ They invoke Article 16 (2) of the Declaration: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." They approvingly refer to Article 16 (1), which affirms "the right to marry and to found a family" (Article 16 (1)). They favorably cite the Declaration's statement that "Motherhood and childhood are entitled to special care and assistance" (Article 25) and its recognition of the right of parents to "choose the kind of education that shall be given to their children." (Article 26 (3)).⁵⁸ The Manifesto decries attacks on the Declaration, "a document that proclaims fundamental rights to family autonomy, to a family wage for fathers, and to the special protection of mothers".⁵⁹

Such groups perceive a similar tension between the "pro-family" Preamble of the Convention, which affirms the family as the "the fundamental group of society," and its "anti-family" Articles.

One objection to the Convention is that its assignment of rights to children and references to "the best interest of the child" (Article 3) usurps parental sovereignty over children and enlists the state – and UN bureaucrats – as children's protectors. CWA charges that it would "make Congress the national guardians of children, . . . answerable to the United Nations;" but "the government's definition of a child's best interests is often very different from a parent's definition": spanking could be deemed child abuse and neglect, which would have "severe legal implications for many American families."⁶⁰ A speaker at a WCF event warned that "international bureaucrats" may differ with parents – and communities – who think it is in a child's best interest to be brought up in a two-parent household "that worships regularly at a church, mosque, or synagogue."⁶¹

A related objection is that the Convention's recognition of children's rights, consistent with their "evolving capacities," wrongly envisions children as "autonomous agents who are capable, in all areas, of making adult decisions and dealing with adult situations." This vision conflicts with "the traditional concept, upheld in America, that children are 'minors' in need of parental protection." CWA charges that this "radical legal doctrine" gives children the same legal rights as adults.⁶² An FRC critique of the Convention's declaration of the child's rights to association, free expression, religion, privacy, and health services offers this parade of horrors: Will children be able to sue their parents if they can not visit internet chat rooms or porn sites? Will 10-year old girls be free to get abortions without consulting their parents?⁶³

Another objection directed at the Convention, but even more frequently at CEDAW, is that they (in contrast to the Declaration) denigrate motherhood and deny basic differences between women and men. CWA critiques provisions in CEDAW that forbid discrimination on the basis of sex, its call (in the Preamble) for change in the traditional roles of men and women in society and the family "to achieve full equality between men and women," and its call for countries to modify social and cultural patterns to eliminate prejudices "based on stereotyped roles for men and women" (Article 5a). Such provisions beg the question, "Whose culture will prevail? Who will determine what patterns of conduct must be modified?"⁶⁴ To ratify CEDAW would "condemn women in America and around the world to destructive social policies that devastate the foundation for stable societies – motherhood, marriage, and family." No reservations from CEDAW "could protect our laws and culture from [CEDAW's] skewed belief that there is no difference between men and women."⁶⁵ Ratifying CEDAW would put American women at risk:

Many women in the United States choose to put their family first, staying home to raise their children, care for elderly relatives, and contribute to religious organizations, charities and communities. CEDAW and its Committee consider their work to be subservient, not worthy of commendation, and, frankly, deserving to be outlawed.⁶⁶

Another objection is that CEDAW and the Convention, by advocating sex equality, would prohibit children and teachers "from recognizing that there are fundamental differences between boys and girls and that some roles based purely on sex, such as motherhood, are noble."⁶⁷ CWA writers charge that the Convention's goal of eliminating forms of discrimination against girls and improving their status (for example, by educating parents to treat girls and boys equally within families) wrongly dictates "how a family runs."⁶⁸

The attack on motherhood, conservatives perceive, is an attack on culture and, by extension, national sovereignty. Thus, they object that Convention and CEDAW are vehicles for "anti-family" NGOs to force on particular nations a radical feminist form of social engineering – a cultural colonialism – that would never succeed if forced to go through the normal democratic process. Speakers at WCF gatherings decry the overweening influence, within the UN system, of "radical feminists" and "homosexual rights activists."⁶⁹ CWA contends this radical agenda includes "children's autonomy from their parents" and "leftist ideas about equality and sexual freedom." CEDAW dumps feminist ideologies on the Third World and would be an "intrusion into our lives" by unelected UN bureaucratic elites "with a radical vision incompatible with the values and wishes of the vast majority of citizens."⁷⁰

Convictions about gender difference are rooted in cultural and religious traditions, conservative groups contend, and these human rights instruments threaten to trample such traditions in the name of gender equality. As Catharine Powell observes, the United States' failure to ratify CEDAW is often justified in terms of arguments about U.S. constitutionalism and federalism. But these warnings of cultural colonialism (also sounded by some conservative legislators) reveal that another objection is culture: CEDAW will interfere with the United States' right to cultural self-determination.⁷¹

D. *Reflections and Conclusion*

Explicating how the "natural family" features in conservative religious groups' normative visions of family and their objections to the supposed "anti-family" agenda promoted through UN human rights instruments reveals concerns about threats to the primacy of marriage, parental and national sovereignty, and proper gender ordering. Some of these objections resonate with objections not explicitly grounded in religion. One objection is that, when the model of shared parental and governmental authority and responsibility for children, manifest in United States constitutional jurisprudence, faces the prospect of the additional dimension of UN responsibility for monitoring and encouraging compliance, questions about national sovereignty and jurisdiction arise.⁷² Some critics also contend that, if the U.S. ratified the Convention, it would violate parental liberty: charging states with protecting children's human rights opens the door to empowering children to reject the exercise of parental authority and to injecting the state's view of the child's best interest into the family.⁷³ And communitarian critics fault the rights-based focus of the Convention for "abandoning children to their autonomy."⁷⁴

Religiously-based objections, as Anderson's opening epigraph suggests, share these concerns. But they also focus on the special place of the family as a vital site of cultural and religious transmission and on the dangers of paternalistic state intervention, especially when bureaucrats have a different conception of child well-being than religious parents.⁷⁵

Don Browning writes, in a similar vein, of the threat to the family posed by the rise of "bureaucratic rationality," or the state taking on functions that used to be fulfilled by families and other institutions of civil society. This development conflicts with the Roman Catholic principle of "subsidiarity," under which parents naturally take an interest in their children and should have primary responsibility for them; the state should assist, rather than replace, the family. Yet he detects "subsidiarity" at work in the Convention's recognition of the priority of parental and family rights with respect to rearing and socializing children and guiding their moral development and its direction that government respect and facilitate the responsibilities, rights, and duties of parents as they help children exercise their rights.⁷⁶

Conservative religious groups' vision of the natural family embraces some form of subsidiarity, but more zealously insists on the primacy of the family. Their vision is one of "familism," or the conviction that "throughout human history, the family has been the fundamental component of a civilized society," and that, indeed "the traditional family is a design ordained by God."⁷⁷ Familism, some scholars argue, animates the so-called "new Christian right."⁷⁸

In this religious vision, human rights instruments aimed at promoting gender equality and eliminating stereotypes lead to dangerous social engineering that would deny and eliminate differences between women and men, denigrate motherhood, and attack the gendered division of labor. Consider the *Manifesto's* hyperbolic indictment of the evils of governmental attempts to foster "androgyny."

Conservative groups present challenges to gender roles as a harmful attack on cultural and religious traditions about the "natural family."

These arguments about U.S. "culture" seem to overlook that sex equality is a feature not only of U.S. family law but also of constitutional law.⁷⁹ As I argue elsewhere, government may and should promote sex equality as an important public value.⁸⁰ By contrast, conservative groups would apparently deny the emergence of sex equality as a feature of U.S. political "culture."

When conservatives indict UN concern over countries' laws reflecting stereotypical views about women's role in the home and as mothers, they might as readily object to U.S. Supreme Court opinions stating that, pursuant to Equal Protection doctrine, states should no longer legislate on the assumption that women are destined only for the home and men for the world of work outside the home.⁸¹ Would they find equally objectionable *Nevada v. Hibbs*, in which the Court explains that Congress passed the Family and Medical Leave Act because mutually reinforcing gender role stereotypes about women's domestic responsibilities and men's work responsibilities contributed to discriminatory practices in the work place?⁸² The *Manifesto* and Dr. Alan Carlson's many writings indicate that some religious conservatives do explicitly criticize U.S. anti-discrimination law and policy for weakening the "natural family" by undermining the traditional division of labor between mother and father.⁸³

To be sure, citizens hold many diverse views about gender roles within the family and in society. Nonetheless, the political and constitutional value of sex equality bars federal and state governments from legislating based on the gendered division of labor once legally sanctioned in "traditional" marriage. Thus, it would offend constitutional requirements of sex equality for government to undertake the sort of gender education urged by Carlson and the *Manifesto*.

This essay has confined its focus to several conservative religious groups that oppose the Convention and CEDAW because of their vision of the natural family. On the question of whether religious conceptions of family lead to support or opposition of human rights instruments bearing on children and families, the answers are as multiple as there are religious denominations and coalitions.⁸⁴ Indeed, the perception by conservative religious groups that the UN and many NGO's are anti-family and anti-religion is understood by some scholars as part of "the conservative and progressive divide" between religious groups at the UN.⁸⁵ Thus, this essay has taken a first step in a larger project that would assess the resources of a broader range of religious organizations.⁸⁶

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¹Allan C. Carlson and Paul T. Mero, *The Natural Family: A Manifesto*, *The Family in America* (Special Edition), Vol. 19, No. 3, pp. 5, 33 (March 2005) [hereinafter *Manifesto*]. The *Manifesto* may be downloaded from, The Howard Center web site, www.profam.org (visited March 23, 2005).

²Terence R. Anderson, *Child and Family in Christianity*, in *Religious Dimensions of Child and Family Life: Reflections on the UN Convention on the Rights of the Child*, 31, 52 (Harold Coward and Philip Cook eds., 1996).

³Philip Alston and Stephen Parker, *Introduction*, in *Children, Rights and the Law v-viii* (Philip Alston, Stephen Parker, and John Seymour eds., 1992). The Convention was approved on November 20, 1989, and entered into force on September 2, 1990. *Id.* at 2. The United States has signed, but not ratified the Convention.

⁴CEDAW was adopted on December 18, 1979, and in force as of September 3, 1981. 1249 UNTS 13.

⁵John Witte, Jr., *A Dickensian Era of Religious Rights: An Update on Religious Human Rights in Global Perspective*, 42 *Wm. & Mary L. Rev.* 707 (2001).

⁶Press Release, "Childhood Is A Brutal Experience for Half of World's Children, UNICEF Says – Crucial Years Destroyed by Poverty, Conflict, and AIDs," available at www.unicef.org/sowc05/english/pressrelease.html (visited March 20, 2005).

⁷Anderson, *supra* note 2, at 49-50.

⁸See John Cochran, *Religious Right Lays Claim to Big Role in GOP Agenda*, *CQ Weekly*, Nov. 13, 2004, 2684, 2685.

⁹*Manifesto*, *supra* note 1.

- ¹⁰Remarks by Dr. Allan Carlson at Press Conference, audio link available at www.familymanifesto/fm/news.asp (visited September 15, 2005). Endorsements appear at The Howard Center web site, www.profam.org (visited March 23, 2005).
- ¹¹Universal Declaration of Human Rights, available at www.un.org/Overview/rights.html (visited March 20, 2005) [hereinafter UDHR].
- ¹²This statement and others quoted in text are from "About CWA," available at www.cwfa.org/about.asp (visited Feb. 23, 2005).
- ¹³*Id.* Quotes about the family appear in "Our Core Issues," www.cwfa.org (visited Feb. 23, 2005).
- ¹⁴Sharon Lerner, *Saviors of the Children*, Village Voice, May 14, 2002 (reporting that Dr. Janice Crouse was among U.S. delegation to summit on the rights of the child).
- ¹⁵"Our Core Issues," *supra* note 13.
- ¹⁶Randy Thomasson, *Don't Mess With Marriage*, (Oct. 2, 2001), found under "Definition of Marriage," at www.cwfa.org (visited March 17, 2005).
- ¹⁷Robert H. Knight, "The Case for Marriage," www.cultureandfamily.org (visited Feb. 23, 2005).
- ¹⁸See "The Natural Family: A Manifesto: Here are some of the endorsements," www.profam.org (visited March, 23, 2005).
- ¹⁹Remarks by Dr. Janice Crouse "in support of the traditional family," audio link available at www.cwfa.org (visited March 17, 2005).
- ²⁰See, e.g., Janice Crouse, *A Conservative Critique of Feminism*, available at <http://www.cwfa.org> (visited Feb. 23, 2005) (speech delivered at Princeton University).
- ²¹"About FRC," available at www.frc.org (visited March 20, 2005).
- ²²*Id.*
- ²³Dr. Allan C. Carlson, *Marriage and Procreation: On Children As the First Purpose of Marriage*, October 20, 2004, available at www.frc.org (visited March 20, 2005).
- ²⁴*Id.* at 7 (critiquing *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); and *Lawrence v. Texas*, 539 U.S. 558 (2003)).
- ²⁵*Id.* at 9.
- ²⁶Dr. Allan C. Carlson, *The Fertility Gap: Recrafting American Population*, available at www.frc.org (visited March 20, 2005).
- ²⁷*Id.* at 6.
- ²⁸*Id.* at 11.
- ²⁹*Id.* at 10.
- ³⁰Allan C. Carlson, 'Bailey Park' or 'Greater Pottersville? The Natural Family in the 21st Century Suburb (Lecture given on March 27, 2003), available at www.frc.org (visited March 20, 2005).
- ³¹Howard Center website, available at www.profam.org (Visited March 18, 2005).
- ³²*World Congress of Families III: A Call to All People of Good Will . . .*, available at www.worldcongress.org (visited March 18, 2005).
- ³³*World Congress of Families: Principles & Purpose + Persuasive Insight*, available at www.worldcongress.org (visited March 18, 2005).
- ³⁴*A Call to All People of Good Will*, *supra* note 32 (emphasis supplied).
- ³⁵See, e.g., William Saunders, Esq., *The UN Threat to the Family: Bad Treaties Make Bad Law*, available at www.frc.org (visited March 20, 2005).
- ³⁶*A Call to All People of Good Will*, *supra* note 32.
- ³⁷*Manifesto*, *supra* note 1, at 33.
- ³⁸Among the endorsers are: Gary Bauer, President American Values; Congressman Lee R. Terry (Nebraska); Dr. Jerry Falwell, Liberty University; Rabbi Daniel Lapin, President, Toward Tradition; Phyllis Schlafly, President, Eagle Forum. See "The Natural Family: A Manifesto: Here are some of the endorsements," available at www.profam.org (visited March 23, 2005); see also Paul M. Weyrich, "Traditional Family Values," Cybercast News Service, (May 4, 2005), www.cnsnews.com (visited June 22, 2005).
- ³⁹*Manifesto*, *supra* note 1, at 5.
- ⁴⁰*Id.* at 15.

⁴¹*Id.*

⁴²*Id.* at 29.

⁴³*Id.* at 26-27.

⁴⁴*Id.* at 35.

⁴⁵*Id.* at 4-5.

⁴⁶*Id.* at 15, 16.

⁴⁷*Id.* at 5 (quoting Theodore Roosevelt).

⁴⁸*Id.* at 7.

⁴⁹*Id.* at 28.

⁵⁰*Id.* at 13.

⁵¹*Id.* at 14.

⁵²*Id.* at 16.

⁵³*Id.* at 17.

⁵⁴*Id.* at 25.

⁵⁵*Id.* at 21.

⁵⁶*Id.* at 26.

⁵⁷The summary in text draws on: *U.N. Rights of the Child*, (August 7, 1997), available at www.cwfa.org (visited February 23, 2005); Wendy Wright, *CEDAW: A Global Tool That Would Harm Women*, (Aug. 27, 2003), available at www.cwfa.org (visited Feb. 23, 2005); and Saunders, *supra* note 35.

⁵⁸See UDHR, *supra* note 11. Patrick F. Fagan, of the Heritage Foundation, who has endorsed the Manifesto, offers this critique in: *How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion, and Sovereignty* (Feb. 5, 2001), Heritage Backgrounder 1407, available at www.heritage.org (visited Feb. 16, 2005).

⁵⁹*Manifesto*, *supra* note 1, at 26. The *Manifesto* infers that the family wage is for fathers because the Declaration uses the pronoun "his" in referring to a worker's right to "just and favourable remuneration ensuring for himself and his family" (Article 23 (3)) and, in Article 25 (1), that "[E]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family. . . ." UDHR, *supra* note 11.

⁶⁰*U.N. Rights of the Child*, *supra* note 57.

⁶¹Saunders, *supra* note 35.

⁶²*U.N. Rights of the Child*, *supra* note 57.

⁶³For these hypotheticals, see Saunders, *supra* note 35.

⁶⁴Wright, *supra* note 57.

⁶⁵*Id.* at 7.

⁶⁶*Id.* at 2.

⁶⁷*Id.*

⁶⁸Catherine Hurlburt, *The "Girl-Child,"* (March 1, 2000) available at <http://www.cwfa.org> (visited Feb. 23, 2005).

⁶⁹Kathryn Balmforth, *Hijacking Human Rights*, (Remarks made at WCF II, Nov. 17, 1999), available at www.worldcongress.org (visited March 18, 2005).

⁷⁰Janice Shaw Crouse, *The Stalking Horse Named CEDAW*, (Jan. 16, 2004), available at www.beverlylahayeinstitute.org (visited Feb. 23, 2005).

⁷¹Catherine Powell, *Lifting Our Veil of Ignorance: Culture, Constitutionalism, and Women's Human Rights in Post-September 11 America*, 57 *Hastings L.J.* 331 (2005).

⁷²See, e.g., David P. Stewart, *Ratification of the Convention on the Rights of the Child*, 5 *Geo. J. On Fighting Poverty* 161 (1998).

⁷³Another basis for opposition is the Convention's recognition of positive rights. For discussion, see *id.*

⁷⁴Bruce C. Hafen and Jonathan O. Hafen, *Abandoning Children to Their Autonomy: The United Nations Convention on the Rights of the Child*, 37 *Harv. Int'l L. J.* 449 (1996).

⁷⁵Anderson, *supra* note 2 (relying upon Christopher Lasch, *Hillary Clinton, Child Saver*, *Harper's Magazine*, 74 (Oct. 1992)).

⁷⁶Don S. Browning, *Marriage and Modernization* 218-219 (2003) (discussing, e.g., Article 5).

⁷⁷Kevin J. Christiano, *Religion and the Family in Modern American Culture*, in *Family, Religion, and Social Change in Diverse Societies*, 43, 46-47 (2000).

⁷⁸*Id.*

⁷⁹Linda C. McClain, *The Place of Families: Fostering Capacity, Equality, and Responsibility* (2006); Mary Anne Case, *Reflections on Constitutionalizing Women's Equality*, 90 Cal. L. Rev. 765 (2002).

⁸⁰McClain, *supra* note 79; Linda C. McClain, *The Domain of Civic Virtue in a Good Society: Families, Schools, and Sex Equality*, 69 Fordham L. Rev. 1617 (2001).

⁸¹A line of U.S. Supreme Court decisions have prohibited reliance on stereotypical assumptions concerning women's and men's capacities. See *Orr v. Orr*, 440 U.S. 268 (1979); *Stanton v. Stanton*, 421 U.S. 7 (1976).

⁸²538 U.S. 721 (2003).

⁸³Carlson, *supra* note 30; Allan C. Carlson, *Reinventing the Schoolroom: Education as A longer version of this essay appears in [title]* (Martha Albertson Fineman and Karen Worthington eds., Cambridge University Press, forthcoming 200_).

Homecoming, available at www.frc.org (visited March 20, 2005).

⁸⁴See *Religious Dimensions of Child and Family Life*, *supra* note 2.

⁸⁵See *Religion and Public Policy at the UN* (A Religion Counts Report, 2002).

⁸⁶In a longer, related work, I expand the analysis in this essay to include the conservative think tank, the Heritage Foundation, and the United States Conference on Catholic Bishops: Linda C. McClain, *Child, Family, and State in Religious Stances and Human Rights Instruments: A Preliminary Comparison*, in *What Is Right For Children? The Competing Paradigms of Religion and Human Rights* (Martha Albertson Fineman and Karen Worthington eds., 2007).