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## Good Questions About Families: What Do We Know, How Do We Know It, and How Do We Use What We Know?

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## GOOD QUESTIONS ABOUT FAMILIES: WHAT DO WE KNOW, HOW DO WE KNOW IT, AND HOW DO WE USE WHAT WE KNOW?

Virginia Rutter\*

KATHRYN EDIN & TIMOTHY J. NELSON, *DOING THE BEST I CAN: FATHERHOOD IN THE INNER CITY* (2013). Pp. 294. Hardcover \$ 29.95.

KIMBERLY D. RICHMAN, *LICENSE TO WED: WHAT LEGAL MARRIAGE MEANS TO SAME-SEX COUPLES* (2014). Pp. 271. Paperback \$ 24.00.

NAOMI R. CAHN, *THE NEW KINSHIP: CONSTRUCTING DONOR-CONCEIVED FAMILIES* (2013). Pp. 250. Hardcover \$ 35.00.

J. HERBIE DIFONZO & RUTH C. STERN, *INTIMATE ASSOCIATIONS: THE LAW AND CULTURE OF AMERICAN FAMILIES* (2013). Pp. 242. Hardcover \$ 35.00.

### I. WHAT IS TRUE ABOUT FAMILY? A FEW WAYS TO APPROACH THE TOPIC

What is *true* about family? The question is perpetually urgent to many stakeholders, including legal theorists, litigants, psychologists, demographers, lovers, children, not to mention poets, playwrights, and above all moral entrepreneurs who seek to use “family” as a political football to manipulate and dominate public and popular sentiment.

In recent history, claims and counterclaims about paternal involvement, marriage equality, technological paths to parenthood, and shifting structures of families are among those topics treated to varying degrees like a game of political football—power players and pundits take the issues and run back and forth. Several recent books—Edin and Nelson’s *Doing the Best I Can: Fatherhood in the Inner City*;<sup>1</sup> Richman’s *License to Wed*:

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1. KATHRYN EDIN & TIMOTHY J. NELSON, *DOING THE BEST I CAN: FATHERHOOD IN THE INNER CITY* (2013).

*What Legal Marriage Means to Same Sex Couples*;<sup>2</sup> Cahn's *The New Kinship: Constructing Donor Conceived Families*;<sup>3</sup> and DiFonzo and Stern's *Intimate Associations: The Law and Culture of American Families*<sup>4</sup>—are motivated by the shortcomings of such games and move beyond them.

The books engage a range of methods—ethnography, survey research, legal and cultural scholarship, and literature review—suited to pursuing what one can blandly refer to as “family diversity.” The best writing about families has several features. First, it plugs into a critical and contextual awareness of what “they” say in the normative discourse about the topic. Then it brings into focus *how* one obtains and adjudicates knowledge about families—in other words, the work speaks to epistemology. Finally, as these books foregrounded for me, effective new work on families integrates an understanding of the emotional lives of people within the broader concerns of each book.

## II. HOW DO WE KNOW WHAT WE KNOW? THE CASE OF STIGMATIZED FATHERS

*Doing the Best I Can: Fatherhood in the Inner City*, by sociologists Kathryn Edin and Timothy Nelson, is an ethnography conceived in the context of ongoing and unchallenged vilification of unwed fathers.<sup>5</sup> The authors open by reminding us of Bill Moyers's 1986 coverage of Timothy McSeed (yes, that was his name), an unwed father who was recorded boasting, “I got strong sperm,”<sup>6</sup> and was profiled as the seeming “archetyp[al] . . . ‘hit and run’<sup>7</sup> parent.

Edin and Nelson studied 110 white and black inner-city fathers (with incomes of sixteen thousand dollars or less) by moving into Camden, New Jersey, where they came to know the community, the fathers, and the families.<sup>8</sup> Over their seven-year study, the authors also interviewed men in Philadelphia, Pennsylvania, in an area that was similarly decimated by the loss of jobs and resources since the late 1970s decline in the manufacturing sector.<sup>9</sup> Living in the neighborhood signaled commitment and respect, and this helped seal relationships between the researchers and members of the community.<sup>10</sup> Their long-term presence enabled them to understand the complexity and layers of experience of single fatherhood.<sup>11</sup> The account they provided delivers on that promise.

The central relationship for these fathers was with their children—as best they could manage—while ties to their children's mothers were more fragile.<sup>12</sup> The adult relationships rarely began as “hit and run” events.<sup>13</sup> In most (but not all) cases, becoming a father was

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2. KIMBERLY D. RICHMAN, LICENSE TO WED: WHAT LEGAL MARRIAGE MEANS TO SAME-SEX COUPLES (2014).

3. NAOMI R. CAHN, THE NEW KINSHIP: CONSTRUCTING DONOR-CONCEIVED FAMILIES (2013).

4. J. HERBIE DIFONZO & RUTH C. STERN, INTIMATE ASSOCIATIONS: THE LAW AND CULTURE OF AMERICAN FAMILIES (2013).

5. EDIN & NELSON, *supra* note 1.

6. *Id.* at 2.

7. *Id.*

8. *See id.* at 6-7, 14-16.

9. *Id.* at 11-14.

10. *See id.* at 14-16.

11. *Id.*

12. *Id.* at 205-06.

13. *Id.* at 17-18.

much more than the “crude expression of masculinity”<sup>14</sup> that the McSeed story suggested.<sup>15</sup>

Before pregnancy, the fathers saw themselves as more or less “together”<sup>16</sup>—“socializing”<sup>17</sup>—with the women who became their children’s mothers, even if they rarely claimed to be in a “real relationship”<sup>18</sup> before pregnancy. Issues of security, commitment, the meaning of fatherhood, and obstacles cut across the lives of all of the fathers Edin and Nelson studied, regardless of whether the fathers were in mainly white or mainly black communities.<sup>19</sup> The authors note that poor white people are typically less likely than minorities to live in impoverished neighborhoods with substandard schools or streets; the people they interviewed, though, lived in similarly impoverished neighborhoods in and around Philadelphia.<sup>20</sup> The authors argue that, “where black and white men live in more similar contexts than in most places, racial differences are far outweighed by shared social class.”<sup>21</sup>

As demonstrated in major quantitative studies such as the Fragile Families and Child Wellbeing Study—which focused on unmarried, low-income, new mothers around the time of a child’s birth—unmarried mothers and fathers are highly optimistic about their future as a married family.<sup>22</sup> Edin and Nelson’s study confirms that life’s challenges with respect to employment and financial, psychological, and domestic stability impede fulfilling those high hopes.<sup>23</sup>

Edin and Nelson also expose the emotional terrain of fatherhood.<sup>24</sup> Again and again, the men in the study recognized fatherhood as a tool for doing something good with their lives—often as a corrective for hardships in their pasts.<sup>25</sup> Fathers strongly resisted being seen as “just a paycheck.”<sup>26</sup> Indeed, they rarely made steady financial contributions, but they did “sharply elevate the softer side of fathering: offering love, preserving an open line of communication, and spending quality time.”<sup>27</sup> Fatherhood was also a tool for recovery from earlier mistakes.<sup>28</sup> In particular, as in other studies,<sup>29</sup> these fathers often focused on

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14. *Id.* at 204.

15. *See id.* at 18.

16. *Id.* at 202.

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.* at 14.

21. *Id.* at 17.

22. See Christina M. Gibson-Davis et al., *High Hopes but Even Higher Expectations: The Retreat from Marriage Among Low-Income Couples*, 67 J. MARRIAGE & FAMILY 1301 (2005) (relying on data from the *Fragile Families and Child Wellbeing Study* and the embedded qualitative study *Time, Love, Cash, Caring, and Children*); see also EDIN & NELSON, *supra* note 1, at 203.

23. EDIN & NELSON, *supra* note 1.

24. *Id.*

25. *Id.* at 17, 204.

26. *Id.* at 18, 207.

27. *Id.* at 207.

28. *Id.* at 18.

29. See Robert Lerman & Elaine Sorensen, *Father Involvement with Their Nonmarital Children: Patterns, Determinants, and Effects on Their Earnings*, 29 MARRIAGE & FAMILY REV. 137, 153, 157 (2000).

one child as a kind of “do over” for other children with whom they may have lost a consistent connection.<sup>30</sup> Understanding these families in context of the subjectivity of the fathers as well as the mothers and children means that policy makers—including judges and legal consultants—can add to the identifiable resources available to help create stable arrangements for children of single parents.<sup>31</sup>

Edin and Nelson’s fine-grained, ethnographic approach to poor, single fathers is a counterpoint to the commonplace discourse—from McSeed in the 1980s to the claims made by William Bennett in the 1990s, Bill Cosby in the 2000s, and President Barack Obama most recently—regarding the crisis of fatherhood and the irresponsibility of single dads.<sup>32</sup> Furthermore, while “the impression [persists] that ‘fatherlessness’ is a black problem,”<sup>33</sup> it has been twenty years since “black rates of unwed childbearing”<sup>34</sup> have increased, while the rate has increased substantially among whites and Hispanics. A January 2014 CDC study of fathers’ self-reported child involvement highlighted that fathers overall are more hands-on with children—diapering, feeding, doing homework, for example—than previously observed.<sup>35</sup> A Pew study from 2011 reported that non-resident black fathers, for example, see their children more often than white or Hispanic dads.<sup>36</sup>

Edin and Nelson’s ethnography is a valuable tool for “cutting nature at its joints” the way good social science intends.<sup>37</sup> Specifically, the researchers manage to loosen normative thinking about single fathers. As sociologist Linda Burton has explained about successful ethnography:

[E]thnographers’ assessments of respondents usually go well beyond the “public face” and socially-appropriate facades individuals tend to put on their responses to general questions. They may also uncover patterns of behavior or experience that informants are either ashamed to admit or that they may not even initially regard as relevant to the relationship.<sup>38</sup>

Such work can wring out stereotypes and avoid casting the objects of analysis, such as single fathers, as all bad or all good. While quantitative data offers information about variation around the mean, ethnographic data can lay out the variation in much finer detail. *Doing the Best I Can* is well researched and reported; the authors provide context, historical background, visual cues, and the text is helpful in assisting readers to keep track of the different themes, spaces, and individuals involved.<sup>39</sup>

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30. EDIN & NELSON, *supra* note 1, at 18.

31. *Id.*

32. *Id.* at 1-2.

33. *Id.* at 12-13.

34. *Id.*

35. Jo Jones & William D. Mosher, *Fathers’ Involvement with Their Children: United States, 2006-2010*, 71 NAT’L HEALTH STAT. REP. 1, 1-4 (2013).

36. Gretchen Livingston & Kim Parker, *A Tale of Two Fathers: More are Active, but More are Absent*, PEW RESEARCH CNTR., June 15, 2011, at 13, available at <http://www.pewsocialtrends.org/2011/06/15/a-tale-of-two-fathers>.

37. PLATO IN TWELVE VOLUMES 535 (Harold N. Fowler trans., 1925) (“That of dividing things again by classes, where the natural joints are, and not trying to break any part, after the manner of a bad carver.”).

38. Linda Burton, *Uncovering Hidden Facts That Matter in Interpreting Individuals’ Behaviors*, in *FAMILIES AS THEY REALLY ARE 23* (Barbara Risman & Virginia Rutter eds., 2d ed., 2015).

39. EDIN & NELSON, *supra* note 1.

### III. WHAT DOES A STUDY AT A TIME OF RAPID CHANGE OFFER? RESEARCH IN THE MARRIAGE EQUALITY BOOM

The stereotypes and conditions of poor and unwed fathers have changed little enough over the past two decades since Edin and Nelson started their work that their study retains relevance around *what we know* as well as *how we know* about men and families. When it comes to marriage equality and same-sex marriage, however, the pattern of social change is different. To wit, between the time I write these words and the time this journal is in your hands, the legal status of same-sex marriage almost certainly will have changed—with more states and jurisdictions approving it and, conceivably, with some others perhaps attempting to curtail it. Overall, the odds of true (legal, federal) marriage equality keep growing.

For the foreseeable future, circumstances and attitudes towards marriage equality will continue to evolve quickly. In 2004, Kimberly Richman, author of *License to Wed: What Legal Marriage Means to Same-Sex Couples*, surveyed gay and lesbian couples in San Francisco and Massachusetts at the magic moment when they were first allowed to marry.<sup>40</sup> She was present during the dramatic February days in San Francisco when Mayor Gavin Newsome opened city hall for same-sex couples to marry.<sup>41</sup> She seized the moment to ask hundreds of people who were lined up to get hitched about the meaning and significance of marriage, and the function of legal marriage rights to them.<sup>42</sup> Richman went on to survey and interview couples in Massachusetts just as it became the first state to legalize same-sex marriage after the November 2003 *Goodridge v. Department of Public Health* Massachusetts state Supreme Court decision.<sup>43</sup> On May 17, 2004, Cambridge began implementing the decision, issuing marriage licenses, and hosting weddings.<sup>44</sup>

In the two states, over several years, Richman surveyed 1,467 couples using questionnaires, and interviewed one hundred couples in greater detail.<sup>45</sup> The interviews capture the excitement and sheer surprise of many of the couples. Though marriage rights had long been fought for, many interview subjects still expressed surprise as to how the rights (even in the limited state-by-state version) arose so quickly.<sup>46</sup> One of the wonderful things about reading the interviews is witnessing the real time—“Oh my gosh! We really are going to do this!”—feeling that occurred for so many.<sup>47</sup> While the book is useful as current sociology, it also works already as a historical document, given the amount of change that has occurred since 2004.

The book—highly readable and smartly written—allows readers to listen in on the reflections of gay and lesbian partners as they comment on their experience. Richman, whose work focuses on legal consciousness, illustrates comprehensively how legal rights are transformed into personal desires, aspirations, and experiences. The case of same-sex

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40. RICHMAN, *supra* note 2.

41. *Id.* at xx.

42. *Id.* at xviii-xx.

43. *Id.* at xv-xvi; *Goodridge v. Dep't of Pub. Health*, 798 N.E.2d 941 (Mass. 2003).

44. RICHMAN, *supra* note 2, at xvi.

45. *Id.* at xxi.

46. *Id.* at 174-210.

47. *Id.*

marriage—especially from the vantage point of the dramatic year of 2004—is simultaneously about social change, multi-layered meanings and functions of marriage, and the law. As such, Richman’s reporting of the interior journeys and reflections of the participants in same-sex marriage in these early days is a valuable case-study in the dynamics of legal consciousness.

What did Richman learn? In short, people’s ideas of romance and love became tied into the experience of having marriage rights, having a wedding, and being married.<sup>48</sup> There were people who were chilly to the idea of marriage—people who married for instrumental reasons—who reported getting caught up in the romance.<sup>49</sup> Some people had waited a lifetime, despaired of marriage, and expected the transformation to mean little given the adjustments they had already made to pledge their lifelong commitment; yet, they felt transformed by marriage.<sup>50</sup> Some couples dearly held their desire to marry; even they were surprised to be so overtaken with that sensation of being “part” of marriage.<sup>51</sup> The marriage they were referencing was not their private relationship, but the legal marriage, the state-sanctified, public marriage.

The remarks made by one couple after another bore out the statistical evidence in Richman’s survey data: marriage came to be much more than instrumental.<sup>52</sup> The book allows readers to witness the curious elision of marriage rights and romance, and speaks volumes to the cultural relevance of the law, not just as an expression of the people governed by the law, but as a device that shapes the people’s hearts and minds. The study highlights that marriage—for different-sex or same-sex couples—is always political.<sup>53</sup> The legal consciousness that emerges for same-sex couples as they are beginning to have access to legal (per state) marriage runs parallel to the legal consciousness that is formed for individuals considering or taking part in opposite-sex marriage.<sup>54</sup>

Richman’s study gets at “[t]he social meaning of legal rights for LGBT citizens and what is at stake for the thousands of same-sex couples who have sought legal marriage across the United States.”<sup>55</sup> Thus, as she acknowledges, it does not include the social meaning of legal rights for those gay, lesbian, and queer people and partners who have not sought legal marriage.<sup>56</sup> The book might well be supplemented by perspectives raised, for example, by gender scholar Suzanna Walters’ *The Tolerance Trap: How God, Genes, and Good Intentions are Sabotaging Gay Equality*,<sup>57</sup> who is concerned about the assimilation of gay, lesbian and queer movements and the way in which being “allowed in” risks a shortcut around grappling with difference. One learns from Richman’s book what marriage means to those who seek and desire marriage. She does not represent her work as speaking to the values or ideals of all LGBT people. With the recent popular focus on

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48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.* at 212-13.

54. *Id.* at 18.

55. *Id.* at xxi.

56. *Id.*

57. SUZANNA DANUTA WALTERS, *THE TOLERANCE TRAP: HOW GOD, GENES, AND GOOD INTENTIONS ARE SABOTAGING GAY EQUALITY* 1 (2014).

marriage equality—a necessary step towards social justice in the United States—as a centerpiece to LGBT rights, it is worth reminding readers to look for the family diversity among gay and lesbian people who seek to build lives together.

#### IV. WHO IS IN THIS FAMILY? DONOR-CONCEIVED KINSHIP

Legal scholar Naomi Cahn's *The New Kinship: Constructing Donor-Conceived Families* addresses how families are made—literally—within the context of reproductive technology.<sup>58</sup> Along the way Cahn documents what laws address or regulate regarding this new kinship; it turns out to address very little.<sup>59</sup> She covers legal precedent that has evolved regarding donor offspring, parents, surrogacy, and donor rights, and she reports on cultural practices that have grown up around donor-conceived families.<sup>60</sup> Where secrecy had been privileged in law and in practice—no federal law requires any sharing of identifying information of sperm or egg donor with any offspring—alternative communities have arisen, many facilitated by online databases and social media, for connecting donor-conceived siblings to one another and connecting donor conceived offspring and their donor parents.<sup>61</sup>

The evolution from secrecy to innovative donor-conceived networking has varied by context: most notably, in families with gay and lesbian parents the process has been different from those with heterosexual parents.<sup>62</sup> Straight parents have desires for, and interests in, secrecy and subterfuge that align with ideas of the natural, heteronormative family; gay and lesbian parents have fewer concerns with secrecy, and greater concerns with conflicts that arise from the lack of legal framework for their families with or without donor-conceived children, especially when conflicts and divisions arise.<sup>63</sup>

The family relationships to egg donor women versus sperm donor men also vary. The reproductive industry engages egg donors in sentimental terms that appeal to women's "natural" nurturing desires.<sup>64</sup> The ways that the reproductive technologies foreground heterosexism and essentialism when family is treated as ideally and uniquely "natural" makes this book riveting for those interested in feminist and queer theory as well as those interested in the practical dilemmas of donor-conceived families.<sup>65</sup> Anecdotes such as the remark from a director of a donor agency to a woman seeking an egg donation bring this theoretical point home: "Look, I run an agency, so it's in my interest to promote these kinds of families, but to be honest, if I couldn't have children naturally—*God forbid*—I wouldn't want anyone to know!"<sup>66</sup>

Cahn argues in her preface that, "[D]onor families offer lessons for all families, challenging the way we define families by questioning what makes a family."<sup>67</sup> This book

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58. CAHN, *supra* note 3.

59. *Id.* at 91-92.

60. *Id.*

61. *Id.* at 110-11.

62. *Id.* at 73, 75.

63. *Id.* at 66, 95.

64. *Id.* at 28-29.

65. *Id.* at 31-32.

66. *Id.* at 63.

67. *Id.* at ix.

takes a historical and topical look at the emergence of new matters related to donor-conceived families. For legal readers, Cahn relies on cases to build her analysis; but for non-legal readers, the cases and rich description are compelling and ultimately a highly useful and informative guide.

After developing extensive and fascinating background in the myriad constructions of donor-conceived families where no federal regulations exist, Cahn's final section of the book is titled "To Regulate or Not."<sup>68</sup> In contrast with other books in this review, this book speaks directly to legal policy. Cahn demonstrates the benefits of regulation, and in particular the importance of "setting limits in the gamete world"<sup>69</sup> where currently no U.S. regulations prevent the reliance on a single sperm donor for many multiples of inseminations.

In her chapter on why *not* to regulate, Cahn airs concerns about open donation from the reproductive technology industry (this is a business!) as well as concerns about interference with supplies of eggs and sperm (we need supply!).<sup>70</sup> She then zeroes in quite effectively on the anti-regulation argument that privileging the "right to know" for donor offspring can overemphasize the importance of biology.<sup>71</sup> This argument on its face is compelling for those who are swayed by notions that biology should *not* be the *sine qua non* of family. Over the course of the book, Cahn builds a conceptual framework for disentangling biology from biological fetishism, and relatedness from traditional, rigid family definitions. She uses this framework to identify a nuanced response to the apprehension that open donation overemphasizes biology by recognizing that for many donor-conceived people, as for many others, biology *is* important. She elaborates: "Ultimately, the reasons why adoptees or gamete children seek information go far beyond genetically related rationales. The information provides additional background to their full identities—genetic, emotional, and even cultural."<sup>72</sup> Her study uses wide-ranging data to respond not just to the history of secrecy in the donor world, but to the wider dilemma of rigidity in thinking about families, whether formed by well-known or less familiar means. Cahn argues that donor families "show the importance of rethinking family bonds to acknowledge the numerous means by which we create connections."<sup>73</sup>

#### V. WHAT IS THE BEST WAY TO BE UP TO DATE? TOOLS FOR JUDGING INFORMATION HELP

*Intimate Associations: The Law and Culture of American Families*, by law professor J. Herbie DiFonzo and attorney Ruth C. Stern, has a terrific goal in mind: develop information for legal scholars about emerging family demographics in the context of legal and cultural debates regarding the changing family.<sup>74</sup> The failure of reliable information to reach general or professional audiences about such things as single motherhood, the divorce rate, and the impact of marriage on well-being creates debates where there should

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68. *Id.* at 123.

69. *Id.* at 151.

70. *Id.* at 167-70.

71. *Id.* at 164.

72. *Id.* at 167.

73. *Id.* at 183.

74. DIFONZO & STERN, *supra* note 4.

not be, and erases debate when there should be much more consideration. The typical informational dilemma, however, also has much to do with a failure to understand how knowledge is constructed.

*Intimate Associations* does not pay close attention to how knowledge is constructed, and therefore reproduces dilemmas with information and interpretation. In their introduction, the authors discuss the changes in family forms and functions.<sup>75</sup> Many of these changes are illustrated well by the first three books in this review.<sup>76</sup> DiFonzo and Stern discuss the declining relevance of marriage, and argue that families take more diverse forms these days than just traditional marriage.<sup>77</sup> They remind us that much of the “crazy quilt of legal norms”<sup>78</sup> pretend that domestic unions outside of marriage are mere exceptions to the marital gold standard—and therefore those norms are out of touch.

The authors seek to take a richer view of shapes and influences on families, but their reporting falls short. Indeed very early in their book, DiFonzo and Stern declare that most of the people in nonmarital families are in a mess: “The social science research . . . is overwhelming: nonmarital unions are not as healthy and long-lasting as marital ones, and children do not benefit from the parade of partners than often characterizes cohabiting relationships.”<sup>79</sup> The statement telegraphs both the book’s agenda and some of its methodological shortcomings. The phrase “parade of partners” is loaded and suggests non-marital unions are by nature slutty and sleazy.<sup>80</sup> The decision to use the word “overwhelming” to characterize the state of the research on non-marital unions conveys their reliance on a “trust me” rather than a “show me” approach to presenting social science findings.<sup>81</sup> My reading is that the research on cohabitation keeps evolving. For just one example, a recent study of union stability found that relationship stability was associated with the *age that partners moved in together* not the cohabitation itself.<sup>82</sup> Younger move-ins mean less stability—much like younger marriages mean less stability.<sup>83</sup> This particular study came out after *Intimate Associations* was published, but it illustrates that how we know something—awareness of best methods for assessing research—is as important as what we know. And when assessing the benefits of marriage or cohabitation, other variables, such as age, that are related to social and economic resources, are frequently at play.

In this rapidly evolving context, a more powerful resource for legal scholars would be a guide on *how to get current, recent, and updated* information about families, and, crucially, how to read the research. The dilemma with *Intimate Associations* is that, given the authors’ stated project goal to address family law and culture in a time of change, they do little to help readers evaluate information and, instead, offer outdated instructions on what to think.

In that sense *Intimate Associations* is at risk of reproducing the “political football”

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75. *Id.* at 1-8.

76. See EDIN & NELSON, *supra* note 1; RICHMAN, *supra* note 2; CAHN, *supra* note 3.

77. DIFONZO & STERN, *supra* note 4.

78. *Id.* at 3.

79. *Id.*

80. *Id.*

81. *Id.*

82. Arielle Kuperberg, *Age at Coresidence, Premarital Cohabitation, and Marriage Dissolution: 1985-2009*, 76 J. OF MARRIAGE AND FAMILY 352, 353-54 (2014).

83. *Id.*

problem described above. It may be that an edited volume that invites specialists to address the topics of concern to offer an overview, history, legal context, as well as a road map for how to adjudicate knowledge claims and locate and update knowledge, would work better.

## VI. WHAT IS FAMILY?

In *The Way We Never Were: The American Family and the Nostalgia Trap*, historian Stephanie Coontz argues that families have always been much more complicated than the stereotypical images that inform much of the law and social policy surrounding families.<sup>84</sup> In a recent report, demographer Philip Cohen demonstrates that in 1960, there was one dominant family form: sixty-five percent of children were raised in the same type of family—married parents, a non-college-educated mother at home and a breadwinning father at work.<sup>85</sup> By 2012, there was no *dominant* family form.<sup>86</sup> Instead, Census data demonstrate a *plurality* of family forms, including formerly married mother families, never married mother families, and dual-earner families, along with breadwinner father families.<sup>87</sup> As with race, we have an incipient majority minority of family forms.<sup>88</sup>

What is compelling about the new books reviewed here—especially *Doing the Best I Can*, *License to Wed*, and *The New Kinship*—is that they engage misunderstood topics and foreground the significance of understanding emotion as part of the facts on the ground regarding families.<sup>89</sup> The same three books address with great care areas of immense social change and limited social or legal understanding.<sup>90</sup> One could read any of these books and learn about the nominal topics. But one would also gain tools for how to think about family diversity in ways that are consistent with the “majority minority” way that family is now experienced. Such reading could sharpen one’s thinking on topics related to families and the law. It would also inform the way you relate to people in your work-place and your own families.

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84. STEPHANIE COONTZ, *THE WAY WE NEVER WERE: AMERICAN FAMILIES AND THE NOSTALGIA TRAP* (1992).

85. Phillip Cohen, *Family Diversity is the New Normal for America’s Children: A Briefing Paper Prepared for the Council on Contemporary Families*, COUNCIL ON CONTEMP. FAMILIES (Sept. 4, 2014), <https://contemporaryfamilies.org/the-new-normal/>.

86. *Id.*

87. *Id.*

88. In 2012, nearly half of all new babies were an ethnic or racial minority. At that time “majority minority” became a key concept related to U.S. demographics. See D’vera Cohn, *Are minority births the majority yet?*, PEW RESEARCH CNTR. (June 4, 2012), <http://www.pewresearch.org/fact-tank/2014/06/04/are-minority-births-the-majority-yet/>.

89. See EDIN & NELSON, *supra* note 1; RICHMAN, *supra* note 2; CAHN, *supra* note 3.

90. *Id.*