NAOMI CAHN AND JUNE CARBONE

RED FAMILIES V. BLUE FAMILIES

Legal Polarization and the Creation of Culture

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Introduction

Families are on the front lines of the culture wars. Controversies over abortion, same-sex marriage, teen pregnancy, single-parenthood, and divorce have all challenged our images of the American family. Some Americans seek a return to the "mom, dad, and apple pie" family of the 1950s, while others embrace all of our families, including single mothers, gay and lesbian parents, and cohabiting couples. These conflicting perspectives on life's basic choices affect us all—at the national level, in state courts and legislatures, in drafting local ordinances, and in our own families.

In this book, we go behind the overblown rhetoric and political posturing of the family values conflict. What we have found is that the new information economy is transforming the family—and doing so in ways that create a crisis for marriage-based communities across the country.

The "blue families" of our title are on one side of the cultural controversy. These families have reaped the handsome rewards available to the well-educated middle class who are able to invest in both their daughters' and sons' earning potential. Their children defer family formation until both partners reach emotional maturity and financial independence. Blue family champions celebrate the commitment to equality that makes companionate relationships possible and the sexual freedom that allows women to fully participate in society. Those who have embraced the blue family model have low divorce rates, relatively few teen births, and good incomes. Yet, the ability to realize the advantages of the new blue family system appears to be very much a class-based affair. Women who graduate from college are the *only* women in American society whose marriage rates have increased, and they and their partners form the group whose divorce rates have most appreciably declined.

The terms of the successful blue family order—embrace the pill, encourage education, and accept sexuality as a matter of private choice—are a direct affront to the "red families" of our title and to social conservatives who see their families in peril. Driven by religious teachings about sin and guilt and based in communities whose social life centers around married couples with children, the red family paradigm continues to celebrate the unity of sex, marriage, and procreation. Red family champions correctly point out that the growing numbers of single-parent families threaten the well-being of the next generation, and they accurately observe that greater male fidelity and female "virtue" strengthen relationships. Yet, red regions of the country have higher teen pregnancy rates, more shotgun marriages, and lower average ages at marriage and first birth. What the red family paradigm has not acknowledged is that the changing economy has undermined the path from abstinence through courtship to marriage. As a result, abstinence into the mid-20s is unrealistic, shotgun marriages correspond with escalating divorce rates, and early marriages, whether prompted by love or necessity, often founder on the economic realities of the modern economy, which disproportionately rewards investment in higher education. Efforts to insist on a return to traditional pieties thus inevitably clash with the structure of the modern economy and produce recurring cries of moral crisis.

The intractability of the differences between the two perspectives has dominated legal and political debate. Part of the reason for the intensity of the conflict is geographic. The blue family model has taken hold most completely in urban areas, along the coasts, and in the increasingly Democratic areas of the country—from the Research Triangle in North Carolina to the Microsoft-dominated areas of Seattle—that have profited most from technological innovation. In contrast, red families generally, and the Republican strongholds in which they predominate, are more likely to be religious, rural, less educated, and less mobile, and the political leadership in these regions is more likely to value tradition and continuity. Geographic separation along demographic lines means that the two groups have increasingly less in common, and as the two political parties have become more ideological, these different values orientations have become increasingly partisan—making family form in the twenty-first century one of the most accurate predictors of political loyalties.

This partisan conflict at the national level, which pits two powerful constituencies against each other, obscures the ways in which family issues have magnified a growing economic inequality. The emergence of the blue family paradigm came with women's ability to control the timing of pregnancy and childbirth. For those with the resources and discipline to take advantage of these techniques, family formation occurs at the point when adults can be expected to do the right thing—and have the emotional and financial resources to manage their children—with a minimum of external assistance. The prescription to delay family formation until after graduate-school age, however, carries little suasion for those who will not complete college. Red families would accordingly like to reinforce parental control over wayward teens and make it harder to escape the consequences of improvident conduct. Yet, the most likely effect of restricting the availability of the morning-after pill to 18-year-olds is to increase the number of nonmarital pregnancies, and the emphasis on abstinence education has dramatically raised the odds that a poor African-American teen will have her first sexual experience without any information about contraception. The irony is that blue families, who overwhelmingly oppose these policies, simply accompany their daughters to the pharmacy while more-conservative families—with many minority parents approving of the measures—disproportionately bear the consequences.

To get beyond the existing divisions, therefore, we believe that the time has come for a more realistic and comprehensive conversation that begins with the recognition that the crisis in family values is real. The new information economy has exacerbated income inequality, and the three-quarters of Americans on the losing end of this transformation have seen not only their employment, but also their familial stability, decline. Marriage has effectively disappeared from the poorest communities, and more stable communities are now seeing divorce rates plateau at high levels and nonmarital births continue to rise. While well-educated single parents may ably provide for their children, these changes in family structure reduce the resources available for the most vulnerable members of the next generation.

Genuine engagement also requires a recognition that leadership couched in the terms of one paradigm may needlessly antagonize the other. The blue family paradigm is built on a model of responsible parenthood that assumes that good things come to those who wait. Yet, the most visible representatives of blue family values bristle at restrictions on sexuality, insistence on marriage, or the stigmatization of single parents. Their secret, however, is that they encourage *their* children to simultaneously combine public tolerance with private discipline, and their children then overwhelming choose to raise their own children within two-parent families. The leaders in more troubled communities, including many African-American and Latino clergy, are often more socially conservative precisely because external authority is more critical where private discipline is harder to instill—and they understandably resent those who would denigrate their efforts.

Conversely, the fact that greater moral authority is needed and valued does not mean that government imposition of traditional values is necessarily appropriate or effective. Studies of evangelicals show, for example, that the most devout (roughly a quarter of the group) do abstain from sexual activity to a greater degree than other teens and that shared religious faith contributes to stronger marriages and lower divorce rates. These same studies also show that evangelicals as a group, in part because of income and class differences, begin sexual activity earlier than members of religions with more-flexible attitudes toward sexuality. In this context, emphasizing strict religious values, even if it strengthens the practices of regular churchgoers, may leave the less devout of the same faith ill-prepared for participation in a secular world.

This dynamic of class and regional antagonisms, of a clash between religious and secular world views, of different symbolic and practical needs, offers enormous opportunities for shortsighted and cynical policies when it combines with partisan electoral politics. The values divide (indeed, what Justice Antonin Scalia referred to as a "culture war") has become intractable because politicians have intentionally chosen to focus on the most intrinsically divisive issues. Psychologist Drew Westen, for example, writes that Republicans have been "unequivocal" in conflating abortion and murder, setting out "an uncompromising stance as the only *moral* stance one could take, get[ting] the 30 percent of Americans with the least tolerance for ambiguity on moral questions to the polls," and allowing the Democrats to splinter in their approach to the issue.[1] Abortion thus increases in political importance *because* it is incapable of resolution and serves to reinforce political identity. The last Republican congressional representative from New England, Christopher Shays, defeated for reelection in 2008, complained that it is one thing to oppose abortion; it is another to have to vote on abortion-related provisions 80 times a year, whether or not they have any prospects of passage.

Political scientists have found that polarization on moral questions was largely nonexistent in the early 1960s—disagreements about issues such as abortion or homosexuality did not depend on region, church attendance, or party. In the twenty-first century, in contrast, the better-educated and more politically active are strikingly polarized on these questions. While political scientists debate whether the country as a whole is more divided, they agree that the college-educated have stronger views than those completing high school, and party stalwarts have become even more divided and ideological than the college grads. Among the public generally, divisions on moral issues such as abortion and same-sex marriage have increased dramatically since the 1980s.[2] While Americans still prefer compromise on most issues, if pollsters ask if someone is "strongly pro-choice," "strongly pro-life," or only "somewhat committed" to one of the positions, 70% of the public identify with one of the two poles.[3] Even those who question the existence of the culture wars acknowledge that "[m]oral issues have become increasingly important over the past 30 years. Such issues have grown from insignificance to a clear second dimension in American elections."[4] The 2008 election suggests that, even though the presidency shifted parties, political parties remain aligned with differences in family composition—and, as the famous election maps in red and blue illustrate, those differences are regional in nature.

If there is a hopeful sign, however, it is that the number of *conservatives* calling for a greater separation of religion and politics and the

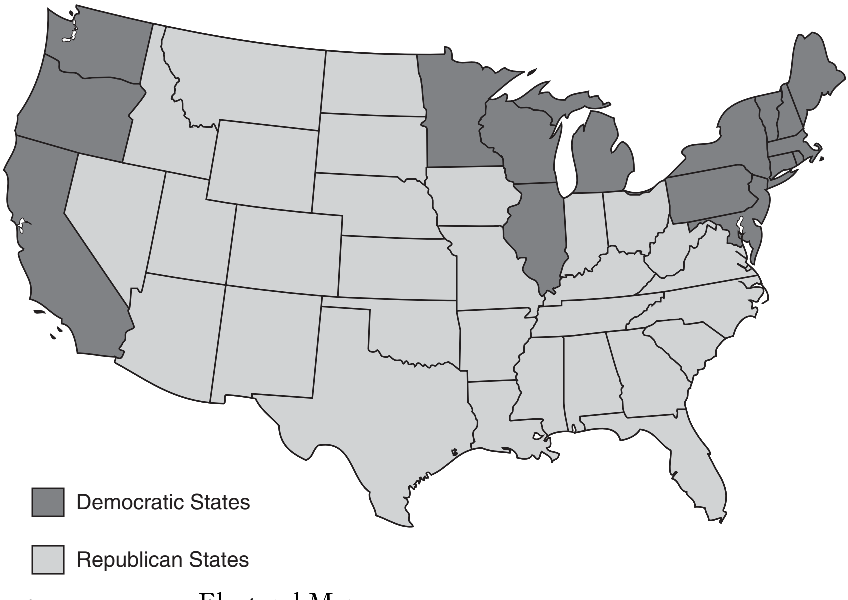

FIGURE I.1: 2004 Electoral Map

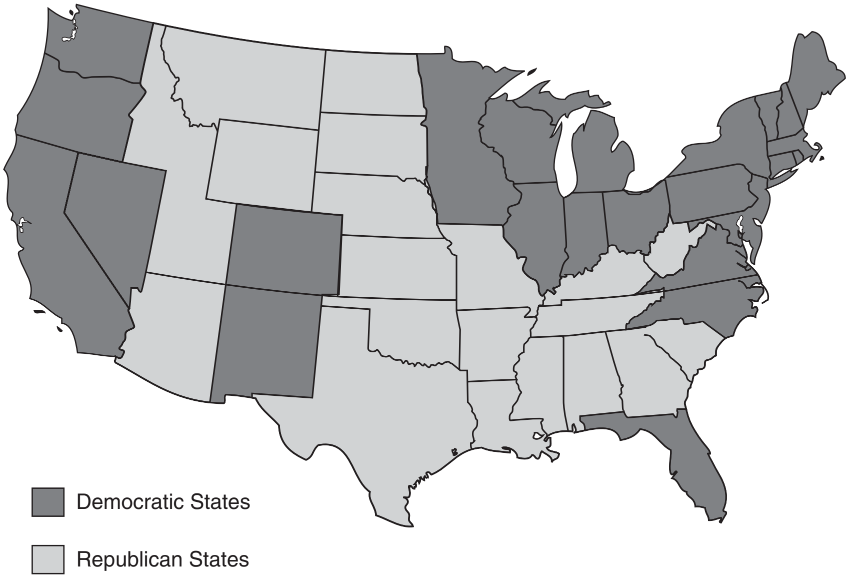

FIGURE I.2: 2008 Electoral Map

number of *liberals* favoring affirmation of marital fidelity and commitment have both increased. The book takes a comprehensive look at the relationship among moral anxiety about family form, ideologically driven family laws, and the prospect for more constructive approaches to family change.

We conclude that genuine family law reform requires a more honest conversation about the changed and changing terms of family stability. Doing so starts with the recognition that red families and blue families are living different lives with different symbolic and practical needs. The blue paradigm is at the other end of the sexual revolution. Its families *have* been remade and the remaking is a huge success. For red families, it is family ideals that are in crisis. As Barbara Dafoe Whitehead, the codirector of the National Marriage Project, points out, the growing separation of the beginning of sexuality and marriage, a separation that is not appreciably shorter for evangelicals than for the rest of the population, is a source of anguish for the older generation. So, too, are the rising divorce and nonmarital birth rates that disproportionately affect those ready to form families at younger ages. The decline of marriage in communities built around married families undermines the fabric of community life in much more fundamental ways than an increase in the number of urban singles.

Accordingly, even if some degree of convergence were possible politically, the practical agendas *should* not be the same. The challenge is to get past the divisive partisan rhetoric to the policies capable of rebuilding support for family life in all of its variety. We believe that the secret to doing so lies in changing the subject. The most divisive issues—abstinence education, homosexuality and abortion—have dominated the family debate for the last decade. Yet, we live in a federal system designed to permit and defuse regional differences. Family law decision making has traditionally belonged to the states. The framers recognized that states and municipalities can draw more effectively than the national government on shared values to reshape community norms, and have done so in ways that promote progressive, as well as conservative, values. It is time to rediscover the ideal of more localized family law, and to embrace the shift in emphasis a federal system might facilitate. We believe that a revitalized family agenda would, quite literally, change the subject in three significant ways:

First, *change the subject* of family values promotion *from sex* (and sex ed) *to commitment* (and marriage ed). The real threat to the red family world—and to the well-being of all but the top group of American families—is declining marriage and high divorce rates for those who do not complete college. Preaching abstinence—and increasing the penalties for improvident sexuality—will do nothing to improve the stability of the early marriages and families that follow from such efforts. Red family advocates and, indeed, many blue family champions believe that long-term, stable relationships ideally promote family well-being. Most adults would choose to raise their children in families with two supportive parents who have a long-term commitment to each other and to the children. Social science research, while inconclusive on many fundamental questions with respect to children's well-being, suggests that children appear to do better if their parents avoid destructive conflict—and stay together.[5] The issue, however, is not the ideal, but how to achieve it. New efforts at marriage promotion suggest that delayed marriage, financial planning, more-effective communication, mutual respect and commitment, shared interests, and recognizing the warning signs of domestic violence (both in oneself and in potential mates) all enhance relationship stability. Marriage promotion programs that teach these strategies show some small early signs of success—in contrast with abstinence-only efforts, which have proven to be ineffective or counterproductive. These programs, however, can only be effective if tailored to regional sensibilities: let the states design and implement the programs of their choice.

Second, *change the subject from abortion to contraception*. Abortion is an intrinsically divisive issue, and it has become a focal point for values conflict *because* it offers no middle ground. In contrast, attitudes toward contraception are on a continuum—over 95% of sexually active women will use contraception at some point in their lives. More critically, the intensity of the abortion conflict obscures the real tragedy: the United States has the highest rates of unplanned teen pregnancies in the industrialized world. Thirty percent of American girls will become pregnant before they turn 20, and 80% of the pregnancies are unplanned. Moreover, nonmarital births have skyrocketed because of high rates of unplanned pregnancies for unmarried women in their early 20s, the age-group least likely to have health insurance. The only way to genuinely address family values is to reconsider the terms of family formation. The dramatic story of the '90s was a national decline in teen births, a decline most dramatic for the poorest and most-vulnerable Americans and one concentrated much more heavily in the states most committed to the availability of birth control and abortion. That decline in births occurred at the same time that teen pregnancy and abortion rates fell, and it depended on both greater abstinence and more-effective contraceptive use. Yet, the beneficial effects of these efforts never carried over to women beyond the high school years, and in the early twenty-first century, teen births have crept back up, with the largest rise for African-Americans. Commentators attribute the increase to some combination of the worsening economy (a bright future is the best contraceptive), increasing amounts of abstinence-only education (the poorer the woman, the more likely she is to receive no information about contraception before her initial sexual encounter), and less access to contraception. At the same time, the morning-after pill and nonsurgical abortion (RU-486) have blurred the line between contraception and abortion for the middle class, increasing the ease of access for those with medical care and worsening the plight of women with the least resources as abortion later during pregnancy becomes harder to secure.

If there is a middle ground in the cultural fight, it should be on the importance of moving family formation out of the teen years. Early marriage derails education and increases the likelihood of divorce. As the National Campaign to Prevent Teen and Unplanned Pregnancy points out, young teen mothers are less likely to complete high school, and their children do not perform as well in school as do children of older parents.[6] While abstinence reinforcement can play a useful role, few successful couples will forgo contraceptive use altogether—whether within marriage or without. Comprehensive approaches to deterring improvident childbirth, with special attention to the needs of poorer, minority, and evangelical teens, should command greater support. After all, those who succeed in avoiding unplanned births become more likely to marry, stay married, and bear children who replicate more-stable family patterns.

Third, *change the subject from family to work*. The changing family is part of a long-term restructuring of the interaction between work and family. Yet, family dynamics have responded to workplace needs more readily than the workplace has changed to accommodate family responsibilities. This failure to restructure the workplace to accommodate the changes in family needs affects everyone. Since the late 1980s, the largest increase in perceptions that work interferes with family involves *men's* jobs. The design of full-time positions on the assumption that the worker has a full-time homemaker/spouse serves neither the interests of modern men who have assumed a larger share of child-rearing responsibility, nor those of more-traditional women who may have no choice but to work to support their families.

The blue family model, which defers family formation in response to the greater demands of the modern workplace, has resulted in lower fertility rates. More family-friendly workplaces would encourage middle-class births by helping men and women feel comfortable that they can combine work and family. At the same time, the disappearance of stable blue-collar jobs for young people has undermined family formation altogether for the less-prosperous parts of society. Greater attention to the transition to adulthood, perhaps with mandatory service, more-flexible educational opportunities, a higher minimum wage and/or expansion of the earned income tax credit, and more opportunities for apprenticeships, may also pay off in terms of relationship stability and investment in children.

The nation's reactions to Sarah Palin's daughter Bristol clearly illustrated the clash between our blue and red paradigms. Not long after John McCain's announcement in August 2008 that he had chosen Alaska governor Sarah Palin as his running mate, Palin acknowledged that her 17-year-old daughter was pregnant and engaged to the teenaged father. The prototypical blue family was, predictably, appalled—a 17-year-old, married or not, is not ready for parenthood. Palin's social conservative base, which might otherwise have been expected to disapprove of the nonmarital sex that produced the pregnancy, applauded Bristol's decision to keep the child and the betrothal that followed. The wedding never happened. We could have predicted that Levi Johnston would not feel "mature" enough at age 19 to assume all of the familial responsibilities associated with having a wife and child, so when he announced that the engagement was off, we were not surprised. We also smiled at the irony when Bristol became a spokesperson against teen pregnancy. She may be a far more effective representative of family reconciliation than her elders precisely because she is the one who is living with the consequences.

In the intense aftermath of the 2004 election, researchers John Green and Mark Silk concluded that "[g]eography matters in American politics today above all" and ultimately, "those first-day stories about moral values—and the red-and-blue maps that went with them—conveyed something real."[7] Throughout this book, we will use geography as an organizing theme in an effort to capture the relationships between different family patterns and different political and ideological packages. The first part of the book, "Family Maps," literally maps changing family lives onto different regions of the country and discusses the relationships among our brains, our politics, and our maturity. We show that the demographic story is overwhelmingly about the age at family formation. The "reddest" areas of the country, both in terms of their politics and the lives of their families, marry and have children at younger ages and are most likely to see the embrace of traditional values as critical to community well-being. The "bluest" areas of the country, and particularly the urban Northeast, have the highest averages ages of family formation and demonstrate the greatest support for the mechanisms that effectively deter teen births. The second and third chapters in this section explain the history that has produced these regional divisions and the biology that makes age such an important cultural marker. The final chapter in the section addresses the intersection of religion, culture, and politics. The greatest political polarization since the 1980s among the public at large has occurred with respect to the issue of moral values. We show how the disappearance of the center in American religion has exacerbated regional differences and set the stage for the political exploitation of cultural conflict.

In undertaking this study, we recognize that the state maps may cloak diversity within their boundaries. Urban Kansas City, for example, is strikingly different from the rural Missouri of the Ozarks politically, ethnically, and demographically. Yet, the state-by-state divisions are important partly because the family law decisions we map take place at the state level and partly because the regional divisions reflect different values orientations in different parts of the country. Nonetheless, our descriptions of what makes a place red or blue may obscure certain important distinctions. First, the differences between red and blue themselves are not entirely parallel. The blue paradigm, as an ideological construct that combines political and family orientations, most tellingly describes college graduates who live in blue regions. University education itself is an important element of socialization into shared perspectives, and the successful middle-class families who have embraced a commitment to deferred family formation are in many ways more uniform, wherever they may live, than other parts of the population. In contrast, quintessential red families include poor Appalachian whites with relatively high teen pregnancy rates, Utah Mormons with higher educational attainment and lower teen birthrates but younger average ages at marriage, mountain families in Wyoming and Montana with strong libertarian traditions, and suburban and rural midwestern families from Kansas, Nebraska, and the Dakotas.

Second, one of the effects of the red-blue discourse is to mask racial effects. Blue urban areas, for example, include large African-American and Latino populations with relatively early ages of family formation, and regional differences among African-Americans in states such as Wisconsin, Louisiana, New Hampshire, and Iowa are more likely to reflect the socioeconomic status of the African-Americans within those states than differences in black attitudes or values. Minority communities are neither united nor monochromatic on family issues. Approximately 50% of blacks and Latinos, compared to 33% of whites, for example, believe that unwed mothers are a big problem in their communities. A 2007 poll found further that more than 60% of blacks believed that the values of poor and middle-class blacks had become increasingly different; only 53% of the respondents believed it still made sense to talk of blacks as a single race (37% did not), and more than half believed that the values of whites and blacks had become more similar over the past decade. Nonetheless, neither the family practices of minority communities nor the internal divisions within them translate automatically into the same construction of red and blue paradigms, nor do they necessarily carry the same political salience. The world views we are constructing in this volume, while they overlap with the views of many individual minorities, do not adequately address either the way the debate is framed within minority communities nor the way minority communities might prioritize their own family needs.

The second part, "The Legal Map," shows the correlation between cultural divisions and legal rules. While the demographic picture is shaped by age at family formation, the legal picture concerns the regulation of sexuality. As this part shows, there are significant differences in laws between red states as a whole and blue states as a whole. For example, although most states—both red and blue—do not recognize same-sex civil unions and marriages, *all* of those that provide broad rights to same-sex unions are blue. The fact that the laws differ and that they differ in accordance with the strength of the Democratic or Republican vote is not, however, the point. Instead, the book shows how the acceptance of a new family regime translates into types of legal decision making.

Red cultural beliefs reaffirm the control of sexuality while blue cultural beliefs give more weight—symbolic and practical—to the promotion of equality. These beliefs, however, play out differently in legislatures than in courts, in decisions that affect many versus those limited to the few, and with respect to issues that engage the powerful as opposed to the disenfranchised.

The book illustrates these patterns by focusing on five distinct areas of contention: contraception and the pathways to blue family life in chapter 5, abortion, law and the cognitive map in chapter 6, abstinence-only education in chapter 7, the marrying law, including marriage promotion and same-sex marriage, in chapter 8, and the role of nonmarital cohabitation in custody decisions in chapter 9. At the symbolic level, all involve control of sexuality. At a practical level, they also address the circumstances that make greater equality possible between men and women and between rich and poor. They depend on different decision makers—executive officers, legislators, federal and state courts, initiative voters—with different incentives to inflame or diffuse cultural tensions. Together, they illustrate how different sections of the country address family change.

The final part, "The Map to the Future," addresses looming policy issues and the prospects for renewed consensus. The construction of red and blue family types, of course, does not depict absolutes, nor are they mutually exclusive. Nonetheless, each paradigm reflects a different response to a social and economic restructuring that affects the country as a whole. Whether we like it or not (and whether the intensely red parts of the country resist more than the intensely blue), globalization, technology, and changing gender roles have revolutionized society. Within families, this may mean greater resistance to the values parents would like to instill in their children—resistance that may produce different understandings in the next generation. Within the larger community, those holding red and blue family values must face the same changing economic conditions that have eliminated jobs paying adequate wages for less-educated young people and that have made both partners' incomes critical to middle-class status.

Chapter 10, "Marriage Advice in Shades of Pink," shows that Americans have higher marriage, divorce, and unintended pregnancy rates than much of the industrialized world and has less of a social safety net to cushion the impact of family instability. Revitalization of the norms of commitment is accordingly critical to children's well-being and much of the tension over family values concerns the content of those norms. The advice in this chapter is in "shades of pink" or "light red" in three senses. First, marriage *is* the primary issue for red America: marriage channels sexuality, connects it to childrearing, and continues to be the foundation for community life in much of the United States. Focusing on strategies to deter divorce makes sense, though such efforts will neither completely satisfy those who wish to bring back traditional families nor ultimately succeed without taking on the larger issues of family economic support. Hence, the efforts will be "pink" rather than true red. Second, for blue America, the primary issue is whether to recognize a continuum of adult relationships or to revitalize the special status of marriage by moving it away from its patriarchal past. Marriage continues to be an important institution in the creation of commitment, and recognition of same-sex marriage is critical to more-egalitarian understandings of the institution. These reform efforts are "pink" both in their embrace of gay and lesbian participation and in their evolving definitions of the role of marriage as a defining element of family life. Finally, since marriage will continue to play a more influential role in the United States than elsewhere in the industrialized world, revitalization of the institution will benefit from greater attention to local nuance and shades of meaning sensitive to regional context.

Chapter 11, "Making Ready for Baby: Painting the Nursery Sky Blue," addresses policies for the dual issues that underlie fertility control: first, the systematic provision of birth control to allow the entire population to choose the timing of births more effectively, and second, greater attention to the fertility efforts of those who may have passed the optimum period for conception. The United States is one of few industrialized countries with births above the replacement rate only because poor women's high unintended pregnancy rates mask the plummeting fertility levels of better-off Americans. Existing policies thus fail to address family planning in the multiple contexts in which family formation occurs, including older women struggling with fertility issues, sexually active women in their early 20s without reliable partners or health care coverage, and teens who vary in their ability and willingness to postpone the beginning of sexual activity. The failure to recognize the diversity of interests and needs systematically disadvantages the most-vulnerable women. While the discussion of marriage in chapter 10 addresses core red paradigm concerns, the discussion of contraception in chapter 11 embraces central elements of the blue paradigm. Yet, it concludes that encouraging the births of more *wanted* children should be an objective both models share.

The final chapter in this section, "Retooling the Foundation in Deep Purple," concludes that the essential next step for red and blue families alike is a reconsideration of the relationship between work and family. Dual-income families increasingly list both men's and women's working hours as a top concern. Poorer families face impoverishment if they deviate from the new middle-class ideal of deferred childbearing. The challenge for everyone is the creation of new strategies that make childrearing less destructive of continued education and employment. For blue families, where human capital acquisition precedes family formation, the challenge is to structure the workplace to make room for family. For red families, where family formation may come first, the challenge is to restructure the relationship to the workplace to make room for continued human capital acquisition.

Finally, there is one critical area where genuine convergence between the two models might ultimately transform the debate. This final area involves thinking about the circumstances that might persuade our prototypical red family to delay family formation to the mid-20s and our prototypical blue family to start a bit earlier.

We are pessimistic, however, that genuine family transformation can occur without addressing the growing inequality that has exacerbated the pressures on family life. Our well-educated, middle-class families, who might prefer earlier childbearing, increasingly do not form stable, mature partnerships until later in life. Our poorer red families, who might benefit from delayed childbearing, may be more likely to miss out on family life altogether if they wait, partly because, in marriage-oriented communities, marital prospects decline more with age and partly because of the increased—and expensive to remedy—infertility issues that come with later childbearing. Existing patterns of family formation, however, have their own dynamic, undermining the life chances of the children born to young parents and lowering the number of children born to older ones. Rebuilding family life and thinking about how it fits within the country's overall development require the consideration of family issues together with education and employment, region and class, and, ultimately, the legal and institutional support for all of our families.