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ARTICLE

THE TRAGIC TAPESTRY OF FATHER ABSENCE AND NATIONAL STRENGTH

Lynne Marie Kohm[†] and Ashley Michelle Williams^{††}

There is a father absence crisis in America. According to the U.S. Census Bureau, 19.7 million children, more than 1 in 4, live without a father in the home. Consequently, there is a father factor in nearly all social ills facing America today.¹

Does a nation's strength and identity really suffer when fathers are absent from their children's lives? The short-term effects on individual children who grow up without a dad around are profound.² But how might that reality affect a nation generations later? What would happen if a nation of children were robbed of their fathers?

This Article will examine how that father absence could be affecting national strength by considering the circumstances of two very different but nonetheless comparable nations—the United States of America and the Eastern European nation of Belarus. We examine 1930s Belarus, when somewhere between 200,000 and 1.5 million men were executed *en masse*.³ We consider how that loss was felt in families across that nation at that time

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†† J.D. Regent University School of Law (2019). Both of us have experienced some degree of father absence in our lives, and wish to thank Liberty University Law Review for the opportunity to present this historical, legal and social science research to address what we deem one of the most important social topics of our day. We dedicate this article to our fathers.

1. *Father Absence + Involvement*, NAT'L FATHERHOOD INITIATIVE (2017), <https://www.fatherhood.org/fatherhood-data-statistics>.

2. See generally DAVID BLANKENHORN, FATHERLESS AMERICA: CONFRONTING OUR MOST URGENT SOCIAL PROBLEM (1995). While Blankenhorn shined a spotlight on the problem of father absence in 1995, very little has been done to curtail or cure the problem since then. Instead, the problem has largely been exacerbated as we examine *infra*, Section I.

3. Exact numbers of murdered Belarusians are unclear. According to one source 30,000 were buried in one forest. *Kurapaty (1937-1941): NKVD Mass Killings in Soviet Belarus*, SCIENCESPO 4, <http://www.sciencespo.fr/mass-violence-war-massacre-resistance/printpdf/2689> (last visited August 8, 2018). According to another source, up to 1.5 million were killed. Kanstantsin Lashkevich, *Long Live Stalin*, BELARUS DIG. (Nov. 3, 2011), <http://belarusdigest.com/story/long-live-stalin-6427>. These sources do not say that all of the victims were killed, but state that as many as 1.5 million were victims of the regime, which included exile and criminal convictions as well as deaths. *Id.*

and how it is still felt today. Analyzing that nation's strength and national identity three generations later, this Article shows that Belarus continues to struggle with both and that it sits as an example of the results of father absence. Though quite different from how father absence has occurred in America, the plight of Belarus examined in this Article might indicate how America's own plague of father absence could have similar results in two or three generations.

Section I explores the historical significance of men and male eradication, beginning with examples from antiquity, to Belarus in the late 1930s, to America today. It considers the detrimental myriad effects that father loss and father absence have had in advancing social ills experienced by contemporary Belarusians and how father absence currently affects Americans.

Section II analyzes how the Belarus example offers ominous analogous insight into the effect of father absence in the United States today. It probes deeply into the tapestry of father absence in America.

Section III offers some solutions to help mend the tatters and tears in a national family fabric damaged by father absence. These responses include strengthening marriage, reforming prison systems to assist fatherhood, bolstering faith perspectives, and encouraging father substitutes for children without dads.

This Article offers a comparative exploration of the devastating effects brought on by father absence in the United States today and the brutal father loss experienced in the forests of Kurapty and throughout Belarus under Stalin's rule in the 1930s. It presents an opportunity for consideration, evaluation, correction, rectitude, and mending. The United States stands at a crossroads in this regard, as current public policy may be duty-bound to seriously consider the importance of fathers to the tapestry of a nation.

I. HISTORICAL SIGNIFICANCE OF MEN

Historically, the way to determine whether a country was successful was its military supremacy⁴—its ability to keep its citizens safe and defend against intruders when necessary.⁵ Men ostensibly conquered, provided, and led as

4. See e.g. ROBERT W. COX & MICHAEL G. SCHECHTER, *THE POLITICAL ECONOMY OF A PLURAL WORLD: CRITICAL REFLECTIONS ON POWER, MORALS AND CIVILIZATION*, 74 (2002) (describing power and civilization generally throughout as male dominated) (examining the interplay between military power, police power and economic forces, but noting the need to not underestimate military power as national strength).

5. "Survival is the primary goal of all states, and in the worst situations, force is ultimately necessary to guarantee survival. Thus, military force is always a central component of national

the heads of nations. What happens, however, when men are absent from the home? What are the short-term and long-term effects on the familial unit? What broader societal effects does this have?

An often-overlooked result of war (unmistakably manipulated by opponents) is the drastic loss of men, suffered especially by the defeated nation. After Alexander the Great destroyed the realm of Thebes, he killed the soldiers and sold the women and children into slavery,⁶ annihilating the dominion completely.⁷ The same fate befell the Phoenician port city of Tyre—the men were murdered, and the women and children were sold into slavery.⁸ Neither domain exists today.⁹ Alexander the Great was so successful during his campaign of Middle Eastern European conquest that he obliterated the identity of kingdoms.

Similarly, an Egyptian Pharaoh in 1300 B.C. ordered the genocide of every male Hebrew infant.¹⁰ Because sons were their fathers' primary heirs and therefore traditionally valued,¹¹ an attack on sons could be perceived as an attack on not only the family, but also on the identity of a society and its legacy. By ordering a genocide of baby boys, Pharaoh was essentially seeking to destroy the lineage of the Hebrew nation.¹² Pharaoh's order was strategic: when, as a ruler of

power." Robert O. Keohane & Joseph S. Nye, *Power and Interdependence*, in *CONFLICT AFTER THE COLD WAR: ARGUMENTS ON CAUSES OF WAR AND PEACE* 167, 169 (Richard K. Betts ed., 5th ed. 2017).

6. *Alexander the Great*, ENCYCLOPEDIA.COM: ENCYCLOPEDIA OF WORLD BIOGRAPHY (2004), <https://www.encyclopedia.com/people/history/ancient-history-greece-biographies/alexander-great#1G23437500025>.

7. Though a famed city of antiquity and former capital of the empire of ancient Egypt, part of the ruins of Thebes now lies within the modern Egyptian city of Luxor. Peter F. Dorman, *Thebes*, BRITANNICA ONLINE ENCYCLOPEDIA, <https://www.britannica.com/place/Thebes-ancient-Egypt> (last visited Sept. 15, 2018).

8. Frank W. Walbank, *Alexander the Great: King of Macedonia*, BRITANNICA ONLINE ENCYCLOPEDIA, <https://www.britannica.com/biography/Alexander-the-Great> (last updated Aug. 23, 2018).

9. Thebes is simply a pile of ruins, and the remains of ancient Tyre are reduced to a historical site in the south of Lebanon. *Tyre*, BRITANNICA ONLINE ENCYCLOPEDIA, <https://www.britannica.com/place/Tyre> (last visited Oct. 8, 2018).

10. See generally MICHAEL G. HASEL, *DOMINATION & RESISTANCE: EGYPTIAN MILITARY ACTIVITY IN THE SOUTHERN LEVANT, CA. 1300–1185 B.C.* (1998).

11. This thinking is actually behind the common law notion of primogeniture in Regency England, derived from ancient law. John Barker, *Primogeniture*, JRANK ARTICLES, <http://family.jrank.org/pages/1333/Primogeniture.html#ixzz3h7D55PUx> (last visited Sept. 16, 2018).

12. The biblical account from Exodus 1 affords important context in this regard. Pharaoh feared the power of the Hebrews as too numerous for his control. "Come, we must deal shrewdly with them or they will become even more numerous and, if war breaks out, will join

a nation, he sought to destroy a people group, his tactic was to attack and annihilate the males. This created the apparent consequence that in native groups the weaker the men, the weaker the nation, the weaker its ability to defend itself, and the weaker its ability to provide for its inhabitants.

A. *Belarus*

Kurapaty is a forest in the outskirts of Minsk, the capital city of Belarus. There, officers of the People's Commissariat of Internal Affairs (or NKVD), under the order of Joseph Stalin, systematically killed and buried *en masse* at least 30,000 Belarusian civilians between 1937 and 1941.¹³ Part of a large-scale repression conducted under Stalin's regime during the 1930s, Soviet Belarusian citizens, largely men, were collected and executed.¹⁴

These events had not really come to light until 1988, when the research and work of Belarusian historian Zianon Pazniak began to uncover burial grounds at Kurapaty Forest.¹⁵ "Most victims were males, aged 20–60 and among them the majority were found to be age 40–49."¹⁶ These men were likely fathers, heads of families, and civic leaders. There is some evidence that the number of murdered victims was much higher than this, as Pazniak estimated that there were 250,000 people who had been executed in the Kurapaty region alone.¹⁷ Workers at

our enemies, fight against us and leave the country." *Exodus* 1:10. Egyptians during that period were dependent on Hebrew labor. When slavery and oppression were ineffective in maintaining Egyptian control over the Hebrews, Pharaoh ordered the extermination of Hebrew baby boys at birth. *Exodus* 1:16. "Every Hebrew boy that is born you must throw into the Nile, but let every girl live." *Exodus* 1:22.

13. *Kurapaty (1937-1941): NKVD Mass Killings in Soviet Belarus*, *supra* note 3, at 1. The NKVD is also known as the Belarusian KGB. *Id.* at 3.

14. *Id.* at 3-4 (citing David R. Marples, *Kuropaty: The Investigation of a Stalinist Historical Controversy*, 53 *SLAVIC REV.* 513, 515 (1994)). Taken from their offices and workplaces during the work day by government ordered taxis and buses to the forest, they were lined up by pre-dug graves, shot, and pushed into the burial plots *en masse*. Their families were never told where these men went. All that was apparent was that they never came home. Visiting these grave sites in 2011 was a profound experience of great sorrow. (Kohm).

15. *Id.* at 4.

16. *Id.* (citing David R. Marples, *Kuropaty: The Investigation of a Stalinist Historical Controversy*, 53 *SLAVIC REV.* 513, 515 (1994)). "The investigatory commission established that there were 510 'assumed burial places' in an area of about 30 hectares. . . . Since each grave was determined to contain the remains of 50-60 people, then at least 30,000 victims had been buried in the Kurapaty Forest, but it was not possible to establish a more precise figure." *Id.* (citing SOVETSKAĬA BELORUSSIA, Jan. 22, 1989).

17. *Id.* (citing David R. Marples, *Kuropaty: The Investigation of a Stalinist Historical Controversy*, 53 *SLAVIC REV.* 513, 516 (1994)); see also Mica, *Communist Crimes – Kurapaty Massacre*, *Belarus*, WORDPRESS: COMMUNISM BLOG (Jan. 20, 2015),

Stalin's prison camps who were interviewed decades later and those who remembered the executions at Kurapaty recounted the tragic killings during those years of oppression, as men were brought to the forest in trucks, gagged, lined up next to graves, and shot in batches.¹⁸

They fired their rifles from the side, into the head of the end person, so that the bullet went through two people. . . . “[T]wo people immediately fell into the pit. They didn’t want to waste cartridges. When they had shot one batch, they threw a bit of earth on top of the heap of bodies, smoothed it over, so that it was all level, and brought up the next batch. When they had shot the grave quite full, they shoveled sand on top, and smoothed it over.”¹⁹

Belarusians honored the victims of Kurapaty in 1989 with crosses erected at the now- sunken mass graves in the forest of Kurapaty honoring ancestors.²⁰ Belarus mentioned the events at Kurapaty in its State register after it became an independent nation upon the collapse of the USSR; in 1994, United States President Bill Clinton presented a small monument entitled “To Belarusians from the American people” in remembrance of the victims of Kurapaty, recognizing the victimization of Belarus during Stalin’s reign.²¹ The Kurapaty memorial is important to Belarusians today as descendants search for their lost fathers and grandfathers.²²

These Belarusian men were strategically targeted by Stalin’s regime and were imprisoned or murdered in other locations in addition to the forests of Kurapaty; another source reported the numbers of victims totaling between 600,000 and 1,500,000 residents of then-Soviet Belarus.²³ “On just one day

<https://communismblog.wordpress.com/2015/01/20/communist-crimes-kurapaty-massacre-belarus/> (noting the numbers to be no less than 200,000 victims).

18. Zianon Pazniak & Yauhen Shmyhalou, *Kurapaty - The Road of Death*, BELARUSGUIDE.COM (1996), http://www.belarusguide.com/as/law_pol/kurap1.html.

19. *Id.*

20. *Kurapaty (1937-1941): NKVD Mass Killings in Soviet Belarus*, *supra* note 3, at 6.

21. *Id.*

22. See Lizaveta Kasmach, *Kurapaty Memorial in Danger: Business Versus Historical Memory*, BELARUS DIG. (Feb. 27, 2017), <https://belarusdigest.com/story/kurapaty-memorial-in-danger-business-versus-historical-memory/> (discussing the protest of a victim’s great grandson whose “great-grandfather was among the thousands of Belarusians who disappeared in 1937” and the fight to protect the site as a memorial). Women were also among the murdered, though in fewer numbers than men. *Kurapaty (1937-1941): NKVD Mass Killings in Soviet Belarus*, *supra* note 3, at 4.

23. Kanstantsin Lashkevich, *Long Live Stalin?*, BELARUS DIG. (Nov. 3, 2011), <https://belarusdigest.com/story/long-live-stalin/>.

... , more than a hundred representatives of the intellectual elite of Soviet Belarus were also shot dead in the cellars of the Minsk KGB (then known as NKVD) internal prison ‘Amerikanka.’²⁴ On another day of Soviet celebration, the murdered “victims were Belarusian writers . . . , government officials, labor leaders, prominent doctors, teachers, priests, military officers, students and others.”²⁵ The work of researcher Leanid Marakou reveals that Stalin’s repression targeted intellectually elite men who were public and cultural figures, and that those who were not killed were sent to concentration camps.²⁶

Marakou estimates that the NKVD killed or exiled to concentration camps up to 90 percent of Belarusian writers (over 500), 100 percent of priests (around 3000), one in three teachers (around 4,000), around five thousand state officials (engineers, economists, and almost all directors of factories then in Belarus)

He points out that Bolshevik authorities in Moscow were primarily concerned about the possible independence of Belarus and its separation from the Soviet Union. To avoid this, they destroyed the nation’s intellectual elite and gene pool that had been accumulated over the centuries. Marakou explains that “the characteristic fear, indifference and passivity in Belarusian people today is a result of that genocide.”²⁷

Now in the 21st century, Belarus has been labeled by some economists as “The Land of Broken Marriages,” as the small country occupies the fourth highest place in the world for divorce.²⁸ Marriage statistics in the nation in 2010 “basically returned to the post-World War II level, when the population suffered a huge demographic blow.”²⁹ The national economy of Belarus has experienced income instability as a widespread phenomenon, with marriage

24. *Id.*

25. *Id.*

26. *Id.* (remarking that Marakou is an author of an encyclopedia with thousands of biographies of persecuted intellectuals).

27. *Id.* (noting Marakou’s uncle, a talented Belarusian poet named Valery Marakou, died during these terrible mass killings).

28. Yauheni Preiherman, *Belarus: The Land of Broken Marriages*, BELARUS DIG. (Dec. 4, 2012), <https://belarusdigest.com/story/belarus-the-land-of-broken-marriages/> (adding that “[a]t the same time, marriages to foreigners are becoming increasingly commonplace. Many Belarusians, particularly women, deliberately look for foreigners who can marry them and take them away from Belarus.”).

29. *Id.*

rates declining.³⁰ The only remaining communist nation in Europe, Belarus has been led, since 1994, under strict authoritarian conditions by former collective farmer Alexander Lukashenka with a degree of public consent.³¹ Belarusians do not speak their own language, but rather predominantly speak Russian, even though most consider Belarusian their native language.³² Some Belarus nationals have stated that they have little to no national identity.³³ Recovery from the years of brutal Soviet oppression and tremendous human loss has not occurred even though three generations have passed.

Indeed, Belarusians have a lower level of consciousness about their national language and history than most of their neighbors. Several reasons explain this. Belarus (called Belarusian People's Republic) first declared independence on March 25 1918 [sic] under the German occupation. However, independence lasted only several months until the Soviet Socialist Republic was proclaimed.

Belarus' human and material losses were tremendous during both the First and Second World Wars. . . . Coupled with the

30. *Id.*

31. *Is Alexander Lukashenka a Phenomenon Himself?*, BELARUS DIG. (May 14, 2011), <https://belarusdigest.com/story/myths/is-alexander-lukashenka-a-phenomenon-onto-himself/>. Belarus holds elections, where Lukashenka generally wins over 75 percent of the vote, contributing to a sense of corruption among the electorate. See Andrew E. Kramer, *Aleksandr Lukashenko of Belarus Wins Fifth Term as President*, N.Y. TIMES (Oct. 11, 2015), <https://www.nytimes.com/2015/10/12/world/europe/aleksandr-lukashenko-of-belarus-set-to-win-fifth-term-as-president.html>.

Speaking to reporters in Berlin on Saturday, Ms. Alexievich, who has spent periods of her life in exile, described Sunday's election as a rigged contest that Mr. Lukashenko was sure to win, as always.

"No one doubts that Lukashenko will win," she said. "To paraphrase Stalin, it's unimportant who votes for whom; what matters is who counts the vote. I don't think we can expect any surprises."

Id.

32. *Do Belarusians Actually Speak Belarusian?*, BELARUS DIG. (Apr. 4, 2011), <https://belarusdigest.com/story/myths/do-belarusians-actually-speak-belarusian/>.

33. "Belarus had the weakest *national identity* of all its neighbours." Vadzim Smok, *Belarus Has an Identity Crisis*, OPENDEMOCRACY (May 14, 2015), <https://www.opendemocracy.net/od-russia/vadzim-smok/belarus-has-identity-crisis> (emphasis added); see also Pavel Ashtashonok, *Is There a Sense of National Identity in Belarus?*, QUORA, <https://www.quora.com/Is-there-a-sense-of-national-identity-in-Belarus> (last updated Mar. 2, 2018) (answering the question with the first sentence with "[u]nfortunately not").

intense Russification during the Soviet times, these realities have left Belarusians with a very specific legacy.³⁴

That legacy of loss remains. Not only do these facts evidence a nation of diminished strength, but they also clearly evidence a nation still in distress. Fully three generations after Stalin's massacres of Belarusian men largely of fatherly age, it is apparent that Belarus continues to struggle socially, economically, and politically. We suggest there could very well be a strong father-absence factor in nearly all social ills facing Belarus today.

B. America

In stark contrast to the somewhat smaller nation of Belarus, the United States of America (U.S.) stands as a superpower today, as its economy, military, and global alliances all demonstrate that we far exceed the standing of any other nation.³⁵ Nominally, the U.S. produces more than any other country, remaining the foundation of the global economic system.³⁶ When taking into consideration purchasing power parity, the U.S. is second only to

34. *Do Belarusians have a weak national identity?*, BELARUS DIG. (May 14, 2011), <https://belarusdigest.com/story/myths/do-belarusians-have-a-weak-national-identity/>.

Belarusians are highly risk-averse and obedient. They learned to be content even with the most basic freedoms, which look like luxuries after the years of war and brutal Soviet repression.

The lack of strong national identity contributed to Lukashenka's ability to manipulate public opinion in a highly atomized Belarusian society. It also contributed to Russia's strong influence—ideological, political and economic—over the situation in Belarus.

Id. Soviet aggression has and continues to affect another nearby nation—Ukraine. For a thorough review of the current state of child policy in that country and how it can be improved even in the midst of Soviet-created instability, see Irina Chekhovska & Lynne Marie Kohm, *Child Policy & National Strength: Restoring Ukraine in the Best Interests of the Child*, 8 INT'L J. JURIS. FAM. 95 (2018).

35. Ian Bremmer, *These Are the Five Reasons Why the U.S. Remains the World's Only Superpower*, TIME (May 28, 2015), <http://time.com/3899972/us-superpower-status-military/>. "A 'superpower' is a country that wields enough military, political and economic might to convince nations in all parts of the world to do things they otherwise wouldn't." *Id.*

36. *Id.* ("And crucially, the American economy remains the bedrock of the global financial system. Over 80% of all financial transactions worldwide are conducted in dollars, as are 87% of foreign currency market transactions. As long as the world continues to place such faith in America's currency and overall economic stability, the U.S. economy remains the one to beat.").

China.³⁷ We spend \$600 billion a year on the military.³⁸ Additionally, we have strong allies in Asia, Europe, and the Middle East.³⁹ Nevertheless, are we really as dominant as our assets indicate? World powers are known for their ideological views, political processes, and military supremacy.⁴⁰ There was a time when the “American dream” was coveted, as our democratic, capitalist society trumped any other form of society.⁴¹

Issues like war, debt, poverty, criminal justice, immigration, healthcare, and violence, however, seem to plague us,⁴² as do international and domestic economic costs. The missiles used in air strikes on Syria in early 2018 cost American taxpayers over \$26.6 million.⁴³ The unrest in the Middle East has cost American taxpayers nearly \$6 trillion.⁴⁴ Our federal debt exceeds \$21 trillion.⁴⁵ In 2016, 40.6 million people lived in poverty.⁴⁶ During that same year 18% of children lived in poverty—13.2 million kids.⁴⁷ While the

37. Noah Smith, *Who Has the World's No. 1 Economy? Not the U.S.*, BLOOMBERG: OPINION (Oct. 18, 2017, 6:30 AM), <https://www.bloomberg.com/view/articles/2017-10-18/who-has-the-world-s-no-1-economy-not-the-u-s>.

38. Jonathan Adelman, *The United States Will Remain the World's Only Superpower for Decades to Come*, HUFFINGTON POST (Apr. 10, 2017, 1:01 PM), https://www.huffingtonpost.com/entry/the-united-states-will-remain-the-worlds-only-superpower_us_58ebba1ee4b081da6ad0064f.

39. *Id.*

40. Keohane & Nye, *supra* note 5, at 167.

41. Joe Pinsker, *Teenagers Are Losing Confidence in the American Dream*, THE ATLANTIC (June 15, 2015), <https://www.theatlantic.com/business/archive/2015/06/teenagers-are-losing-confidence-in-the-american-dream/395780/>.

42. See, e.g., Frank Rich, *In 2008, America Stopped Believing in the American Dream*, DAILY INTELLIGENCER (Aug. 6, 2018), <http://nymag.com/daily/intelligencer/2018/08/frank-rich-2008-financial-crisis-end-of-american-dream.html> (detailing a decade of financial struggles, connections with the attack on 9/11/2001, the recession of 2008, and some connections with other societal ills).

43. Amanda Macias, *US Taxpayers Paid Millions of Dollars for the Airstrikes on Syria. Here's a breakdown of the Costs*, CNBC, <https://www.cnn.com/2018/04/16/syria-airstrikes-cost-to-us-taxpayers.html> (last updated Apr. 17, 2018, 11:54 AM).

44. Gordon Lubold, *U.S. Spent \$5.6 Trillion on War in Middle East and Asia: Study*, WALL ST. J., <https://www.wsj.com/articles/study-estimates-war-costs-at-5-6-trillion-1510106400> (last updated Nov. 8, 2017, 1:18 AM).

45. *Government Debt Chart*, US GOV'T SPENDING, https://www.usgovernmentspending.com/spending_chart_1960_2021USb_XXs2li111mcn_H0f (last visited Sept. 16, 2018).

46. U.S. CENSUS BUREAU, P60-259, INCOME AND POVERTY IN THE UNITED STATES: 2016, 12 (Sept. 2017), <https://www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf>.

47. *Id.*

aggregate economic impact of legal immigration is positive,⁴⁸ our nation cannot agree on policy that adequately supports the value immigrants bring.⁴⁹ The U.S. seems to be a rather divided, inconsistent country.⁵⁰

As noted above, men have generally held the most prominent positions in society—kings, presidents, prime ministers, owners of major corporations, and legislators, to name a few.⁵¹ Yet, many American men are not parenting their own children: in 2016, 30% of American children were living in a household with one parent or no parents.⁵² Twenty-three percent of children were being raised in a single parent household where the sole provider was the mother.⁵³ Fifty years ago, 88% of children lived in households with two parents.⁵⁴

Several factors account for this change. From 2002 to 2013, there was an increase in the percentages of men and women who opted for premarital cohabitation, nonmarital childbearing, same-sex parent adoption, expanded sexual options, and premarital sex.⁵⁵ This, in addition to divorce, incarceration, and a lack of commitment to financial support, has changed the definition of family.⁵⁶ Historically, men have been the providers and leaders of the family unit.⁵⁷ Although research into father absence is varied

48. Giovanni Peri, *The Effect of Immigrants on U.S. Employment and Productivity*, FED. RES. BANK OF S.F.: ECON. RES. (Aug. 30, 2010), <https://www.frbsf.org/economic-research/publications/economic-letter/2010/august/effect-immigrants-us-employment-productivity/> (“Data show that, on net, immigrants expand the U.S. economy’s productive capacity, stimulate investment, and promote specialization that in the long run boosts productivity.”).

49. Current national dialogue on immigration reform is divided. *Latest Immigration Debate Shows ‘Sharp Divide’ in America*, MYNORTHWEST.COM (Jun. 21, 2018, 8:42 AM), <http://mynorthwest.com/1025565/latest-immigration-debate-shows-sharp-divide-in-america/>.

50. *See id.*

51. *See Facts and Figures: Leadership and Political Participation*, UN WOMEN, <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures> (last updated July 2017) (discussing the low numbers of women as compared to men in power around the globe).

52. *The Majority of Children Live with Two Parents*, U.S. CENSUS BUREAU (Nov. 16, 2016), <https://www.census.gov/newsroom/press-releases/2016/cb16-192.html>.

53. *Id.*

54. *Id.* But as the source title indicates, U.S. culture seems pleased that the majority, or 69%, of children live with two parents. *Id.*

55. Jill Daugherty & Casey Copen, *Trends in Attitudes About Marriage, Childbearing, and Sexual Behavior*, NAT’L HEALTH STAT. REP. no. 92, Mar. 17, 2016, at 5, <https://www.cdc.gov/nchs/data/nhsr/nhsr092.pdf>.

56. For example, Virginia’s code defines family through the use of terminology involving ‘household member,’ rather than necessarily by family relationship. VA. CODE ANN. § 16.1-228 (West, Westlaw through 2018 Sess.).

57. This has generally been true since antiquity as reflected in *I Timothy* 5:8 and *Ephesians* 5:25–6:4.

on certain points, the next section demonstrates that research consistently shows the absence of fathers from the household has alarming effects on children and society.

II. ANALYSIS OF FATHER ABSENCE

Scholars and researchers have argued that nearly every social ill faced in America is related to fatherlessness.⁵⁸ Yet, today's culture undervalues men, treating them more as commodities than cornerstones.⁵⁹ As the nucleus of civilization, the family is the basic social unit of every society.⁶⁰ Historically, the family unit consisted of a male and a female raising children together. In America today, however, the family unit has evolved to include single parent households; two fathers, two mothers, or three parents raising children; grandparents, next of kin, and psychological parents raising children; or children raised as wards of the state in foster care.⁶¹

Despite this evolution in the concept of family, the biological fact that cannot be disputed is that both a man and a woman are still needed for natural human reproduction.⁶² While assisted reproductive technology and adoption allow adults to create the families they desire, by design, only the sperm from a male and the egg from a female can create a zygote that produces human life—a child needs them both.⁶³ All organisms inherit the genetic information that specifies their structure and function from their parents; this process is accomplished with the chromosomes carried by the

58. See *Father Absence + Involvement*, *supra* note 1. The NFI summaries rely on evidence, statistics, and research from numerous scholarly sources. See *id.*

59. See generally CHRISTINA HOFF SOMMERS, *THE WAR AGAINST BOYS: HOW MISGUIDED FEMINISM IS HARMING OUR YOUNG MEN* (First Touchstone ed., 2001) (showing generally that feminism has weakened the value of men).

60. See, e.g., Gary S. Becker, *The Role of the Family in Modern Economic Life*, in *THE FAMILY IN THE NEW MILLENNIUM: WORLD VOICES SUPPORTING THE "NATURAL" CLAN 4* (A. Scott Loveless & Thomas B. Holman eds., 2007); RICHARD EYRE & LINDA EYRE, *THE TURNING: WHY THE STATE OF THE FAMILY MATTERS AND WHAT THE WORLD CAN DO ABOUT IT* (2014).

61. See generally PAUL R. AMATO ET AL., *ALONE TOGETHER: HOW MARRIAGE IN AMERICA IS CHANGING* (2009).

62. Even children born from collaborative or assisted reproduction still need a biological father and a biological mother. See Lynne Marie Kohm, *Rethinking Mom and Dad*, 42 CAP. U. L. REV. 441, 487-88 (2014).

63. See generally Kohm, *supra* note 62 (discussing throughout the detrimental effects on child raised without a father).

male sperm and the chromosomes within the female egg.⁶⁴ Children need one parent of each gender.

While children need both a mom and a dad, today at least 23% of all American children, approximately 17 million, are currently being raised in a single parent household where the sole provider is the mother.⁶⁵ In 2016, 39.8% of all births were to unmarried women, with a birth rate of 42.4 births per 1,000 unmarried women ages 15–44.⁶⁶ That same year, over half of all children in poverty lived in single parent households headed by a woman alone.⁶⁷ These statistics represent a consistent trend over the last ten years: while the birth rate to unmarried women ages 15–44 has declined from its peak of 51.8 per 1,000 women in 2007 and 2008, the percentage of all births by unmarried women has essentially remained consistent since 2007.⁶⁸ “Decades of research have now documented the tremendous challenges

64. These sex cells, either XX for girls or XY for boys, are present in every single somatic cell of a person’s body. *Sex Chromosome Definition*, BIOLOGY ONLINE, https://www.biology-online.org/dictionary/Sex_chromosome (last visited Sept. 17, 2018).

65. Nicolas Zill, *More Than 60% of U.S. Kids Live with Two Biological Parents*, INST. FOR FAM. STUD. (Feb. 2, 2015), <https://ifstudies.org/blog/more-than-60-of-u-s-kids-live-with-two-biological-parents>.

66. Joyce A. Martin et al., *Births: Final Data for 2016*, 67 NAT’L VITAL STAT. REP., no. 1, Jan. 31, 2018, at 6, https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_01.pdf.

67. Kayla Patrick, *National Snapshot: Poverty Among Women & Families, 2016*, NAT’L WOMEN’S L. CTR. 1 (Sept. 20, 2017), <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/09/Poverty-Snapshot-Factsheet-2017.pdf>.

68. *Data Brief 162: Recent Declines in Nonmarital Childbearing in the United States*, CTR. FOR DISEASE CONTROL (2013), https://www.cdc.gov/nchs/data/databriefs/db162_table.pdf (reflecting data through 2013).

children face when they grow up without their fathers,”⁶⁹ and indeed father absence⁷⁰ and the father wound⁷¹ are serious concerns in America today.⁷²

Two major factors that help create father absence are divorce and incarceration. Twenty-five percent of children whose parents divorce experience some type of long-term psychological issue,⁷³ creating more opportunity for long-term psychological difficulties as these children tend to largely suffer from father absence.⁷⁴ “[W]hen fathers are actively engaged with their children in a positive manner and have sufficient time with them post-divorce, children are likely to do better.”⁷⁵ Both time spent with their fathers and the quality of the parent–child relationship are necessary for the successful adjustment of children post-divorce.⁷⁶

Several studies have reported that “the loss of involvement of the nonresident parent,” usually the father, “was the most negative aspect of divorce.”⁷⁷ Furthermore, one in twenty-eight children in the United States

69. Jenet Erickson, *Men Don't Mother*, PUB. DISCOURSE (Oct. 26, 2012), <http://www.thepublicdiscourse.com/2012/10/6710/>.

70. NAT'L FATHERHOOD INITIATIVE, *Defining the Issue*, SLIDE SHARE (Nov. 2, 2011), <https://www.slideshare.net/mjsteward/who-is-national-fatherhood-initiative> (stating that “[t]here are record levels of father absence in America” with “24 million children liv[ing] in homes absent their biological father” and “1 of 3 children nationally—triple the rate of 1960—liv[ing] in father-absent homes”).

71. *The Father Wound Epidemic*, FATHERS FOR GOOD, <http://www.fathersforgood.org/ffg/en/month/archive/march10.html> (last visited Oct. 8, 2018).

While the term “father wound” is not an officially recognized clinical term, it is used by many mental health professionals in identifying the origin of numerous emotional and behavioral conflicts in spouses, singles and children. These difficulties can be the result of failing to have a strong, loving and supportive relationship with a responsible father, or as a result of modeling after and then repeating significant weaknesses of the father such as selfishness, excessive anger, emotionally distant behaviors or indifference to the faith.

Id.; see also Phat Praise, *Russell Simmons Presents Def Poetry Jam - Knock Knock*, YOUTUBE (May 8, 2009), <http://www.youtube.com/watch?v=8E0DMcZ23kE>.

72. See generally NAT'L FATHERHOOD INITIATIVE, *supra* note 70; *Father Absence + Involvement*, *supra* note 1.

73. Sol R. Rappaport, *Deconstructing the Impact of Divorce on Children*, 47 FAM. L.Q. 353, 359 (2013).

74. *Id.* at 360.

75. *Id.* at 368.

76. *Id.*

77. *Id.* at 369.

has an incarcerated parent, and that parent is usually the dad.⁷⁸ The number of incarcerated fathers has dramatically increased over the past thirty years—79% since 1991—leaving children to be raised without their biological father and creating additional challenges for parents and children.⁷⁹ Statistics say that two out of three inmates are males who will reoffend and be back in prison.⁸⁰ “Forty percent of these biological fathers have been in jail or prison already before their offspring is born. . . . Twenty-five percent of all black children (50 percent of those whose father dropped out of school) experience paternal imprisonment before they reach age 14”⁸¹

In Belarus, fathers were annihilated by a Stalinist regime early in the 20th century. Father absence was externally imposed on Belarus, and now, three generations later, that nation still suffers. In 21st century America, adults are making choices that leave children without fathers around them. Father absence in America is internally generated and is having a devastating effect on this generation. How will it affect three generations?

Mothers cannot raise men alone: men need to train up other men.⁸² Nor is this something the state can do, as Professor James Dwyer has asserted.⁸³ Discussing the “extraordinary rate of unwed parenthood among blacks [as] transl[ati]ng to greater likelihood of households with only one income or no income” at all,⁸⁴ he explains that a mother’s relationships with her child’s biological father

rarely last past the child’s infancy, so the mother[] moves on to a relationship with another man, with whom they have another child; The fathers also move on, to relationships with other females, with whom they have another child, and so on. So what a

78. FAQs *About Children of Prisoners*, PRISON FELLOWSHIP (2018), <https://www.prisonfellowship.org/resources/training-resources/family/ministry-basics/faqs-about-children-of-prisoners/>.

79. Christopher A. Brown, *Father Facts 7: The Impact of Incarceration on Father Absence*, NAT’L FATHERHOOD INITIATIVE (Oct. 7, 2015), <https://www.fatherhood.org/fatherhood/ff7-impact-of-incarceration>.

80. Melissa Steward, *Father Behind Bars: The Problem & Solution for America’s Children [Infographic]*, NAT’L FATHERHOOD INITIATIVE (Oct. 16, 2014), <https://www.fatherhood.org/fatherhood/fathers-behind-bars-the-problem-and-solution-for-americas-children-infographic>.

81. JAMES G. DWYER, LIBERAL CHILD WELFARE POLICY AND ITS DESTRUCTION OF BLACK LIVES 35 (2018) (noting that “[a] substantial percentage will go to prison after the child is born”).

82. See Kohm, *supra* note 66, at section 3.

83. DWYER, *supra* note 81.

84. *Id.* at 29.

child in this world typically experiences growing up is (a) a succession of men in the household or at least in a relationship with the mother, most of whom are not the child's father, and who provide little financial support; (b) no memory of ever living with his or her father and likely having little or no contact with the father; and (c) extraordinary complex family relationships.⁸⁵

Dwyer explains that government programs have not helped, but rather have tended to exacerbate the problem of father absence: "High rates of incarceration, unemployment, and teen pregnancy—prime factors underlying father absence—are in large part a result of inner-city black children not receiving preparation for productive involvement in the modern, post-industrial economy."⁸⁶ This lack of preparation for further education perpetuates the cycle of father absence,⁸⁷ which shows that father absence causes the problems with which it is associated. Several studies show the elevated risk that children of substance-abusing parents face in general: poorer academic functioning; emotional, behavioral, and social problems; and an earlier onset of substance use, faster acceleration in substance use patterns, and higher rates of alcohol and drug use disorders.⁸⁸

Regardless of the reason for a father's absence, the results are the same. Children are four times more likely to be raised in poverty, they are more susceptible to drug and alcohol abuse, they are disposed to teenage child-bearing, and they have a higher risk of experiencing behavioral problems and committing suicide.⁸⁹ Children in general are adversely affected by father absence, but there are stark discrepancies in how children of a particular race are affected, as 57.6% of black children live in a home where the biological

85. *Id.* (explaining that researchers call this "relationship churning" and noting that it is more the rule than the exception for black children in America).

86. *Id.* at 37. Dwyer continues, discussing "attachment failure" for a child whose father is absent. *Id.* at 70-75 (asserting that child protection law is oblivious to child development).

87. *Id.* at 83.

88. See generally Jessica M. Solis et al., *Understanding the Diverse Needs of Children Whose Parents Abuse Substances*, 5 CURRENT DRUG ABUSE REV. 135 (Jun. 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3676900/>. "[C]hildren of substance abusing parents are more than twice as likely to have an alcohol and/or a drug use disorder themselves by young adulthood as compared to their peers." *Id.*

89. *The Consequences of Fatherlessness*, NAT'L CTR. FOR FATHERING (2018), <http://www.fathers.com/statistics-and-research/the-consequences-of-fatherlessness/>.

father is absent.⁹⁰ This percentage is drastically higher than the 20.7% of white children⁹¹ and 31.2% of Hispanic children.⁹²

Across every race, women are getting married less frequently and having children without being married to a man.⁹³ “Women’s median age at first marriage currently stands at 27, compared to a median marriage age of 24 as recently as 1990 and a low of just over 20 in 1955.”⁹⁴ When compared to white and Hispanic women, black women marry later, at lower rates, and “have relatively high rates of marital instability.”⁹⁵ Just over half (56%) of 34-year-olds “are married, and of these, 83% have children,”⁹⁶ which shows that the truss between marriage and parenthood is seriously unraveled. Solutions are needed to repair the father-supportive fabric of America.

III. SOLUTIONS TO REPAIR THE FATHERLY FABRIC OF A NATION

There are several ways that a nation can work to mend the tatters and tears of father absence. We outline just a few here, noting that restoring fathers to the family unit ought to become a national priority for nearly every sector of American society, as “[a] child’s best interests are not always the driving factor in parental decisions—but they are required to be so in the law.”⁹⁷ James Dwyer, a William and Mary law professor, argues that liberal child welfare policies continue to fail because of the incredible conflict of interest

90. *The Extent of Fatherlessness*, NAT’L CTR. FOR FATHERING (2018), <http://www.fathers.com/statistics-and-research/the-extent-of-fatherlessness/>.

91. *Id.*

92. *Id.*

93. R. Kelly Raley et al., *The Growing Racial and Ethnic Divide in U.S. Marriage Patterns*, FUTURE CHILD, Fall 2015, at 89, 93 fig.1, 97 tbl.3. Marriage tends to work quite effectively to keep fathers around and engaged in the lives of their children. *See generally* Amato, *supra* note 61.

94. *Id.* at 90.

95. *Id.* at 91. Divorce rates “are generally lowest among Asian and foreign-born Hispanic women.” *Id.* at 92.

96. John Fleming, *Gallup Analysis: Millennials, Marriage, and Family*, GALLUP (May 19, 2016), <https://news.gallup.com/poll/191462/gallup-analysis-millennials-marriage-family.aspx> (noting, however, that “a substantial number (46%) of those who have never been married and are well into their 30s have children. This may represent a seismic shift in the connection between marriage and child rearing because as recently as 2000, the comparable percentage of single/never married 30- to 34-year-olds with children was just 30%.”).

97. Kohm, *supra* note 62, at 490. *See generally* Lynne Marie Kohm, *Tracing the Foundations of the Best Interests of the Child Standard in American Jurisprudence*, 10 J.L. & FAM. STUD. 337 (2008).

between what children need and what adults want.⁹⁸ Indeed, adult parental personal responsibility and self-governance on an individual level ought to be the initial concern for every family crisis.⁹⁹ While federal and state governments are not the whole solution, they may be able to afford some assistance in restoring fathers to their children through legislation. The government can also keep from thwarting private sector efforts to save children from permanent fatherlessness.

A. *Marriage*

Incentivizing parents on a singular level to marry, and to stay married for as long as possible when they have children, would have a positive impact on any society.¹⁰⁰ Incentivizing marriage for low income families in America could prove to be very effective in providing some relief for father absence, as marriage connects a father to his child and to the mother of his child. Removing marriage barriers for fathers and mothers who receive public benefits could be helpful.¹⁰¹ For single mothers, public benefits increase with each newborn child they have, but are curtailed or terminated when they marry; this system incentivizes single-motherhood.¹⁰² Changing this limitation could encourage at least some marriage and could help keep fathers with their children, ultimately affording the child the benefits of having two married parents.¹⁰³

98. See generally DWYER, *supra* note 81 (Dwyer bewails this problem throughout the book).

99. For a thorough discussion of how personal responsibility can be the basis of challenging family law and parenting notions in the area of artificial reproduction, regardless of what the law may allow, see Lynne Marie Kohm, *A Hitchhiker's Guide to ART: Implementing Self-Governed Personally Responsible Decision-Making in the Context of Artificial Reproductive Technology*, 39 CAP. U.L. REV. 413 (2011). For a review of how that personal responsibility manifests itself in the natural law and inalienability of parenthood, see Louis W. Hensler III, *The Legal Significance of the Natural Affection of Charlie Gard's Parents*, 17 CONN. PUB. INT. L.J. 59 (2017).

100. See Kathleen E. Akers & Lynne Marie Kohm, *Solving Millennial Marriage Evolution*, 48 U. BALT. L. REV. (forthcoming Fall 2018) (manuscript at 29-34) (on file with authors) (proposing several opportunities to incentivize longer term, or permanent life-long marriage as part of a larger scheme to incentivize marriage toward better parenting).

101. See *id.* at 29-30.

102. See Nina Bernstein, *Strict Limits on Welfare Benefits Discourage Marriage*, *Studies Say*, N.Y. TIMES (Jun. 3, 2002), <https://www.nytimes.com/2002/06/03/nyregion/strict-limits-on-welfare-benefits-discourage-marriage-studies-say.html>.

103. The benefits to children who enjoy married parents are myriad. See, e.g., Kohm, *supra* note 62, at 455.

Removing from public benefits the marriage prohibition will begin to stem the tide of non-marital child bearing. Stipulations to apply and enforce such a change would include that parents provide proof of sharing the same address, evidence of actively seeking minimal employment for at least one parent, and loss of benefits only when economic stability is attainable.¹⁰⁴

Marriage of parents tends to minimize fatherlessness.¹⁰⁵ Children of unmarried parents of any race are more likely than children of married parents to perform poorly in school, go to prison, use drugs, suffer from impoverishment as adults, and have their own children out of wedlock. However, finding ways to empower and encourage fatherhood can go a long way in decreasing father absence.

B. Faith

Faith can be a tremendous factor in encouraging father engagement in a child's life, regardless of family circumstances. In Christianity, fathers are encouraged and directed to provide for their children,¹⁰⁶ to educate their children,¹⁰⁷ and to gently discipline them,¹⁰⁸ but not to embitter¹⁰⁹ or exasperate them.¹¹⁰ Commanding that the fatherless not be deprived of justice,¹¹¹ but rather protected¹¹² and provided for in a generous manner,¹¹³

104. Akers & Kohm, *supra* note 99, at 30.

105. Kohm, *supra* note 62, at 453-61. "Fathering, mothering, and marriage all appear to jointly provide for the best interests of children from a social perspective according to solid sociological research. This research is considerable and significant." *Id.* at 461.

106. *Luke* 11:11; *1 Timothy* 5:8.

107. *Proverbs* 13:1.

108. *Proverbs* 15:5; *Proverbs* 19:13; *Hebrews* 12:7.

109. *Colossians* 3:21.

110. *Ephesians* 6:4.

111. *Deuteronomy* 24:17.

112. *Psalms* 10:17-18 ("You, LORD, hear the desire of the afflicted; you encourage them, and you listen to their cry, defending the fatherless and the oppressed, so that mere earthly mortals will never again strike terror."); *see also Psalm* 82:3 ("Defend the weak and the fatherless; uphold the cause of the poor and the oppressed.").

113. *Deuteronomy* 24:19 ("When you are harvesting in your field and you overlook a sheaf, do not go back to get it. Leave it for the foreigner, the fatherless and the widow, so that the LORD your God may bless you in all the work of your hands."); *see also Proverbs* 23:10-11 (God commands the protection of the property of the fatherless. "Do not move an ancient boundary stone or encroach on the fields of the fatherless, for their Defender is strong; he will take up their case against you.").

God “defends the cause of the fatherless.”¹¹⁴ He calls himself a “father to the fatherless, a defender of widows,”¹¹⁵ and promises to never abandon a child. “Though my father and mother forsake me, the LORD will receive me.”¹¹⁶

Several ministries make bridging the fatherless gap a priority in their work.¹¹⁷ An ancient biblical prophet proclaimed of Jesus the Messiah, “He will turn the hearts of the fathers to their children, and the hearts of the children to their fathers; or else I will come and strike the land with a curse.”¹¹⁸ Through faith dads and their children can be reconciled. A personal relationship with God can make all the difference in the world for both father and child.¹¹⁹ Scriptures about God as Father are replete with references to His love, protection, provision and care.¹²⁰ The deep wounds carried for a lifetime¹²¹ can be the doorway to the revelation that, despite experiencing father absence, a child is worthy and loved by God.¹²²

114. *Deuteronomy* 10:18. God calls Himself their strong Defender, taking “up their case.” *Proverbs* 23:10.

115. *Psalms* 68:5.

116. *Psalms* 27:10.

117. For example, The Knights of Columbus’ work in PAUL C. VITZ, FAITH OF THE FATHERLESS: THE PSYCHOLOGY OF ATHEISM, at Fathers for Good, a ministry of the Knights of Columbus. *Faith and Fatherhood*, FATHERS FOR GOOD (2018), http://www.fathersforgood.org/ffg/en/big_four/faith_fatherless.html. Even the Huffington Post placed a spotlight on Faith and Fatherhood in their 2012 Father’s Day Tribute. See Gina Ryder, *Faith and Fatherhood: How Does Spirituality Affect Your Parenting?*, HUFFINGTON POST (Jun. 15, 2012, 1:49 PM), https://www.huffingtonpost.com/2012/06/15/faith-and-fatherhood_n_1600161.html.

118. *Malachi* 4:6, ESV.

119. “I give them eternal life, and they shall never perish; no one can snatch them out of my hand. My Father, who has given them to me, is greater than all; no one can snatch them out of my Father’s hand.” *John* 10:29.

120. See, e.g., *1 Corinthians* 8:6 (“But to us there is but one God, the Father . . .”); *Ephesians* 4:6 (“One God and Father of all, who is above all, and through all . . .”); *Matthew* 23:9 (“And call no man your father upon the earth: for one is your Father, which is in heaven.”); *Psalms* 68:5 (“A father of the fatherless, . . . is God in his holy habitation.”); *Ephesians* 1:3 (“Blessed be the God and Father of our Lord Jesus Christ, who hath blessed us with all spiritual blessings . . .”); *Malachi* 2:10 (“Have we not all one father? hath not one God created us?”); *Isaiah* 64:8 (“But now, O LORD, thou art our father; we are the clay, . . .”); *Isaiah* 63:16 (“thou, O LORD, art our father, our redeemer . . . everlasting.”); *1 Peter* 1:3 (“Blessed be the God and Father of our Lord Jesus Christ . . .”); *2 Corinthians* 1:3-4 (“Blessed be God, even the Father of our Lord Jesus Christ, the Father of mercies, and the God of all comfort . . .”); *James* 1:17 (“Every good gift and every perfect gift is from above, and cometh down from the Father of lights, with whom is no variableness, neither shadow of turning.”).

121. See *Father Wound*, *supra* note 71.

122. See generally JOHN FINCH, THE FATHER EFFECT: HOPE AND HEALING FROM A DAD’S ABSENCE (2017) (outlining the importance of father presence or absence in a person’s life). More Christians and people of faith are seeing the disparate gap created by father absence. See, e.g., Carey Lodge, *The Crisis of Absent Fathers: God Can Fill the Hole in a Child’s Heart*, CHRISTIANITY TODAY (Apr. 17, 2014, 12:00 PM), <https://www.christiantoday.com/article/the-crisis-of-absent-fathers-god-can-fill->

Every child needs a father, but when that ideal is not possible, God provides Himself for all our wounds, and “by His wounds we are healed.”¹²³

C. *Prison Reform*

A father in prison must be encouraged to maintain relationships with his children, and must be supported in carrying out parenting obligations or commitments whenever possible, from child support¹²⁴ to domestic ties.¹²⁵

Studies have consistently found that prisoners who maintain close contact with their family members while incarcerated have better post-release outcomes and lower recidivism rates.

The research shows that when returning inmates have a supportive family they are more likely to find a job, less likely to use drugs, and less likely to be involved in criminal activities.

Studies also show that children of inmates who are able to visit with their imprisoned parents have increased cognitive skills, improved academic self-esteem, greater self-control, and change schools much less often. The improvement of the children has an

the-hole-in-a-childs-heart/36861.htm. See also, e.g., MONIQUE ROBINSON, *LONGING FOR DADDY: HEALING FROM THE PAIN OF AN ABSENT OR EMOTIONALLY DISTANT FATHER* (2014); BETH ERICKSON, *LONGING FOR DAD: FATHER LOSS AND ITS IMPACT* (1998); DENNA D. BABUL & KARIN LUISE, *THE FATHERLESS DAUGHTER PROJECT: UNDERSTANDING OUR LOSSES AND RECLAIMING OUR LIVES* (2016).

123. *Isaiah* 53:5.

124. Child support obligations are generally a starting point. See *Child Support and Incarceration*, NAT’L CONF. OF ST. LEGISLATORS (Jun. 6, 2018), <http://www.ncsl.org/research/human-services/child-support-and-incarceration.aspx> (discussing new federal child support rules and how they affect incarcerated parents).

The rule ensures the right of all parents to seek a review of their order when their circumstances change. While these provisions apply to all parties involved, they specifically address incarcerated noncustodial parents and their ability to have the child support order reviewed and potentially modified while they are incarcerated. The rule prohibits states from treating incarceration as voluntary unemployment for purposes of modifying a child support order.

Id. Other aspects are key as well, but child support is foundational. See OFF. OF CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT FACT SHEET SERIES NO. 4, *REALISTIC CHILD SUPPORT ORDERS FOR INCARCERATED PARENTS*, U.S. DEP’T OF HEALTH AND HUM. SERVICES (Jun. 2012), https://www.acf.hhs.gov/sites/default/files/ocse/realistic_child_support_orders_for_incarcerated_parents.pdf (discussing general as well as state by state progressive ideas for more realistic child support collection from incarcerated and previously incarcerated parents).

125. *Psalms* 68:6 (“God sets the lonely in families, he leads out the prisoners with singing . . .”).

amazing impact on the incarcerated parent, too, with significantly reduced recidivism of the parent after release.¹²⁶

Organizations like the National Fatherhood Initiative and ministries like Prison Fellowship seek to diminish the effects of father absence on children who have incarcerated fathers by improving communication between fathers and their child's caregivers and educators.¹²⁷ National Fatherhood Initiative provides research, programs, encouragement and opportunities for incarcerated dads to work toward better relationships with their kids.¹²⁸

Because current federal and state sentencing policies do not adequately address the void that is left in a home when the father is absent,¹²⁹ nongovernmental agencies and ministries can provide a significant service to alleviate the negative effects of father absence due to incarceration.

D. A Father Substitute

Because the dynamics of father presence or absence in a child's life are important, men who may be able to serve as father substitutes can play a vital role. "Fortunately, many men have experienced a relationship with a father who was a strong, firm, reliable and trustworthy and was a protector of their

126. Pat Nolan, *Father's Day in Prison Separates Families—Let's Remember Them*, FOX NEWS (Jun. 17, 2018), <http://www.foxnews.com/opinion/2018/06/17/fathers-day-in-prison-separates-families-lets-remember-them.html>.

127. *Four Ways Incarcerated Fathers Can Help with Their Children's Education*, PRISON FELLOWSHIP (Summer 2018), <https://www.prisonfellowship.org/resources/support-friends-family-of-prisoners/prisoner-resources/four-ways-incarcerated-fathers-can-help-with-their-childrens-education/>.

Parenting from prison is hard. There are challenges at every turn, and regrets about the past might make you doubt whether you can help. But by choosing to be involved in your children's education today, you can show them that you want to be the involved, responsible, and committed father they deserve. And while you can't change your past, you can change your future—and you can help shape theirs.

Id.

128. Ryan Sanders, *Fathers Behind Bars: The Problem and Solution for America's Children*, PRISON FELLOWSHIP (Oct. 22, 2014), <https://www.prisonfellowship.org/2014/10/fathers-behind-bars-the-problem-solution-for-americas-children/>.

129. Legislative prison reform, such as the FIRST STEP Act, however, has provisions to combat some of those ill effects. See *Summary: H.R. 5682, FIRST STEP Act (115th Congress, 2018)*, FAMM (2018), <https://famm.org/wp-content/uploads/FAMM-FIRST-STEP-Act-Summary-5.9.18.pdf>. This prison reform proposed legislation was passed by the U.S. House of Representatives but has not yet been passed by the full Congress. German Lopez, *Congress' Prison Reform Bill Explained*, VOX (May 22, 2018), <https://www.vox.com/policy-and-politics/2018/5/22/17377324/first-step-act-prison-reform-congress>.

emotional and spiritual lives,”¹³⁰ making them excellent candidates to provide fatherly care to a child who needs it. One study has shown, however, that large proportions of children in homes lacking the biological father do not have potentially significant contact with absent fathers or new father figures.¹³¹ Contact with a father figure may work to bridge the gap of father absence, and “traditionally used statistics on father presence or absence may substantially misrepresent the reality of meaningful father or father-figure contact, particularly for black children.”¹³² Male figures in a role of authority and influence in a child’s life can have a very positive impact on a child and on his or her capacity for future relationships.¹³³ We suggest these positive impacts might even include potentially breaking negative cycles of father absence.

E. Empower Fatherhood

There are ways to encourage fatherhood regardless of the reason for the father absence. *Cheerleader Daddy*, produced by a national nonprofit, offers and incentivizes a father’s presence in his child’s life in a cute and fun way that removes any judgment on parenting, while focusing on the child.¹³⁴ Children are an investment that parents must continue to pour into, despite changing circumstances that can create absence of a parent—particularly a

130. See *Father Wound*, *supra* note 71.

131. Frank L. Mott, *When Is a Father Really Gone? Paternal-Child Contact in Father-Absent Homes*, 27 *DEMOGRAPHY* 499, 511 (1990). “The children who had never lived with their father were more likely to live in a father-figure-free home. This primarily reflects their lower likelihood of being in a reconstituted family and *not* any significantly greater likelihood of not having contact with their biological father.” *Id.* at 511. *But see generally* H. J. Sants, *Genealogical Bewilderment in Children with Substitute Parents*, 37 *BRIT. J. MED. PSYCHOL.* 133 (1964) (studying both absence and substitution of father or mother in a child’s life and discussing the child’s related challenges).

132. See Mott, *supra* note 130, at 514 (discussing racial distinctions in father absence and potential father figures, noting that “[b]iological (paternal) ties probably are of much greater significance for black children in father-absent households, whereas sociological ties apparently dominate for their white counterparts.”).

133. See Jeffrey Rosenberg & W. Brad Wilcox, *Fathers and Their Impact on Child Wellbeing*, in *THE IMPORTANCE OF FATHERS IN THE HEALTHY DEVELOPMENT OF CHILDREN 11-13*, *CHILD WELFARE*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (2006), <https://www.childwelfare.gov/pubPDFs/fatherhood.pdf>; see also Stephanie Brown et al., *African American Extended Families and Kinship Care: How Relevant is the Foster Care Model for Kinship Care?*, 24 *CHILD. & YOUTH SERV. REV.* 53 (2002) (discussing the role of extended family members in child development).

134. GROW TO GIVE, *Cheerleader Daddy*, *YOUTUBE* (Jul. 28, 2008), <https://www.youtube.com/watch?v=hTIzjVxvV2U>.

father. Because children are sometimes thrust in the middle of unresolved conflict between their parents,¹³⁵ those parents need to work hard to minimize that effect, rather than use the child as a tool to hurt and manipulate the other parent.¹³⁶ Parents should seek to make the transition from marriage to divorce as seamless as possible for their children.¹³⁷ States can consider how to work toward the protection of fatherhood even when high court rulings may seem to make fatherhood (or motherhood) expendable.¹³⁸ Reproductive responsibility in the area of collaborative assisted reproduction toward parenting can encourage married parenthood to provide a father connected to the resulting child,¹³⁹ or at least encourage father involvement in a child's life based on a best interest of the child analysis.¹⁴⁰

IV. CONCLUSION

The strength and identity of a nation is not only connected to but may even be highly dependent upon the presence or absence of its fathers. This article has illustrated those notions. Children earnestly suffer from father absence, and society severely suffers when numerous fathers are absent from their children's lives.

This article has demonstrated that the annihilation of men of fathering age in the nation of Belarus nearly 80 years ago is manifestly and unmistakably still felt in that society today. The victims were husbands, fathers, sons, doctors, teachers, priests, and public servants.¹⁴¹ They were most likely the cornerstones of their communities and of their homes, and the victimization was speciously not only intentional, but also strategic. Prominent Belarusian men were massacred, and today the country still struggles to mend the resulting tears. This article has illustrated how America and its fathers could

135. See how this occurs and some remedies for it in *Spare the Child*, VA. ST. B. (2010), <http://www.vsb.org/site/sections/family/spare-the-child/>.

136. *Id.*

137. Rappaport, *supra* note 73, at 370.

138. See, e.g., Sandra Alcaide & Lynne Marie Kohm, *Obergfell: A Game-Changer for Women*, 14 AVE MARIA L. REV. 99, 101, 103 (2016) (discussing the implications of making one gender unnecessary for marriage).

139. See generally Kohm, *supra* note 103, for a comprehensive overview of how attorneys can assist their clients in responsible assisted reproduction decision-making.

140. See, e.g., L.F. v. Breit, 736 S.E.2d 711, 721-23 (Va. 2013). (The Supreme Court of Virginia ruled that when a mother attempted to keep a father out of a child's life in the unmarried parents' assisted reproduction dispute children have a liberty interest in knowing both of their parents.).

141. *Kurapaty (1937-1941): NKVD Mass Killings in Soviet Belarus*, *supra* note 3.

be characterized as experiencing a much less intentional, but nonetheless similar victimization, though it is largely self-inflicted. In stark contrast to the events long ago in Belarus, U.S. father absence today is often voluntarily chosen.

Nearly every social ill faced in America is related to fatherlessness.¹⁴² Three generations later, Belarusians have yet to recover from forced fatherlessness, but the fate of free America does not have to be the same. Unraveling and understanding the tragic tapestry of father absence and national strength from Belarus could be the start of the reinforcement of a stronger national fabric for the United States.

142. *Father Absence + Involvement*, *supra* note 1.