

Family Matters

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Everybody knows that we have long since discarded the hideous conception of parental authority ... The disservice of [parents] imposing their own standards, which may become outmoded, is evident ... Clearly all we can do is to equip our children as thinking human beings, capable of forming and indefinitely improving their own standards of action without impediment.

G.E.M. Anscombe, 'Does Oxford Moral Philosophy Corrupt Youth?'

1. Introduction

The family, as a social unit, continues to be lauded, though in rather general terms, as in a recent report by Kofi Annan, the Secretary General of the UN, regarding preparations for the tenth anniversary of the 1994 International year of the family. He writes:

The family has a continuing and crucial role in social and human development as well as in provision of care and support to individuals. Strong family bonds have always been part of most societies, and families in most places continue to make important contributions to social and economic well-being.¹

Two important contributions of the family are the rearing of children and the care of the elderly. These activities are connected in a variety of ways. In an essay whose main points are to show the 'weirdness' of the question posed in its title 'Why Have Children?' and the problems associated with its no longer seeming odd to ask it, Elizabeth Anscombe allows that extrinsic reasons can nevertheless be given for resisting efforts to control the having of children. Writing of an Indian woman reproached for having babies in the face of her government's population control policy, Anscombe reports the woman as saying 'Will the government take care of me

¹ *Report of the Director General of the UN* (23 July 2004) regarding preparations for and observance of the tenth anniversary of the International year of the family in 2004, (New York: United Nations, 2004), 4.

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when I am old?'² Recent concerns about the sustainability of health- and elderly-care in Western Europe suggest that this is not just a question for the third world. The working populations of Austria, Germany, Greece, Italy, Japan, Spain, and Sweden, are already contracting; by 2050 the current Eurozone is set to lose 27 million workers while gaining about 37 million pensioners, and the number of people over 80 will treble. The current European ratio of people of pensionable age to those of working age is 0.35 to 1; by 2050 it will be 0.75 to 1, and in Italy and Spain it may reach 1 to 1.

Nor will the problems of European demographic change only affect the old (and the young as providers for them). To maintain the level of a population it requires an average fertility (live birth) rate of 2.1 children per woman. The current average fertility rates in Europe estimated for 2006 stands as follows (with 2000 figures in brackets):

Ireland 1.86 (1.88), *France* 1.84 (1.89), *Norway* 1.78 (1.85), *Denmark* 1.74 (1.77), *Finland* 1.73 (1.73), *Netherlands* 1.66 (1.72), *Sweden* 1.66 (1.54), *UK* 1.66 (1.65), *Belgium* 1.64 (1.66), *Portugal* 1.47 (1.55), *Switzerland* 1.43 (1.50), *Austria* 1.36 (1.34), *Germany* 1.39 (1.30), *Italy* 1.28 (1.24) and *Spain* 1.28 (1.24). By contrast rates for the *USA* are 2.09 (2.06), and for *Israel* 2.41 (2.95).³

More generally, the ratio of fertility rate to 50% reduction of population gives the following: at 1.5 the population is halved over 65 years, at 1.3 over 44 years, and at 1.1 over 32 years. Less abstractly, current trends suggest that by 2050, 60% of Italian and Spanish children will have no brother, sister, aunt, uncle or first cousin.

The situation in the UK is less extreme, but the decline in fertility since 1970 has been from 2.49 to 1.9 (1980) to 1.8 (1990) to 1.66, with rates of delayed pregnancy, abortion, sexually transmitted diseases, early divorce and separation increasing during the same period with consequences for those already alive as well as for future generations. Around 10% of women born in the UK in the

² G.E.M. Anscombe, 'Why Have Children?', in L. P. Schrenk (ed.) *The Ethics of Having Children* (Washington, D.C.: ACPA, 1990), 51. In relation to the intrinsic values involved in having children see also her essay 'The Dignity of Human Beings', in M. Geach and L. Gormally (eds.) *Human Life, Action and Ethics: Essays by G.E.M. Anscombe* (Exeter: Imprint Academic, 2005).

³ The current estimates come from the CIA *World Fact Book* (Washington, DC.: US Government, May 2006). The electronic text is updated as new information becomes available see <http://www.cia.gov/cia/publications/factbook/>.

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mid-1940s are childless; the corresponding figure for women now reaching the end of their natural fertile lives (i.e. in their late 40s) is 20%, and it rises for younger generations.⁴ In the spring of 2006 the UK government revised its national building plans. Drawing on the 2001 national census it has recalculated upwards its estimate of house building needs, and of single occupancy housing. In England, by 2026 there will be a 25% increase in the number of homes, and almost 10 million people will be living alone. The solitary dweller estimate represents a 50% increase on the most recent figure and most of these home-aloners will be over 35.

It is shallow to say in reply that anyone who has children with the thought in mind that this may bring support and comfort in later life is 'instrumentalising' their offspring; just as it is shallow to suggest that a hope for support and companionship 'instrumentalises' marriage or domestic partnership. What binds personal relationships together is primarily community of feeling rather than commonality of purpose, but feelings detached from shared practices of mutual support and dependence are uncertain for want of operative criteria; and, whether in a spirit of idealism or of sentimentalism, separating the value of expressive practices from any benefits they may provide is liable to lead to less, not more fulfilling and respectful relationships.

So far as the rearing of children is concerned, particularly as this connects with issues that fall within the scope of contemporary political interests, the family is subject to increasing criticism, often combined with suggestions for state intervention, as in the following recent UK report on children and family policy:

The absence of a rights approach guiding the relationship between the interests of children and families is significantly in evidence around concessions to that ill-defined attribution parental autonomy, which in some circumstances one sees perversely preserved at the expense of children's rights.

In education, for example, parental choice of school and religious education for their child has been questioned as undermining children's rights ... Overall in education, the Government's role

⁴ Figures drawn from information gathered by UK Office for National Statistics, General Register Office for Scotland, and Northern Ireland Statistics and Research Agency.

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in the parent-child-State axis is to support children's individuation and opportunity for self-determination and fulfilment. But the relationship is seriously undefined and needs principled clarification.⁵

Elizabeth Anscombe's essay 'Does Oxford Moral Philosophy Corrupt Youth?' from which I quoted at the outset, is an exercise in sustained irony. Much of it, including the quoted passage, should be read as lying within the scope of an emphatic negation operator. In that respect it is rather like (and this may have been an inspiration) an ecclesial denunciation in which the body of the text is prefaced by the phrase 'If anyone holds that ... *anathema sit*' (let him be anathema). Remarkably, Anscombe delivered the piece as a BBC radio talk almost half a century ago. It must have been a challenge then, but now it could almost be read unironically, for there is (in hindsight) a prophetic quality about the piece, as is evidenced by the passage just quoted concerning children's rights. That someone should come to speak of 'concessions to that ill-defined attribution parental autonomy' and of a need for 'principled clarification' of 'the Government's role in the parent-child-state axis' would not have surprised Anscombe. Certainly it expresses a challenge to traditional understandings of the relationship between parents and children. Evidently such understandings can no longer be taken for granted, and there is, therefore, scope for some consideration of the basic value of families and the respect due to them.

2. Families and Human Nature

It is equally evident that families matter. One can say this confidently without any appeal to philosophical, political or theological theories or analogies. Families are where things start for the mass of human beings—so far at least. Children are conceived by couples who generally know one another and live in close proximity. They are themselves members of families, and the newborn child is received into one or other of these: either indirectly through the relationships of the primary family comprised of the parents, and any other children of their union; or directly where no such union exists and the child is taken in by one

⁵ Clem Henricson and Andrew Bainham, *The Child and Family Policy Divide: Tensions, Convergence and Rights* (London: Joseph Rowntree Foundation, 2005), 105–6.

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or other of the parents' families. There are other classes of cases, of course, but their normal characterisation is given in terms of how they approximate to or deviate from these primary forms. This pattern may be changing, but it is still both the cultural and the statistical norm in Western and Central Europe, Africa, North and South America, Asia and Australasia.

In the context of the family, small or large, the child is trained in ways of eating, sleeping, washing, dressing and so on, and learns a language by which is acquired and developed the primary human mode of relating intelligently to the world. Because as a matter of practical necessity food, drink, shelter and hygiene have to be provided by others, and because as a matter of natural necessity initial language learning has to be social, a child takes shape, well or badly, under the influence of other persons. Where a family is concerned, however, this influence is not just originating but continuing, and is also, or ought also to be, unconditional. The observation that it 'ought to be' such is not a piece of moralising, but recognition of the fact that unless it were unconditional the process could not get going, since a parent is generally not in a position to know whether an infant will satisfy any requirement that the parent might set for it as a condition of care and upbringing. (One important class of parent-child pathologies resides in according attention and interest only in exchange for behaviour conforming to ends specified by the adult; in effect treating children according to a pattern of animal training).

The fact of the dependency of children upon immediate providers is part of human natural history so deeply rooted as to be proximate to, if not part of, the human essence. Family relations are inalienable and cannot be annihilated though they may be strained and even sundered. Conversely, they naturally strengthen under conditions of respect, care and affection. It is for these reasons that children lacking the natural norm are variously, and often evidently, ill-formed and ill-equipped; while those provided with it are more naturally inclined to flourish. I add 'evidently' not as a further point but as a reminder that it is usually easy to tell when things have not been right. This is because the malformation is not something external to the child as a feature of its environment, rather it resides in the child and is expressed in its behaviour rather as a disfigured limb is not so much a *cause of*, as a condition *expressed in* a limp. Of course, it happens that children provided with the natural norm of family formation both fail to flourish and even suffer, but when this happens we rightly look to see where the

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normal process has gone wrong, rather than wonder whether the family as such is the right context for child rearing.

It matters that children be raised in a family context and that this context be a normal one in which there is the complement of father and mother, supplemented ideally by male and female of prior generations and also by siblings. Uncomfortable as it may now be to confront this fact, a single parent home, or one in which there is only one sex, is in those respects, at least, less favourable than a two (male/female) parent household in which the partners are joined in marriage. The social scientific research on these issues is extensive but there is a high degree of convergence on the conclusion that every major pathology that can afflict children occurs more frequently when there is only one parent or the parents are not married.⁶ Single parents and others can, of course, produce happy and well-adjusted children, but to quote the summary of a research brief on family structure from the (non-profit, non-partisan) Child Trends research centre:

Research clearly demonstrates that family structure matters for children, and the family structure that helps the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes ... There is thus value for children in promoting strong, stable marriages between biological parents.⁷

3. The State and the Family

It is a considerable jump from these facts about the relationship of children and families to any conclusion about what ought to be the

⁶ See, for example, S. McLanahan and G. Sandefur, *Growing up with a Single Parent: What Hurts, What Helps* (Cambridge, MA.: Harvard University Press, 1994); P. Amato and A. Booth, *A Generation at Risk: Growing Up in an Era of Family Upheaval* (Cambridge, MA.: Harvard University Press, 1997); L. Waite and M. Gallagher, *The Case for Marriage: Why Married People are Happier, Healthier and Better-Off Financially* (New York: Doubleday, 2000); and W. J. Doherty, et al *Why Marriage Matters: Twenty-One Conclusions from the Social Sciences* (New York: Institute for American Values, 2002).

⁷ Kirsten A. Moore *et al.* 'Marriage from a Child's Perspective: How Does Family Structure Affect Children and What Can we Do About it?' *Child Trends Research Brief* (Washington, DC.: Child Trends, 2002).

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state's family policy with regard, say, to birth rates or education. Knowing nothing but these facts, and the further point that, the relevant causes being present, natural processes occur unless inhibited, one might be inclined to begin with something negative, namely that, other things being equal, the state ought not to interfere with these structures and processes. One might next think that if this is so because there is a presumption in their favour, then it may also be true that the state has a responsibility to promote the family. Apart from other assumptions, however, that presumes that the state has directly constructive responsibilities; whereas it could be that all that can be justified are defensive policies: the protection of the boundaries of the state from external threat and the maintenance of civic order.

It has long been a matter of debate what defines a state. Cicero wrote of a 'multitude formed into a partnership by common agreement on law and a sharing of benefits' (*coetus multitudinis iuris consensu et utilitas communione sociatus*).⁸ Augustine modified this, speaking of a society as a multitude of rational beings united by agreement as to the objects of their love (*populus est coetus multitudinis rationalis, rerum quae diligit concordi communione sociatus*).⁹ His intention was to move from an account that would invite disputes about whether Rome or Babylon counted as polities (since, being purportedly unjust their regulations might not really be 'laws', properly speaking) to a less demanding definition. That trend is dominant in recent thought and is represented by a well-known and influential style of definition owing largely to Max Weber that links the idea of the state to that of special coercion. By this account the state is the sole agent within a territory that claims a monopoly on the legitimate use of force, or threat of force, to conform the behaviour of people to its mandates.¹⁰

In Weber's own account the idea of legitimacy enters in only as what is claimed or bestowed upon itself by a pervasive social agent, and to that extent it is simply a kind of power. But while wanting to avoid the consequence that all states (let alone all state acts) are necessarily legitimate, some normative element is called for in the

⁸ Cicero, *De re publica*, 1.39.

⁹ Augustine, *De civitate Dei*, 19, 24.

¹⁰ In Weber's original formulation 'a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory'. See 'Politics as a Vocation', in *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946) trans. and ed. H.H. Gerth and C. Wright Mills, 77.

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definition to make sense of the idea that the state is, defeasibly, a proper arbiter and protector of at least some social rights and obligations. Accordingly, we may say that the difference between the control of a region and population by a gang of bandits and by an authoritative government is that the latter administers a system of justice answering to the need for laws, trials and punishments, a requirement itself geared to the social need for systematic protection.

This is a familiar and plausible idea. It is compatible with, but neither presupposes nor requires the contractualist assumption that members of the state voluntarily hand over prior rights to self-protection in exchange for just and effective governments. Contracts, covenants and democratic control are further features additional to the core fact that a political state is, or proclaims itself to be, an organised, authoritatively governed community.¹¹

Even this much, however, is liable to discomfort libertarian individualists who tend to identify a state's exercise of legal power to regulate the behaviour of its members with the idea that it seeks to control people. The identification certainly is not a logical one, since for one thing it is conceivable that the regulative laws of a society might all be enabling ones, constituting a system of permissions. Someone might reply to this that permissions require protection and that this necessitates coercive laws: thus if a law is passed allowing some activity, then this will involve complementary legislation prohibiting interference with it (subject to the usual sorts of defeating circumstances). Certainly it is easy to see how such complementary legislation, whether specific to the entitlement or more general, might come to be passed; but permissions do not logically entail restrictions and they may not even require them in practice.

Where law turns in the direction of control, the question to ask is what is the purpose of this? And very often the answer will be that it is to protect the right of the individual or the family, or some civic grouping, to act in ways that are either expressly permitted by

¹¹ For an account of how contractualism may play a role in justifying authority, though it does not create it, see P. Winch, 'How is Political Authority Possible?' *Philosophical Investigations*, 25, 2002. He writes 'The question is not whether some notion of consent is central to our understanding of political authority; I do not believe *that* should be in doubt. The question is rather whether political authority can be thought of as *derived from*, or as *originating in*, the consent of those over whom it is exercised', 26.

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or lie outwith the scope of law. Regulation, in the sense of a rule or law, is simply not the same as control in the sense of direction and restraint. On this account libertarians are wrong to suppose that 'family law' must necessarily be intrusive into family life. Certainly some states do seek such control, but if they do so that is not simply in virtue of them being states.

There is also the question of whether when a state does have a family policy that allows it to control the lives of family members against the disposition of the family as a whole this is necessarily a bad thing. Enabling law might be supported by specific or general prohibitions. Those who think that autonomy is a good thing thereby have reason to think that it is sometimes proper for governments to protect it from threat of interference. Indeed, one may wonder whether if autonomy is as great a good as it is now commonly said to be, the state thereby has a right, if not a responsibility to promote it, and for the courts to uphold this.

And where there is reason to protect or promote something may there not be reason to protect or promote that which is an immediate necessary condition of it? So the good of autonomy provides grounds for protecting a young child, say, from influences that would destroy or severely undermine the possibility of its attaining autonomy.

If this puts pressure on the libertarian individualist it also needs to be noted what does *not* follow from this kind of argument. For example, if acting against one's best interests for entirely irrational reasons constitutes a failure of self-determination, and hence is something protection from which constitutes a valid social policy, then one might also suppose that family policy should allow a child seeking treatment at variance with her parents assessment of her best interest to receive it as a matter of self-determination. Or again that it should favour a child's view of what sort of education it should or should not have whatever the view of the parents. But even setting aside parental rights of influence and control with respect to their children—which is evidently no small matter—there is also the question of the state's duty to enable parents to discharge their duties of care and formation. Failure to take note of this may lead one to into a position in which all judgements of disqualifying ignorance, and resulting restrictions on conduct, are reserved to the state. That in turn threatens the integrity of family life—and indeed that of any form of sub-civic association in which authority is exercised by some for the sake of the good of others.

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4. Autonomy

This leads to the general theme of law and the family, and requires that something be said about autonomy in the context of family life, since this is one of the main areas of conflict between traditional and recent understandings of the relative claims of individual, family and state. In some sense we are 'all liberals now' and for the same reason we are all believers in autonomy. Although each idea admits of a range of interpretations it is simply not credible to speak and act (as do some social conservatives) as if these were not widespread commitments. Indeed, given the connections between action, intention, deliberation and responsibility it would be difficult to construct an account of reflective agency in which some notion of self-determination did not feature. But that leaves much still to be said and there is certainly room for contrasting views. An obvious dimension along which these might be ranged is one specified in terms of conditions that are entirely self-originating and internally validated, and of alternatives that are other derived and externally confirmed.

Liberal philosophy as contributed to in different ways by Nietzsche and Mill, and by Rawls and Dworkin, tends to regard autonomy as originating and residing in the individual. Even in Rawls's later writings, where his focus is on liberal politics and doctrinal rather personal autonomy, the idea of citizens as free and equal persons preserves a strong element of individualism.¹² Discussing, late in his life, the issue of the relationship between liberal justice and the family he writes:

Political principles do not apply directly to its internal life, but they do impose essential constraints on the family as an institution and so guarantee the basic rights and liberties, and the freedom and opportunities, of all its members. This they do, as I have said, by specifying the basic rights of equal citizens who are the members of families. The family as part of the basic structure cannot violate these freedoms.

¹² See John Haldane, 'The Individual, the State and the Common Good', *Social Philosophy and Policy*, 1996; reprinted in H. Richardson & P. Weithman (eds.) *The Philosophy of Rawls*, Vol. 4: *Moral Psychology and Community* (New York: Garland, 1999).

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To put the point another way we distinguish between the point of view of people as citizens and their point of view as members of families and of other associations.¹³

This strongly agent-centred view is methodologically solipsistic in as much as it regards the social context in which an agent's political as well as moral autonomy develops as extrinsic to them *per se*. At most, the relation will be one of partial and contingent dependence. Set against this is the view of the Hegelians in which what we think of as an individual's autonomy is in reality a non-localised collective condition of deliberative maturity—or some moralised or politicised version of this. The communitarian nature of the Hegelian approach is evident in what Hegel himself writes about family:

The family, as the immediate substantiality of mind, is particularly characterised by love, which is mind's feeling of its own unity. Hence in a family, one's frame of mind is to have self-consciousness of one's individuality within this unity as the absolute essence of oneself, with the result that one is not in it as an independent person but as a member.

The right which the individual enjoys on the strength of the family unity and which is in the first place simply the individual's life within this unity, takes on the form of right (as the abstract moment of determinate individuality) only when the family begins to dissolve.¹⁴

It is an accomplishment of philosophy to recognise the existence and character of these opposing poles of thought, but the real task is to locate a stable position between them. If one thinks of autonomy as deriving from one's development in a normative social environment, and as involving reflective evaluations the standards of whose correctness are at least in part externally located, then one will be more inclined to see in the judgements of parents, and of surrounding family, and of courts in supporting these, expressions of legitimate constraint on a young person's decisions.

If autonomy is an acquired attribute many of the sustaining roots of which lie outside the individual, then the reference to these sources and respect for their inclinations will be more appropriate

¹³ See John Rawls, 'The Idea of Public Reason Revisited', in *The Law of Peoples* (Cambridge, MA.: Harvard University Press), 147.

¹⁴ G.W.F. Hegel, *Philosophy of Right* (Oxford: Clarendon Press, 1977) trans. T.M. Knox, par. 158–9.

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than the libertarian allows. Relatedly, decisions which he thinks of as being the proper business of the individual alone will be seen as having to defer to the authority of more mature minds to which that individual is indebted for its evolving autonomy. For reasons given earlier the normal immediate source of this is the family.

The implication of the present line of thought, then, is that in considering the question of policies directed towards the well being of children it is not enough to ask whether they consent to being treated or formed in various ways (in respect say of medical and educational matters). Rather there are two forms of family involvement to be taken account of. First, there is the dependence of the reflective agent upon the immediate 'moral' environment; and second there is the family considered now not as a source of moral consciousness and formation but as a community whose well-being is partly constitutive of the child's own interests.

The most important relation is the *internal* one: a child or indeed another family member needs to see that its identity (at least in important aspects) is not inseparable from that of the family as a whole, and that effects on it are generally effects on it *qua* family member. Put another way, a child who seeks to act in opposition to the deepest convictions of his parents does damage to that family, and thereby to himself. Save in the most extreme cases that is something to be avoided, and is something which the state, if it is to respect the integrity of the family, will not wish to bring about.

5. Conclusion

I have not discussed particular examples but it will be evident how what I have suggested might apply to the sort of cases that are now quite common in which advocates of children's rights appeal beyond the interest of the home to those of individuals as grounds for policies that subvert the claims of the family.

Modern liberalism has difficulty finding a place for the common good of family because of its commitment to neutrality between life-shaping values. At most it can register and even celebrate convergence in evaluations, seeing in this happy coincidence possibilities for establishing and extending a social consensus. However, the liberal idea of social members as free and equal persons remains individualistic: the good of persons that results from their participation in social orders regulated by the political conception of justice is a private one. This fact is sometimes

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overlooked on account of the regulated order being a public good; but therein lies a lesson: public good does not equal common good.

In a now familiar sentence from the preface to his *Philosophy of Right*, Hegel observes that 'when philosophy paints its grey on grey, then has a form of life grown old, and with grey on grey it cannot be rejuvenated, but only known'.¹⁵ Though enduringly enigmatic, this aphorism seems to give priority to actual practice over philosophical evaluation but it does so within a context of presumed historical progress. But there is another tradition of thought represented in different ways by Augustine, Burke and Wittgenstein which gives due place to practice while yet being alive to the possibility that things may get worse as well as better.

Considering that prospect one should look to what is most extensively and most enduringly valued, and hold fast to it as very likely to be good. Adopting that procedure one could hardly fail to see that the family is a preferred mode of human association, and in consequence one should look to the state to protect and to promote it. In these as in so many other practical matters what people freely choose to pursue, and to avoid, is a more reliable guide than abstract theory. The best advice that philosophers and sociologists might offer to policy makers is to make it possible for families to flourish in the ways they themselves recognise are best, accepting all the while that this policy leaves open the prospect that in exceptional circumstances it may be necessary for the state, operating at one or more levels, to intervene to protect children from their families.¹⁶

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¹⁵ G.W.F. Hegel, *Philosophy of Right* (Oxford: Clarendon Press, 1977) trans. T.M. Knox, preface.

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