



March 2014

From Liberty to Dependence: Public Policy and the American Family

Dan Coats

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Dan Coats, *From Liberty to Dependence: Public Policy and the American Family*, 69 Notre Dame L. Rev. 1027 (1994).

Available at: <http://scholarship.law.nd.edu/ndlr/vol69/iss5/7>

This Article is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

LECTURES

From Liberty to Dependence: Public Policy and the American Family

*Dan Coats**

Good Afternoon.

It is an honor for me to address you on the occasion of the anniversary of the Notre Dame Law School. It is even more of an honor too have been asked—by this institution—to speak about the American family.

Pope John XIII described the family as the “first and essential cell of human society. To it must be given,” he said, “every consideration of an economic, social, cultural, and moral nature which will strengthen its stability and facilitate the fulfillment of its specific mission.”

Families are the seedbed of our skills and attitudes. They teach us the principles of economics, the value of relationships, and the importance of moral truths. They define our view of work, responsibility, and authority. They teach us the meaning of trust, the value of honesty. They are the wellspring of every individual’s strength against alienation, failure, and despair.

Families are the source not only of our culture, but of our political, economic, and social order, as well. Any nation whose families are weak will eventually find itself with no solid institutions.

There was a time in our country when we believed in the axiom, “What strengthens the family, strengthens society.” But today, in the three main orders of American public life—the economic order, the political order, and the moral-cultural order—the family is under constant, and often withering, attack.

Our nation has, over time, systematically undermined, devalued, and displaced the family as the primary agent of social responsibility.

* United States Senator, Indiana. B.A. 1965, Wheaton College; J.D. 1971, Indiana University.

Senator Coats delivered this lecture at the Notre Dame Law School as part of the 125th anniversary celebration on March 14, 1994.

Today, in every sphere of societal influence where it was once the dominant force—in educating our children, in caring for the aged, in providing for the infirm and the needy—the role of the family has been significantly weakened and often subordinated to that of the state.

Yet, by every measurable standard, the state has failed to assume adequately the role of the family.

Nowhere is this more apparent than in the policies that govern welfare and poverty.

In his budget message to Congress in 1962, President Kennedy laid down the first principle of a sound welfare policy. "It must stress the integrity and preservation of the family unit," he insisted.

"The goals of our public welfare program must be positive and constructive. It must contribute to the attack on dependency, juvenile delinquency, family breakdown, illegitimacy, ill health, and disability," Kennedy said. "It must replace the incidence of these problems, prevent their occurrence and recurrence, and strengthen and protect the vulnerable in a highly competitive world."

The *New York Times* described Kennedy's message as a recognition that no lasting solution to the problem of welfare could be bought with a government check, and that while the initial cost would be higher than the continuation of handouts, the dividends would come in the restoration of individual dignity and the long-term reduction in the need for government help.

Government not only has failed Kennedy's first criterion, that of maintaining the integrity and preservation of the family unit, but when viewed through the lens of today's huge entitlement bureaucracy, the continuation of handouts has certainly proven to be higher than any initial cost. Rather than achieve the hoped-for result of "a long-term reduction of the need for government help," the modern welfare state has produced precisely the opposite result.

In two-and-a-half decades since the inception of Lyndon Johnson's Great Society, government has spent far more that would be necessary to lift every man, woman, and child in the U.S. above the poverty line—yet poverty continues to rise.

Just as importantly, welfare and the conditions it has spawned in our inner cities—drugs, crime and illegitimacy—have produced spiritual, as well as economic decay, for there are moral and cultural dimensions to poverty that mere money can never alleviate.

As we have learned, federal subsidies alone are never enough to lift one out of poverty. But they can, and often do, subsidize habits and pathologies that lead to self-destructive behavior.

During the Depression, many Americans were desperately poor, in the sense that their actual income was quite low. But they were never "poor" in terms of their moral or cultural composure.

The devastation of the family we are witnessing today has more to do with public welfare policy than with any condition we have traditionally recognized as poverty.

Today's welfare reform programs serve to make unmarried women dependent upon the state. While well-intentioned, they destroy any incentive young men might have for taking responsibility for their own offspring.

As George Gilder once observed, we have persuaded poor fathers that they are dispensable. They believe it, and so do the mothers of their children.

Such undermining of accountability runs counter to all known standards of social and family morality. Yet, the state feels no responsibility for such matters—it simply mails the check.

Perhaps what our social planners need most are a few good economists. Just as when you tax something, you get less of it, when you subsidize, you get more. Today, as Hillsdale's Michael Bauman likes to point out, we are subsidizing immoral behavior on a grand scale, and it is flourishing all around us. The rules of the marketplace do not change simply because it is the government's money.

But the problem runs much deeper than dollars and cents. The woes that afflict America's poor are more than economic. Having once promoted a set of values that defies the very behavior that has traditionally boosted people out of poverty—thrift, hard work, and the deferral of gratification—we now have institutionalized attitudes that threaten to imprison the poor in poverty for the rest of their lives.

Yet, while we are beginning to recognize our mistakes with regard to welfare, we seem determined to repeat them when it comes to health care.

Irving Kristol once wrote, "When I read learned articles on 'planning,' my inner eye immediately begins to imagine the faces of the planners. Who will appoint them? Which constituencies will they represent? What types of individuals will find fulfillment in such jobs?"

"It strains credulity to believe that 'planners' will be more representative than the Congress is, or than the market is. The class of people most likely to be recruited as planners is not precisely the class to put the most trust in," Irving continues.

"Neither do I see very clearly the checks and balances to be placed against these planners. What standing will they have in our Constitution? Will control surrendered to them in any way come back into possession?

"They will be men and women of flesh and blood, like you and me, with interests to protect. [But] they will be insulated from electoral control. They will impose unpopular commands."

Although that statement was written several years ago, it reflects our fears about health care reform.

While democratic socialists of recent years have tried to adopt a veneer of democracy, there is a great difference between democratic capitalism and democratic socialism when it comes to economic policy.

By definition, the socialist system endows its collectives with excessive power at the expense of individual liberty. It pays scant attention to market forces and so it slows productivity, decreases efficiency, and produces discontent among the people it claims to help.

Capitalism, on the other hand, is based upon incentives, and a respect for both the individual and the market. Capitalism means not only free enterprise, but *competitive* free enterprise. And because competition is an essential ingredient, its effectiveness is naturally limited when its power is centralized at the federal level.

The more we know about health care reform, as defined by President Clinton, the less it bears any resemblance to free enterprise or democratic capitalism. But it closely resembles democratic socialism.

Like second marriages, as the saying goes, the Clinton plan for health care reform represents the triumph of hope over experience.

Despite everything we've learned, the Administration's plan for health care is simply another variety of welfare.

Not content merely to guarantee the poor's dependence upon the state for the necessities of life, Mr. Clinton's plan would make every man, woman, and child in America dependent upon the government to make their health care decisions. Central planners will decide how much medical coverage Americans will receive,

how much it will cost, which services will be covered, what procedures are necessary, and which doctors they may see.

Like welfare, it will reward irresponsible behavior by ensuring that everyone pays the same price regardless of lifestyle practices.

Rather than help stem the tide of promiscuity and illegitimate births, it will encourage irresponsible sexual behavior through "safe-sex" propaganda, aggressive condom distribution, and barriers to parental or community control.

The Clinton health plan intrudes on personal and family autonomy in other ways, as well. For example, the establishment of a government-maintained national electronic database for medical records and information will make everyone's private health public business.

Most disturbingly, it will force all Americans, regardless of their religious beliefs, to pay for abortion on demand.

Under the Clinton plan, all employers—including, for example, the National Right-to-Life Committee, the Southern Baptists Convention, and Catholic archdioceses across the country—will be forced to pay for the killing of children in the wombs of their mothers.

While much attention has been given to the fact that, under the Clinton plan, some abortions will be paid for with tax dollars, the "evil genius of the Clinton proposal" as Greg Erlandson describes it in the *The Sunday Visitor*, "is that it will co-opt everyone."

By making abortion a requirement of the basic health benefits package, Erlandson explains, the Clintons would use the full might of federal law to force a host of companies, foundations, and organizations to choose between closing their doors and subsidizing the destruction of human life.

The Hyde Amendment debate last year on Capitol Hill clearly illustrated that a consensus against federal funding of abortions has been reached. Yet, the Clinton Administration would, as Mr. Erlandson points out, institutionalize abortion as a medical right, and employers, even employers whose religious and moral beliefs preclude their paying for abortions, would be forced to pay for them.

Through its policies on education, regulation, and taxation, and in hundreds of other ways, the heavy hand of the state has become the primary agent of society. How can we be a self-governing nation, if the state controls every aspect of our lives?

Clearly, this was not what the Founding Fathers intended when they formed a government to protect the inalienable rights of man.

The Declaration of Independence was, and is, a statement of man's basic God-given rights; our Constitution is the means by which those rights are to be secured.

Author Martin Diamond stated, "For the founding generation, liberty was the comprehensive good, the end against which all political things had to be measured; and democracy, a form of government which had to prove itself adequately instrumental to the securing of liberty."

The Founding Fathers did not believe that everyone was, or should be, equal in ability, wealth, or achievement. In fact, they opposed utopian schemes to level income or society, recognizing that the person who works harder or has more ability may be rewarded by more material rewards for his work.

They also realized that rulers, not to mention all the rest of us, have sinful natures and, if given too much power, will use it to advance themselves at the expense of their subjects.

As James Madison said in *The Federalist No. 51*: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men," Madison said, "the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself."

We have obviously failed in the latter instance.

What must be done?

We must stop fueling the welfare state and institute policies that return dignity and responsibility to the family—the place where it rightfully belongs.

In that regard, the three principles of Catholic tradition, and indeed of most Judeo-Christian teaching—the building of intact families, the importance of self-reliance, and the precept that the family is prior to the state—should also be our guiding principles. Policies based on those principles are consistent with those upon which our nation was founded.

Government must restore the dignity and integrity of marriage and legitimacy by eliminating policies that substitute the state for the family; rather it should use its influence to encourage parental responsibility in matters of financial obligation.

Minors with children must not be encouraged to establish poverty households of their own. Rather than provide cash benefits to teen mothers, we should consider requiring unwed minor mothers to continue to reside with adults.

Most importantly, questions of poverty cannot be separated from questions of family life. The family is not just another "lifestyle" deserving of equal support. U.S. social welfare policies must be evaluated in terms of what is in the best interest of the family. They must restore the integrity of the family unit and seek ways to preserve it, while attacking illegitimacy and eliminating dependence on the state.

Similarly, with health care, we must not make the mistake of further institutionalizing dependence by substituting government policies for personal decisions and responsibilities.

Our Founding Fathers recognized that a free enterprise system best supported the idea of individual liberty and prosperity. We should not abandon those tenets when it comes to health care.

The reason medical costs are so high is not because free enterprise has failed, but because, in the case of health care, it has never been allowed to work.

Unlike other markets, neither the consumer nor the provider of health care services has had any reason to worry about cost—eighty to ninety percent of all medical costs are paid for by someone else, either the private sector through employers or the government through Medicare or Medicaid. Thus, the natural incentives that apply in other markets do not exist with regard to health care.

Making government the sole provider of health care will do nothing to alleviate the third-party-payer problem. On the contrary, it will only exacerbate personal irresponsibility.

The solution is to change the system so that free market forces are allowed to work.

There is another aspect to health care reform that must be considered: the mounting of monumental public debt that will result from a policy that will bankrupt the nation. And that is one policy that will do lasting damage to the future liberty of all America's children.

As he introduced each successive budget to Congress, President Franklin D. Roosevelt had the habit of apologizing for spending that ended every year with a new deficit. Right before the 1938 election, however, he startled the nation by articulating a

grand new liturgy. Spending would be resumed, he said, but let not the heart be troubled. Spending was no longer the rock of unsound finance upon which so many liberal governments had been wrecked; it was not a danger, but security. Debt, if owed to ourselves, he reasoned, was not debt, but investment.

Many in government have been practicing that religion ever since.

However, the country would be better served if they followed the advice of another of their Party, Thomas Jefferson, who wrote, "To preserve independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

As we prepare to design new policies for the twenty-first century, we would do well to remember the important principles and traditions of our past.

One of the deepest and best of all Catholic traditions is the belief that the family is paramount to the state, and even the individual, in matters of social policy.

The problem with public policy, today, is that when faced with problems of either a political, economic, or social nature, conservatives instinctively act in favor of the individual, while liberals act in favor of the state. Both somehow seem to ignore the fundamental importance of the family.

We need new public policies that empower people, not perpetuate dependence. The best institution to accomplish that has already been designed by our Creator. It is the family. And it's time we recognized the family and made it part of every public policy consideration.

Any nation that would place the welfare of the family at the center of its social laws and public policies would profoundly touch every citizen at the center of their lives.

Thank you very much.