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# **The Gender Role of the Government: some explanations of family crisis**

**By**

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<sup>1</sup> See <http://instecontransit.org/how-to-import-modern-western-institutions-to-suppress-economic-growth-in-underdeveloped-countries/> section "Additional materials".

## ABSTRACT

Basic hypothesis tested in the paper: government interventions into traditional functions of the family became an important factor of the recent family crisis: lower marriage rates, higher divorce rates and lower birthrate in the highly qualified and civic responsible middle class taxpayers. The data for statistical test: the Panel of 17 old Democracies contains observations before pension reforms (since XIX century) till nowadays.

Mandatory pension insurance in combination with the life expectancy growth turned pensions into budget liability to the growing share of the population and with considerable lag (15-20 years) could lead to the fertility reduction (because children are taxed for “general good” now and less able to serve as a “retirement saving” for their own parents – see Friedman).

Universal suffrage and emergence of the left parties create and maintain a situation under which most of family functions come to be performed by Nanny State. That could reduce a demand for marriage. The governmental regulations and enforcement practices provoke wives to initiate conflicts with their husbands, poor spouse with rich. “Best interest of the child” concept incites children to initiate conflict with parents.

As a result of the latter case analysis and statistical test the basic hypothesis has not be rejected.

*Keywords: Family, Family crisis, birthrate, divorce rate, mandatory pension insurance, best interest of the child, women, universal suffrage*

*JEL codes: D72, J71, K36, N40*

## The problem

Crisis of family as an institution<sup>2</sup> became obvious by the end of 70th of XX century. The crisis manifestations since that time are an extraordinary high rate of divorces (up to half of number of the new marriages), growing share of single-parent families, and the birth rate decline. The latter falls considerably lower the level, necessary for "natural reproduction" of cooperative, civically skilled, law-abiding population. Other crisis indications are crowding out the normal marriage by "cohabitation", "same-sex marriages" in middle and upper classes, among educated, law-abiding population; proud<sup>3</sup> crowding out the husband and the parents roles by the Government.

As Milton Friedman warned underdeveloped countries against adopting some modern Western institutions<sup>4</sup>, Deepak Lal specially stressed dangerous consequences of "nanny state" for the market friendly institutions and expressed his doubts about modern western Family<sup>5</sup>.

## Hypotheses

The paper basic hypothesis: government interventions into traditional functions of the family became an important factor of the recent family crisis: lower marriage rates, higher divorce rates and lower fertility in the highly qualified and civic responsible middle class taxpayers.

Additional hypotheses:

1) Mandatory pension insurance in combination with the life expectancy growth turned pensions into budget liability to the growing share of the population and with

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<sup>2</sup> The family, based on moral values of Sinai revelation, served and serves for reproduction of the quality human capital and maintenance of moral (as a soft infrastructure for private property and privacy supporting institutions) and trust at a micro level.

<sup>3</sup> For instance, image of "Julia", during campaign for B.Obama, 2012, see some details and references <http://instecontransit.org/who-is-julia/>

<sup>4</sup> "I believe that the United States today is not an appropriate model for Mexico or other low-income countries..." see M. Friedman, "Cooperation Between Capital-Rich and Labor-Rich Countries," speech made on May 1, 1992, at the opening of the «Liberty in the Americas: Free Trade and Beyond» conference in Mexico City; <http://fff.org/explore-freedom/article/cooperation-capitalrich-laborrich-countries-part-1/>.

<sup>5</sup> Unintended Consequences, The MIT Press, 2001, p. 102.

considerable lag (15-20 years) leads to the fertility reduction (because children does not serve as an investment for the retirement anymore).

2) Universal suffrage and emergence of the left parties create and maintain a situation under which most of family functions come to be performed by Nanny State. That lowers a stability of marriage, reduces a demand for marriage and through the reduction of marriage stability (greater divorce rates with reduced marriage rates) leads to the fertility reduction.

3) Labor market regulations (equal pay, equal employment opportunity, positive discrimination etc.) intended to increase a female share in labor force lead to the changes in the traditional division of labor in the family and therefore make incentives to stay in the marriage weaker. Trust reduction in the marriage causes women to search for a job. Female share in labor force here explained by government regulations and explains divorce rates.

4) Divorce rates also tested as a factor of fertility. But it is well might be reverse causality at place: if spouses decided not to have kids it might cause fall in the mutual interest and broke the marriage.

5) Best interest of the child concept of government regulation provoke wives to initiate conflicts with their husbands, poor spouse with rich, children with parents. These conflicts affect fertility both directly and through divorce rates.

In the literature it is often stressed that removing a guilt concept from divorce cases (“fault divorce”) rewards irresponsible behavior. Making it easier and quicker to divorce, ignoring the reasons for that decision making people to think of the marriage easier.

We focus on another side of the effect — the fact that the majority of cases for custodial parent are concluded in favor of mother. Easier divorce procedure combined with best interest of child concept provide disincentives for men to enter marriage, especially those who value family and children. For those who treat kids as an entertainment or personal project of spouse court practice is of no concern. From the other side mere threat of alimony is enough to undermine their desire to enter the marriage.

Both in the USSR and the USA or Japan we observe practice to grant custodial parent rights to mother. There is no evidence of radical change in that kind anywhere in our times of enormous divorce rates. Therefore we trace the beginning of that tendency with its counterpart simplifying of divorce procedures to the 1970s, which seems reasonable assumption.

In the US the practice of making mother as a dominant custodial parent was set in the 1920s (Kelly, 1994) and in spite of formal proclamations of equality continued to hold during the 1970s till now. However with negligible expected probability of divorce that practice might not undermine incentives to cooperate from the husband side. With greater increases in divorce rates incentives of husband to invest in family and kids are dramatically reduced.

## Family crisis stages hypotheses and respective institutions

Stage	Mandatory pension insurance since... <sup>6</sup>	The generation making decision to give a birth alternative to children as an asset for old ages: pensioners = 20 years of mandatory old age insurance + observable significant number of old age (65+) persons – the insurance beneficiaries	Equal pay acts and equal opportunities acts. <sup>7</sup> ILO Equal Remuneration Convention, 1951 (No. 100)	Easy divorce / fault divorce canceled, women's priority in disputes for custodial parent's power under divorce	Best interest of the child concept - Convention of the right of the child <sup>8</sup> (CRC, Convention on the Rights of the Child New York, 20 November 1989) OR modern child protection authorities activities detected
Country					
USA	1935 Social Security Act <a href="http://www.socialsecurity.gov/history/35actinx.html">http://www.socialsecurity.gov/history/35actinx.html</a>	1955	Equal pay Act 1963 <a href="http://www.eeoc.gov/laws/statutes/epa.cfm">http://www.eeoc.gov/laws/statutes/epa.cfm</a> Civil Right Act 1964 ILO100 not ratified	1968-2010 (Wright, Stetson, 1978; Wardle 1990, Donovan, 2011) 1975	<a href="http://www.acf.hhs.gov/">http://www.acf.hhs.gov/</a> CRC – n/r 1975 <a href="http://www.acf.hhs.gov/programs/css/resource/cse-fact-sheet">http://www.acf.hhs.gov/programs/css/resource/cse-fact-sheet</a>
UK	1908 (70; 1925 – 65; 1948 – means -test	1950	Equal Pay Act 1970 <a href="http://www.legislation.gov.uk/ukpga/1970/41">http://www.legislation.gov.uk/ukpga/1970/41</a> ILO100 June 15 1971	1969-1996; Family Law Act 1996 (No Fault) 1972 (Recognition of	CRC 16 Dec 1991

<sup>6</sup> [http://scholar.harvard.edu/sites/scholar.iq.harvard.edu/files/cutler/files/birth\\_and\\_growth\\_8-02.pdf](http://scholar.harvard.edu/sites/scholar.iq.harvard.edu/files/cutler/files/birth_and_growth_8-02.pdf) ; Table 2 first and foremost pp.43-44 (Cu

<sup>7</sup> Basic source: Heather, Pierella, 1998

<sup>8</sup> The text see: <http://www2.ohchr.org/english/law/crc.htm> ; parties-countries list [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en)

Stage	Mandatory pension insurance since... <sup>6</sup>	The generation making decision to give a birth alternative to children as an asset for old ages: pensioners = 20 years of mandatory old age insurance + observable significant number of old age (65+) persons – the insurance beneficiaries	Equal pay acts and equal opportunities acts. <sup>7</sup> ILO Equal Remuneration Convention, 1951 (No. 100)	Easy divorce / fault divorce canceled, women's priority in disputes for custodial parent's power under divorce	Best interest of the child concept - Convention of the right of the child <sup>8</sup> (CRC, Convention on the Rights of the Child New York, 20 November 1989) OR modern child protection authorities activities detected
Country	abandonment; see p. 12) <sup>9</sup>			Divorces and Legal Separations Act 1971 came into force <a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nisec2gensec/divorce?view=Binary">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nisec2gensec/divorce?view=Binary</a> )	
Canada	1927	1950	Equal pay for work of equal value, or pay equity, has been a requirement of the Canadian Human Rights Act since 1978. <a href="http://www.chrc-ccdp.ca/publications/employers_responsibility-eng.aspx">http://www.chrc-ccdp.ca/publications/employers_responsibility-eng.aspx</a> ILO100 November 16 1972	Divorce Act of 1968 concept of permanent breakdown <a href="http://www.parl.gc.ca/Content/LOP/ResearchPublications/963-e.htm">http://www.parl.gc.ca/Content/LOP/ResearchPublications/963-e.htm</a> 1985 – No fault divorce	CRC 13 Dec 1991
Australia	1908	1950	Equal Pay Case 1969 - (1969) Volume 127 <i>Commonwealth Arbitration Reports</i> p. 1142	The <i>Family Law Act 1975</i> established the principle of no-fault divorce in	<a href="http://www.fahcsia.gov.au/">http://www.fahcsia.gov.au/</a>

<sup>9</sup> [http://www.cepr.org/aboutcepr/policies.htm#Equal\\_Pay](http://www.cepr.org/aboutcepr/policies.htm#Equal_Pay)

Stage	Mandatory pension insurance since... <sup>6</sup>	The generation making decision to give a birth alternative to children as an asset for old ages: pensioners = 20 years of mandatory old age insurance + observable significant number of old age (65+) persons – the insurance beneficiaries	Equal pay acts and equal opportunities acts. <sup>7</sup> ILO Equal Remuneration Convention, 1951 (No. 100)	Easy divorce / fault divorce canceled, women's priority in disputes for custodial parent's power under divorce	Best interest of the child concept - Convention of the right of the child <sup>8</sup> (CRC, Convention on the Rights of the Child New York, 20 November 1989) OR modern child protection authorities activities detected
Country			<a href="http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Browse_by_Topic/employmentlaw/Historyemploymentlaw">http://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/Browse by Topic/employmentlaw/Historyemploymentlaw</a> ILO100 December 10, 1973	Australian law <a href="http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Family+Law+Principles/No+fault+divorce/">http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Family+Law+Principles/No+fault+divorce/</a>	State "child-protection" bodies, for example Western Australia Government Department for Child Protection) " <a href="http://www.dcp.wa.gov.au/Pages/Home.aspx">http://www.dcp.wa.gov.au/Pages/Home.aspx</a> CRC 17 Dec 1990
New Zealand	1898	1950	1960 Government service Equal Pay Act; Equal Pay Act 1972 <a href="http://cevep.org.nz/history/payhist2.html">http://cevep.org.nz/history/payhist2.html</a> <a href="http://www.cevep.org.nz/paylaw/index.html">http://www.cevep.org.nz/paylaw/index.html</a> ILO100 June 3 1983	<a href="http://www.teara.govt.nz/en/divorce-and-separation/3">http://www.teara.govt.nz/en/divorce-and-separation/3</a> 1980 Family Proceeding Act	CRC 6 Apr 1993
France	1910 (Rubinow, 1911) (1930)	1950	1972 Equal pay; 1983 equal opportunity legislation	1975 (Allen, 1997)	CRC 7 Aug 1990



Stage  Country	Mandatory pension insurance since... <sup>6</sup>	The generation making decision to give a birth alternative to children as an asset for old ages: pensioners = 20 years of mandatory old age insurance + observable significant number of old age (65+) persons – the insurance beneficiaries	Equal pay acts and equal opportunities acts. <sup>7</sup> ILO Equal Remuneration Convention, 1951 (No. 100)	Easy divorce / fault divorce canceled, women's priority in disputes for custodial parent's power under divorce	Best interest of the child concept - Convention of the right of the child <sup>8</sup> (CRC, Convention on the Rights of the Child New York, 20 November 1989) OR modern child protection authorities activities detected
			ILO100 March 10, 1953		
Germany	1889	1955	1980 Equal pay 1994 EOO ILO100 June 8, 1956	First Marriage Law and Family Law Reform Act 1976 <a href="http://ceflonline.net/wp-content/uploads/Germany-Divorce.pdf">http://ceflonline.net/wp-content/uploads/Germany-Divorce.pdf</a> <a href="http://ec.europa.eu/civiljustice/divorce/divorce_ger_en.htm">http://ec.europa.eu/civiljustice/divorce/divorce_ger_en.htm</a>	CRC March 6 1992
Japan	1942	1962	1985 EOO ILO100 August 24 1967	(0 since 1946 r.; easy divorce is currently observable; the introduction and enforcement practices change year - unknown)	CRC 22 Apr 1994

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Country					
Austria	1928	1955	1979 Equal pay; 1985 EOO ILO100 October 29, 1953	1950, 1978 (Gonzalez, Viitanen, 2006 <sup>10</sup> )	CRC 6 Aug 1992
Belgium	1924	1950	1975 Equal pay; 1985 EOO ILO100 May 23 1952	1950, 1975 (Gonzalez, Viitanen, 2006, Table 1)	CRC 16 Dec 1991
Denmark	1891	1950	1976 Equal pay Act <sup>11</sup> ILO100 June 22 1960	1950, 1970, 1989 (Gonzalez, Viitanen, 2006, Table 1)	CRC 19 Jul 1991
Finland	1937	1957	ILO100 January 21 1963	1950, 1978 (Gonzalez, Viitanen, 2006, Table 1)	CRC 20 Jun 1991
Italy	1919	1960	1964 Equal pay; 1977 EOO ILO100 June 8, 1956	1975 (Gonzalez, Viitanen, 2006, Table 1)	CRC 5 Sep 1991
Netherlands	1947	1967	1975 (Havinga, 2002 <sup>12</sup> )	1971 (Allen, 1997;	CRC 6 Feb 1995

<sup>10</sup> <ftp://ftp.iza.org/SSRN/pdf/dp2023.pdf> see Table 1.

<sup>11</sup> <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1062&context=lawfirms>

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Country					
			ILO100 June, 16 1971	Gonzalez, Viitanen, 2006, Table 1)	
Norway	1936	1956	1978 Equal pay/EOO ILO100 September 24 1959	1950, 1993 (Gonzalez, Viitanen, 2006, Table 1)	CRC 8 Jan 1991
Sweden	1913	1950	1980 Equal pay/EOO (1960 – Collective agreement on equal pay) ILO100 June 20 1962	1950, 1974 (Gonzalez, Viitanen, 2006, Table 1)	CRC 29 Jun 1990
Switzerland	1948	1968	1994 <sup>13</sup> Federal Act of Public Procurement para C, art. 8 1988 FOGE Federal Act	1950, 2000 (Gonzalez, Viitanen, 2006, Table 1)	1988 FOGE <a href="http://www.ebg.admin.ch/or/index.html?lang=en">http://www.ebg.admin.ch/or/index.html?lang=en</a> CRC 24 Feb 1997

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<http://www.google.co.il/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=4&cad=rja&ved=0CDkQFjAD&url=http%3A%2F%2Fwww.ru.nl%2Fpublish%2Fpages%2F552245%2Fhavingaantidiscriminationlawijsl.pdf&ei=R9mpULPXE4zktQastID4Dg&usg=AFQjCNFKCbxR8jqF9w4I1URZ0clwOrFwEA&sig2=P5zRHPUbdyJnc2c4t5qyag>

<sup>13</sup> <http://www.ebrd.com/downloads/research/sustain/4durrer.pdf>

Stage  Country	Mandatory pension insurance since... <sup>6</sup>	The generation making decision to give a birth alternative to children as an asset for old ages: pensioners = 20 years of mandatory old age insurance + observable significant number of old age (65+) persons – the insurance beneficiaries	Equal pay acts and equal opportunities acts. <sup>7</sup> ILO Equal Remuneration Convention, 1951 (No. 100)	Easy divorce / fault divorce canceled, women's priority in disputes for custodial parent's power under divorce	Best interest of the child concept - Convention of the right of the child <sup>8</sup> (CRC, Convention on the Rights of the Child New York, 20 November 1989) OR modern child protection authorities activities detected
			on Gender Equality 1995 <sup>14</sup> ILO100 October 25, 1972		
Israel			ILO June 09 1965	0	1981 <a href="http://www.molsa.gov.i/UNITS/WINGS/AGS/HERUTIM/Pages/ShirutEledEmuz.aspx">http://www.molsa.gov.i/UNITS/WINGS/AGS/HERUTIM/Pages/ShirutEledEmuz.aspx</a> CRC 3 Oct 1991

<sup>14</sup> See for example Art. 6 Reduced burden of proof which officially establishes anti-entrepreneur bias under labor disputes.

## Data

- Demographic statistics (National bodies – US Census bureau etc., UN statistics, Mitchell, 1965; Mitchell, 2007)
- Electoral historic statistics

History of Law (relevant):

- Universal Suffrage
- Family national and international Acts

## Data analysis

Our first hypothesis is that pension alternatives available decrease birth rate. Taking a rational agent perspective one might expect an immediate drop in birth rate once pension alternatives introduced: calculating that in future there will be less need in care from children rational adults will reconsider their birth decisions either immediately or after a small number of years for system to earn credibility and become irreversible. Two things can be said against that view. First thing to say is that birth decision is as much cultural as economic phenomenon and however rational those decisions are made within some community with parents having in their minds some values. Second thing is that in the beginning of the social security people generally did not expect to live that long, so their decisions about children were not influenced by pension alternative at all: only when life expectancy started to rise it became rational to substitute children for social security.

We test that hypothesis in specification with contemporaneous variables (to account for 'naive-rational' hypothesis), with lag of 40 years and then add controls. Then we test the same three specifications, but within panel framework. Results are given in the table 1. All standard errors are robust. Introduction of pension alternatives will decrease birth rate almost by half of its standard deviation, if we believe in OLS estimates. Results of FE are less impressive, but still significant and have the expected sign (Table 1).

We performed a robustness check and tried taking lagged pension alternatives variable with less order. No significant relationship was found, however.

Table 1. Pension Alternative decrease birth rate after 40 years.

DV: Birth rate	(1)	(2)	(3)	(4)	(5)	(6)
	OLS	OLS	OLS	FE	FE	FE
Pension Alternatives (-40)		-0.965	-2.151***		-0.687**	-0.687**
		(0.590)	(0.377)		(0.301)	(0.301)
Urbanization	-0.0473	-0.0754**	0.0815	-0.652***	-0.554**	-0.554**
	(0.0287)	(0.0319)	(0.0619)	(0.196)	(0.185)	(0.185)
Women Share in Labor Force	-0.0124	-0.0872*	-0.00914	-0.0313	-0.0115	-0.0115
	(0.0256)	(0.0501)	(0.0241)	(0.0464)	(0.0413)	(0.0413)
Catholic			-0.886**			
			(0.406)			
Protestant			-3.429***			
			(0.765)			
Civil Law			-4.002***			
			(0.532)			
WW+			-9.164***			
			(1.407)			
Pension Alternatives	-11.09***			4.065***		
	(1.841)			(0.921)		
Constant	28.25***	23.29***	22.35***	62.59***	57.91***	57.91***
	(2.879)	(4.008)	(4.483)	(14.27)	(14.07)	(14.07)
Observations	150	148	148	150	148	148
R-squared	0.389	0.141	0.736	0.574	0.540	0.540
Number of countries				10	10	10

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Our next hypothesis concerns with the divorce rate and its determinants. We expect that increased left parties voting and introduction of the Equal Opportunities laws will contribute to the greater divorce rate. We also expect to see that relationship with some lag. Making divorce procedure easy should also contribute to the divorce rate. Specifications were organized in the same fashion as in previous case, except that we omit controls here, because they does not change much. We also expect that universal suffrage and more political rights will give women more power and contribute to increase number of divorces.

Overall predictive power of regressions in the table 2 is weak, but we have expected signs for easy divorce and universal suffrage variables. In FE specification nothing is significant, however. Taking the results of OLS at face value one should expect that introduction of the universal suffrage would cause an immediate effect of almost 0.75 standard deviation increase in the divorce rate.

Table 2. Universal Suffrage possibly contribute to divorce rate

DV: Divorce rate	(1)	(2)	(3)	(4)
	OLS	OLS	FE	FE
Universal Suffrage	8.566*		0.801	
	(4.755)		(1.480)	
Left Parties	-0.207*		-0.00339	
	(0.118)		(0.0291)	
EPA/EEO	-4.319		-4.424	
	(3.353)		(4.773)	
Easy Divorce	1.751		0.556	
	(1.107)		(0.705)	
USA dummy	-4.671	-4.984		
	(3.355)	(3.609)		
Urbanization	-0.00963	0.000663	0.114	0.0112
	(0.0185)	(0.0181)	(0.134)	(0.0401)
Universal Suffrage (-20)		6.130*		1.035
		(3.458)		(0.884)
Left Parties (-20)		-0.195		-0.00609
		(0.127)		(0.0171)
EPA/EEO (-20)		-1.088		0.342

		(0.870)		(0.330)
Easy Divorce (-20)		0.447**		-0.458
		(0.182)		(0.768)
Constant	5.650	4.783	-3.753	0.550
	(3.707)	(3.076)	(6.657)	(1.508)
Observations	293	263	293	263
R-squared	0.080	0.057	0.026	0.003
Number of countries			17	16

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Puzzling feature that our data represent is that birth rate and divorce rate are actually strong and positive correlated: OLS estimation yield correlation around 0.7. This relationship completely dissolves if we try to look at panel, but remains robust in OLS framework with every type of standard error clustering we performed.

In our third set of regressions we try to proof that even if not contributing to the divorce rate directly, EPA acts increase female labor force share. Introduction of that law increase women labor force share on one standard deviation and even more if we account for fixed effects (Table 3).

Table 3. EPA/EEO acts increase women labor force share.

DV: Women Share in Labor Force	(1)	(2)	(3)	(4)	(5)	(6)
	OLS	OLS	OLS	FE	FE	FE
EPA/EEO (-10)		7.454***	7.966***		11.80***	10.05***
		(0.970)	(1.069)		(3.014)	(2.576)
Catholic			-5.444***			
			(0.715)			
Protestant			4.721***			
			(0.923)			
Civil Law			-4.828***			
			(0.888)			
WW+			16.10***			11.18***
			(1.897)			(1.966)
EPA/EEO	9.316***			12.20**		
	(1.354)			(4.319)		



DV: Women Share in Labor Force	(1)	(2)	(3)	(4)	(5)	(6)
Constant	39.89***	42.53***	28.47***	37.25***	39.11***	29.71***
	(1.268)	(0.823)	(1.868)	(3.953)	(2.377)	(0.138)
Observations	412	412	412	412	412	412
R-squared	0.076	0.104	0.460	0.242	0.437	0.508
Number of countries				10	10	10

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Finally we want to look at the impact of child best interest policy on the birth rate. This result is also very strong: almost half of standard deviation is dropped by adoption of best child interest policy. It is interesting, that marriage rate is decreased by the same policy also, and also by a half of standard deviation. So the missing marriage in the first place probably contribute to the lack of births given.

Table 4. Child best interest and Birthrate

DV: Birthrate	(1)	(2)	(3)	(4)	(5)
	OLS	OLS	OLS	FE	FE
Child best interests (-10)		-4.898***	-2.321***		-4.461***
		(0.250)	(0.153)		(0.809)
Protestant			-0.272		
			(0.259)		
Catholic			-0.420**		
			(0.211)		
Civil Law			-3.543***		
			(0.192)		
WW+			-7.537***		
			(0.305)		
Child best interests	-6.182***			-4.994***	
	(0.263)			(0.892)	
Constant	18.16***	16.69***	24.20***	17.79***	15.55***
	(0.240)	(0.196)	(0.452)	(0.282)	(0.897)
Observations	1,079	1,059	1,059	1,079	1,059
R-squared	0.215	0.100	0.669	0.248	
Number of countries				17	17

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

## Preliminary outcomes

### *Conclusions:*

The hypotheses tested have not been rejected at the moment;

The race to far to call

### *Policy advice:*

Constitutional norm concept for the countries suffering middle class law-abiding population low birthrate is recommended:

The Parliament shall make no law respecting defense family members' rights.

Governmental coercion under family conflict situation is prohibited but homicide prosecution or voluntary contract enforcement cases.

The child best interest concept and all respective legislation are legally void.

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## Annex 1. Convention of the right of the child interpretation

The norm	The CRC selected norms fragments	Interpretation
<b>Article 9 part 1.</b>	States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents...	Government right to separate child from the family shall not be infringed. Cooperation of all three branches of Government are strongly recommended for the responsibility distribution and in the best interests of the child
<b>Article 9 part 3.</b>	States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.	Total separation from the parents is in the best interests of the child if decision mentioned in part 1 is made
<b>Article 9 part 4.</b>	Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the	The ways of separation could be as listed below: detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of

	parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child.	the State) of one or both parents
<b>Article 13. part 1.</b>	The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.	The public educational entities under compulsory public education enjoy the right to provide direction to the child in the exercise of his or her right in a manner consistent with the manner consistent with the best interest of the child
<b>Article 14 part 2.</b>	States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.	See for ex. Konrad v. Germany case in the ECHR (11 September 2006, "Inadmissible")
<b>Article 19 part 1.</b>	States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.	The parents are presumed to inflict any ever imaginable harm to their child any moment, so the option to separate them shouldn't be underestimated ever, as the State party is a supreme guardian for every child