

License and Registration, Please

The 1990s witnessed an across the board decline in nearly all forms of criminal activity. As the table shows, murder fell 40 percent from its 1991 high, aggravated assault fell by 20 percent, rape by more than a quarter, and property crimes by similar percentages.

Instances per 100,000 Inhabitants

	1991	1992	1993	1994	1995	1996	1997	1998	1999
Murder and non-neglegent homicide	9.8	9.3	9.5	9.0	8.2	7.4	6.8	6.3	5.7
Forcible rape	42.3	42.8	41.1	39.3	37.1	36.3	35.9	34.5	32.7
Robbery	272.7	263.6	255.9	237.7	220.9	201.9	186.3	165.4	150.2
Agravated assault	433.3	441.8	440.3	427.6	418.3	390.9	382.3	361.3	336.1
Burglary	1,252.0	1,168.2	1,099.2	1,042.0	987.1	944.8	919.4	863.0	770.0
Larceny	3,228.8	3,103.0	3,032.4	3,026.7	3,043.8	2,979.7	2,893.4	2,729.0	2,551.4
Motor vehicle theft	659.0	631.5	606.1	591.3	560.4	525.6	506.0	459.8	420.7

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These declines are impressive, but without context they are also meaningless. The fact is, *the aggregate level of violent crime in America today remains about 250 percent higher than it was in 1960*. Even with the best efforts of the past decade, one marked by a return to law and order policies and a quadrupling of the US prison capacity, criminal activity remains near historic highs.

Two theories competed to explain this surge in criminality. One school held that demographics were responsible, that the rate of criminal activity was primarily a function of the size of the young adult male population. On the other side were proponents of an economic explanation; they argued that crime was a function of factors like real wage levels and unemployment. In the absence of any definitive evidence, the two sides fell into a stalemated position, with each using its respective journals and conferences as a platform for attacking the other.

Given the vitriolic nature of the debate, it is no surprise that recent research which appears to settle the issue once-and-for-all has been met with consternation. This lukewarm reception may be due to the conclusion suggested: the data shows that, while economics and demographics each play a role in fostering criminality, the single most powerful factor in explaining criminal behavior in known offenders is... an upbringing in a fatherless household! These studies show a greatly increased risk of criminality in children raised by single mothers when other factors, such as income, geography and education level, are held constant.² By some estimates, a 10 percent increase in local illegitimacy leads to a 17 percent increase in local violent crime.³ As psychiatrist Jack Westman explains, "The family profiles associated with criminality have been described both

¹ Source: FBI Unified Crime Reports.

² LaFree, Gary. *Losing legitimacy: Street crime and the decline of social institutions in America*. Boulder, CO: Westview Press, 1998

³ Fagan, Patrick F. *The American family: Rebuilding society's most important institution*. In Stuart M. Butler and Kim R. Holmes (Eds.) *Issues 2000: The candidate's briefing book*. Washington, D.C., The Heritage Foundation, 2000

statistically and qualitatively. According to the Bureau of Justice Statistics, 72 percent of youths in long-term state-operated juvenile institutions come from other than two-parent homes.”⁴ Boys raised in fatherless families are roughly seven times more likely to engage in criminal behavior, and 2.7 times more likely to serve serious prison time, than boys raised in a two-parent home. Children raised without their fathers in the home are twice as likely to drop out of school than children raised with their fathers, and girls raised in a fatherless environment are much more likely to have

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children out of wedlock, thus continuing the cycle of poverty and pathology.⁵ Children raised in fatherless homes are about 14 times more likely to be abused than their counterparts in a two-parent home, and 33 times more likely to suffer abuse if the mother’s boyfriend (not the child’s parent) is living under the same roof.⁶

Fatherless parenting is associated with less obvious—and more controversial—disadvantages, as well. Parents who rear their children out of wedlock tend to have substantially lower IQs than married parents who raise their children together under one roof.⁷ This observation, along with evidence that intelligence as measured by IQ scores is highly heritable, suggests that illegitimate children likely have lower IQ scores than children raised in two-parent homes. Low IQ may also be responsible, in part, for the dysfunctional family structures that produce unsocialized children, in that less intelligent individuals are less likely than their more intelligent counterparts to appreciate and manage the difficulties associated with attempting to parent children alone. Given this tendency, as well as the close relationship between criminal activity and fatherless rearing, it is no coincidence that White males who have been arrested score on average 10 points lower on IQ tests than White males who have never been involved with the criminal justice system.⁸

A REMEDY

It still remains unrecognized that to bring a child into existence without a fair prospect of being able, not only to provide food for its body, but instruction and training for its mind is a moral crime, both against the unfortunate offspring and against society; and that if the parent does not fulfil this obligation, the State ought to see it fulfilled at the charge, as far as possible, of the parent.

*John Stuart Mill*⁹

Once the relationship between crime and poor parenting is recognized, an obvious remedy to both problems presents itself: the federal government

⁴ Westman, Jack C. *Licensing Parents: Can We Prevent Child Abuse and Neglect?* New York: Insight Books, 1994

⁵ Maynard, Rebecca. *Kids having kids : economic costs and social consequences of teen pregnancy.* Washington, D.C.: Urban Institute Press, 1997

⁶ Whelan, cited in Fagan.

⁷ Lykken, David. *The antisocial personalities.* Hillsdale, NJ: Lawrence Erlbaum Associates, Inc., Publishers, 1995

⁸ Lykken, 1995.

⁹ Mill, John Stuart. *On liberty.* 1859. New York: Penguin Classics, 1986

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should institute a system of parental licensure to guarantee that prospective parents meet minimum competency requirements before being granted the privilege of bringing a child into the world. Just as we license other activities and professions that could cause harm when performed improperly, parenting should also be subject to review and regulation by the state.

The parental licensure program described here is a skeletal version of the one proposed by University of Minnesota psychologist David Lykken in his article, "The American Crime Factory."¹⁰ His system would exclude from parenthood, either temporarily or permanently, those individuals lacking the economic or psychological resources to support a child in a manner conducive to its growth into a well-adjusted adult. Lykken offers five criteria that would serve as a basis for this licensing scheme:

1. Neither parent may have a debilitating mental illness, or have been convicted of a felony associated with violence, nor of a misdemeanor involving domestic violence.
2. The couple must demonstrate an income stream sufficient to provide the basic necessities for themselves and their child.
3. Both parents must have successfully completed a course in basic parenting skills, one provided free of charge by the licensing authority.
4. The couple must provide a marriage license, proof of common-law marriage status, or some other reasonable guarantee that the child will be raised in a two-parent home.
5. Neither parent may have previously initiated a divorce while responsible for children under the age of twelve, and neither parent may have a history of failing to pay court ordered child support.

Those individuals who cannot meet the minimum criteria described here would not be allowed to parent

In no way can these criteria be construed as draconian regulations intended to prevent worthy parents from having children. In fact, adoptive parents will recognize these criteria as being very similar to the conditions they were required to meet before being allowed to adopt children. As a matter of equal protection with regard to the rights of children, there is no justification for the practice of screening biological parents any less rigorously than their adoptive counterparts. Prospective parents who are refused a license will have recourse to an appellate body empowered to identify special circumstances and to grant licenses in contravention of the original refusal when it sees fit. And it is important to note that none of these requirements interfere in any way with the application of "alternative parenting" philosophies, unless of course these alternatives allow for child abuse, malnourishment, or abandonment.

Those individuals who cannot meet the minimum criteria described here

¹⁰ Lykken, David. "The American crime factory." Unpublished Article. U of Minnesota

would not be allowed to parent; if they have children without a license, their offspring will be put up for adoption. Habitual scofflaws will be sterilized after the second offense. As harsh as this may seem, the right of children to be raised in an environment free from violence and abuse must be given precedence over the right of incompetent individuals to burden society by their lack of self-control.

Unexpected pregnancies need not be problematic. The process described above would still apply, and the parents would be required to seek a license before the child was born. In those cases where a child is carried to term by parents who cannot or will not fulfill the licensure requirements, the child will be removed from their custody immediately after birth, pending fulfillment of the licensing requirements. Children removed from their parents' care will be placed with a foster family or, if the foster care system cannot provide for them, in a federally funded, locally administered childcare cooperative. These cooperatives will achieve several important goals simultaneously. Most importantly, they will provide material and social necessities to children who would otherwise be deprived of them by incompetent parents. And while doing this, they will provide both employment and childcare training to potentially licensable young people who are willing to make a commitment to becoming competent parents.

OBJECTIONS

1. Aren't you proposing to give the power to decide who has children to a potentially racist or classist agent of the state?

As stated above, the criteria set forth are hardly subjective. If a couple meets these conditions, they will be allowed to have a child. Of course, as in any bureaucracy, there will always be room for abuse by self-interested bureaucrats, but the possibility of such abuse is the appellate body's *raison d'être*. And, for further protection of individual rights, it may even be desirable to allow another level of appeal beyond the board to a family court judge. This is essentially the same appeals process already in place for handling charges of discrimination in administrative matters, and there is every reason to believe it will work in this situation, as well.

2. Whether by design or not, this program is an attack on the poor. How can you deprive poor people of the right to have children simply because the existing social order denies them the ability to earn a decent living?

Look, as long as we're discussing seemingly impossible applications of common sense to public policy, we might as well allow (as Lykken does) for the substitution of all federal and state welfare programs by a federally sponsored job for everyone who wants one, on the model of the WPA or CCC. A program of this sort would provide job training, lower the costs of many essential services, improve American infrastructure, and could be structured in such a way as to provide an income sufficient to allow parental licensing.

3. This plan is eugenics by another name, and eugenics is forever tarnished by its association with fascism.

Lykken describes his proposal in the following way:

The correct name for the program advocated here is a new term, "eumemics," coined by the anthropologist, Vincent Sarich, and based on another new word, "meme," coined by the British evolutionary biologist, Richard Dawkins. Just as the gene is the unit of genetic influence upon the development of the individual, so the meme is the unit of experience or environmental influence. Then "eumemics" is the science of maximizing good memes and minimizing the bad ones in the developmental experience of our children.¹¹

Of course, even when drawing a distinction between eugenics and eumemics, Lykken acknowledges that a parental licensure program of this sort would have eugenic consequences—but what of it? Objections like this demonstrate a problematic breakdown in critical thinking, akin to maintaining that Hitler's implementation of a full-employment regime in Germany in the 1930s discredits Keynes' macroeconomic theories. Eugenics as a pleasant byproduct of policy differs in type from eugenics as a primary aim of policy.

4. It seems obvious that, for a variety of social and historical reasons, a program like this will deny a disproportionate number of Blacks the right to bear children; therefore, implementing such a program with full knowledge of this consequence is unarguably racist.

One can also say with confidence that implementing this program will unarguably save a disproportionate number of Black children from miserable lives of poverty and violence. And it will have positive effects within the Black community, as well, since most crime committed by Black perpetrators is committed against other Blacks. Clearly, a program of parental licensure is no more racist than affirmative action, another social initiative whose benefits accrue disproportionately to Blacks. In fact, the key distinction between the two is the manner in which each is applied: parental licensure would be applied to all prospective parents, without regard to race, while affirmative action is race selective.

5. Giving birth to children is a God-given right, and no state in the world can take that away from me!

The notion of "God-given rights" has little place in rational discourse, and those who believe in them will find this an uncomfortable discussion from beginning to end. Now, secular philosophers have long enunciated the concept of inalienable rights emanating from principles of natural law, and this thinking is more worthy of attention. Nothing in the concept of parental licensure interferes with an individual's inalienable rights any more than is to be expected within the framework of civil society. Living with others undeniably involves the attenuation of one's absolute rights, and the degree of acceptable attenuation of those rights is, to a large

¹¹ Lykken, "The American crime factory."

degree, a function of the social outcomes desired by the community. Too many libertarians wish to reap the rewards of modern, complex, social-industrial production, while obeying only those sparse legal and social rules that applied to pre-capitalist tribal communities. This means that, in all probability, no program, no matter how socially advantageous, will satisfy a radical libertarian. An individual may have the physical capacity to operate a motor vehicle without a license, or to release mercury into a lake whenever she pleases, but the community has denied her the free exercise of these rights for the simple reason that, in modern societies, individual actions have predictable consequences that extend beyond the individual. Parental licensure recognizes the durable negative effects that an unsocialized adult can have on the entire community, and is therefore, without question, a communitarian project. Industrial society is necessarily communitarian in nature, and no amount of wishing will change that.

6. Let's pretend parental licensure becomes the norm—where will it end? Isn't this simply a step on the path to totalitarianism?

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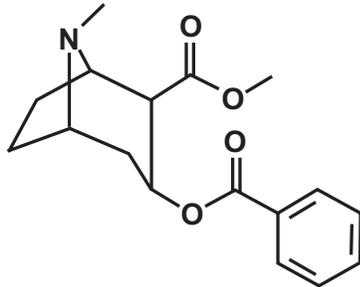
Fears of the creeping power of the state are well-founded, but arguments against state regulation always seem to focus on the logical possibility of one more regulation leading to a totalitarian future. Sure, parental licensing might lead to other, more intrusive regulations, but one could have said the same of laws against child labor, compulsory education laws, court ordered child support, and residential health codes—after all, what business is it of the state to tell me how and in what conditions I raise my child? Obviously, though, once it was recognized that children had rights and were not simply the property of their parents, it became necessary for the state to safeguard these rights, and it did so by adopting and enforcing laws that limited the rights of parents with respect to their children. So, while it is logically possible that these instruments of child protection have set us on an irrevocable course towards the complete and utter destruction of our individual liberty and our total incorporation into a bureaucratic dictatorship, they have definitely protected the rights of millions of children, and saved many of them from lives of desperation and suffering.¹²

It goes without saying that the objections dealt with here are strictly philosophical; implementation related questions are obviously too numerous to treat in this limited space, and are not relevant to the parental licensure project at this stage of the discussion. As the feasibility of social initiatives depends more often than not on the political will that exists to undertake them, advocates of parental licensure must focus on libertarian and leftist protests if they wish to bring their proposal to a wider public.

¹² Note, as well, the explicitly Christian and millenarian character of this objection: come the "End Times," a small group of the faithful face the Beast (the evil State) which deceives the masses by performing seemingly good and miraculous deeds (social engineering) and then demands submission to its laws. Those who choose to follow God's laws are persecuted, and a vision of Hell is invoked to warn of the punishment awaiting the faithless. But instead of representing Hell by means of Babylonian mythology as in Revelations, modern libertarians invoke the Hell-on-Earth that was the gulag of Soviet Russia. Now, an individual has every right to believe in the mythology of his own choosing, but let's have full disclosure if the application of these superstitions is impeding social progress.

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While confidently trumpeting this simple prescription for a set of entrenched social ills, it must be admitted that the point where crime, race, and personal liberties intersect is a politically charged one. Progressives recognize the critical importance of the childrearing environment when it translates into material conditions such as class sizes, the provision of day-care, subsidized housing, school lunch programs, and other welfare efforts reminiscent of the Great Society, but attempts by conservatives to justifiably implicate poor parenting in the perpetuation of social dysfunction are condemned as veiled strategies intended to cut already meager social funding. Whatever the political utility of the conservative position, there is a great deal of research suggesting that the composition of a child's home environment is the most important factor in determining the adequacy of that child's socialization, and thus his social success. Stemming the flow of unsocialized children and criminal adults onto America's streets means shutting down the production facilities that are turning them out at ever-increasing rates. Far from being a jackbooted government incursion into the reproductive rights of the citizens, an effective parental licensure program will re-focus attention on protecting the rights of children, and reaffirm the right of average citizens to feel safe and secure in their homes and neighborhoods.



**"Towards a
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Pre-publication reviewers are raving:

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This title will be available in hardcover beginning December, 2001.

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