

Family Law and Individual Responsibility

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PANEL II FAMILY LAW AND INDIVIDUAL RESPONSIBILITY

William Kristol †

INTRODUCTION

Welcome to the second panel of The Federalist Society Conference on Individual Responsibility and the Law. I am Bill Kristol, and I will be moderating this panel of four excellent panelists who will make brief presentations and a quick round of comments. Then we will open the floor for questions.

The general topic of this conference, as you all know, is individual responsibility and the law. It seems to me that virtually all previous Federalist Society conferences have focused on rights or some particular right, such as the right to free speech, or the right to freedom of religion. The organizers of this conference, on the other hand, want to remind us that with rights come responsibilities—a useful reminder. And I think it is particularly appropriate in this context to have a panel on family law and individual responsibility. For in a nation based on individualism or individual rights, the family seems to have a tenuous or difficult position. Somehow we all know that the family is more than merely a contractual arrangement or the sum of the individual parts. That is why we talk about something like “family values.” But then we run up against the fact that we are committed to individual rights first. So the tension, in a sense, between the family and the individual mirrors the tension between rights and responsibilities. And the intersection of family law and individual responsibility is, I think, an interesting place to begin examining some of the difficulties, paradoxes, and questions of living in a nation like ours that is dedicated to and based on individual rights.

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