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Family rights  
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By

Rev. Edgar Schmiedeler, O.S.B.



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THE PAULIST PRESS  
401 WEST 59TH STREET  
NEW YORK 19, N. Y.

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UNION UNIVERSITY

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*New York, February 10, 1948.*

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PRINTED AND PUBLISHED IN THE U. S. A.  
BY THE PAULIST PRESS, NEW YORK 19, N. Y.



# FAMILY RIGHTS

## I. The Right to Found a Family and Home

CHARACTERISTIC of the world of our day is a great fermenting of ideas. Strange ideologies have been much to the fore. Not a little confusion has resulted. There is real danger that faulty radical ideas may be substituted for the tried and the true views of the past. Clear thinking is necessary, and vigorous action, too, lest foolhardy attempts be made to reconstruct the world of our day on unsound foundations.

In view of the situation that confronts us a "Declaration of Human Rights" was recently drafted by a committee appointed by the National Catholic Welfare Conference and submitted to the Human Rights Commission of the United Nations. This declaration or statement distinguishes between the rights of the human person, the rights of the family, the domestic rights of States, and the rights of States in the international community.

Our particular interest here is in the rights pertaining to the family. These are listed in the document as follows:

(1) The right to marry, to establish a home and beget children.

(2) The right to economic security sufficient for the stability and independence of the family.

(3) The right to the protection of maternity.

(4) The right to educate the children.

(5) The right to maintain, if necessary by public protection and assistance, adequate standards of child welfare within the family circle.

(6) The right to assistance, through community services in the education and care of the children.

(7) The right to housing adapted to the needs and functions of family life.

(8) The right to immunity of the home from search and trespass.

(9) The right to protection against immoral conditions in the community.

This list is not necessarily taken to be all inclusive. In fact, it is introduced with the words: "Among these rights are:" A preamble to this section of the declaration reads:

"The family is the natural and fundamental group unit of society and is endowed by the Creator with inalienable rights antecedent to all positive law. The family does not exist for the State, but on the other hand is not independent."

Some of these rights have been placed much more in jeopardy than others. Particularly in the matter of the child's education has there been one movement after the



other in modern times aiming at robbing parents of their inalienable rights in this regard and handing them over to the State. The right, too, of married people to beget children is being tampered with more and more by modern states. On the other hand, the right that is perhaps least questioned—at any rate insofar as our own country is concerned—is the right of immunity of the home from search and trespass.

In very great part, any discussion of the rights of the family will simmer down to a consideration of the relation that should exist between the family and the State. The State can and should help the family. In fact, the State has certain definite responsibilities toward the family. At the same time it must be observed that the State can go too far in its activities in behalf of the family and trespass on its rights. In our own day a number of States have done this. Some have trespassed on the rights of the family merely to add to their own power and prestige.

The truth is there is apparently no little confusion regarding the State's relationship to the family, and, for that matter, regarding other State and social relationships. All the current discussions about new social orders and the varied isms of our day are filled with this theory or that about the relation of the individual to the family, of the individual to the State, of the family to the individual, and of the family to the State. So, too, is there discussion regarding the relation of Church and State, and school and State. That

there is confusion should hardly surprise us. We have not had a really normal social order to serve as a yardstick. Rather have we had extremes, particularly insofar as the State is concerned, the pendulum having swung from individualism on the one hand to totalitarianism on the other. The former has been characteristic of much of the Western world for decades past. The latter has had its innings in our own day. Thus, the individualistic State permitted conditions, particularly economic conditions, that were decidedly hurtful to the family. It neglected the family, failed to protect it sufficiently. The totalitarian State, on the other hand, no matter under what guise it paraded—Communism, Socialism, Fascism—went to the opposite extreme, interfering with the family.

Needless to add, a sound social order will take a stand between these two extremes of individualism and totalitarianism. Its emphasis will very properly be on the family, or what one might well call familism. It will be founded on a philosophy and a practice that will respect human dignity and safeguard human rights, but that will at the same time not encroach upon the family, or for that matter, on any other social institution. It will respect the rights of the family and will duly assist it whenever its welfare or the common good demands that it do so.

One must begin, in considering the relation of the State to the family, with the fundamental and highly important

proposition that the family is an institution in its own right. That is to say, the family arises spontaneously from nature. It would exist even if there were no State. It gets its rights not from the State but from nature or, in other words, from nature's God. Obviously then, the State may not rob the family of its rights. It may not trespass upon them. Contrariwise, the State has an obligation to protect and further the exercise of the rights of the family. Indeed, the State exists in great part for that purpose.

While, on the one hand, undue interference with, or the swallowing up of the family by the totalitarian State must be rejected, it cannot be maintained on the other hand, that the family is totally independent of the State, or in other words, that no regulation or intervention of the former by the latter is permissible. The family indeed has rights that must be protected against any unjustifiable encroachment. But this is not to deny that the State has some regulatory power over it. The State has such power. It shows it, for instance, through certain marriage laws—laws that are entirely justified on the basis of the common good or the general welfare. Thus, for reasons of the common good, State regulations provide for the issuance of marriage licenses, for the witnessing of marriages, and for their due recording. In these and still other ways is the very entrance into conjugal life regulated. Furthermore, insofar as the family unity itself is concerned the State at times may interfere.

Such is the case when there is evidence of neglect, or of abuse of the rights of family members. Thus, the State can insist that negligent parents give their children an education that measures up to standards that are necessary for the future well-being of the community. Again, it may prevent parents from putting their children to work in factories at a tender age; it may limit the hours of work for women, the child-bearers of the race; it may even remove a child from his home if subjected to brutal treatment or vicious conditions of living. Most assuredly may it not permit parents to kill their children, born or unborn, as was done under the old paganism (infanticide) and is being done today in pagan America and elsewhere (abortion). Still other examples could be added. The extent to which it may do these things depends on what is necessary to protect the rights of the individual family members and to uphold the common good of society. When these yardsticks are applied both the extreme "hands off" policy of individualism and the undue encroachment of totalitarianism will be avoided. That is, a reasonable middle-of-the-way course will be followed that will make for a balanced relationship between State and family and for a generally sound social order.

All this would be in harmony with the first and very fundamental statement in the list of rights drawn up by the Committee of the National Catholic Welfare Conference, to wit, "the right to marry, to establish a home and beget

children." There have, as a matter of fact, however, been some infringements by States in this regard. It is undoubtedly for this reason that Pope Pius XI recalled in some detail in his encyclical on Christian marriage the correct relation between family and State. Thus, speaking of those who "by public authority wish to *prevent from marrying* all those who, even though naturally fit for marriage, they consider, according to the norms and conjectures of their investigations, would, through hereditary transmission, bring forth defective offspring" and those who "wish to legislate to deprive those of that natural [procreative] faculty by medical action despite their unwillingness," His Holiness recalled the following fundamental principles: (1) Man has a natural right to enter matrimony; (2) the procreative faculty must not be destroyed freely or under compulsion; (3) the family is more sacred than the State; (4) it is not a crime to enter marriage even if defective children only will be born of the union; (5) public authority has no direct power even over the bodies of its subjects.

To marry is one of the most fundamental of the natural rights of man. Hence, according to the mind of the Church, the State has no right to prevent from marrying those who are naturally fit for marriage—those, in other words, who give reasonable promise of being able to carry out the functions of married life. The notion, for instance,—not infrequently heard expressed in our day—that such motives as



saving expense or bettering the race are sufficient justification for the State to deny the individual the use of such a fundamental right as marriage is a highly pernicious one. It would very easily lead to excessive paternalism and even intolerable tyranny. The State exists to protect the right to marry and other natural rights. Its purpose is to protect rights and further their legitimate use, not to disregard them or play fast and loose with them.

By this same token is sterilization, or the maiming of the human body, so as to render it incapable of procreation, forbidden. To sterilize an individual is to deprive him of the proper use of an important natural faculty, the procreative faculty. It is to deny him the inherent right to propagate his kind. The State has no blanket right to do such a thing. To recall the clear statement of the encyclical on this point: "public magistrates have no direct power over the bodies of their subjects; therefore, where no crime has taken place and there is no cause present for grave punishment, they can never directly harm, or tamper with, the integrity of the body, either for the reason of eugenics or for any other reason." That is to say in effect that the sterilization laws that are actually on our statute books are immoral, unethical. They are an offense against human rights and against the God Who gave those rights. They strike at the very purpose of the family. They are a blot on our national honor.

But while there are certain things the State must avoid with regard to the family, there are things it is obliged to do for its good. It has the duty of protecting the family, of promoting its welfare. It has the obligation of rendering it positive aid. Outstanding rights of the family from this viewpoint are found in the list taken from the Declaration of Human Rights and indicated toward the beginning of this booklet. We shall consider them in some detail in the subsequent section.

## **II. The Right to Economic and Moral Security**

Nor a few rights of the family relate to the sphere of the economic. Very often it becomes necessary for the State to protect these rights. The fact is that most of the rights of the family listed in the Declaration of Human Rights drafted by the Committee appointed by the National Catholic Welfare Conference are economic in nature. That is true of the following: (1) the right to economic security sufficient for the stability and independence of the family; (2) the right to the protection of maternity; (3) the right to maintain, if necessary by public protection and assistance, adequate standards of child welfare within the family circle; (4) the right to assistance, through community services in the education and care of children; (5) the right to housing adopted to the needs and functions of family life.

The encyclical of Pius XI on *Christian Marriage* goes into some detail regarding the economic rights of the family. Thus, it reminds of the fundamental moral principle that there is an obligation in justice to pay the head of a home a family living wage. Referring to those in straitened circumstances, it states: "and so, in the first place, every effort must be made to bring about that which our predecessor, Leo XIII, of happy memory, had already insisted upon, namely, that in the State such economic and social methods should be adopted as will enable every head of a family to earn as much as, according to his station in life, is necessary for himself, his wife, and for the rearing of children, for 'the laborer is worthy of his hire.'" This is of course fundamental, and it is not surprising to find that it is repeated in other great encyclicals such as *The Reconstruction of the Social Order* and *Atheistic Communism*. Nor is it surprising that the right to a family living wage by force of law is upheld. "The public institutions of the nation must be such," wrote Pius XI in *The Reconstruction of the Social Order*, "as to make the whole of human society conform to the needs of the common good, that is, to the standard of justice." And certainly the family wage is a matter of justice.

Having emphasized the principle of the family wage, Pope Pius added the following: (1) the unmarried are expected to practice a reasonable thrift; (2) the well-to-do



are obliged to help the needy poor; (3) when private funds do not suffice to care for all the needs of the poor, public assistance or help on the part of the State becomes obligatory. In regard to the third point we read the following specific and significant words:

“If, however, for this purpose, private resources do not suffice, it is the duty of the public authority to supply for the insufficient forces of individual effort, particularly in a matter which is of such importance to the common weal, touching as it does the maintenance of the family and married people. If families, particularly those in which there are many children, have not suitable dwellings; if the husband cannot find employment and means of a livelihood; if the necessities of life cannot be purchased except at exorbitant prices; if even the mother of the family to the great harm of the home, is compelled to go forth and seek a living by her own labor, if she, too, in the ordinary or even extraordinary labors of childbirth, is deprived of proper food, medicine, and the assistance of a skilled physician, it is patent to all to what an extent married people may lose heart, and how home life and the observance of God’s commands are rendered difficult for them; indeed it is obvious how great a peril can arise to the public security and to the welfare and very life of civil society itself when such men are reduced to that condition of desperation that, having nothing to lose, they are emboldened to hope for chance ad-

vantage from the upheaval of the State and of established order.”

Pius XI then immediately added: “Wherefore, those who have the care of the State and of the public good cannot neglect the needs of married people and their families, without bringing great harm upon the State and on the common welfare. Hence, in making the laws and in disposing of public funds they must do their utmost to relieve the needs of the poor, considering such a task as one of the most important of their administrative duties.”

One does not find much in the fundamental law of modern nations that supports these rights of the family. Certainly insofar as totalitarian States are concerned—whether Communist, Fascist, or Socialist—their outstanding characteristic has rather been the magnifying of their own rights and powers and the swallowing up of those of other institutions, including those of the family. In these States emphasis is placed upon the collectivity. The State is given first place. It is made an end in itself, everything else being subordinated to it.

Democratic governments, in counterdistinction to the totalitarian governments, have placed emphasis upon the individual rather than upon the collectivity. They have not given due consideration to the family. Insofar as the United States is concerned, the following words of Edward Marciniak, Editor of *Work*, given at the fifteenth annual meet-

ing of the National Catholic Conference on Family Life held at Chicago, March 10-12, 1947, would seem apropos: "If the American economic system reflected the principle that the family is the primary and basic unit of society, there would now be better and more equitable distribution of income in the United States. While Christians are willing to admit that the individual does not exist for the State, but that the State exists to serve the person, many Christians are not willing to admit that industrial and commercial activity should be subordinated to family welfare. Families do not exist for the sake of business and industry. On the contrary, industry and commerce were meant in the providence of God, to serve the family: husband, wife and children."

The fundamental law of the United States, as set forth in the Constitution and the Bill of Rights, makes no specific reference to the family. It does, however, speak of the rights to "liberty and the pursuit of happiness," and, properly interpreted, these should include the fundamental right of the individual to marry and to rear a family. As a matter of fact a considerable amount of social legislation has been passed in this country, notably during the past decade and a half, that has been of considerable benefit to the family. Examples are: the Social Security Act (1936); the Fair Labor Standards Act (1938); the Wagner Housing Act (1937). These enactments are steps in the right direction.

To be sure, they are not perfect. Others need to be added. Literally millions of families in our land of plenty do not receive a living wage or its equivalent. Many families suffer from want of medical care. Much damage is being done to family life because of an exceedingly bad housing situation. One might well add, too, that there are even people in high position who preach the revolting doctrine that those who are poor should not be allowed to rear normal families. It is the writer's opinion that one specific law that is much needed in this country today to assure the growing family its right to reasonable economic security is a Family Allowance Act. Forty nations of the world have such a law. And there is good warrant for it in the encyclical on *The Reconstruction of the Social Order*. In this document Pius XI states the following after speaking for a family living wage for fathers: "In this connection we might utter a word of praise for various systems, devised and attempted in practice, by which an increased wage is paid in view of increased family burdens, and a special provision is made for a special need."

It is gratifying to point out that there are some recently developed Christian constitutions that are highly favorable to the family. Thus, the Constitution of El Salvador (1945) declares in article 153: "The family, as the fundamental basis of the nation, must be especially protected by the State which will pass laws and make necessary provisions for its

moral, economic, intellectual and social improvement, for the purpose of promoting marriage and protecting maternity and childhood.

“Juvenile delinquency will be under juridical and special regulation.

“Family ownership will be the object of special rule.”

Article 154 of the Constitution adds: “The State will protect and promote the acquisition and conservation of small rural holdings and the construction of comfortable and healthy homes for both the rural and the urban population.

“The renting of homes will be regulated by law.”

In article 41 of the new Constitution of Eire one finds these words: “The State recognizes the family as the natural, primary and fundamental unit of society, and as a moral necessity possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.” In the Constitution of Portugal (1933), Section III of the first part concerns itself with the family. Article III of that section reads: “The State shall insure the constitution and protection of the family as the source of preservation and development of the race, as the first basis of education and of social discipline and harmony, and as a fundamental of political and administrative order.” It then details several specific ways and means in which the State is to protect the family unit. These are found in Article 13, which reads:

“With the object of protecting the family it appertains



to the State and to local authorities: (1) to encourage the establishment of separate homes under healthy conditions, and the institution of the family household; (2) to protect maternity; (3) to establish taxation in accordance with the legitimate expenses of the family, to promote the adoption of the family wage; (4) to assist parents in the discharge of their duty in instructing and educating their children and to co-operate with them by means of public institutions for education and correction, or by encouraging private establishments destined for the same purpose; (5) to take all effective precautions to guard against the corruption of morals.”

Anyone familiar with the encyclical on *Christian Marriage* will immediately recognize how closely these items harmonize with this document. That is true both with regard to the economic items, and the last mentioned which refers to protection against the corruption of morals. Reference has already been made to the former. At least a few paragraphs may well be added regarding the latter before bringing this section to a close.

Immediately following its statement on the State's duty of helping families in need, the encyclical refers to its obligation of protecting the family against bad moral conditions in the community. On this point the document reads in part: “But not only in regard to temporal goods . . . is it the concern of the public authority to make proper provi-

sion for matrimony and the family, but also in other things which concern the good of souls. Just laws must be made for the protection of chastity, for reciprocal conjugal aid, and for similar purposes, and these must be faithfully enforced.”

Perhaps most pressing at this time is the need for emphasis on the note struck at the end of this statement. Only too frequently is the flaw that exists not a lack of legislation but failure to enforce legislation that exists. At times, for all that the law effects, it might as well not be on the statute books. Certain individuals desire non-enforcement for personal or financial reasons. There is public apathy regarding enforcement. The law enforcement officers close their eyes to violations. The law practically becomes a dead letter.

The duty of the State to protect the physical health and safety of its people, by such measures as quarantine and pure food and drug regulations, is generally recognized. Certainly no less should it be obliged to protect the moral health and safety of its citizens and its family groups. There is great need for such protection — for example, through the suppression of indecent literature and the proper regulation of theaters and other places of amusement. Even in self-protection should the State act to protect family life against moral corruption. As Pius XI pointed out

in his encyclical: "All history testifies that the prosperity of the State and the temporal happiness of its citizens cannot remain safe and sound where the foundation on which they are established, which is the moral order, is weakened, and where the fountain head from which the State draws its life, namely, wedlock and the family, is obstructed by the vices of its citizens."

The effective protection of morals is really a task calling for the co-operative effort of Church and State. The encyclical on *Christian Marriage* makes this point in the following words:

"For the preservation of the moral order, neither the laws and the sanctions of the temporal power are sufficient, nor is the beauty of virtue and the expounding of its necessity. Religious authority must enter in to enlighten the mind, to direct the will, and to strengthen human frailty by the assistance of divine grace. Such an authority is found nowhere save in the Church instituted by Christ the Lord."

The noted document on Christian marriage then continues on, urging both Church and State to establish and maintain a relationship of harmony and friendship, "so that," as it says, "through the united activity and energy of both powers the tremendous evils, fruits of these wanton liberties which assail both marriage and the family and are



a menace to both Church and State may be effectively frustrated." It then adds the assurance that "there will be no peril to or lessening of the rights and integrity of the State from its association with the Church."

To no small extent has the Church in this country been left to fight her battles alone for the betterment of moral conditions. It is largely because of negligence on the part of the public authority that the Church was forced, in efforts to stop even the most brazen immorality, to use the whip of the boycott through such organizations as the Legion of Decency and the National Organization for Decent Literature. The government should definitely play a part in correcting such evils. It should do so, as the encyclical points out, with due regard for divine and ecclesiastical law and by fixing penalties for those who offend. "Governments can assist the Church greatly in the execution of its important office," states the document, "if, in laying down their ordinances, they take account of what is prescribed by divine and ecclesiastical law, and if penalties are fixed for offenders." It adds, significantly: "For, as it is, there are those who think that whatever is permitted by the laws of the State, or at least is not punished by them, is allowed also in the moral order, and, because they neither fear God nor see any reason to fear the laws of man, they act even against their conscience, thus bringing ruin upon themselves and upon many others."

### III. The Right to Educate the Children

"THE right to educate the children." This is a very important right found in the list pertaining to the family in the Declaration of Human Rights drafted by the committee appointed by the National Catholic Welfare Conference. This last section will be devoted to a consideration of this right. It is a matter that is increasingly to the fore today, and clear thinking and correct decision and action regarding it are important.

The Christian view regarding both rights and duties in the field of the education of children is clear-cut and unmistakable. That view has been stated authoritatively in our own day by Pope Pius XI in his encyclical on the *Christian Education of Youth*. Specifically, regarding the position of the family in regard to the educational function, the following lines of the document are to the point:

"The first natural and necessary element in this environment . . . is the family, and this precisely because so ordained by the Creator Himself. Accordingly that education, as a rule, will be more effective and lasting which is received in a well-ordered and disciplined Christian family. . . . It is certain that both by the law of nature and of God this right and duty of educating their offspring belong in the first place to those who began the work of nature by

giving them birth, and they are forbidden to leave unfinished this work, and so expose it to ruin.”

The following words of the same encyclical seem definitely leveled at any institution or agency that would take over from parents the task of child training: “The family therefore holds directly from the Creator the mission and hence the right to educate the offspring, a right inalienable because inseparably joined to the strict obligation, a right anterior to any right whatever of civil society and of the State, and therefore inviolable on the part of any power on earth.”

In a noteworthy address delivered at the forty-fourth annual convention of the National Catholic Educational Association, April 8, 1947, the Most Rev. John T. McNicholas, Chairman of the Administrative Board of the National Catholic Welfare Conference, succinctly stated the rights of parents and those of the Church and of the State over the education of the child. A few lines from his address may advantageously be recalled here.

Thus, regarding parents' rights he said: “No power on earth can lawfully separate parents from their child in the field of education, provided parents are complying with the divine constitution controlling normal family life. The right of parents to educate their children is as natural, as inherent, as inalienable and as imprescriptible as is their right, through marriage to beget children.”

Speaking of the rights of the Church His Excellency stated: "The Church, as a spiritual mother, is solicitous for all her educable children. The Church cannot abrogate God-given powers communicated to parents, nor has she the slightest wish to do so. The Church must defend the laws of God and of nature regarding the education of children. She must teach children from the very dawn of reason that they should move Godward; that they have an eternal destiny, an immortal soul; that God wishes all men to be saved; and that the Lord Christ, true God, has provided means for the salvation of all men. The Church must integrate this teaching with all subjects of human knowledge. In the domain of spirituality and in the moral training of children the Church must be supreme."

From the Archbishop's words regarding the rights of the State, the following may well be selected: "While the State has responsibility in education, it is not constituted by nature a teacher. Its duty is to encourage parents and to help them in the instruction and moral training of their children. . . . As custodian of the common welfare, our country wisely insists on compulsory education, remaining in theory at least the protector of parents, and guaranteeing to fathers and mothers freedom of education, setting standards of education and supporting in large measure the schools of our country. If the family or parents cannot or will not discharge their duty in educating children, then

the State, as the custodian of the common welfare, must assume parental responsibilities, always having due regard for the faith of parents."

From time immemorial parents have been the recognized teachers of their children. Down through the ages has the home been considered the school of schools and the parent the teacher of teachers. Indeed, the school as we understand it today is of but very recent origin, and, when it originated, it was conceived only as an extension of, or supplement to the home. Furthermore, it was understood that the parents of children were to choose the school their children were to attend. This is in substance also the view expressed in the U. S. Supreme Court decision in the Oregon School Case. "The child," read the decision in part, "is not the mere creature of the State."

Incidentally, Article 42 of the new Constitution of Eire reads as follows on this subject: "The State acknowledges that the primary and natural educator of the child is the family."

Yet one finds, in spite of the incessant voice of history—with at most an occasional minor discordant note heard over the universal harmony upholding the rights of the parent in this matter—the strange fact that one intellectual movement after another in our day has been in the opposite direction. While these movements have chiefly taken place in Europe, they have also in some measure made their in-



fluence felt in the United States. All have pointed definitely towards the usurpation of the educational function by the State, or at any rate, by some extradomestic agency. To be sure, this cannot be entirely surprising insofar as the Western World is concerned, since it has so extensively been characterized by a shirking of parenthood and by a variety of marital and familial abuses. Such a situation very easily leads many to overlook their own rights in their children and their duties toward them. The ultimate result is a loss of interest in the child, a weakening of the family sense. Under the circumstances parents gradually come around to the view that the child is merely a creature of the State. And once that point has been reached, the conclusion is quite inevitable that the community rather than the parent should dictate his education, his training for life. And usually the community is eager to do so.

In totalitarian countries of our day, a large measure of training of the child by the State has been accepted both in theory and in practice. One of the plainest and most drastic statements on the subject has come from the Russian co-authors of *ABC du-Communisme*, N. Bucharin and E. Preobrashensky. The following are their words:

“Society possesses an original and fundamental right in the education of children. We must accordingly reject without compromise and brush aside the claim of parents to impart through family education their narrow views to the

minds of their offspring." The statement goes on to speak of the economic advantage of relieving mothers "of puerile occupations involved in the family education of children." Whether this view is actually being carried out in practice in Russia today, is not clear. But the words clearly show the thinking of some of the Soviet's intelligentsia.

The encroachment of the State on the child in our day is not alone through the avenue of education. Through other channels also does it tend to take ever fuller possession of the child, to win him further and further from his home and his parents. In our own country, for example, there has been a noteworthy increase in the provision of food, of health measures, of books and transportation facilities, and of trips and outings, through the medium of the school or through a variety of governmental agencies. Some of these undertakings are not to be entirely condemned in themselves, in view of the circumstances of the time. But it might well be emphasized that it would be better if many of the things provided the child were given him through his home, through his parents and not through government or other agencies. Unfortunately the drift seems quite definitely in the opposite direction. It suggests that there is not a little truth in the contention of an English writer who says that the hold of the State on the family is showing itself particularly in the case of the poorer classes. There is also evidence that the same writer is correct in saying that this is leading in

capitalistic countries to a caste system, the rich preserving their families in the old form while the poor are subjected more and more in their family life to the influence of the State. This suggests a State control through the fact of poverty. And that can hardly be said to be a noteworthy improvement on the methods of usurpation of the family rights under totalitarianism. Instead of fulfilling its duty toward the family by seeing that it is assured a family living wage, the State rests content with the easier course of doling out services of various kinds to children, and doing so not through their parents in their home but through public agencies.

Private agencies, too, are increasingly playing a part in this separation of children from the influence and contact of their parents. "With almost a menacing eagerness," writes a secular sociologist, M. C. Elmer, "agencies organized to supplement family activities have grasped at the chance to take up responsibilities which parents seem desirous of escaping. Established to meet cases of neglectful or incompetent parents," he goes on, "the agencies develop standardized and relatively efficient methods of dealing with children. These are advertised and used as propaganda to secure support for the growing equipment, needs, and program of the agency. Parents who find it more comfortable to shift their responsibility to an organization accept the dictum that 'parents are ignorant and do not understand



child psychology and the needs of children.' They further are inclined to assume that parents not only are ignorant but cannot learn. Hence we find an ever-increasing number and an ever-increasing demand for boys' clubs, girls' clubs, pre-school nurseries, *ad infinitum*—a frantic effort to save babies from their parents."

Further evidence of similar American thinking and acting along this same line could easily be adduced. For instance, writing in a volume on the family at the beginning of the recent war, Dr. Ruth Cavan stated: "At the present time federal regulation of family life is rapidly on the increase because of the Second World War. We may expect that many of the wartime regulations will be abandoned when the war ends, but some may remain, *since the strengthening of the federal control of the family is a current need.*" About the same time Dr. James Plant referred in the *Journal of Home Economics* to what he termed the "hunger" of various groups, governmental and private, "to relieve the home of its functions." He added that this was one of the menaces of the home that must be combatted continuously.

This development of our day is far from a wholesome one. And there is little evidence of any really worthwhile resistance to it. It is not unthinkable that through it the right of parents to control the training of their children,

will, even though safeguarded by the law of the land, be eventually in very great part lost.

The American family sense has been greatly weakened in our day by such rampant evils as childlessness and near-childlessness, by divorce and various immoralities. The shifting of the duty of child care from the home to the State or private agency, from parent to hireling, and the ebbing away of certain rights of the family is all serving to add further fuel to the harmfulness of the situation. It is a very unfortunate development. To kill the family sense of a nation is to deal a deadly blow both to the country and its people. Everything feasible should be done at this time to strengthen rather than weaken that family sense of the nation. That is really to say that the utmost care should be used both to safeguard and to strengthen the rights of the family. Because of the disturbed conditions and the ideological ferment of the time these have become most urgently pressing matters.



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