



Divorcées and Social Engineers

Fathers face off against the marriage movement.

IT IS NOW a truth more or less universally acknowledged that children are better off when they have fathers and when their fathers are actively involved in their lives. But where do we go from there? Should the government be promoting fatherhood, marriage, and two-parent families? Or should it simply get out of the way and stop hindering fathers who want to do right by their children? The debate has pitted fathers' rights activists against advocates for marriage and "responsible fatherhood."

The government's fatherhood programs, an offspring of the Clinton era, are thriving under Bush. One Bush-era innovation is marriage promotion: The government has spent millions on programs to encourage poor people on welfare to get married and to help them develop better "marriage skills," an effort that has drawn criticism both from feminists who worry about women being pressured to stay in abusive marriages and from libertarians less than thrilled by social engineering. More recently, some fathers' rights activists have declared the administration's efforts part of an insidious machine that undermines rather than bolsters family and fatherhood.

The first salvo was fired by Stephen Baskerville, a political science professor at Howard University, in a May column for *National Review Online* that decried "government as family therapy." The government, Baskerville wrote, actively undermines marriage by allowing no-fault divorce and pursuing "one of the most dishonest and destructive policies ever foisted on the public: child-support enforcement."

In his view, government programs aimed at inculcating "life skills" and improving relationships simply serve to bring even more of the family under state control. "Here we see the

culmination of a government perpetual-growth machine that has been building for decades: Destroy the family through welfare and no-fault divorce; then evict and criminalize the fathers; then institutionalize the children as state wards through various 'services' to relieve single mothers."

Just a week later, the *National Review* site published an acid response from Tom Sylvester, a research associate with the Institute for American Values (co-founded by David Blankenhorn, author of the much-discussed 1995 book *Fatherless America*). Sylvester depicted Baskerville as an extremist spokesman for a "small but vocal group" of disgruntled divorced fathers, and went on to laud the Bush administration's pro-marriage programs as a much-needed effort to strengthen families and thus ultimately help the cause of limited government. More recently, in October, the *MensNewsDaily* site has featured a roundtable discussion between marriage advocates and fathers' rights activists, including Baskerville and Sylvester.

The fathers' rights activists, so often dismissed as angry men, make some excellent points—including some aspects of their critique of the "marriage movement" and the "responsible fatherhood" advocates. Blankenhorn's writings, for instance, are based almost entirely on the assumption that the primary cause of fatherlessness is men walking away from their wives and children. He and other conservatives believe that the answer to father absence is for men to embrace their responsibilities and for society to hold them responsible. In Blankenhorn's striking metaphor, "Men do not volunteer for fatherhood as much as they are conscripted into it by the surrounding culture."

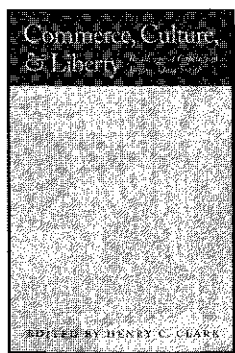
In fact, two-thirds of divorces are initiated

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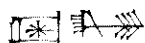
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To modern readers, these seventeenth- and eighteenth-century discussions of commerce and economic life in general are surprising because they are so closely integrated to moral and cultural issues. Though we may have forgotten how extensively such issues were once discussed, it is uncanny what a contemporary ring many of these issues have.

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by wives. This isn't just a matter of who officially files for divorce: As Arizona State University psychologist Sanford Braver reports in his 1999 book *Divorced Dads*, about two-thirds of the time it's the wife who wants out of the marriage. In many cases, non-custodial fathers find their relationships with their children thwarted by their ex-wives.

To some extent, government policies contribute to the situation. Despite nominally gender-neutral child custody laws, in practice fathers are still at a disadvantage. What's more, the courts and the government are far more interested in enforcing child support than in enforcing non-custodial parents' access to the children.

Some thought-provoking studies, particularly by University of Iowa law professor Margaret Brinig, suggest that women are more willing to end their marriages because they know they are likely to get sole custody of their children. Brinig and other scholars have also found that more frequent joint custody awards correlate with lower divorce rates.

Unfortunately, many fathers' rights activists undermine their cause by resorting to extreme rhetoric. Baskerville, for instance, claims that courts, lawyers, and bureaucrats have a vested interest in promoting divorce and "ripping away" fathers from their children: As he put in on *The O'Reilly Factor* in October 2000, "the more children they take away from their parents, the more business there is for their courts and for those who are the recipients of their patronage."

When Sylvester pointed out in the *MensNewsDaily* roundtable that a spouse, not the state, files for divorce, Baskerville's retort was even more

extreme: "This is like saying the German state was not involved in the Holocaust because its victims were often turned in by their neighbors."

Baskerville, whose diatribes against the "divorce industry" have appeared not only in conservative publications but in libertarian ones such as *Liberty*, makes a good case that divorce increases government control over families. Once a couple has split up, the courts become involved in decisions that were previously made between husband and wife: whether to send the children to a private school, what kind of religious training they should get, how much money to spend on their clothing and other expenses—and, no less important, how much time each parent will spend with the children. But is there any way to avoid that?

Baskerville argues that the spouse who elects to leave the marriage—except on clear grounds of "fault," such as adultery, physical violence, or substance abuse—should forfeit child custody, possibly with little or no access to the children. But not every divorce without an officially recognized "fault" is frivolous, as some fathers' rights activists would suggest.

Baskerville's proposal would force many people to choose between losing their children and remaining in an emotionally intolerable marriage. And one can imagine a disaffected spouse waging psychological warfare to push the other to file for divorce, or making false allegations of physical abuse or other "faults."

Yet there is no getting around the fact that the "marriage movement" supports extensive entanglement between state, therapy, and family. Obviously, we're not talking about shotgun marriages arranged by Big

Brother. But in a federally funded pilot program in Oklahoma, cited as a model by marriage promoters, workshops that teach communication, conflict resolution, and other marriage skills are virtually mandatory for welfare recipients.

Principles aside (such as the quaint idea that the government shouldn't be micro-engineering people's private lives), it's hard to imagine that this approach could be effective. Even voluntary, individualized marital counseling is far from a surefire way to keep a marriage together. A large workshop that offers one-size-fits-all solutions to people with distinct personalities and problems doesn't hold out much promise.

Besides, low marriage rates and high divorce rates in low-income communities are related to plenty of economic and social factors that have nothing to do with poor communication. While the problem of fatherlessness is real, a federal initiative that throws taxpayer money at untested programs and turns Uncle Sam into a marriage counselor is not a real solution.

In a culture that values personal freedom, there is no real "solution" to the problem of divorce. Yet there are ways to minimize its negative effects, such as creating policies that ensure both parents have a meaningful post-divorce role in the children's lives. Joint custody, the alternative preferred by more moderate fathers' rights advocates, may not be a panacea, but for all its drawbacks, it would accomplish that goal. ■

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Drug Rush

Limbaugh to listeners: I belong in jail!

RUSH LIMBAUGH MAY not be arrested, let alone spend time behind bars, for illegally buying narcotic painkillers. "We're not sure whether he will be charged," a law enforcement source told CNN in early October. "We're going after the big fish, both the suppliers and the sellers."

Following up on a story *The National Enquirer* broke on October 2, CNN reported that the conservative radio commentator's name had come up during "an investigation of a black market drug ring in South Florida," where Limbaugh has a home. A former housekeeper told the *Enquirer* she had sold him tens of thousands of hydrocodone and oxycodone pills during a four-year period.

If Limbaugh escapes serious legal consequences, there will be speculation about whether a pill popper who wasn't a wealthy celebrity would have received such lenient treatment. Still, the distinction between dealer and user drawn by CNN's source is both widely accepted and deeply embedded in our drug laws.

That doesn't mean it makes sense. If drug use is the evil the government wants to prevent, why punish the people who engage in it less severely than the people who merely assist them? That's like giving a murderer a lighter sentence than his accomplice.

Another argument for sending Limbaugh to jail was suggested by the talk radio king himself. In an October 3 column, *Newsday's* Ellis Henican cited remarks Limbaugh made in

1995 concerning the drug war's disproportionate racial impact. "What this says to me," Limbaugh told his listeners, "is that too many whites are getting away with drug use... The answer to this disparity is not to start letting people out of jail because we're not putting others in jail who are breaking the law. The answer is to go out and find the ones who are getting away with it, convict them, and send them up the river too."

Before we start building a boat for Limbaugh, perhaps we should consider the arguments for letting him keep his freedom. The strongest is that it's nobody's business but his if he chooses to pop *Forcet* and *OxyContin*, as long as he's not hurting anyone else. When the painkiller story broke, the *New York Daily News* reported that Limbaugh's lawyers "refused to comment on the accusations and said any 'medical information' about him was private and not newsworthy."

On his show the next day, Limbaugh already was moving away from that position, promising to tell his listeners "everything there is." A week later, he announced he was entering treatment for addiction to painkillers; he began taking after back surgery. "I take full responsibility for my problem," he declared, while blaming his situation on "highly addictive medication" (thereby reinforcing the opiophobia that has led to scandalous undertreatment of pain in this country).

The quick switch from privacy claim to public confession is reminiscent of Bill Bennett's humiliating retreat on the issue of his gambling. Before renouncing the habit, the former drug czar noted that losing large sums of money on slots and video poker hadn't "put my family at risk." Nor does it seem that the time Bennett spent in casinos interfered with his personal or professional life. It certainly did not keep him away from TV cameras and op-ed pages.

Likewise, drug use did not stop Limbaugh from signing an eight-year contract reportedly worth \$285 million in 2001, or from maintaining a demanding schedule that included three hours on the radio five days a week, or from retaining his status as the nation's leading talk radio host, reaching nearly 20 million listeners on about 600 stations. If his housekeeper hadn't ratted on him, we might never have known about all those pills.

I'd say that's how it should have been, except that Limbaugh seems to prefer a different approach. "If people are violating the law by doing drugs," he told his radio audience in 1995, "they ought to be accused and they ought to be convicted and they ought to be sent up." Maybe the government should respect his wishes. ■

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