The Ethics of the Family

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Edited by

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ACKNOWLEDGEMENTS

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CHAPTER ONE

INTRODUCTION

WHAT IS A FAMILY?

While the word "family" is recognizable to everyone, paradoxically, it can be difficult to come to a consensus on its definition for many reasons. Individuals tend to define family based on what they are familiar with. Experiences in our families of origin, the families we are born into, or families of procreation, those we form through marriage and the birth of children, color how we view what a family should be. For example, an only child raised by a grandparent is more likely to consider such a family structure as "normal" than someone from a more traditional, two-parent family.

Additionally, there are social and cultural biases concerning what a family is. In the United States, the cultural icon of family is that of the two parent household, male as breadwinner, female as homemaker and caregiver, and the preferred number of children, which is two.[1] While this family structure actually makes up less than 7% [2]of families in the US, it is viewed as the cultural norm, and therefore a bias exists for the families falling outside of this "norm".

The meaning of family has varied over time and among groups. Cultures place different importance on a variety of family structures. Polygamy is commonly practiced in many Asian, Arabic and African nations. Asians are more likely than Anglo-Americans to live with their extended families.[3] Similarly, Latino infants and children are more likely than their Anglo counterparts to have active contact with multiple extended family members.[4]

Family is also a political symbol, with both sides of the aisle claiming "pro-family" policies, in effect implying that the other party does not promote "family values". Conservatives favor policies that promote marriage among heterosexuals and discourage single parent families. Conversely, liberals are more likely to include gay and single parent

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[1] Townsend, J. (2003). Reproductive behavior in the context of global population. *American Psychologist, 58*. 179-204.

[2] United States Census Bureau (2002). *Current Population Survey*. Retrieved February 8, 2009 from http://www.census.gov/cps/

[3] Knox, D., & Schacht, C. (2008). *Choices in Relationships: An introduction to marriage and the family*. (9th Edition). CA: Wadsworth Publishing.

[4] Garcia, C. (1993). What do we mean by extended family? A closer look at multigenerational Hispanic families. *Journal of Cross-Cultural Gerontology, 8*, 137-146.

families, although even the current presidential administration is loathe to define marriage as anything other than that between a man and a woman.

There are several different bases of definitions for "family". One of the most common is the biological ties we have to another. We often refer to someone as a "blood" relative, and research suggests that in times of crisis, we are more likely to seek and receive assistance from biological family. [5] Other family members may be defined by their legal ties, i.e.: through marriage or adoption. According to this definition, a man and a woman are not family until they have a marriage license, and adoptive parents and child are not legally family until a judge finalizes the process.

Other bases by which family may be defined, but are much less recognized by those who are the gatekeepers of rights and responsibilities granted to family members, are emotional and affective, or how we feel about someone. For example, in African American and Hispanic communities, fictive kin, or non-relatives who are regarded as family members, often enjoy ties as strong or stronger than those established by blood or marriage.[6] Emotionally, we feel they are family, so therefore, they are. Interaction patterns may also determine who is considered family, or "we do things for one another that only a family member would do".

While discussing the definition of family, it is important to contrast it with that of marriage. Marriage involves two individuals who usually choose one another, a monogamous sexual relation between spouses is expected, as is procreation. The marriage ends when one spouse dies or there is a divorce. On the other hand, family, according to some definitions, usually involves more than two people, and is the consequence of procreation. As any newlywed couple can attest, one of the questions that they will be asked repeatedly is "when are you going to start a family?", implying that a married couple in and of itself is not yet quite a family. Members are born or adopted into the family, by no choice of their own (as many an angry child will remind their parents), and the family continues beyond the life of the individual. Sex between near kin is neither expected nor approved.

Lastly, family is often defined on the basis of household arrangement. This classification has an Anglo bias, literally defining family by who is

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[5] Burnstein, E., Crandall, C., & Kitayama, S. (1994). Some neo-Darwinian decision rules for altruism: Weighing cues for inclusive fitness as a function of the biological importance of the decision. *Journal of Personality and Social Psychology*, 67, 773-779.

[6] Dilworth-Anderson, P., Burton, W.., & Turner, W. (1993). The importance of values in the study of culturally diverse families. *Family Relations, 42,* 238-42.

living under one roof. It is important to note that The U.S. Census Bureau defines family as: two or more people living together who are related by birth, marriage or adoption. Such a definition clearly excludes many who consider themselves to be family, and today we find many groups fighting to have their relationships recognized as such.

Definitions of family have important consequences for individuals, often determining which rights and obligations of family members are recognized.   These definitions have both economic and social consequences. Economic benefits and assets are only available to those legally defined as family by the provider, i.e.: social security benefits or the ability to be on another's health insurance policies. If a family member dies intestate, the assets of that person will usually be distributed among legal or biological relatives, such as spouses or children. Social implications of family definition include the ability to make decisions for another, for example whether to continue life support measures. Additionally, how we define family as a society affects the ability of a child to believe that their family, regardless of form, is "normal".

Federal and State definitions of marriage and family have a critical impact on policies affecting families. According to the 2000 Census, there are 594,000 same sex partner households, with children living in 27 percent of those households. Most of these families are unable to have married heads of household. The Defense of Marriage Act of 1996 defined marriage under federal law as exclusively heterosexual, while declaring that states are not required to recognize same sex marriages performed in other states. At this writing, only the states of Massachusetts, Connecticut and Iowa recognize same sex marriage, while Vermont, New Jersey and New Hampshire offer legal unions which allow the same state (but not federal) rights and responsibilities of marriage to same sex couples. By not allowing same sex couples to marry, individuals are unable to: access partners Medicare or Social Security; file joint taxes; obtain death benefits when a partner dies; obtain health/retirement benefits; sponsor partner for immigration to the US; and divorce. Additionally, same sex partners are at risk of losing access to their children if only one partner has legal rights to the child and the couple separates.

One can imagine the challenge of defining family will only grow more complex as family structures continue to change and birth technologies progress. For example, in 2008, a transgendered male gave birth to a child, allowing the possibility for him to be the child's mother, father, or even

both.[7] Reproductive technologies allow children to have multiple parents, often blurring the lines of "family" members, while gay people continue to fight for the right to both marry and adopt children. As these and other changes occur in the American family, it will become increasingly important to define what a family is.

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[7] Reuters. (2008). *Transgender man reportedly gives birth.*
http://www.reuters.com/article/newsOne/idUSN0326774720080704

AN INTRODUCTION TO ETHICS: SOME BASIC CONCEPTS

We begin to look at the place of ethics in the family with a brief explanation of some basic and important concepts in ethics. **Moral Intuitions** are our prephilosophical or prereflective views or feelings about rightness and wrongness (perhaps transmitted at mother's knee). For example[1], suppose I live in a rather sleazy part of town, and as I'm walking home one day, I come around a corner and suddenly see a bunch of young hoodlums pouring gasoline on a live cat and lighting it ablaze! "Oh, that is so wrong!", I say to myself. I have an immediate reaction of moral disapproval, a feeling of moral nausea or disgust. This is a moral intuition. Even if I can't yet say *why* what they are doing is wrong, I have the feeling that what they are doing is wrong. Moral intuitions are these gut reactions of approval or disapproval that we have to the various situations we encounter. Except, perhaps for some extreme sociopaths who are described as "without any conscience", we all have moral intuitions. According to some views, these intuitions provide the basic data that ethical theories are constructed to explain and/or revise. **Considered Moral Judgments** are particular moral judgments justifiable by appeal to principles. If I say, "It would be wrong to set that cat on fire because it's an instance of causing unnecessary suffering", then I have a particular moral judgment. More general moral rules like, "Don't kill people for profit", or "It's wrong to cause unnecessary suffering" are used to justify such judgments. But what will we use to justify such general rules? For this, we appeal to **Ethical Principles**, the most general ultimate or first principles of ethical theories. For example, "Maximize net aggregate social utility" is the first principle of utilitarianism. Or, the first principle of Kantian ethics tells us that we must "Always act so that you could at the same time will that the maxim of your action should become a universal law of nature". Finally, **Ethical Theories** are these principles, rules, and judgments together (hopefully in some kind of agreement with our most fundamental moral intuitions) and the arguments in support of

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[1] The example is due to Gilbert Harman's description in *The Nature of Morality* (Oxford UP, 1977), chapter 1; reprinted as "Ethics and Observation" in James Rachels, ed. *Ethical Theory, vol. 1* (Oxford UP, 1998).

them. Some examples of ethical theories that we will look at include Utilitarianism, Contractarianism, Divine Command Moral Theory, etc.

Finally, before moving on to a map of the most prominent ethical theories, we ought to say something about "**Reflective Equilibrium**". "Reflective Equilibrium" is a term which comes out of a particular ethical theory we will examine (the contractarian approach of John Rawls). But it is useful to introduce it at the beginning of our investigation because it may serve as a kind of check on which ethical theories we are willing to accept. In discussing his own contractarian view, Rawls points out that our thinking about ethics may often lead us into what might be termed, "**Cognitive/Emotional Dissonance**". This is a sort of disharmony between the moral intuitions I actually feel (my gut) and the principles I am prepared to rationally defend (my head). It is the grappling with this sort of disharmony that constitutes a great deal of the work we do in ethics. How does Rawls say that we ought to overcome such cognitive/emotional dissonance? He says that we move back and forth between intuitions and principles, sometimes altering principles in order to hold onto our most fundamentally felt intuitions, sometimes giving up weakly held intuitions in order to hold onto powerful and useful principles.

For example, suppose that one of the ethical theories we will look at (a crude version of act utilitarianism) tells us that the right thing to do is whatever will maximize happiness in a given situation. That doesn't sound like a crazy theory right off the bat. Now let's say that you are a doctor, and that there are three very sick patients on your ward in the hospital. One needs a new heart; one needs a new liver, and one needs a new pancreas. Each one is dying and their families and friends are extremely distraught. Suppose that in off the street comes a new patient, Adam. After a brief examination, you discover that Adam has a mild ear infection, which should be cleared up with a course of antibiotics. But suppose that you also discover that Adam just happens to be a perfect genetic match for all of the three dying patients on your ward. Let's also suppose that you could do whatever you want to Adam and there's almost no likelihood that anyone will ever find out about it. Now you have a choice. You could give Adam the antibiotics and send him on his way. This option would increase utility slightly: Adam will feel better and he'll stop complaining to his friends and family. Alternatively, you could knock Adam out with a sedative, carve him up and distribute his parts to the other patients on your ward. This would increase utility greatly: Sadly, Adam will meet his untimely demise (all lives are presumed to have positive utility value), and his friends and family will be distraught, but the other three patients on your ward will now become healthy, happy,

productive members of society. All of their family and friends will be overjoyed! What would the crude act utilitarian say is the right thing to do? Carve Adam up! If we were ever tempted to become crude act utilitarians, I hope that this case illustrates just why we shouldn't. Here, the practical entailments of the theory are in such violent conflict with some of our most fundamental moral intuitions that the theory simply has to give way to the power of our intuitions. My conviction that murdering people in order to distribute their organs to others is wrong is simply too fundamental for me ever to give it up. Hence, what we've discovered is that crude act utilitarianism is a terrible ethical theory according to the requirement to move to a reflective equilibrium.

On the other hand, there may be cases where I would be willing to give up weak intuitions in order to save a theory. For example, suppose that initially, I have a weak prephilosophical intuition against physician-assisted suicide; it makes me feel morally queasy. But suppose that I come upon a very powerful theory in medical ethics which allows me to explain lots of other intuitions I have, and provides guidance on a host of difficult cases, but which also entails that physician assisted suicide is morally permissible. It may be that I would be willing to give up my weak intuition against physician assisted suicide in order to hang on to this powerful and fruitful theoretical approach. Hence, Rawls instructs us to move back and forth between intuitions and principles, sometimes giving up theory to save deeply held intuitions, and sometimes giving up weakly held intuitions in order to save theory, until we arrive at a fit between them. This peace between intuition and theory is the state that Rawls refers to as "reflective equilibrium". It is the solution to the cognitive/emotional dissonance discussed above, and it requires both that we learn the principles of various ethical theories and that we work through real-world applications in order to achieve the goal of peace between our (cognitive) heads and our (emotional) guts.

It may be that this peace is the best we can hope for in evaluating the ethical theories we will look at and in applying them to the world of the family. This is our goal for all students of ethics: to achieve internal consistency, coherence, conciliance, and excellence of theory (to overcome cognitive/emotional dissonance), to become better able to rationally defend your ethical views (to learn to make an argument for your position), and to become better able to understand and respect other ethical views (by seeing which principles and arguments lie behind them). Now we will look at some of the major ethical theories that have been advanced in the history of ethics.

AN INTRODUCTION TO SOME PROMINENT ETHICAL THEORIES

There are a number of ways to divide and categorize ethical theories; here is what we think is a useful way to do so. We can divide all ethical theories into two major camps: the consequentialist camp, and the nonconsequentialist camp.

In ethical deliberation, it is common to think that what make my actions right or wrong are the consequences of those actions. If one tends to act in ways that create large amounts of bad consequences (suffering) for no good reason, it is hard to defend these actions as ethical. Similarly, the great ethical triumphs of the past (good consequences such as ending legalized slavery, limiting infectious disease and hunger, giving citizens a say in their government) tend to be those that limit suffering and lead to greater happiness. Broadly consequentialist theories all evaluate conduct as right or wrong based solely on the value of the consequences of the conduct. On this approach, the Right is defined in terms of the Good; the right thing to do is to aim at maximizing good consequences. An Egoist approach says that the right thing to do is to maximize my own good; a tribalist approach says that the right thing to do is to maximize the good of some group, and a utilitarian approach says that the right thing to do is to maximize the good of all. Broadly nonconsequentialist views evaluate conduct as right or wrong based on factors in addition to the value of the consequences of the conduct. On this approach, the Right is defined independently of the Good (Rightness depends on motives, procedures, divine will, etc). Here is an outline of the major consequentialist and nonconsequentialist positions we will touch upon:

Consequentialist Views

1) Ethical Egoism: The right thing to do is to maximize my own good.
   a) Crude Hedonistic Egoism: Always act so as to maximize my own short-term pleasure
   b) "Enlightened" Egoism: Always act so as to maximize my own long-term rational self-interest

2) Tribalism: The right thing to do is to maximize the good of some group (nation, family, etc.)

3) Utilitarianism: The right thing to do is to maximize the good of all (net aggregate social utility).

    a) Act Utilitarianism: Always act so as to maximize net aggregate social utility (e.g., maximize the net balance of pleasure over pain for all: The Greatest Happiness Principle).

    b) Rule Utilitarianism: Always act in accordance with a rule (set of rules, moral code, etc.) which, if generally followed, would maximize net aggregate social utility.

Nonconsequentialist Views

1) Divine Command Moral Theory: The right thing to do is to obey the will of God.

2) Kantian Deontological Ethics: The right thing to do is to act only upon maxims that we could will to serve as universal laws

3) Contractarianism: The right thing to do is to abide by principles which free and rational individuals would enter into from some initial contract situation

4) Virtue Ethics: The right thing to do is to display virtuous states of character in our actions

5) The Ethics of Care: The right thing to do is to build caring relationships and to respond to the needs of those with whom we stand in relationship

Egoism and Tribalism

The view that the right thing to do is to maximize one's own good is known as ethical egoism. To some people, this sounds like just the opposite of ethics, but it is a possible position in ethics and has been advocated by a rather famous author (Ayn Rand, who refers to her view as "objectivism", but it is really a form of enlightened egoism). Hence, we would rather discuss its strengths and weaknesses rather than simply ignoring the view altogether. There are two possible varieties of this approach: one could adopt either a "crude" or an "enlightened" version of egoism. On the crude version, the right thing to do is to maximize one's own short-term pleasure. It's easy to see why there are no famous advocates of this position. After all, shooting heroin is said to produce very intense short-term pleasure for those who do it. But the long-term outcome of such an approach is often deadly. Hence, despite the fact that this sometimes seems to be the preferred ethical theory of certain college students, we will pass over any further discussion of it.

The enlightened egoist urges that the right thing to do is to maximize one's own long-term rational self-interest. This view promotes selfishness as a virtue, and condemns altruism (the view that the right thing to do is to be willing to sacrifice one's own interests for the interests of others). There are several arguments that might be offered in support of this view.

Arguments for Ethical Egoism[1]

1) Altruism is self-defeating: Since we know our own interests best, we are well suited to pursue them. But since we know the interests of others only imperfectly, we would likely bungle the job of pursuing theirs. Furthermore, the policy of looking out for others may be seen as an offensive intrusion into their privacy. And charity may be degrading to other people; it robs them of their individual dignity and self-respect.

But is giving food to starving children really inept, intrusive, or degrading? Most of us (including, especially the starving children) would say that it isn't. Hence, although we ought to be careful to be competent and sensitive when we take the interests of others into consideration in our moral deliberations, it doesn't seem that the best policy in every case is to ignore them completely.

2) Ayn Rand's Argument: One's life as a rational being is all one has; it is supremely valuable. The ethics of altruism regards the life of the rational individual as something that one must be ready to sacrifice for the good of others; it does not take seriously the value of the human individual. Ethical egoism does take that (highest) value seriously. Hence, we should be egoists.

But this argument presents egoism and altruism as the only two possible ethical positions. Perhaps both are false. Maybe neither one's own interests nor the interests of others should be ignored in ethical reasoning. This leads us into a problem which can be seen to trouble all consequentialist positions other than utilitarianism: **The Problem of Arbitrary Distinction**.

Let us first try to explain this problem as a criticism of some tribalist views, and then perhaps we can see how it applies to egoism as well. Racists and sexists draw a circle around a certain group of people and then claim that the interests of the people inside the circle count for more

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[1] Summarized from Rachels, James, *The Elements of Moral Philosophy (Fourth Edition)*, Chapter 6 (Boston, McGraw Hill, 2003)

(morally) than the interests of the people outside of the circle. Since moral claims are always supposed to be backed by good reasons, we may ask the sexist, for example, just *why* the interests of men are more morally important than the interests of women. At first, the sexist might try to present some reasons why we ought to take men's interests are more important than women's interests. He might say that men are always more intelligent than women, or that women are incapable of rational thought at all. Or he might say that all and only men are capable of guiding their lives according to moral principle, and that women are simply incapable of being moral agents. All of these claims have actually been advanced in the history of sexist thought. But eventually, all of these claims have been shown to be empirically false. Now what is the sexist left to do? If he wants to remain a sexist (giving greater moral weight to the interests of men over those of women), all he is left to say is that men's interests ought to be given greater moral weight *simply because we are men*. But that is not a reason at all; it is just a restatement of sex (or gender) differences. Hence, the sexist is trapped: he wants to make a moral distinction, but his distinction is entirely arbitrary; there is no reason behind it at all! The same problem plagues many other tribalist views, e.g., racism, nationalist chauvinism, etc.

Returning to the egoist, we might ask: why should my interests be weighted more heavily than the interests of others in my moral deliberations? What is the egoist going to say here? What possible trait that I have could justify giving greater weight to my interests than to the interests of every other person in the world? I mean I realize that I am devastatingly handsome, have a quick wit, and cook wonderful lasagna. But Jude Law is more handsome; Steve Martin is funnier, and Julia Child makes better lasagna. What is the egoist left to say here? It seems that he is in the same position as the sexist discussed above; all he has left to say is, "Just because they're *my* interests". But again, that is not a reason at all; just like the tribalist views, egoism seems to fall prey to the problem of arbitrary distinction.

Utilitarianism

This problem leads us naturally into consideration of one of the major ethical theories we will look at: utilitarianism. Utilitarianism makes no arbitrary distinction between the interests of groups of people. According to utilitarianism, every person's interests are to be weighed equally in our moral deliberations. Everyone is to count for one and none for more than one. Like the varieties of egoism discussed above, utilitarianism also

requires that we **maximize expected utility**, but instead of doing so for oneself or one's tribe, we are required to do it for everyone.

So if one can ultimately alleviate more suffering by helping strangers than one could by helping family members, we are required to help the strangers. (This assumes that one has a stark choice between the two options. Often in real choices this is not the case.) Of course the other side of the coin to this decision holds as well: if one can ultimately alleviate more suffering by helping family members than one could by helping strangers, then one is required to help those family members. And in fact we find that this will often be the case, since ordinary people's actions frequently have a greater effect on those close to them than those who are farther away. We can send money to aid organizations who help those starving overseas, but we can cook someone a meal or teach them to cook if they are closer to home. Utilitarian ethical theories tend to be very sensitive to the facts of particular situations. Occasionally this may mean overriding traditionally accepted obligations when the results will lead to greater happiness and reduced suffering overall.

We've already seen a thought experiment involving one form of utilitarianism: act-utilitarianism in the example of Adam going into the hospital. Jeremy Bentham was an early advocate of the act utilitarian approach. He developed what has been called the **Hedonic Calculus**, according to which we ought to take the intensity, duration, speed, fruitfulness, purity, and extension of pleasures into account in our moral thinking, and we should aim to maximize expected utility or happiness (for Bentham, this was just pleasure and the absence of pain) in all of our actions.

Since we've already discussed a case that seems to show this form of act utilitarianism to be seriously faulty (the doctor case above), let us move ahead to look at John Stuart Mill's rule utilitarian position. In the selection from Utilitarianism excerpted below, John Stuart Mill says, "In the case of abstinences indeed- of things which people forbear to do from moral considerations, though the consequences in the particular case might be beneficial- it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it.." In other words, Mill is aware that there are times when I could generate more expected utility by carving Adam up, but that this action is of a class (murder) which, if people generally practice it, would cause utility to go down, which is a good reason we shouldn't do it. Hence, Mill is adopting what is referred to as **a rule utilitarian** approach.

We ought to conform our actions to those rules which, if generally practiced would maximize utility for all.

According to Mill, we should conform our actions to rules which, if generally practiced, would maximize net noble pleasures. That is, aside from being a rule utilitarian, Mill also makes a qualitative distinction between **higher and lower pleasures**. According to Mill, some pleasures are base and some are noble. Those pleasures which make use of what Mill calls our "higher faculties" (these being reason and sensibility) are nobler or better pleasures than those which do not. Mill says, "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they know only their side of the question." How do we decide which pleasure is better, according to Mill? He says that we should ask people who have experienced both pleasures; whatever the majority of these people choose is the better (higher, nobler) pleasure. What matters for Mill is the amount of noble pleasure which can reasonably be expected to result from the adoption of a particular rule, or set of rules. He tells us that these rules are "signposts" on the way to utility. In the following selection, Mill addresses some criticisms of his view and explains it in more detail.

One possible criticism of rule utilitarianism to keep in mind when reading Mill is what has been called **The Collapse or Rule-Worship Problem**. Suppose that the rule-utilitarian urges that we should follow the rule "Don't lie" because if such a rule were generally followed, then the net aggregate social utility would be greater than if it were not followed. And suppose that we come upon a case where my lying to a mad nuclear bomber would save millions of lives. Now the rule utilitarian can either A) urge that we modify our rule (to something like "Don't lie unless you can save millions of lives by doing so"), or he can B) say "bite the bullet", accept the counter-intuitive implications of the claim and urge us to stick with the original rule.

If he urges that we modify the rule because we can get more utility in this one case, then what about saving 10 lives? What about one life? What about just making someone feel better (by telling a "white" lie)? If the reason that we should modify the rule in the first case is that we will achieve greater utility, then (by the same reasoning) we should modify our rules in every case where we can get more utility by doing so. But this kind of thinking seems to have collapsed into act utilitarianism, which is what rule utilitarians were trying to get away from in the first place.

On the other hand, if he urges that we should refuse to modify the rule, then this rule utilitarian can be accused of "rule worship" at the expense of