

6-2017

# Toward a Social Ontology of the Family

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# TOWARD A SOCIAL ONTOLOGY OF THE FAMILY

by

LAURA WILDEMANN KANE

A dissertation submitted to the Graduate Faculty in Philosophy in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2017

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Toward A Social Ontology of the Family

by

Laura Wildemann Kane

This manuscript has been read and accepted for the Graduate Faculty in Philosophy in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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## ABSTRACT

Toward A Social Ontology of the Family

by

Laura Wildemann Kane

Advisor: Carol C. Gould

My dissertation proposes a definition of the family that captures the qualitative aspects of familial relationships – a collection of features that set apart ideal families from deficient families – that best serve family members and the state. Most importantly, the qualitative features that define ideal families are the features that actually define the family qua family: groups that do not have these features do not count as families. Why draw such a categorical distinction between families and non-families? I argue that the benefits conferred upon families by the state demand that families be the kinds of groups that actually use those benefits to benefit each family member through caring activities. This means that the family is a unique kind of social group with a particular purpose: to provide care in intimate settings toward the mutual well being of all family members. Families work toward this goal by meeting the needs of all family members.

I propose that we think of needs as being either primary or secondary in nature; a distinction that reflects the ways that needs arise. This new taxonomy of needs also requires an alternative view of caring activities. I propose that we think of the caring activities that meet these needs as being either direct (or indirect) primary caring activities (where caring for another is definitive of the activity), or as secondary caring activities (where taking care of is definitive of the activity).

Primary needs involve those things that persons cannot live without regardless of social, economic, or political context. Primary needs, when they cannot be met independently, must be met by others through primary caring activities: activities that involve direct or indirect physical and emotional care for the dependent. Those who respond to our primary needs must have substantial knowledge not just about us, but about what kinds of caring activities will best meet the needs that we have. Consequently, I argue that family members are the most effective primary caregivers and have an obligation to perform primary caring activities for one another.

Secondary needs are those things that persons require to secure the resources necessary to meet their primary needs and are highly circumstantial – that is, all persons do not have them equally, and they may change (for better or worse) depending upon external forces. Because the state has a unique role in creating and regulating secondary needs, especially those that may impede a family's ability to provide primary care, the state has an obligation to take care of many secondary needs for citizens, including the provision of social insurance, subsidized childcare and eldercare, and a livable minimum wage.

# Toward A Social Ontology of the Family

Laura Wildemann Kane

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# Acknowledgements

I would like to thank my committee chair, Distinguished Professor Carol C. Gould, for her guidance and support as I developed this project. The arguments and claims presented herein are stronger and sharper because of her insights, and I am grateful to have had the opportunity to work with her on something so personally significant.

I would also like to thank my committee member, Distinguished Professor Virginia Held, whose unwavering support for this project was integral to my seeing it through to completion. Her own work, along with the work of my committee members Professor Omar Dahbour, Professor Sigal Ben-Porath, and Professor Jennifer M. Morton, has inspired many of the core ideas presented in this dissertation. I am grateful for the opportunities offered by Professor Held, Professor Ben-Porath, and Professor Morton to present my works-in-progress along the way, and I am indebted to all of my committee members for their valuable feedback and encouragement throughout the writing process.

I am also thankful to my colleagues Georgina Campelia and Carolyn Neuhaus for their help crafting chapter outlines and for reading chapter drafts. It was a pleasure to share the experience of writing a dissertation with the both of you. I also thank Katherine Tullmann and Joshua Keton for listening to my ideas and discussing them at length on many occasions. This dissertation is better because of your comments and suggestions.

Additionally, I am grateful to have had the opportunities to present various stages of my dissertation progress to the New York Society for Women in Philosophy and the Social and



Political Philosophy Working Group. I am also thankful to have received the Provost's Summer Research Award to develop my initial thesis.

I cannot express enough thanks to my mother, Virginia P. Wildemann, my Mother-in-Law, Claudia Albert, and my sister, Linda Wildemann, for the many ways they have supported me throughout this process. I am especially grateful for the tremendous amount of time they have spent with my children, which enabled me to set aside the time to work on this project and gave me the peace of mind to focus my thoughts on my work. I love you all and recognize how lucky I am to have such wonderful family members.

Last, but certainly not least, this dissertation would not have been possible without Matthew R. Kane, whose love, support, and unrelenting encouragement kept my spirits high, my will intact, and my heart full. You have shown me what a beautiful and enduring caring relationship looks like, inspiring many aspects of my work. I am grateful for every moment we have spent and will spend together. There is no love deeper than my love for you. Thank you.

*For Matthew,  
and for our loves,  
Archer and Dakota*

# Introduction

The way we define *the family* has profound effects on the political and social practices within an organized state. When the term *family* is applied to a group of persons, it picks out those persons as having a particular kind of relationship to one another that may ground claims for special privileges that are otherwise absent in non-familial relationships. For instance, those who are recognized as being members of the same family are typically eligible for certain benefits including reduced taxation, inheritance transfers, visitation and decision rights in hospitals and prisons, shared healthcare plans, and immigration eligibility by the state. I call these benefits *social benefits*. *Social benefits* are benefits that appertain to the *relationships* between individuals because they affect the *functioning* of those relationships. As such, social benefits only have meaning when applied to relationships – most integrally, familial relationships – and cannot be applied to individuals apart from their relationships.<sup>1</sup> In addition to social benefits, those who are recognized as being members of families are also granted a level of recognition and respect by peers (and, relatedly, reduced stigma), as well as increased career potential. So, attempts to provide a definition of the family that are in any way exclusionary (i.e. are not inclusive of the many different arrangements that family forms may take) disadvantage those individuals who are not able to create or maintain families, in that they are prevented from obtaining these benefits.

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<sup>1</sup> For instance, one cannot have visitation rights in a hospital or prison if there is no known relation to visit.

However, at the same time, it seems problematic to think that *all* kinds of familial arrangements should be entitled to receive social benefits, especially when there is a chance that these benefits will be used inappropriately. Families that have abusive members – those who neglect, verbally abuse, physically abuse, emotionally/psychologically abuse, oppress, or control other family members – do not form the kinds of arrangements wherein we would trust all family members to use social benefits within the right moral framework.<sup>2</sup> The benefits that were just discussed – reduced taxation, inheritance transfers, visitation and decision rights in hospitals, and so on – may in fact have negative consequences in these deficient arrangements. For instance, an abusive family member who is able to make medical decisions for another family member – either because the family member needing medical assistance is a minor or unable to consent to a procedure / treatment regimen themselves – may not be the right choice for such a task. We would be right to worry that much needed care might be withheld, or that long-term treatment regimens would not be adhered to (or worse, that medical treatment would not even be sought in the first place). Likewise, for a family member suffering from dementia or other forms of diminished capacity, it seems problematic for inheritance proceedings to ignore negligent treatment of the ailing family member by privileging biological relatedness or pre-established legal ties to the ailing family member over the quality of the relationship shared with them. Those biological relations who would claim entitlement to an inheritance might work to accelerate the decline of the ailing family member, or neglect their most basic care (cf. Gordon 2009). As such, the benefits that may help family members in more exemplary arrangements may indeed harm family members in these deficient arrangements.

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<sup>2</sup> In Chapter Three I will argue that the Ethics of Care is the best moral framework to ground familial relationships.

Additionally, concerns arise over the kinds of rights that certain family members have over other members – rights that are determined by the definition of family. With children in particular, how should custody be determined in families that are splitting up? Do unwed biological fathers have rights to terminate adoption proceedings initiated by the birth mother?<sup>3</sup> This raises the question of whether biology should be the dominant way to carve out familial relationships, or if biology is just one among many features that certain persons share with one another (such as a belief system, a parenting philosophy, or claims to certain property), none of which alone produce the level of familial bonding that we take to justify political protections and social benefits?

To be sure, it is no easy task to define a family. Yet, because states recognize certain kinds of groups as *being* families (rejecting other kinds of groups from this same category), and confer social benefits upon them, it is crucial to ensure that the definition of *family* being used by the state to identify familial groups is the right one. Since the definition of the family is so fundamentally tied to the criterion used to pick out familial groups, a definition of the family must be determined by identifying the criterion that best captures what it is that families do that other kinds of groups do not do. While a definition of the family should be flexible enough to include the many diverse groups who consider themselves to be families, it must also be firm enough to avoid potentially tethering certain persons to one another in arrangements where harmful behaviors regularly occur. That is, a definition of the family must consider the *qualitative* aspects of familial relationships –

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<sup>3</sup> Surrogacy cases also present a unique challenge to parental and custodial rights: Does a woman who carries a non-biologically related fetus to term bear any right to the child once born, even if her surrogacy was commissioned and agreed to by one or more consenting and presumed (even biological) parents-to-be? One might argue that the care that is involved in pregnancy (a healthy pregnancy that carries a fetus to term) involves great sacrifice from the pregnant woman (altered lifestyle choices, medical and emotional duress, etc.) and gives that woman a claim over the child when born (perhaps even stronger than that of the child's biological parents who, aside from commissioning a surrogate, may not have demonstrated the same or a similar level of care). For in-depth discussions of these questions, see: Shanley 1999; Narayan 1999; Gavigan 1999; and Almond 1999.

those features that determine whether a family is functioning well or barely functioning at all. Leo Tolstoy wrote, “All happy families are alike; each unhappy family is unhappy in its own way.” (Tolstoy 2002, 1). While Tolstoy might have been trying to point to the unique and fascinating differences between families who are deficient, he nonetheless captures what I am trying to get at here: that there is a core characteristic that *exemplary* families have that sets them apart from *deficient* families.

By *deficient* I do not mean necessarily reprehensible, nor do I mean to paint all degrees of deficient families with the same brush. Rather, deficient families exist upon a spectrum where behaviors regularly directed by some family members toward others are, to some degree or another, questionable at best or abusive/oppressive/neglectful at worst. My use of *deficient* is meant to pick out families with problematic behaviors as we know them to exist contemporarily.<sup>4</sup> By contrast, *exemplary* families are those families where questionable, abusive, oppressive, or neglectful behaviors do not regularly occur (or, ideally, do not occur at all), and family members always strive to use social benefits appropriately.<sup>5</sup> My use of *exemplary* is meant to pick out families that satisfy the criterion I will propose in this dissertation as defining the family.

The task of this dissertation, then, is to propose a definition of the family that captures this core difference between exemplary families and deficient families by identifying the *qualitative* aspects of familial relationships. But even more so, this definition ought not provide a space for deficient families to establish themselves as the peers of exemplary families. So, in proposing a definition of the family, I aim to defend the claim that the core feature that defines exemplary

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<sup>4</sup> Ultimately, I will claim that the core feature that defines exemplary families is the core feature that actually defines *the family*; deficient families, then, will not count as families in the eyes of the state.

<sup>5</sup> Even exemplary families will, inevitably, have their own imperfections. The point of contrast between exemplary families and deficient families is that deficient families have imperfections *regularly*, in that questionable, abusive, oppressive, or negligent behaviors occur with regularity.

families is the core feature that actually defines *the family* - that is, groups that do not have this core feature *should not count as families* in the eyes of the state, and ought not be conferred social benefits by the state. As such, my account will advance a normative conception of the family and its relationship to the state that will have direct bearing on how social benefits are distributed.

*Social benefits* are benefits that make it easier for family members to care for one another, provide for one another, to see one another regularly, and to encourage all family members to grow, develop, and flourish. For instance, a reduced tax burden for families with young children enables adult caretakers to more easily purchase such essential items as food and clothing, and to maintain stable housing – all of which benefit the young children who cannot provide those things for themselves. Likewise, visitation and decision rights in hospitals benefit family members requiring medical care by enabling other family members to show emotional support and to help determine the best treatment regimen(s) for providing care both immediately and over the long term. As such, the social benefits that states confer upon families demand that families be the kinds of groups that actually use those benefits appropriately to *benefit each family member*. If social benefits are not used with the purpose of benefitting all family members (potentially even harming them instead), then they should no longer be considered *benefits*, but instead should be thought of as instrumental protections for abusive, neglectful, or oppressive behaviors. As such, if a group of persons is granted the status of *family* and given the benefits that go along with it, yet do not use those benefits appropriately, then the state should not recognize that group as a family and those benefits should not be conferred. The benefits conferred upon families must be directed toward the mutual well-being of all family members, and the families who receive these benefits must use them appropriately to continue receiving them. In Chapter Three I will argue that the most effective and appropriate way to use these benefits is to establish and maintain intimate *caring relations*

between family members. These caring relations comprise the core characteristic of exemplary families.

Does this approach to ontologically categorizing the family seem unnecessarily invasive, punitive, or simply impossible to do? One might argue that Wittgenstein's notion of *family resemblances* is sufficient to capture what we mean by the family, and claim that drawing boundaries between exemplary and deficient families is excessive. Such an argument would highlight the series of similarities and relationships that exist *among* families, rather than try to look for something that is common to *all* families (cf. Wittgenstein 2001, §66). While this approach might explain our colloquial understanding of the family, it does not provide a clear characteristic (or even a set of characteristics) that can be used to determine 1) if social benefits should be conferred upon a particular 'family', or 2) if social benefits are being used appropriately by a 'family'. It is precisely because social benefits are conferred upon *families* that we need a firm definition of just what the family is, else said benefits could be conferred upon just about any group of individuals that might try to call themselves a family.

That being said, qualitatively analyzing each and every family sounds extremely invasive on the part of the state, and responding to groups that fail to adhere to certain familial relationship standards by withholding their social benefits might seem to be more harmful to those who are in abusive situations than leaving the group intact as is.<sup>6</sup> Despite these concerns, I contend that it is the responsibility of the state to ensure that families have the resources they need to maintain healthy and mutually beneficial relationships for all family members. In Chapter Three I discuss just how the state fulfills this responsibility, and argue that it is in the state's best interest to do so.

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<sup>6</sup> In Chapter Three I argue that individually vulnerable members, such as children, would not lose necessary protections or benefits such as stable housing, nutrition, and healthcare. In such cases, institutional responses would be required to temporarily protect and provide for those vulnerable family members until their familial relationships can be safely restored.



Prima facie, my account may seem to require a great deal more state involvement within the family than liberal or even communitarian accounts would allow. However, in Chapter Four I will argue that my account merely *shifts* the boundaries between the family and the state, a move that does not translate into an appreciable increase of state involvement in familial affairs. The approach I take behooves us to *examine* what parameters those boundaries are drawn around and then *question* why those boundaries need to be drawn thusly. In doing so, we come to recognize that 1) the boundaries drawn between the family and the state is within the state's power to control; 2) the state *does* in fact control where those boundaries are drawn; and 3) this boundary-drawing is not unique to my account, but can be found in any approach that attempts to conceptualize the family. In response, my account uses different criteria to draw the boundary between the family and the state in an effort to remedy the lack of oversight for familial relationships within existing theories. These theories, which I discuss at length in Chapter Four, have consistently informed policies that ignore or fail to rectify inter-familial abuse of all kinds, oppression that disenfranchises women especially (both inside the family and outside of it), and the systematic neglect of familial needs (lack of infrastructure for daycares, eldercare, universal healthcare, and so forth).<sup>7</sup> As such, I will argue that they do not adequately conceptualize the relationship between the family and the state.

Families may exist without an organized state, but a state cannot exist without the practices related to familial life (cf. Engster 2015).<sup>8</sup> Families may exist *par excellence* in the *right* kind of state – one that responds to the needs of families and gives families and family members a chance to flourish – but the kinds of qualitative features that define families that I aim to identify do not

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<sup>7</sup> In Chapter Four, I discuss the Traditionalist View, the Liberal View, and the Abolitionist View, and identify the shortcomings within each view as they compare with my own view.

<sup>8</sup> Engster claims that pre-Neolithic era human beings most likely lived in multi-family groups consisting of about 25-35 members that emphasized kinship relations.

require a state, nor are they defined by a state (even if they are upheld by the actions of a state).<sup>9</sup> When families *are* defined by a criterion chosen by the state, the definitions are often lacking in any real substance, instead trying to determine the best way to organize a group of people based around property or biological relationship. For instance, the American legal definition of the family is based on interpretations of liberal political philosophical theory – that is, it is meant to be inclusive of a diverse number of arrangements and relationships.<sup>10</sup> However, interpretations of the legal definition and the policies that follow all too often exclude some from eligibility (e.g. adoption by LGBTQ parents), fail to protect the most vulnerable (neglect, abuse, and rape of both partners and children), and say little about what kinds of benefits family members may bestow upon one another (i.e. inheritances, estates) to the detriment of those outside of the family, and so on. Thus, the need for a definition of the family that captures the core characteristic of familial relationships and identifies the value in these unique relationships is pressing in order to ensure that social benefits are conferred appropriately.

After I have advanced my full account, I will pose a challenge to existing accounts in social and political philosophy in Chapter Four, and argue that my own approach better defines what makes families so significant, addresses the needs of families, and identifies the most effective role for the state to play to ensure that families are taken care of. While aspects of my account may

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<sup>9</sup> The qualitative features that will define the family on my account theoretically *precede*, and are independent of, the determination of how the family and the state relate to one another. That is, the qualitative features that define the family (and define the purpose of the family) have nothing to do with the formation of, maintenance of, or cultural production of the state apparatus.

<sup>10</sup> The U.S. Census Bureau defines the family as a group of individuals (2 or more persons) who live together who are related either by birth, marriage, or adoption (a family or family household is defined by the United States Census Bureau for statistical purposes as "a householder and one or more other people related to the householder by birth, marriage, or adoption."). Webster's New World Law Dictionary defines the family as: "A group of individuals who share ties of blood, marriage, or adoption; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage."

unsettle liberal theorists in particular, I believe that it offers a substantial challenge to these existing theories of the family-state relationship that must be taken seriously. However, before I can move on to the arguments that shape my account, I must provide the right theoretical and methodological foundations that will serve as the groundwork for my view.

In Chapter One, I adopt two methodological starting points for examining the conception of the family that are the most promising for identifying its characteristics and meeting basic moral principles. First, I start with the assumption that a family is a social group. This is not a very controversial assumption; many philosophers have claimed that the family is, in fact, a paradigmatic social group (cf. Bratman 1999; cf. Gilbert 1989 and 2006; cf. Tuomela 2007). What *is* controversial is what *kind* of social group the family is, especially since many philosophers define social groups as groups who knowingly consent to their group membership, or voluntarily act to continue their group membership. The family presents an interesting challenge to this way of thinking about social groups; families are often comprised of members who are thought to be incapable of consenting to join or remain in a group (infants, small children, and the infirm), and families are not typically structured around one particular joint action (but perhaps a series of joint actions over time, forming a practice) (cf. Whitbeck 1984). This means that, in order to truly say that the family is a social group, we need to have a good understanding of exactly what that means – especially to understand how families compare to other social groups. As such, an ontological analysis of social groups is needed to defend the claim that the family is a social group. In Chapter Two, I take up this analysis and offer a defense of the family as a particular kind of social group that relies upon joint commitment, joint readiness, and cooperative reciprocity. Although the full analysis of the family as a social group takes place in Chapter Two, I begin Chapter One with the

claim that the family is a social group exhibiting the kind of features that social groups typically exhibit.

Second, I argue that we can only determine what differentiates social groups by identifying the *primary purpose* that guides each of them. This approach is significant because it proposes a clear criterion – *purpose* – to distinguish social groups from one another while also providing a way to evaluate the qualitative aspects of relationships within social groups. So, to arrive at a conception of the family we must determine what primary purpose guides the family as a social group, which will elucidate the trajectory of the group and clarify the relationships among its members.

I propose that we conceptualize the family in the following way: 1) the family is a social group created by a joint commitment to the goal of maintaining the well-being of all family members and the family unit as a whole, 2) the family is maintained by joint activity that works toward the shared goal of mutual well-being, and 3) this joint activity is comprised of the practice of active care that family members are obligated to perform for one another by virtue of their joint commitment.<sup>11</sup> In other words, my account holds that the family is a unique social group with a particular primary purpose – to provide care in intimate settings for the mutual flourishing of all family members. In Chapter Three, I will clarify what this caring activity is comprised of and why care is so important for families. However, it may be the case that colloquial definitions of the family allow for other possibilities because families *are* created and maintained for other reasons. I turn now to a discussion about three distinct primary purposes that have been historically and philosophically prevalent in conceptualizing the family. After considering these possibilities, I

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<sup>11</sup> I elaborate upon these claims more thoroughly in Chapter Two, where I address concerns about infants/children and joint commitments, group identity, and joint activity that is guided by a specific purpose.

propose my own view of the primary purpose of the family which I then use to ground the remainder of my account.

# Chapter One

## *What Is the Primary Purpose of the Family?*

It is challenging to identify a conception of the family that is uncontroversial, uncontested, or inclusive of the many diverse groups who understand themselves as such. The family is perhaps the most universal kind of affiliation that we have while, at the same time, one of the more diverse. Because the concept *family* seems at once so intimate and familiar to us, yet also so complex and contestable, we feel a certain way about how the family ought to be understood, and what the family ought to stand for both personally and politically. Consequently, there are many different interpretations of what the family should be – its desired member composition, its primary purpose, and its cultural significance – and many different examples of what families actually look like across the globe. In this chapter I will examine the most paradigmatic conceptions of the family that are based upon the supposed primary purpose that the family serves for its members and for the state.

### *1. Two Methodological Devices*

I adopt two methodological starting points for examining the conception of the family that are the most promising for identifying its characteristics and meeting basic moral principles. First, I start with the assumption that a family is a social group. This is not a very controversial assumption; many philosophers have claimed that the family is, in fact, a paradigmatic social group (cf. Bratman 1999; cf. Gilbert 1989 and 2006; cf. Tuomela 2007). What *is* controversial is what

*kind* of social group the family is, especially since many philosophers define social groups as groups who knowingly consent to their group membership, or voluntarily act to continue their group membership. The family presents an interesting challenge to this way of thinking about social groups; families are often comprised of members who are thought to be incapable of consenting to join or remain in a group (infants, small children, and the infirm), and families are not typically structured around one particular joint action (but perhaps a series of joint actions over time, forming a practice) (Whitbeck 1984, 65).<sup>12</sup> This means that, in order to truly say that the family is a social group, we need to have a good understanding of exactly what that means – especially to understand how families compare to other social groups. As such, an ontological analysis of social groups is needed to defend the claim that the family is a social group. In Chapter Two, I take up this analysis and offer a defense of the family as a particular kind of social group that relies upon joint commitment, joint readiness, and cooperative reciprocity. Although the full analysis of the family as a social group will wait until Chapter Two, I begin here with the claim that the family is a social group, and exhibits the kind of features that social groups typically exhibit.

Social groups are comprised of members who knowingly share a common feature with one another – a belief, a value, a practice, and the like – that differentiates one social group from another (cf. Gilbert 1989).<sup>13</sup> Social groups are not mere aggregates of individuals that may

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<sup>12</sup> Whitbeck writes, “By “practice” I mean a coherent form of cooperative activity, or “joint action,” as Carol Gould calls it, that not only aims at certain ends but creates certain ways of living and develops certain characteristics (virtues) in those who participate and try to achieve the standards of excellence peculiar to that practice” (Whitbeck 1984, 65).

<sup>13</sup> Margaret Gilbert’s account of social groups, which I will employ as a framework for my account, specifies that those who act together as a group *understand themselves* to be parties to a commitment of some shared belief, value, practice, or the like (Gilbert 2000, 158). In this sense, individuals constitute a social group if and only if each of them thinks of themselves and the others as a ‘we’ who share in some action, belief, attitude, or some similar attribute (Gilbert 1989, 204). Please see Chapter Two, Section Two for a more thorough discussion of the characteristics of social groups.

inadvertently share some common feature with one another, such as biological markers (eye color, height, genes, diseases), location, and so on (Greenwood, 2014). Like many social groups, a family is comprised of a certain number of group members – family members – who knowingly share some common feature with one another.<sup>14</sup> This leads to my next methodological premise: We can only determine what differentiates social groups by identifying the *primary purpose* that guides each of them. Identifying the purpose of a social group brings the shared beliefs, values, practices, etc. to the forefront of group identification. This approach is significant because it proposes a clear criterion – *purpose* – to distinguish social groups from mere aggregates of individuals who do not knowingly share whatever feature they may have in common. Additionally, because social group members knowingly share some common feature(s), they must be committed to *continue* to share the common feature(s) with one another, else the social group would dissolve.<sup>15</sup> A commitment to continue sharing the common feature(s) need not always involve self-conscious activity that expressly manifests the commitment, but can also be embodied in the practices that originate from the group purpose. Identifying the purpose of a social group, then, furnishes us with the ability to differentiate between social groups and ascertain their trajectory. So, to arrive at a conception of the family we must determine what primary purpose guides the family as a social group, which will elucidate the trajectory of the group and clarify the relationships among its members.

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<sup>14</sup> It may be controversial to assume that the family is a social group so defined because on some interpretations, a mere biological collection (an inadvertent shared common property) may be used to pick out family members. However, there is a level of vagueness that exists using biological connection to pick out family members, as I shall argue in Section Four of this chapter. A second point to raise here: it may strike some as odd to claim that infants especially can be part of families when they don't 'know' anything. I will discuss the membership of infants and children in families in Chapter Two, Section Three.

<sup>15</sup> Consider a social group comprised of stamp collectors. The members knowingly share a similar feature (collecting stamps) with one another that stems from the group purpose (to collect stamps), and perhaps engage in a practice that originates from the shared feature (they meet regularly to discuss and trade stamps). Should the members stop collecting stamps, they would no longer have a reason to engage in the practice of discussing and trading stamps, and we would be right to say that the social group of stamp collectors has dissolved.



I propose that we conceptualize the family in the following way: 1) the family is a social group created by a joint commitment to the goal of maintaining the well-being of all family members and the family unit as a whole, 2) the family is maintained by joint activity that works toward the shared goal of mutual well-being, and 3) this joint activity is comprised of the practice of active care that family members are obligated to perform for one another by virtue of their joint commitment.<sup>16</sup> In other words, my account holds that the family is a unique social group with a particular primary purpose – to provide care in intimate settings for the mutual flourishing of all family members. In Chapter Three, I will clarify what this caring activity is comprised of and why care is so important for families. The important point to note here is that this primary purpose of the family is what sets it apart from other social groups: the intimate caring relations found within the family are not found in other kinds of social groups. However, it may be the case that colloquial definitions of the family allow for other possibilities because families *are* created and maintained for other purposes. In the next section, I will discuss three distinct primary purposes that have been historically and philosophically prevalent in conceptualizing the family. Ultimately, I conclude that none of the three discussed primary purposes are sufficient for distinguishing the family from other social groups; hence, none of them capture the unique primary purpose of the family.

## *2. The Purpose of the Family*

Historically, there have been two prevailing reasons that have been given to justify the creation and maintenance of families. The first suggests that economic considerations yield family commitments: persons come together and form economic unions to protect private property and

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<sup>16</sup> I elaborate upon these claims more thoroughly in Chapter Two, where I address concerns about infants/children and joint commitments, group identity, and joint activity that is guided by a specific purpose.

ensure that their assets are passed down to particular others (cf. Coontz 2005; cf. Leeuwen, Maas, and Miles 2005; cf. Hegel 1991; cf. Engels 1972). The second suggests that doctrines of perpetuation and expansion of systematic beliefs influence who we choose to commit to, and shape our desires to pass our beliefs and traditions to others (cf. Watson 2007; cf. Fried 1976; cf. Galston 2002). I will argue that, while both kinds of commitment schemes do lead to the genesis and maintenance of social groups, neither approach accurately captures the unique kind of commitment that defines *familial commitment* and hence, neither approach actually characterizes a *family*. It is important to note that I am proposing that we understand the family as being *normatively* defined by its primary purpose, which serves to establish what makes the family a unique social group. This means that other colloquial definitions of the family may not always satisfy the normative criteria that I will specify and, in turn, may not sufficiently pick out anything unique about the family. To avoid potential confusion, we may call these non-normative families *de facto families*.

Economic and political considerations have influenced *de facto* familial arrangements for hundreds of years. In such cases, the boundary between who counts as a family member and who does not count as a family member is determined by marriage or child rearing, or legal contracts that specify such relationships between individuals. While such economic considerations especially may have drastically negative consequences, especially for young females in forced marriages<sup>17</sup>, a large percentage of marriages and partnerships that occurred through the 18<sup>th</sup> century were arranged for strategic reasons (cf. Coontz, 2005). For instance, intermarriage between members of royal families (often first cousins) was a means of solidifying political alliances and

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<sup>17</sup> Forced marriages differ from arranged marriages in that at least one party to the marriage does not consent to the arrangement. Typically, forced marriages involve a young female (sometimes as young as five years old) forcibly betrothed or married to a male of a wealthier or more prestigious family for the economic benefit of the female's family (i.e. bride price or bridewealth). See: Beswick 2001; Freeman 1995; Fossum and Boyd 2010.

kinship ties across generations, especially when children were produced from such marriages (cf. Leeuwen, Maas, and Miles, 2005).<sup>18</sup> Other economic incentives that have influenced the formation of families through marriage or contract (adoption and fostering included) involve the ability to pass property, wealth, assets, and healthcare coverage to particular others who are members of one's family (i.e. transferring wealth or property to a spouse or child without paying certain taxes, or adding previously ineligible persons to one's healthcare plan). In some cases, forming a family with another individual through marriage or contract is an effective means for paying lower taxes (such as qualifying for a reduced income tax rate as a married couple, and a further reduction for additional dependents) (Anon 2012). These features of families are even understood as part of the purpose of creating families by certain philosophers like G. W. F. Hegel, who claimed that the family is represented as a legal person that has external reality in property; as such, Hegel argues that the family must have property and assets to be recognized by other families and the state (Hegel 1991; §169). So, there is much evidence and argument to support the notion that the family is primarily created (and sustained for a particular group of individuals) for economic and political reasons, with a commitment to protect social class, political alliance, property, and assets.

A second consideration that has influenced the creation of de facto families involves the desire to promote and continue traditions and values that one holds dear. A doctrine of perpetuation and expansion of systematic belief is a strong motivator for creating and maintaining what are considered to be larger and more hegemonic de facto familial groups. Often, this family formation process involves marriage or some contract-like process as well, or a religious ritual where one is newly recognized as bearing a certain relationship to a set of beliefs or traditions. For example, "placement marriages" are extremely common among Mormon populations, demonstrating a

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<sup>18</sup> Frederick Engels writes that for a knight, baron, or prince, marriage is a political act; it is an opportunity to increase power through new alliances (Engels and Leacock 1972, 141).

strong devotion to faith and a commitment to obtaining salvation for one's family (cf. Watson, 2007).

In less strictly arranged situations, there persists a strong ideological drive to pass one's beliefs down to other family members (particularly children) that heavily influences who one chooses as a partner or who one considers to be a stable member of their family. In this respect, passing beliefs onto other family members is seen as a crucial component for maintaining families. For instance, Thomas Aquinas and John Locke both argued that parents are the best educators for their own children, and have a right to exclusively educate them and protect their interests in their own ways (cf. Gutmann 1987). More recently, Charles Fried argues that parents have the right to freely form the values of their children and direct the development of their life plans (cf. Fried 1976). Fried claims that the family as an institution is maintained by the right of parents to form the values and the life plan of their child, and the right to lavish attention on that child. He claims that these are extensions of the basic right not to be interfered with in doing those things for oneself (in this sense, Fried deems the child to be an extension of the self/the parent) (152).<sup>19</sup> William Galston similarly argues that this is a fundamental parental right, claiming that parents have an "expressive interest" (via expressive liberty) in raising their children in a manner that is consistent with their own beliefs and values (Galston 2002, 94).<sup>20</sup>

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<sup>19</sup> In this sense, the argument for passing values – and shaping the values – of one's progeny relies on two premises. The first premise is that biological ties between parents and children specify some paramount right over children by their parents, and the second is that there is a special bond between parents and children that is based upon the facts of biological reproduction. Society has no right to choose the values of a child, but the values must come from somewhere (Fried, 154). The child does not belong to the community, but to the mother, and this enlarges the mother's autonomy to develop autonomy in her offspring through the shaping of values that expresses the personality of the mother (parents in general) (155).

<sup>20</sup> It is important to note that the enforcement of this right is weaker for Galston, as he maintains only that parents raise children in a way that is consistent with their own values instead of imbuing them with their values.

For both Fried and Galston, there is a special bond between parent and child that is based upon the significance of biological reproduction. The biological ties between parent and child grant parents a right to shape the values of their children by viewing the child as an extension of the self. In contrast, Harry Brighouse and Adam Swift (2014) argue that sharing values with children lies at the heart of the parent-child relationship because such interactions contribute to ‘familial relationship goods’, and not because some deep biological connection gives parents a paramount right over their children.<sup>21</sup> Despite the significance or insignificance of biological justification for parental rights, it is important to note that all of these accounts hold that there is something significant (some meaningful bond or intimate tie) between parents and children that makes it permissible to pass values onto one’s children. To this end, one might choose a co-parent that shares similar beliefs to impart a consistent message to one’s progeny, or one might consider someone else to be their family member only if they continue to share the same values and traditions. In such cases, a “family” is created through a commitment to uphold one’s beliefs and/or religious faith, and it is maintained through the activity of passing those beliefs, values, and traditions to others.

These two kinds of approaches – the argument from economic considerations and the argument from the perpetuation and expansion of systematic belief – attempt to explain the motivating factors behind the formation of families historically and provide reasons why, and activities that describe how, families are maintained over time. Both approaches suggest a kind of

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<sup>21</sup> Harry Brighouse and Adam Swift (2014) argue that value-shaping interactions between parents and children (those interactions where parents deliberately try to steer their children to adopt certain values over others) that are done with the purpose of benefiting their children are indefensible under that particular description, yet they are justified on the different grounds that value sharing and value-shaping contribute to a healthy, loving relationship between parent and child (152). Interestingly, a paradox arises in that, by sharing values and shaping the values of their children, parents actually do benefit their children (with respect to familial relationship goods).

conscious commitment that family members make with one another at the outset, and provide other structural commitments that seem to guide interactions between established family members in an effort to sustain the family.<sup>22</sup> As such, both approaches entail specific primary purposes for the family: the first suggests that the primary purpose of the family is based upon the commitment to preserve the relationship between members of the family to certain properties, assets, positions, and the like from one generation to the next; the second suggests that the primary purpose of the family is based upon the commitment to promote and pass down values from one generation to the next. While both commitment schemes are sufficient for the genesis and maintenance of a social group (both involve members who knowingly share some common feature with one another – either a relationship to property and/or assets, or a particular doctrine of faith or belief system), neither one is sufficient for creating a *family* because neither commitment scheme is uniquely familial – that is, families may certainly share some of these beliefs, relationships, or practices, but none of them are sufficient to uniquely pick out what it is that makes a family *a family*, and not just some other social group.

In the first case, a social group (‘a family’) is formed either with the establishment of legally recognized claims on certain property and assets, or through the designation that a particular group of individuals stand in a particular relation to a social or political position (i.e. the throne of England). Additionally, ‘a family’ may be maintained in this case by upholding these legal claims and titles and extending them to future generations. While a commitment to particular others who all have some relation to specific property or to a set of assets signifies a cohesive group, there is nothing uniquely familial about this commitment.<sup>23</sup> Corporations often have board

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<sup>22</sup> These conscious commitments take the form of legal contracts, political or diplomatic agreements, participation in religious ceremonies, and the like.

<sup>23</sup> One may object that the role of the family does differ with respect to economic arrangements, in that it serves as the primary model for the acquisition and perpetuation of private property that corporations have

members and/or shareholders that stand in particular relations to shared property or assets, yet we would not want to call these individuals *family members*. Similarly, cabinet members may stand in particular relations to a specific political position (i.e. the Vice President succeeds the President if the President is unable to serve, and so forth) yet we would not want to call these officials *family members*. As such, a commitment to protect shared property and assets or to solidify political alliance or social position is not sufficient for characterizing the family because such commitments can be made by other non-familial groups as well. While it may be the case that families do protect shared property and assets and preserve social position – that is, the family may indeed play a specific role in economic life – this cannot be the *primary purpose* that the family serves, else the family would be indistinguishable from other social groups that have the same primary purpose for their members. Hence, this proposed primary purpose fails to identify anything unique about the family.

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subsequently followed. Eleanor Burke Leacock writes that, for Frederick Engels, “The separation of the family from the clan and the institution of monogamous marriage were the social expression of developing private property; so-called monogamy afforded the means through which property could be individually inherited. And private property for some meant no property for others, or the emerging of differing relations to production on the part of different social groups.” (Engels and Leacock 1972, 41). Engels claims that, of the monogamous family, “It was the first form of the family to be based not on natural but on economic conditions - on the victory of private property over primitive, natural communal property.” (Engels and Leacock 1972, 128). Quoting Marx, Engels makes the case that the family is a paradigmatic economic institution: “The modern family contains in germ not only slavery, but also serfdom, since from the beginning it is related to agricultural services. It contains in *miniature* all the contractions which later extend throughout society and its state.” (Engels and Leacock 1972, 121-122). Despite the assertion that the family serves this unique role, this is not the entire explanation of the family offered by Engels. Drawing a distinction between the proletarian and the bourgeois family, Engels claims that monogamous marriage (and hence, family) is consented to for different purposes depending on social/economic class. For the proletarian family, sex love between partners (a man and a woman) is a primary motivator for entering a monogamous relationship, and a primary sustainer of it. In contrast, for the bourgeois family, the primary motivation for entering a monogamous partnership is to secure patriarchal lineage with respect to property: a male could be certain of his parentage and could hence pass his property down to his kin (Engels and Leacock 1972, 134-138). So, Engels’ account of the family as a model for private property relations only applied to a *subset* of all families, and not to *all* families.

What about the second case? Is a commitment to uphold one's beliefs and/or religious faith, and to pass those beliefs, values, and traditions down to future generations a sufficient condition for creating and maintaining a family? The choice to form a family with individuals that share our values and beliefs – in essence, the choice to *restrict* our possible choices for potential family members – is certainly significant, as is the desire to pass dearly held beliefs, values and traditions on to those whom we want to continue to share family membership with. We do not choose blindly, so there must be something unique about the relationship between shared values and the groups we form and maintain – and there is, although it is not uniquely familial. These beliefs, values, and traditions can be shared with extremely large social groups such as congregations, communities, and nations.<sup>24</sup> For such large groups, it is not necessary for each member to know one another personally to know that all of the members of a congregation or community share a particular set of beliefs, values, and traditions, a desire to pass them onto others, and regularly participate in practices that do pass those beliefs, values, and traditions on to others.<sup>25</sup> In other words, a commitment to uphold beliefs, values, and traditions does not require a close connection between group members who share the commitment. This fact runs afoul of the way we think about the family and the accounts of the family discussed above – namely, that there is a special bond between family members, and this bond is not extended to a large number of people.

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<sup>24</sup> For instance, the belief in the Holy Trinity (the belief that God is three consubstantial persons: The Father, the Son, and the Holy Spirit) is shared among all those who practice Roman Catholicism. This Holy Trinity is a fundamental doctrine of the Catholic faith; if a Roman Catholic were to reject this doctrine, they would no longer be considered a practicing Catholic (although they may still be considered a practicing Christian), for they would not be able to practice (with true sentiment) portions of the Catholic tradition, such as affirming the veracity of the Holy Trinity during Mass.

<sup>25</sup> To continue the example in the previous footnote, when one attends Mass as a Roman Catholic, one would be right to assume that all other persons attending the Mass shared their belief in the Holy Trinity and value the practice of affirming the Holy Trinity during Mass.



To return to the discussion involving shared values and familial bonding, Brighthouse and Swift argue that it is not merely the sharing of beliefs or values that creates or perpetuates the value of parent-child interactions. Value-shaping and value-sharing interactions between parents and children contribute to a healthy, loving relationship between parent and child only because of the level of intimacy and vulnerability involved in such interactions (Brighthouse and Swift 2014, 152). In many instances, parents who try to shape the values of their children do so because they *care about* their children and sincerely believe that their children will be harmed, or that their quality of life will suffer, if they do not come to value the same things.<sup>26</sup> Further, parents who share their values are sharing intimate facts about themselves – their core beliefs, desires, and the like – that they most likely do not share with many others. As children grow and develop their own values (provided they are being raised in a healthy, respectful environment), parents may find their values challenged or rebuked. In such cases, without some other shared commitment to keep family members together, it is not difficult to think that parent and child would grow apart, perhaps severing familial ties. This trajectory seems wrong; parents and children do have disagreements about fundamental beliefs (for example, a belief versus non-belief in a god, or a belief versus non-belief in allowing for reproductive choice), yet familial relationships often remain intact. Further, such a strong emphasis on value sharing seems to discount the intimacy that created the opportunity for such value sharing in the first place.

Additionally, some of the beliefs held by group members may be harmful to other members (such as the belief that abortion is wrong even in cases of rape, incest, and a threat to the mother's life) or may not be in the best interest of all members (such as the belief that certain persons should not be allowed to marry based on sexual orientation). These beliefs may oppress certain group

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<sup>26</sup> For instance, think of a parent who believes that their child will suffer eternal damnation if they do not believe in God.

members and diminish their quality of life. If the family were to be based on the commitment to promote a shared system of values and beliefs, then it would allow for potential oppression and domination within familial relationships to exist unchallenged, as family members would not rebuke harmful behaviors that adhere to the shared system. This goes against what many consider to be the strengths of the family: a higher level of trust, devotion, and solidarity than the relationships we find ourselves in outside of the family (cf. Plato 1992; Walzer 1983, 229). It further emphasizes the fact that such a conception of the family does not point to a unique characteristic of the family; oppression and domination that results from the promotion of a shared belief system often happens outside of the family as well.

Hence, a commitment among persons to uphold and promote shared beliefs, values, and traditions does not sufficiently conceptualize a unique characteristic of the family because 1) such commitments are made and upheld on much larger scales, 2) the degree of impersonality that occurs on a larger scale discounts the intimacy that we associate with the family, and 3) the possibility for shared beliefs and behaviors to negatively affect members' lives is at odds with the family being a safe haven from uncaring and harmful behaviors.

At this point, we have challenged the acceptability of the argument from economic considerations and the argument from the perpetuation and expansion of systematic belief for the genesis and maintenance of the *family*, despite their acceptability for the genesis and maintenance of social groups more generally. Before turning to one last methodological objection, I want to briefly discuss one more suggested purpose that the family allegedly serves: producing and rearing children to become future citizens with particular characteristics desired by the state. This type of argument is typically rooted in the importance of the right kind of moral development and the duty of parents (or guardians) to instill the right moral sentiments in their children. It might strike one

as a similar kind of argument to the significance of passing one's beliefs down to their children, but it is important to note that the goal for value shaping differs for future-citizen production.

Several accounts of the family hold that the primary purpose of the family lies with the production and rearing of children who possess the right moral sentiments to become concerned, cooperative citizens. For some philosophers, the family serves as the primary and most important foundation from which moral development toward citizenship occurs, with parents who instill the correct beliefs (in God, in love, in cooperation and orienting oneself for tasks that satisfy the group rather than just the individual) until their children come of age and are considered independent citizens in their own right (cf. Hegel 1991, §173-177; cf. Landes 1982; cf. Locke 1925, 25-26, 122-127). On these accounts, families are rendered complete with the creation of children, and are essentially terminated once the children become independent citizens.

Other accounts hold that the right moral sentiments (the correct moral psychology) are instilled in children through the right kind of relationship with their parents (cf. Rawls 1971; cf. Archard 2010). These accounts hold that a stable and loving environment provides children with tendencies to develop empathy toward fellow citizens when they reach adulthood. The purpose of raising one's children on these accounts is not so much the creation of the *citizen*, but the creation of citizens *of a certain kind* that will lead to an overall just state.

Despite the loftier primary purpose of the family on these accounts, the goal for child rearing and care should not be oriented toward the production of citizens nor toward the production of a certain type of citizen. Such a suggested purpose tasks the family with something dictated outside of the family - namely, producing and maintaining certain kinds of citizens who will behave in the appropriate way *outside* of the family.<sup>27</sup> In doing so, the family becomes merely one

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<sup>27</sup> I will discuss this more comprehensively in Chapter Four.

among several institutions for civic education, along with schools, the military, and various civil service programs and proposals (cf. Hegel 1991, §§294-297; cf. Schwarzenbach 2009, 231-234). While it may be the case that families do create occasions for value sharing and value shaping, and this may indeed be one purpose that the family serves for its members, it cannot be the *primary purpose*, for it fails to identify anything unique about the family.

Rather, the primary purpose of the family should originate *from* the family and *for the sake of* the family; specifically, the primary purpose of the family ought to be something that only pertains to the functioning of the family as a social group *independent* of all other purposes that the family might serve in different contexts. The primary purpose of the family may guide the other purposes that the family serves (i.e. it may influence how property and assets are distributed, or what kinds of beliefs and values are shared), but the primary purpose cannot itself be guided by other purposes.

Primary purposes that are assigned to the family that either originate outside of the family (such as the relationship to property or to citizenship production) or have no unique bearing on the identity of the family (such as religious belief) are not satisfactory for defining the family as a social group, nor are they necessary for the maintenance of the family over time. As we have seen, these other purposes do not point to anything that is unique about the family, and they do not provide us with an adequate understanding of why family members remain committed to one another as a *family* over the long term, as opposed to some other kind of social group. Further, should these suggested purposes guide the trajectory of the family, negative consequences may occur for certain family members who are oppressed by harmful beliefs, or swindled out of their assets. We are left with the need for a more adequate conception of the family that is based upon a unique primary purpose that the family serves for its members. I will introduce my proposal for the primary purpose of the family in section five of this chapter, but I must address one more

objection first.

### 3. *Isn't the Family a Biological Group?*

Many accounts of the family emphasize biological relatedness as the main component of what determines familial-status among a group of persons (cf. Almond 1999; cf. Finnis 1997; cf. Sommers 1989). Our biological connection to particular others is seen as the definitive criterion for determining current family members, past family members, and soon-to-be family members. Our legal understanding of the family, and the legal proceedings that follow from such an understanding, place biological connection as one of the main ways to determine familial groups and the corresponding rights that accompany them. Biological relation is indeed important – “family” histories of chronic diseases, degenerative illnesses, medical complications, allergies, and the like are important (if not essential) pieces of information for those who are struggling to identify certain symptoms, to prevent complications associated with medical procedures, or to begin precautionary screenings for cancers, dementia-related illnesses, heart conditions, and so on. However, biology itself is not a marker for determining familial connection in the *qualitative* sense. That is, biology, as I will argue, is not a determinant or catalyst for how much we care for others, or for reciprocal attitudes/affection, or for the possession of similar beliefs, and it is certainly not a determinant for whether or not two or more persons should be encouraged to co-habitat and provide for one another.

Drawing familial affiliation boundaries primarily from biological relatedness is extremely vague. Biological siblings, for instance, share a significant number of genes and phenotypic features (they may even share an identical set of genes if they are twins). However, to say that their biological similarity is the defining feature of their familial affiliation, bonding, or concern for one another is specious. The siblings may look extremely different from one another, or they may by

affected by different illnesses, allergies, or predispositions to certain conditions (especially if their levels of physical activity differ or they follow different diets). As such, the siblings may not be able to donate organs or blood to one another despite their shared genetic material (the same may be the case between parents and children, who often have different blood types and suffer from different ailments) (cf. Gentry et. al. 2007). Given these variations, we must ask: Which biological features are the significant ones for familial affiliation? Eye color? Blood type? Skin Color? A shared predisposition to develop cancer? Since 1) these features can vary so much even between extremely closely biologically related persons and, 2) further, these features can be shared with non-familial persons as well (eye color, skin color, chronic ailment or disability, and so on), it is extremely problematic to give so much weight to biological relatedness as the sole criterion for determining familial affiliation.

Even if we were to use biology to determine familial affiliation, when are “relevant” biological connections identified and when are they not? Do we stop with grandparents, second cousins, or great-great-great-great Uncles? Should we maintain comprehensive records of every single person that we share even a minimal amount of genetic material with and consider those persons family members? For some, the answer is yes – family lineage is an extremely significant mark of one’s identity (cf. Velleman 2005). However, those who do successfully trace their lineage throughout history (those who are fortunate enough to have public records on those historical relations) are not tracing anything *qualitative* about their relationships with those genetic historical relations – that is, they are not tracing anything intimate between themselves and their relations (Brighthouse and Swift 2014, 158-160). Instead, they are tracing lines of prestige, lines of ownership in relation to specific pieces of property, or perhaps the prevalence of a certain skill, trade, or line of work that historical genetic relations all participated in (professional musicians, blacksmithing,

membership in the armed forces, and so on). Those kinds of traits, as I have argued above, are not sufficient for designating *familial* status.<sup>28</sup> While certain benefits may come through inheritances based upon these identity claims and appeals to biology, we might argue that those benefits are not deserved, and should not be conferred if no qualitative relationship occurred.<sup>29</sup>

Some philosophers, however, do hold that biology is an important component in the formation and maintenance of qualitative relationships. As discussed above, Charles Fried (1976) and William Galston (2002) both hold that there is a special bond between family members (parent and child especially) that is based upon the significance of biological reproduction. These philosophers argue that the reason why we develop caring attitudes and affinity toward our family members is *because* we are related biologically to them – that somehow, biology has the power to create special bonds between family members. For instance, Fried writes:

“There is evidence that there are pervasive physiological changes of great subtlety associated with pregnancy and birth. Thus --- motherhood is an experience which has persistent, biological roots and is not just a voluntary or customary social bond imposed upon the contingently prior fact of birth – it is not as if separating the breeding and the rearing functions could nevertheless yield an unaltered experience of parenthood. Rather, the physical facts are importantly implicated in the resulting social bond” (Fried 1976, 154-155).

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<sup>28</sup> Even if more intimate items were being traced, such as understandings and stories passed down through generations, we would not want to say that we share any qualitative relationship with those genetic historical connections who are featured in the stories. Rather, we would say that those stories serve to deepen intimate connections with the closer relations who tell those stories to us.

<sup>29</sup> While this might sound jarring to those who plan to inherit property or wealth from elder family members, I am not talking here about the direct transfer of inheritance through first or even second-generation relations, such as parents to children or grandparents to children who actively seek to pass their wealth onto their progeny. Instead, I am talking about claims made about having direct ties to property, artifacts, wealth, or the like that have no direct qualitative connection to the original owner. For instance, a person who seeks to inherit the wealth or estate of a late uncle or grandparent that they did not know or were not a part of their lives in any meaningful way. Instead, we might think that property or wealth without an intended inheritor should go to the public domain rather than to a distant (or even not so distant), un-invested biological relative.

Similarly, Hegel argues that children complete an incomplete family; spouses attain objective unity only through the creation of their children, as children represent the objective expression of their parent's spiritual union (1991, §173; Kane 2014, 16). This view is problematic for several reasons. First, it limits (or even downright excludes) the possibility for parents of adoptive children to ever form meaningful or lasting bonds with those children, since the "special tie" that would form between them would need some sort of underlying biological connection (and in the case of giving birth and nursing, it may even preclude fathers from developing as deep a bond with their children as the mother does simply through her biological activities). This discounts the intimate relationships that adoptive parents (and even fathers) form with their children, especially when those parents fight to protect those relationships in custody disputes (cf. Gavigan 1999; cf. Shanley 1999).<sup>30</sup>

Second, it presupposes that biology controls the way that we feel about particular others and dictates the level of care/concern/affection that we show to particular others. It is evident that biologically related persons need not feel warmly for one another; just take a look at any television show, news broadcast, or famous literary work that depicts the myriad ways in which biologically-defined families despise one another, scheme and bamboozle one another, plot against one another, and so forth. Even worse, there is (unfortunately) a multitude of evidence that biology is no indicator for how family members treat one another – cases of abuse, rape, oppression, and even murder occur on a regular basis between biologically-defined family members, especially between parents and their biological children (cf. Slep and O'Leary 2005; cf. Hornor 2005).

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<sup>30</sup> Relatedly, one could argue that part of the joy in parenting is found in noticing how one's children look like them or seem to share similar dispositions. For parents of adoptive children or mixed-race children, a recognition of phenotypical difference often works to deepen bonds between parents and children that arise from the social implications of such differences (cf. Haslanger 2005).



Recognizing the shortcomings of the biological relatedness argument, my account maintains that families ought to be considered *social* groups precisely because of the importance of the qualitative aspects of familial relations and not because of any shared biological features between family members. Biology certainly has the ability to ontologically carve out different groups of individuals - for instance, biological assessment can identify those who have Type 1 Diabetes, or those who have Cystic Fibrosis, or (especially in our own society) those who have certain skin colors as opposed to others and separate those persons into different groups. However, biology is neither a necessary nor sufficient condition for demarcating families in the significant sense that inspires the social benefits we confer upon them. The benefits that are conferred upon families by states are *social* benefits: recognition of the sociality of the family ought to ground the way that these benefits are conferred, and what end(s) they are intended to serve. They are benefits that make it easier for family members to care for one another, provide for one another, to see one another regularly, and to encourage all family members to grow, develop, and flourish. These kinds of benefits are typically extended beyond those to whom we are merely biologically related to already; for instance, in the United States, they are often conferred to our spouses, adopted children, step children, domestic partners, foster families, and so on. Since these *social connections* are already recognized as significantly shaping familial membership, and the benefits already conferred upon families appertain to the relationships between individuals, the family ought to be recognized as a *social* group.<sup>31</sup> Because social groups have shared goals and beliefs and the like in place, it is important to determine what particular goal(s) family members share with one another that make them a family, and not some other social group.

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<sup>31</sup> *Social benefits* are benefits that appertain to the *relationships* between individuals because they affect the *functioning* of those relationships. As such, social benefits only have meaning when applied to relationships – most integrally, familial relationships – and cannot be applied to individuals apart from their relationships (for instance, one cannot have visitation rights in a hospital or prison if there is no known relation to visit).

#### 4. *Care as Primary Purpose*

We have argued against, in addition to the argument from economic considerations and the argument from the perpetuation and expansion of systematic belief, the argument for the production and rearing of future citizens and the argument from biological relatedness. We are now ready to identify a more adequate conception of the family that is based upon the unique primary purpose that the family serves for its members. I propose that we conceive of the family normatively, as a social group that is based upon a commitment to interdependent caring relations and the fulfillment of mutual wellbeing through those relations.<sup>32</sup> The remainder of this chapter will sketch out this proposal (to be elaborated upon in subsequent chapters) and suggest that a commitment to interdependency and the fulfillment of mutual wellbeing through interdependent caring relations is a unique, necessary, and sufficient condition to generate and maintain the family and, as such, adequately define it.<sup>33</sup>

All human beings are dependent for many years of their lives, especially when they are infants and young children. Care theorists recognize that dependency is a universal feature of the first years of our lives, yet they also stress the fact that dependency does not necessarily end with childhood. Rather, they argue that dependency is experienced in various forms *throughout one's life*. Whether it is because we are chronically disabled, injured, have fallen ill, or have aged beyond self-sufficiency, human beings find themselves in states of dependency throughout their lives and therefore – *at best* – periodically require care at different times in their lives (though it is worth

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<sup>32</sup> In Chapter Two, I specify how different family members, most notably, infants, children, and the disabled, can commit to one another as family members.

<sup>33</sup> From this point onward, *family* will refer to the normative conception of the family that I will argue for.

noting that persons also *want* to be cared for in less pressing situations). In light of this fact, I argue that the family is the best place for that care to be provided.<sup>34</sup>

There already exists an assumption that families should be geared toward some long-term goals (see section 3 above), and this account holds a similar assumption.<sup>35</sup> Because of the nature of care – what it means to be a caring person, what a good caring relationship looks like, and what purpose caring activity serves – it is evident that the best scenario for caring relationships is one in which care is given and received in the long term. Joan Tronto (1993) argues that care involves *thought* and action – it involves a certain amount of knowledge about those for whom we provide care, and necessitates that those who care for us have a similar level of knowledge about us.<sup>36</sup> This kind of knowledge can only be gained through intimate relationships that are maintained and enhanced over time. So, there is something unique about the kind of caring relationships that happen between those who are intimately connected over long periods of time. Given these characteristics about the nature of care and caring relations, I argue that the primary purpose of the family is to create and maintain these caring relations between family members because it is an ideal arrangement for persons to care for and receive care from one another. This argument will be substantiated in Chapter Three, but its initial sketch provides a primary purpose *for* the family

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<sup>34</sup> It is worth noting here that we are never *fully* self-sufficient; even in times when we can provide for ourselves satisfactorily we are still economically interdependent and dependent upon others for developing dynamic versions of ourselves (cf. Hegel 1991 §§190-195; cf. Marx 1978, 222-223).

<sup>35</sup> One might object: What about socialization or education? Doesn't the family help to socialize individuals for the work place, and educate them to be moral persons, or to speak a language? Maxine Greene argues that more comprehensive education is gained outside of the family, when we are able to engage in dialogue with those who challenge our world view (cf. Greene 1988). Similarly, Hegel argues that socialization, especially for civil society and the needs of the market, cannot solely occur within the family, but must also be gained in civil society where persons are able to overcome the particularity of the family for the universality of the market (Hegel 1991 §§190-195). So, the family is not the only, or necessarily the best, place for socialization or education. However, in Chapter Three I argue that the family is necessarily the best place for caring relations to occur.

<sup>36</sup> In the case of infants and children, a similar level of knowledge about parents/caretakers would be gained over time as the infant/child develops.

(which in turn defines the family) that does not originate outside of the family, and is *for the sake of* the family.

So, the family, in the normative sense that I intend to argue for, is a social group created and maintained by the goal of nurturing the well-being of all family members and the family unit as a whole. When it is recognized that we are all in need of care, and when our desire for caring relations makes clear how much we value care in our day to day lives, we seek to form, maintain, or enhance caring relations with others who also recognize and value caring relations. Since families are not often newly-created, but groups that have expanding and contracting memberships over time, families are maintained by joint activity that works toward the shared goal of mutual well-being over the long term. If all family members engage in caring relations with one another, they all actively and interdependently work toward improving the well-being of each member.<sup>37</sup> Since the establishment of caring relations is the shared value amongst family members, in order to keep the family going a commitment to honor that shared value is necessary to keep the family going. Hence, I will argue in Chapter Two that family members are obligated to actively care for one another by virtue of their joint commitment.

Although I do not explain the significance of *joint commitments* as a concept for social groups until Chapter Two, it is important to note here that one condition of a *joint commitment* involves a level of voluntary choice – something that is often at odds with an understanding of the family and its members. My account does have a component of voluntary choice (which is explained thoroughly in Chapter Two), yet it also recognizes that most persons are not able to choose, at least initially, their own family relations. We cannot choose the families that we are born, adopted, or fostered into. But we can certainly reflect upon and evaluate our familial relations

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<sup>37</sup> I discuss in greater detail just how family members work interdependently toward to mutual well-being of each family member in Chapter Three.

as we grow, and one day act to change them. Virginia Held argues that we are not prisoners of our upbringings and circumstances; we are both enmeshed in, yet capable of, changing and shaping such relations (Held 2006, 48).<sup>38</sup> When we do modify or change these existing relations, we often do so because we want to have better and more caring relations. So, we replace existing relations with other, better *relations* – we do not choose complete independence or liberal autonomy, eschewing all relations that we currently have or that we may hope to build around a shared purpose (Held 2006, 49). While we may not be able to choose all our family members at a given time, we are able to *revise* our family relationships and join or create the families that we want, or leave the families that we feel are harmful. This does not mean that we go off on our own, completely independent, and without need of caring relationships. Rather, we gain the ability to choose what *kind* of relationship we are going to be a part of as we grow: we may choose to stay a part of the family that we were born into, or choose to join another family that welcomes us, or we may choose to start a new family with others who are similarly situated.<sup>39</sup> That being said, it may not be possible to completely distance ourselves from persons with whom we have previously had caring relations. We may hold some affinity for previous or biological siblings, parents, aunts, uncles, and the like – we may still *care about* them. However, in Chapter Three I argue that if (at best) we are not actively *caring for* these persons any longer, and they are not actively *caring for* us, the family relationship should no longer be recognized by the state, and benefits should no

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<sup>38</sup> This approach is also proposed by Carol Gould, whose account of “individuals-in-relations,” understands individuals as fundamentally interdependent. Gould argues that relations are indeed constitutive of individuals, yet not *wholly* constitutive. What is important is that individuals remain capable of choosing and changing their relations, even though these relations form and constitute persons (cf. Gould 1988, 105). I discuss Gould’s view more fully in Chapter Two.

<sup>39</sup> We cannot choose our birth parents, but can choose to adopt parental figures as we grow; we can choose our spouses or domestic partners; we can choose to abandon an abusive biological family and adopt a close group of friends to constitute our new family; we can choose to have biological or adopted children, or we can choose not to. In each of these cases, *family* is not limited to groupings with children.

longer be conferred between those persons.<sup>40</sup> Hence, the family as a social group should not be defined by some inadvertent common feature that is shared by its members, such as a relation to property or some shared DNA. Rather, the family is a social group because of the purpose that guides the family and elucidates the relationship between its members: the commitment of its members to provide active care in intimate settings over the long term. Further, this purpose is unique to the family and, as a necessary and sufficient condition, contributes toward a clear conception of the family that, when recognized by the state, will help to shape policies that are better suited to address the actual needs of families: those *social benefits*, conferred by the state, that make it easier for family members to care for one another.

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<sup>40</sup> It does not seem possible to completely ‘erase’ relations from our histories; should those relations become active one again, they would not begin anew in the same way that a brand-new relation would begin (I am indebted to Virginia Held for this distinction). We may say that these relations, then, are either active or inactive, or, more colloquially, close or distant / very distant to capture what we mean when our relations change so fundamentally.

## Chapter Two

### *Sociality and Collective Intentionality:*

### *The Structure of Social Groups and Familial Obligations*

A family is a social group.<sup>41</sup> This claim may seem entirely uncontroversial, but it contains far-reaching assumptions about what constitutes a social group, what conditions must obtain for the creation or disintegration of a social group, and who is eligible (or ineligible) to be a member of a social group. For instance, to claim that a family is a social group *per se* is to assume that 1) it has some well-defined membership criteria, 2) the required conditions were in place for the group to be formed, and 3) the designation *family* picks out a unique set of individuals. Accordingly, for one to be able to claim that a family is a social group *in the first place*, one must have an understanding of what a social group means – if only to understand the commitments espoused through such a claim.

In Chapter One, I claimed that a family is indeed a social group and, as such, should be recognized as having a particular primary purpose that originates *from* the family and *for the sake of the family*; this means that the primary purpose of the family ought to be something that only pertains to the functioning of the family as a social group *independent* of all other purposes that

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<sup>41</sup> It is important to note that I do not refer to the family as a biological group, as I do not believe that biology itself is a marker for determining familial connection in the qualitative sense. For a further discussion of this point, please see Chapter One, Section Three.

the family might serve in different contexts.<sup>42</sup> I discussed the most prominent primary purposes ascribed to the family and determined that each one, in one way or another, insufficiently captured the unique primary purpose of the family. However, I did not touch upon the more fundamental questions that will concern us throughout this chapter: what *kind* of social groups is the family? *And just what are social groups, anyway?*

The family presents an interesting challenge to many conceptions of social groups, especially because social philosophers typically define social groups as groups of individuals who knowingly consent to their group membership (cf. Gilbert 1989 & 2006), or voluntarily act to continue their group membership (cf. Bratman 1999; cf. Tuomela 2007). Families are often comprised of members who are thought to be incapable of consenting to join or remain in a group (infants, small children, and the infirm), so any notions of voluntarism must be vigorously examined and defended if they are to apply to all cases of family membership). In this chapter I offer a defense of the family as a particular kind of social group where voluntarism is required for all members, albeit in degrees in the forms of *joint readiness*, *joint commitment*, and *cooperative reciprocity*. I also explicate the significant ways that families differ from other kinds of social groups and discuss how these differences affect the kinds of obligations that family members have to one another. The aims of this chapter are to elucidate the fundamental reasons why family members are obligated to one another and to the family as a whole, and to lay the groundwork for the claim that this obligation is to actively care for one another with the shared goal of promoting the mutual flourishing of all family members – a claim that will be further defended in Chapter Three. An ontological analysis of social groups is needed to satisfy these aims, as we will need to

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<sup>42</sup> In contrast, purposes that are assigned to the family that either originate outside of the family (such as the relationship to property or to citizenship production) or have no unique bearing on the identity of the family (such as religious belief) are not satisfactory for defining the family as a social group, nor are they necessary for the maintenance of the family over time.



identify the right framework to ground this notion of obligation. To begin our analysis, I turn to the notion of *collective intentionality* and its relationship to our understanding of social groups.

### *1. Collective Intentionality and the Social World*

Collective intentionality provides a foundation for understanding collective action, or *acting as a group*. Collective intentionality can take various forms, such as shared intentions, shared beliefs, collective goals, and the like. While individual intentions shape and motivate the actions and goals of an individual person, collective intentions shape and motivate the *cooperative actions* of many individuals who endeavor toward a shared goal. In this respect, collective intentionality permeates almost every area of our daily lives: co-workers collaborate with one another to achieve company goals, family members work together to care for their children, citizens rally together around causes they wish to see addressed by their government, athletes coordinate with one another to run effective plays in a game, and so on. In other words, collective intentionality plays a crucial role in constituting and explaining the social world. It follows, then, that collective intentionality should be able to explain the way we *experience* the social world by capturing what it means to act together with another person, what it means to be a member in a social group, and what kinds of obligations we have to others with whom we are engaged in collective action. Specifically, appealing to collective intentionality should help us distinguish individual activity from collective activity, and set social groups apart from mere aggregates of individuals that may inadvertently share some common feature with one another, such as eye color, geographic location, or a belief in climate change.<sup>43</sup> Further, a refined understanding of collective intentionality should help us to differentiate between *types* of social groups. While the term *social*

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<sup>43</sup> John Greenwood (2014, 305) argues that it is insufficient for the members of a population that simply shares beliefs, attitudes, or the like to constitute an intrinsic social group.

*group* may indeed be applied to two persons out for a walk, a collection of persons involved with maintaining a city park, a family, a congregation, a political community, and the like, it hardly seems right to consider all of these social groups to be of the same type. So, an account of collective intentionality and, by extension, collective action, ought to be able to say pivotal things about what it means to be a member of social group *x* as distinct from social group *y*, and so on.

In this chapter I argue that the most prominent accounts of collective intentionality and collective action – those belonging to Michael Bratman, John Searle, Raimo Tuomela, and Margaret Gilbert – fail to adequately distinguish between different types of social groups. These views attempt to explain all of our social experiences by virtue of specific criteria that apply in supposed ‘paradigmatic’ cases, such as two people taking a walk (Gilbert 1990), dancing a tango (Bratman 1999), making a sauce (Searle 2010), or persons volunteering to clean a public park (Tuomela 2007). By appealing to such paradigmatic cases, these philosophers necessarily exclude a large portion of our social world and the groups that exist therein – families, congregations, political communities, and the like – that do not so neatly conform to paradigmatic group structures. Although each philosopher claims that their account can be extended beyond these cases, I argue that their proposed criteria do not support such a move.

Why should we care to distinguish between social groups? Margaret Gilbert (2006, 94) argues that if an account can be given of the clearest cases of social groups, then there is a basis for at least determining the cases that are less clear, even if there is not a basis for making further, more exacting distinctions. But this assertion fails to meaningfully track the social world as we know it. Specifically, we know that families – despite their not all being of the same number, duration, or composition of members – are different than congregations, corporations, and sports

teams; if collective intentionality aims to explain the social world, then it should be able to tell us why these groups are different.

In the following section, I propose that the right understanding of collective intentionality can bolster the claim that there are different types of social groups. Specifically, I will argue that Margaret Gilbert's account of *joint commitment* is a promising foundation for differentiating between social groups because it emphasizes the importance of obligations and entitlements for the creation of social groups and the continued adherence by members to group activity. Section three of this chapter will be devoted to providing an account of why a conception of joint commitments is ideal for smaller social groups like the family. Despite this sub-conclusion, Gilbert's framework is not sufficient for explaining why we have certain obligations to family members, as opposed to neighbors, or congregations. To remedy this shortcoming, in section five I introduce Carol Gould's notion of reciprocity and argue that it is a necessary supplement to Gilbert's theory of joint commitments. This requires some discussion about the understanding of agency, and invites comparisons about how we understand social roles; these topics will also be addressed in sections three and four, respectively. Before we discuss obligation, reciprocity, and agency, it is important to cache out why I will be favoring Gilbert's account of collective intentionality over other equally reputable accounts. Section one will discuss the shortcomings of some other prominent accounts of collective intentionality.

## *2. Collective Intentionality and Social Groups*

Carol Gould (2014, 35 *fn.*) describes social ontology as a theory of the nature of social reality, in terms of its basic entities, relations, and processes, and operates within a framework that attempts to capture the experiential nature of social reality. The family is typically argued to be a social group, even a paradigmatic social group at that (cf. Gilbert 2006, 94). However, the most

prominent accounts of collective intentionality rarely discuss the family, or if they do, it is as one social group among many with no uniquely discernable features. If these accounts of collective intentionality really do take themselves to be doing social ontology, and social ontology is understood in the sense that Gould writes, then they must also be able to explain what makes the family a distinct social group (and by extension, what makes congregations, companies, and the like distinct social groups as well).<sup>44</sup> Exploring some of the main accounts for collective intentionality should help us to understand just why these views do not try to distinguish between social groups, and further determine if they are actually capable of doing so when taken to task.

Michael Bratman argues that we should view collective intentionality as extensions of his *planning theory of action*.<sup>45</sup> The planning theory takes intentions as “playing the basic roles in forms of planning central to our abilities to achieve complex goals across time and interpersonally” (Bratman 2006, 2). For individual agents, this means that an agent coordinates her activities over time in order to make her long-term plans rationally attainable.<sup>46</sup> Likewise, collective intentionality for Bratman is also to be understood in individualistic terms – there are no “shared” intentions, only individual intentions that coordinate with one another.

Bratman’s thesis for collective intentionality is as follows: *We intend to J iff 1) (a) I intend that we J and (b) you intend that we J; 2) I intend that we J in accordance with and because of*

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<sup>44</sup> I will not discuss group agents in this chapter. My intention here is to explain how family members, as individual members of a group, are to act toward one another. For one account of group agency, see List & Pettit (2011).

<sup>45</sup> I use the phrases “collective intention” and “shared intention” interchangeably.

<sup>46</sup> Bratman holds that human beings are planning agents, meaning that an agent is a planner who is also temporally and causally located, and possesses end-neutral, instrumental practical reason (Bratman 1999, 8). My understanding of agency, derived from Carol Gould, is comprised of a basic and developed sense of agency. The basic sense of agency consists in intentionality or choice as a feature of human action that does not necessarily need to be developed (to a fully rational capacity) to be considered a form of agency; as such, it can be applied to a much larger, more diverse set of agents than other accounts of agency (cf. Gould 2014, 39). I will discuss agency more thoroughly in Section Four of this chapter.

(1)(a), (1)(b), and meshing sub plans of (1)(a) and (1)(b), and you intend likewise; and 3) (1) and (2) are common knowledge between us (Bratman 1999, 131).

Collective intentionality, then, is meant as a solution to coordination problems that arise between individual agents who wish to collectively act toward some goal, and consists in a public, interlocking web of the intentions of the individuals who are all part of the shared intention in question (Bratman 1999, 143). Bratman's narrative of two persons dancing a tango together is meant to demonstrate this point: our shared intention to dance a tango together comes about when I have an intention that we dance a tango, you have an intention that we dance a tango, our sub-plans mesh (I arrive at the dance hall ready to dance, as do you), and our individual intentions to dance a tango with one another are common knowledge for us both.<sup>47</sup> It is important to note that neither party has an *obligation* to dance with the other despite a shared intention to do so.

For Bratman, mutual obligations are not essential to collective action. However, he argues that there does need to be a form of *interdependence in persistence*, meaning that one party to the shared intention has persistence in their relevant intention because the other party to the shared intention also has persistence in their relevant intention (Bratman 2006, 7). Nonetheless, this is a rather weak condition; it necessitates that if one were to stop intending the shared action, the other would no longer be able to intend the shared action either, resulting in the end of the shared intention. The inessentiality of mutual obligations may not strike anyone as too disturbing in cases such as the two tango dancers, but it does seem to create some tensions when applied to other kinds of social situations, especially situations that involve working toward more distant goals.<sup>48</sup>

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<sup>47</sup> We can assume that additional intentions would involve knowledge of how to dance the tango (knowledge of the specific coordinated steps) and the desire to coordinate steps with one's dancing partner.

<sup>48</sup> Bratman (1999, 135) argues that the genesis of shared intention involves a purposive creation of expectations on the parts of those involved that normally grounds the obligation for the participants to act as they have intended. He appeals to Thomas Scanlon's Principle of Fidelity (see: Scanlon 1990) to bolster

Shared intentions are intentions of a group (Bratman 1999, 143). So, our two tango dancers constitute a social group, just as do two persons painting a house, several persons engaged in coordinated game playing, several persons who are members of the same family, and so on, just so long as the persons involved in these groups share the public, interlocking web of individual intentions specified in the shared intention thesis. While this set of criteria can perhaps explain what persons are doing when they coordinate their actions in dyadic, one-off cases like dancing a tango or painting a house, it is hard to see how a larger group that aims toward a distant (or long-range) goal can endure on Bratman's account given his weak persistence condition. For instance, two parents caring for a young child desire long-term reliability from one another to realize a shared goal of continued safety for the child; such a shared goal requires many coordinated actions over the course of many years. It seems troubling to base the assessment of the reliability of future performance only upon one's persistence in holding the intention up to that point, especially when one's persistence may just be the result of inertia that may be halted at any time (cf. Smith 2015, 51). So, a stronger notion of obligation is needed to talk about what would keep long-term groups like the family continuously and reliably working toward a shared goal.

Further, Bratman's criteria for shared intentions cannot distinguish among social groups. On his account, we are able to say that a duo of tango dancers, a stamp collector's club, a family, and the like all count as social groups, but it is not at all obvious how we would be able to pick out distinct features of each type of group. Perhaps we could identify which cases exemplify social groups *proper* better than others – more seamlessly meshed sub plans, longer interdependence in persistence – but this does not say anything meaningful about *why* two tango dancers might fulfill

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this claim. I will not discuss this argument in this chapter; suffice it to say that Bratman remains committed to the claim that obligations are not themselves built into shared intentions.

these criteria more efficiently than a family. So, Bratman's account is unable to provide a robust social ontology that captures our experience of the social world.

John Searle's account of collective intentionality faces similar problems, though one should note that, unlike Bratman, Searle's "we-intentions"<sup>49</sup> are not reducible to a set of individual intentions (cf. Searle 2002, chapter 6). However, Searle (2010, 44) does hold that human intentionality (collective or individual) exists only in individual human brains, so his focus is on presenting what is going on in the mind of individual agents that enables us to appropriately say that they are participating in a shared action.

For Searle, collective intentionality requires each agent that is part of the collective intention to assume that the other agents involved are all doing their parts. To use his example of making a sauce: agent A intends to make a sauce together with agent B, agent A acts on this intention by pouring ingredients into a pot with the assumption that agent B is stirring the ingredients, so agent A believes that she and agent B are making a sauce together. So, each agent assumes that the other also has the same intention toward a shared goal, though the content of the intentions will differ slightly because of the limitation placed on each agent to do their part of the action (Searle 2010, 52). Because Searle stipulates that one must presuppose the intentions and actions of co-participants, he must also hold that one could be *mistaken* in their belief that another is also sharing the intention and action (Searle 2010, 53). For instance, agent B may appear to be stirring the ingredients, but is in fact trying to clean the pot. Agent A's assumption would be mistaken, and agent B might not even be aware that agent A desires to make a sauce in the first place. This leads to some pretty strange scenarios, such as an agent being able to have a shared

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<sup>49</sup> The term "we-intention" first appears in (Tuomela 1984).

intention without the existence of other humans, and has lead some to conclude that Searle's account is inherently obscure (cf. Pettit and Schweikard 2006, 32).

Additionally, for the discussion at hand here, Searle's account fails to capture our experience of the social world for two reasons. First, because collective intentionality need not posit the existence of other individuals, Searle's account provides few criteria for defining social groups in general, let alone for distinguishing between different types of social groups, since other individuals need not even exist for supposed "social" groups to exist. Second, as Margaret Gilbert notes, it is unclear how one would explain how obligations and entitlements would arise in Searle's account (Gilbert 2000, 157).<sup>50</sup> While the absence of obligation may not be so problematic for Searle's sauce-making duo, it certainly seems to affect the operation of other types of social groups, especially long-term social groups like the family. Families typically have complex membership arrangements and complex goals that are not achieved as easily as making a sauce or dancing a tango. We need a way to talk about what makes a social group like the family capable of carrying out shared plans that involve the coordinated action of many members over a long period of time. The biggest obstacle to the explanatory power of both Bratman's and Searle's accounts lies in their willingness to disregard obligation as a feature of shared intentions. So, to provide an accurate account of our experience of the social world, we will need to draw attention to the importance of obligation, especially with respect to the endurance of social groups over time.

Although she does not focus on the family, Margaret Gilbert provides an account of collective intentionality that attempts to connect obligations and entitlements to social groups in a much more thorough way than Bratman and Searle. Gilbert (2006, 100) proposes that we define social groups as being comprised of at least two members who are *jointly committed* to some

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<sup>50</sup> Gilbert criticizes Bratman with a similar charge (see: Gilbert 2009).



particular goal, belief, attitude or action – that is, the members jointly decide to work together toward some particular goal or action, or jointly decide to hold some particular belief or attitude.<sup>51</sup> The joint commitment need not arise through an explicit agreement; rather, Gilbert argues that a sufficient condition for the genesis of a joint commitment is for each party to the shared action to verbally or physically express their personal readiness to participate in that action with the other party (Gilbert 2014, 29). A central element of Gilbert’s view is that those who act together *understand themselves* to be parties to a commitment of this kind, which translates to a *commitment of the whole* (that is, a *group* commitment) rather than a conjunction of all of the personal (*individual*) commitments of the parties (Gilbert 2000, 158). In this sense, individuals constitute a social group if and only if each of them thinks of themselves and the others as a ‘we’ who, upon commitment, share in some action, belief, attitude, or some similar attribute (Gilbert 1989, 204).<sup>52</sup> So, a joint commitment delineates who the members of a social group are, but it is the feeling of having a shared commitment – the knowledge of a *group* commitment – that gives meaning to the social group *qua* social group for each of its members.<sup>53</sup>

Commitments have normative force; they underlie the important concept of obligation that Gilbert’s account relies on. A joint commitment holds each committed member responsible to every other member as part of the structure of the commitment. Unlike moral obligations, which

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<sup>51</sup> Similarly, John Greenwood argues that social groups are constituted by members who are bound by shared social forms of cognition, emotion, and behavior (Greenwood 2003, 102).

<sup>52</sup> Gilbert terms this a *plural subject* (cf. Gilbert, 1989).

<sup>53</sup> Soran Reader makes a similar argument for what constitutes relationships, though she emphasizes that the relationship itself need not be valued (i.e. a relationship between a slave owner and a slave is not valued) (Reader 2007, 73). She argues that relationships are a particular kind of interaction based on the deliberate *engagement* of agents with one another. So, one might be a member of a group of “persons who have received heart transplants” but that status, condition, or substantive property does not become a relation until one heart transplant patient seeks out another, becomes engaged with that patient by sharing common experiences, and these initial engagements sustain in the long term through friendship and so on (Reader 2007, 73-77).

are often meant to apply universally, obligations of joint commitments are *directed obligations*, meaning that one's obligation to the other party of a joint commitment is directly correlated to that other party's right against the person to do so-and-so (Gilbert 2014, 50). Directed obligations only arise when persons jointly create the condition(s) for the obligation; they do not exist independently or prior to any agreement reached between parties. This special feature of Gilbert's account imposes a norm on social groups that is built into the act of commitment: obligations are an upshot of a prior act (the act of commitment) and hence an essential part of the genesis and composition of a social group (cf. Smith 2015, 55).<sup>54</sup> Whereas agents in Bratman's account continue their shared intention on the basis of (potentially fair-weather) inertia, Gilbert's agents continue their shared intention out of the conscious recognition of a preceding commitment to continue. So, the idea of joint commitment solidifies the understanding we have of obligation with respect to group membership: it can explain dyadic and complex cases, and can provide a reason for persistence beyond fair-weather conditions. If we are members of a group, and we are jointly committed toward a shared goal, then we have an obligation to continue acting toward the shared goal, and we have a right against the other parties of the joint commitment to their continuing to act toward the shared goal.<sup>55</sup> To use Gilbert's example of walking together: if two persons jointly commit to taking a 3 mile walk together one afternoon, and 2 miles into that walk person one abruptly stops and cries, "I've had enough, I'm going home" and darts off in the opposite direction,

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<sup>54</sup> At this point, one might ask: what about the fact that families have involuntary members (infants, children)? How would they be obligated under this account? In Section Four, I argue that it is possible for infants and children to take on familial obligations, albeit gradually.

<sup>55</sup> Gilbert (2009, 177) sometimes refers to this right as a *standing to demand* the action of another with whom one is jointly committed. She argues that there are certain background understandings that are standardly associated with acting together that are in place to prevent hurtful behavior towards others (Gilbert 2003, 45).

then, unless person two had agreed to such a unexpected change of plans, person one has violated their obligation to act toward the shared aim, and person two has a right to rebuke them.

Gilbert's inclusion of obligation and entitlement within the structure of joint commitments enables her account to be more easily extended beyond dyadic, one-off cases like dancing a tango or taking a walk. When the notion of obligation is built into collective intentionality and collective activity, we have a stronger sense of security about the performance of other group members over the long term. So, Gilbert's account can be extended to cover different kinds of groups such as families, congregations, and political communities because their complex goal structure and larger membership numbers can be managed under the notion of continued obligation.

However, Gilbert's account of joint commitment does have some shortcomings and, unfortunately, some troubling consequences. First, Gilbert's incorporation of obligation does not make her account more adept in distinguishing between social groups, for it does not provide any criteria for talking about what group members have obligations *to do* within these social groups.<sup>56</sup> Specifically, it does not explain why family members have a set of (*x*) obligations to one another, while a sports team has a set of (*y*) obligations to one another.<sup>57</sup> It maintains only that all social groups share one distinct feature – joint commitments – and similar to Bratman, it seems that Gilbert is only concerned to distinguish between paradigmatic social groups and non-paradigmatic social groups (Gilbert 2006, 94). Still, in section four, I will argue that this shortcoming is not devastating so long as relevant obligational *content* for each social group can be identified on

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<sup>56</sup> We would not want to say that family members have obligations toward one another that are similar to the obligations that co-workers have toward one another.

<sup>57</sup> Further, because Gilbert does not specify any content that groups should commit to, when her account is extended to something like a political community it must allow for commitments to, and obligations to uphold, political regimes that may be dangerous to its members (cf. Gilbert 2006, chapter 11).

normative grounds by identifying the different primary purposes that social groups serve for their members.

A second problem that Gilbert faces involves the way that obligations are generated for different kinds of social groups. Although Gilbert tries to capture all of our social experiences under the theory of joint commitment, this approach can spell trouble when extended to very large groups, as she attempts to do when extending her account to cover political communities. A. John Simmons' critique of Gilbert's use of joint commitment as political obligation-generating agreements will help to elucidate some of the troubling consequences of Gilbert's account, and provide a compelling reason to restrict the scope of applicability of joint commitments to smaller, more intimate groups. Before discussing this critique and the important conditions it places upon joint commitments, I turn to Tuomela's view of collective intentionality 1) as a basis of comparison to demonstrate why Gilbert's view is preferred for discussing social groups like the family, and 2) because it also falls under the scope of critique that Simmons makes.

### *3. Obligation, Joint Commitments, and We-Mode Thinking*

Raimo Tuomela incorporates a notion of obligation into his social ontology that is similar to Gilbert's use of joint commitments. Before we can discuss Tuomela's notion of obligation, we should first understand the particularities of his view. Tuomela terms collective intentionality "we-intentions" and argues that they encompass the thoughts, actions, beliefs, goals, and feelings of agents that act for group reasons instead of personal reasons. Tuomela (2007, 3) carves intentionality into two distinct modes – the *we-mode* and the *I-mode* – and argues that all human activity fits within these modes, from the private (personal) I-mode, to the progroup I-mode (or *I-mode progroups*, which involve acting as a private person in a group context), and lastly to the

we-mode (acting as a group member).<sup>58</sup> For the purpose of this chapter, I will restrict my discussion to the we-mode.

In the we-mode, group members must know what the group *ethos* is – the central or constitutive goals, values, beliefs, norms, and standards of their group – and must know how to formulate reasons for action based on the group ethos (Tuomela 2007, 5). Group members must also be *collectively committed* to the group ethos, meaning each member is committed to performing actions that further the group's ethos. This commitment is a constitutive element of what it means to act as a group member (Tuomela 2007, 13). This commitment also entails that group members are *socially committed* to one another, meaning they act partly because they are committed to the other group members in addition to the ethos.

Tuomela claims that the we-mode is the proper group mode because it requires the full collective intentionality of its members. Despite the fact that he provides a plausible taxonomy of social life by discussing I-mode progroups in addition to we-mode groups, Tuomela problematically extends his account of the we-mode to cover all social groups, including entire political communities (Tuomela 2007, 182). He claims that the cultural nature of social institutions (the fact that they are collective artifacts that in principle could have been formed other ways – for instance, driving on the left-hand side of the road instead of the right-hand side) requires the *collective acceptance* of all members, and hence leads to a we-mode characterization of institutional entities and practices (Tuomela 2007, 183). Collective acceptance involves strong practical constraints of choice (i.e. what is feasible both psychologically and physically to be used by persons as money or as a traffic signal) and requires explicit demonstration – for instance, using particular (and otherwise worthless) object as money, or always stopping at stop signs. This seems

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<sup>58</sup> One should note that Tuomela believes that we-intentionality is explicitly definable by I-intentionality, making his account closer to Bratman in this respect (cf. Tuomela 1984).

plausible enough, and is in fact similar to the way John Searle characterizes the status function of culturally defined entities (cf. Searle 2007, 90-91; cf. Tomasello 2009, Introduction). The problem occurs in the extension of the we-mode itself: Tuomela must change the parameters of the we-mode to allow for the fact that, within such large and complex groups, it is not likely that all members will 1) continue to actively commit to the group ethos, 2) have full knowledge of the group ethos and ensuing practices, and 3) act on the basis of we-intentions (for instance, those who view the accumulation of wealth as disastrous may renounce or challenge the entire institution of money). So, on an institutional level, we end up with a hierarchical we-mode group where 1) collective acceptance for the group applies only to operative (i.e. actively participating) members, hence 2) operative group members decide and act for the group, and as a result 3) non-operative group members need not actually be committed to what the group has collectively accepted (so, despite the best efforts of the challengers, the institution of money will still be observed) (Tuomela 2007, 186). Further, non-operative group members need only *go along with* the decrees of the operative group, and may not even have full knowledge of what the group is committed to. This makes for an extremely thin notion of the we-mode. In fact, it does not seem much like a we-mode at all anymore. If non-operative members need not even be aware of what the group is collectively committed to, then it is hardly likely that they will act on the basis of we-intentions. That being the case, on the institutional level, Tuomela's I-mode progroup seems much more appropriate, for it seems as though persons in such cases act as private individuals (with their own beliefs and intentions) in a group context.

If we take Tuomela's account as is and put aside the extension issue just discussed (that is, we do not extend his account to large institutions), we see that a further difficulty arises with respect to its explanatory power: by restricting all social groups to the we-mode, Tuomela

diminishes the ability of his account to distinguish between different types of social groups. Collective commitment furnishes group members with the proper authority to control each other's relevant actions; this means they can hold the other group members responsible for failing to do their parts (Tuomela 2007, 39). So, it seems that, with respect to how obligations arise with social groups, collective commitment is supposed to do for Tuomela what joint commitments do for Gilbert. Likewise, discussion of obligation without any specific normative content – without any idea of what different groups are normatively committed to – provides no way to discuss why family members have a set of (*x*) obligations to one another, while a congregation has a set of (*y*) obligations to one another. So, his account is also ill equipped to distinguish between types of social groups. Further, the priority of commitments in Tuomela's account makes his account less adaptable to explain groups like the family than Gilbert's view, as I will explain below.

Tuomela's example of persons who volunteer to clean up a park together illustrates this shortcoming. The volunteers, Tuomela argues, first have the we-intention to clean the park, and second, the intention to carry out her part of the cleaning (Tuomela 2007, 88). This is problematic because it prioritizes the commitment to the shared goal over the commitment to the other participants. Consider the following: if a sanitation crew swept in overnight and cleaned the park before the volunteers had a chance to, then it would seem that their commitment to clean the park would no longer exist, for their goal would have already been satisfied.<sup>59</sup> In turn, they would no longer have a commitment to one another to clean the park. This outcome doesn't seem to pose much of a problem for Tuomela's group of volunteers. However, things are a bit different for groups like the family.

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<sup>59</sup> Tuomela (2007, 4) emphasizes that the collectivity condition involves satisfaction of the goal for all members.

Families do not seem to follow Tuomela's commitment structure. Family members are typically committed to *one another* before they are committed to some specific *goal*.<sup>60</sup> This priority of commitment enables families to take on many different kinds of goals together, some easily satisfied, some complicated, some remaining works in progress. Additionally, once a family goal has been satisfied (say, raising a child to independence), we don't usually say that the satisfaction of the goal necessitates the end of the family. Rather, we think there is something more substantial about the family members' commitment to one another that keeps them bound to one another despite the comings and goings of group goals.<sup>61</sup> So, having a commitment to a goal first, and then to group members, is problematic.<sup>62</sup>

Gilbert's account, however, does appear to have the right kind of priority of commitment; namely, that parties to a joint commitment are committed to the other members first, and then together they commit to a shared goal.<sup>63</sup> They have obligations to the other members that are not necessarily tied to specific group goals, so presumably, Gilbert's account would allow for social groups to 1) remain committed to one another for longer periods of time, and 2) remain committed

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<sup>60</sup> Gilbert (2006, 94) argues that families are less likely to have explicit goal and rules than other institutions.

<sup>61</sup> In the case of marriage, for example, two people commit to one another with little knowledge of what may be in store for them in the future. One might argue that the parties to a marriage are committing to a shared goal to take on all of these future happenings together; still, it seems odd to think that the parties to a marriage stay together because of their commitment to the shared *goal* rather than their commitment to *one another*.

<sup>62</sup> A similar charge can be brought against Iris Marion Young's account of social group formation from pre-existing serial collectives (Young 1994, 724). Young employs Sartre's notion of the series – a collective whose members are passively unified by ongoing historical social structures and reflective action – as a background for collective action. Groups fuse when members of a serial collective begin to take action related to a group goal; this can lead to meetings, decision-making structures, institutions, and so on, until the group goal has been satisfied (Young 1994, 735). When goal satisfaction occurs, the group disperses back into seriality; hence, in the absence of a group goal, the group dismantles.

<sup>63</sup> Her plural subject account necessitates that parties to a joint commitment can only adopt a shared goal once they form a plural subject. Specifically, she argues that “each party must express his or her personal readiness to enter a joint commitment to endorse a certain goal as a body” (Gilbert 2014, 33).



despite difficulty achieving a group goal.<sup>64</sup> If Gilbert's account is so promising in these respects, it is not surprising that she would try to extend her account to cover all social groups, including political communities. A. John Simmons, however, disagrees with the temptation to extend joint commitments (and, as I will argue, we-mode group structures) on such a large scale.

A. John Simmons defines an *associative* obligation as a type of obligation that is similar to an obligation entailed by a role, where a special moral requirement is attached to the role (including membership in a group) whose content is determined by what local practice specifies as required for those who fill that role (Simmons 1996, 253). Simmons is concerned with the nature of political obligation – specifically, he seeks an understanding of how political obligations are generated, and ultimately argues that political obligations are mistakenly conflated with associative obligations. In this context, he critiques Gilbert's extension of joint commitments to explain the nature of political obligation, charging her with muddling the distinction between associative and political contexts for the genesis of obligation.<sup>65</sup> It is important to note at the outset that Simmons' critiques apply to Tuomela's account as well, which I will demonstrate. I will also demonstrate that, although Simmons' critiques seem problematic for Gilbert's account of obligation, they are actually only problematic for the extension of her account to such large and complex groups. If Gilbert restricts her notion of joint commitment to smaller social groups such as families, congregations, clubs, and the like, then, I will argue, Simmons' critiques are rendered ineffective.

Simmons claims that our shared moral experience consists in the special relationships that we share with our family members, colleagues, friends, and neighbors (Simmons 1996, 251).

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<sup>64</sup> What about groups that do form for specific short-term goals, such as taking a walk? Gilbert maintains that the priority of commitment to other group members still stands; when we take on a joint commitment to a shared goal, we commit to fulfilling our end toward the completion of the goal, which means that we make ourselves accountable to the other group members – even if the goal is episodic in nature.

<sup>65</sup> Simmons is not concerned with whether joint commitments obligate; rather, he is concerned with whether or not there are any obligating joint commitments in political contexts.

Many of these relationships are non-voluntary, so our social practices seem to revolve around a great deal of non-voluntary relationships. Likewise, our political relationships seem similarly orientated. Despite the voluntaristic nature of Gilbert's joint commitments in smaller, more paradigmatic cases, Simmons argues that Gilbert espouses a "non-voluntarist" contract theory approach with respect to political communities and their ensuing obligations.<sup>66</sup> This means that, in a political context, joint commitments reflect our shared moral experience in that they need not involve any datable act of commitment – they can just happen, or grow over time, and they don't even need to be fully voluntary, allowing for coercive circumstances to permeate the nature of the commitment and its ensuing obligations (Simmons 1996, 256). Further, joint commitments seem to capture the idea that citizens' obligations are special ties that involve loyalty and commitment to the particular political community in which one was born (Simmons 1996, 250). This is implied within the claim that jointly committed persons feel themselves to constitute a 'we' and hence, feel like they owe obligations based on this felt identity. So, Simmons argues that political obligations are felt to be obligations that are owed to a particular government over all other governments, in the same way that one might claim special affinity, and hence, special felt obligations, for their own family members.<sup>67</sup> However, Simmons argues that there are serious difficulties involved with trying to apply Gilbert's account to our political lives in a way that will yield clear political obligations. He claims that this is due to two confusions.

The first confusion involves these felt obligations and their mistaken conflation with *genuine* obligations. Just because individuals refer to "our" government and have a vague feeling

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<sup>66</sup> Non-voluntarists argue that actual political societies are not voluntary associations, nor are they anything like the kinds of voluntary associations that we are familiar with. Just as we are born into certain families, we are born into certain political communities that already have some authority over us despite our not voluntarily agreeing to be governed. (Simmons 1996, 249).

<sup>67</sup> It is important to note that Gilbert, in response to this criticism, has argued that she does not assume a widespread sense of political obligation (Gilbert 2006, 267).

of indebtedness to “our” country, one should not be led to believe that those individuals have (or even believe that they have) political obligations (Simmons 1996, 257). Gilbert’s response to this first charge is in agreement; she contends that a ‘sense of obligation’ or a *belief* that one is obligated is not in itself enough to demonstrate the existence of an obligation (Gilbert 2006, 268). However, she claims that, should the utterance “our government” be interpreted in plural subject terms, where the phrase means ‘that body I am jointly committed to with the rest of us and regard it as having authority over us,’ then the utterance would suffice for the existence of the relevant joint commitment and its ensuing obligation because it is just affirming one’s commitment (Gilbert 2006, 268). This response from Gilbert is not very satisfactory, for it presupposes, for the utterer, that a voluntary commitment had been entered into at some point prior to the utterance. Since Gilbert has already acknowledged that political communities do not necessarily have datable acts of commitment (and commitments can just happen/grow over time), there is a very real chance that the utterer will not be able to assume (or have knowledge of) this voluntary commitment when they utter “our government.” So, the utterance cannot be interpreted in plural subject terms, at least not on the scale of political communities.

One might ask: shouldn’t this apply equally to the family? The newest family members (especially children) were not party to an original commitment and may not have knowledge of the commitment initially taking place. While this may be true as far as the child’s available knowledge is concerned, the child *will* have knowledge that they are being cared for by other family members, which would mean that those family members committed themselves to caring for the child. The fact that the child is a member of the family and, hence, receiving care, is enough evidence to infer that a commitment to care had been made by other family members (else there would be no caring relationship to speak of).

The second confusion involves political acquiescence in situations that supposedly involve obligation-generating acts or relationships. This confusion relates to the above discussion, for it also questions how legitimate the extension of Gilbert's reasoning is to the political realm, instead of just to more intimate groups. Simmons argues that preparedness to go along with some plan or authority, even under conditions of full knowledge, is not the same thing as consent or commitment, and therefore it does not have the same normative consequences (Simmons 1996, 257). For instance, one can go along with an arrangement for a long period of time without undertaking any obligation to go along with the same arrangement in the future. Gilbert responds by making a distinction between *complying* with demands and *obeying* demands, and argues that Simmons is relying on the former to critique the latter. The 'average political subject' does not comply on a one-off basis; instead, political obedience is built upon historical circumstance that is more concrete because past commitments and a continued commitment to obey gives a government a standing to demand (Gilbert 2006, 271). In this sense, Gilbert is appealing once again to the plural subject view, which holds individuals (even those in positions of authority) accountable to one another. Political obedience, then, involves a citizen remaining accountable to those persons who are in positions of authority.

There are important points from this exchange that are worth discussing. First, Simmons critique, although it does not seem to land with much force on Gilbert's more paradigmatic cases of joint commitment, seems right with respect to joint commitment as the grounding for political obligations. It is extremely difficult to imagine an entire community forming a joint commitment with one another to follow some particular political regime *x*. Because Gilbert insists upon joint commitment for her account of obligation, it seems that she must allow for some degree of *compliance* with the dictates of a government (perhaps those in authority obey governmental

directives, whereas those who are not in positions of authority might only comply).

This conclusion leads to the same structure of compliance that Tuomela has built into his account of the we-mode. When we critiqued Tuomela's account of the we-mode political community above, we recognized that expanding his account of the we-mode to such a large and complex group ultimately strips the we-mode of its most important defining features. Likewise, it seems that Gilbert's account of joint commitment cannot be extended to large and complex groups like political communities without losing some of its most important features (namely, the shared feeling of a 'we' and the full accountability of all members to one another).<sup>68</sup> While this is an unsettling conclusion for Gilbert's account of political obligation, it in no way depreciates the strength and compatibility of joint commitments for smaller, more intimate social groups like families, congregations, clubs, and the like.

So, obligations are captured successfully by Gilbert's account of collective intentionality, but only in small-scale social groups like the family. Gilbert's account of joint commitment is a strong foundation for the genesis of small social groups, and her understanding of how obligation is a built-in feature of commitments helps to explain how social groups can continue on in the long term by binding obligations and corresponding rights to the continued participation of other group members. However, because joint commitments have a strong voluntary element, it seems as though joint commitments can only be made by those who have the *capacity* to voluntarily make such agreements and undertake such obligations. Prima facie, this seems to exclude, especially with respect to commitments made between family members, a large number or individuals who are seemingly unable to make commitments: infants, small children, the infirm, and the

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<sup>68</sup> I have addressed this concern in Chapter One, Section Two with the discussion of religious perpetuation and expansion, and large group structures being insufficient for generating a shared "we" between members of such large groups.

intellectually disabled. Further, we still do not know how an account of joint commitments can distinguish among social groups – at this point, all we know is that it is a good foundation, and that obligation seems to play a part in the persistence of groups. Before we can discuss what should be added to joint commitments to give them the explanatory power to distinguish between social groups, it is important to understand just *who* can be a party to a joint commitment. So, we turn first to discuss and develop the conditions for what it means to be an agent capable of forming a joint commitment.

#### *4. Who Can Be Obligated?*

A central tenet of Gilbert's account is the idea that social groups are created and maintained based on a joint commitment to one or more persons who then endeavor together toward some particular goal, belief, attitude or action. For a social group like the family, this would mean that all family members must be jointly committed to some shared goal in which they continually act collectively toward its completion. A further condition of Gilbert's account is her argument that *joint readiness* for participation in a joint action is sufficient for the genesis of a joint commitment (Gilbert 2014, 33). This joint readiness is not a prior agreement, nor should it be confused with another type of joint readiness that occurs within an already existing social group. This second kind of joint readiness stipulates that the members of a social group are all reliably willing and prepared for action whenever it should arise, whether the time for action is imminent or a mere possibility (Gilbert 1989, 207). Those who are jointly ready in this sense are not yet committed, but recognize that their participation in a joint activity 1) would be beneficial to other potential group members as well as themselves, and 2) would advance the progress toward a shared goal. Taken together, these three elements – being committed to act together, being ready to act together when the time comes, and having the disposition to act together with others – can be used to

provide a comprehensive picture of what is entailed for one to jointly commit oneself to form or join a social group. In this section, I will focus on who is capable of making a joint commitment, and how the notion of joint readiness makes more inclusive the criteria required for agency to be so committed. Before discussing joint readiness, I must say something about how we should understand agency, for the way we define agency will undoubtedly influence just who is capable of taking on obligations.

In *Interactive Democracy*, Carol Gould argues that the application and scope of human rights should be extended to cover individuals who fall outside of the typically restrictive definition of agency. This restricted definition is couched in the belief that normative agency is taken to ground human rights norms with respect to the fact that agents must “have a conception of a worthwhile life” - that is, agents must be capable of the capacity to choose to pursue a worthwhile life (Gould 2014, 37). Gould rightly argues that any account of agency that builds a notion of “having a conception” into its basic idea is bound to exclude some humans – most notably, those who are mentally disabled. Arguments that treat children as *potential* persons only ignores the fact that, as Gould argues, even small babies display a sort of agency. More importantly, though, is the claim that the formulation of having a conception of the good life seems distinctively liberal individualist, and may not extend cross-culturally (Gould 2014, 38).

Gould suggests instead that agency be understood as a relational concept with two distinct senses: basic agency, which should be understood as open and inclusive, and developed agency, which should be understood as the development or flourishing of one’s basic agency (Gould 2014, 39). The first, basic sense of agency consists in intentionality or choice as a feature of human action, and is evident in human life activity as a mode or way of being. The second, developed sense of agency is characterized by the exercise of this basic agency in the development of

capacities or the realization of long-term projects or goals - this can take both individual and collective forms - that is a process over time. This second sense of agency presupposes the capacity for choosing that is part of the basic sense of agency (Gould 2014, 39). This enables Gould's notion of basic agency to remain open to infants and the disabled.<sup>69</sup>

Can infants and the intellectually disabled form joint commitments? If we take Gould's notion of agency as authoritative, then it seems possible. But why should we think that, say, small children are capable of cooperation and reciprocity, and can therefore take on obligations of their own?

Gould's assertion that children especially are agents, and display some form of agency, is not exclusive to her (Gould 1984, 14). Joan Tronto mentions that care receivers often try to reciprocate the care that they receive, arguing that even small infants try to return care to their care givers (Tronto 2013, 152). Friedrich Froebel and John Dewey both claim that children are capable of successfully directing their own learning endeavors, and David Kennedy argues that children are able to effectively communicate and demonstrate new facts to adults (cf. Froebel 1887; cf. Dewey 1902; cf. Kennedy, 2012; cf. Kane 2016). Likewise, Raimo Tuomela, drawing upon Michael Tomasello's research, claims that young children are capable of agency and, therefore, we-mode thinking (Tuomela 2007, 62). To give credence to these claims, it is worth exploring just how much young children display agency – especially with respect to cooperative endeavors – to see if they are in fact capable of forming joint commitments or, to a lesser degree, at least capable of being *jointly ready*.

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<sup>69</sup> This account of agency is based on a social ontology of “individuals-in-relations,” a term that appears in Gould's earlier work, and proposes that individuals are fundamentally interdependent. Her social ontology sees relations as constitutive of individuals, yet not wholly constitutive as a communitarian account might hold. What is important is that individuals remain capable of choosing and changing their relations, even though these relations form and constitute persons (cf. Gould 2014, 43; and 1988, 105).



Michael Tomasello argues that humans have ultra-cooperative tendencies, and these tendencies play a crucial role in the evolution of human culture. Human beings engage in two fundamentally cooperative processes toward this end: 1) we actively teach one another things, and these lessons are not only reserved for kin, and 2) we have a tendency to imitate others in the group simply with the motivation to be *like them* (Tomasello 2009, XIV). Humans are altruistic in the sense that they donate information to others for their own use. Humans also cooperatively agree upon social norms of conformity that may be backed by various potential punishments or sanctions for those who resist conforming (Tomasello 2009, XV). Because of these two tendencies, Tomasello argues that human cultures are based on fundamentally cooperative processes and, to an unprecedented degree, human beings are adapted for acting and thinking cooperatively in cultural groups. He argues further that children are equipped to participate in cooperative groupthink through a special kind of cultural intelligence that encourages shared intentionality (Tomasello 2009, XVI).

Tomasello focuses on identifying children's naturally occurring cooperative tendencies by testing for altruism and collaboration; specifically, he presents evidence that children, from around the time of their first birthdays, are already helpful and cooperative in many, though not all, situations. Further, this disposition is not learned from adults; it comes naturally (Tomasello 2009, 4). What happens later on in a child's life influences their development, often away from these naturally cooperative tendencies: cooperativeness becomes mediated by things that influence judgments of likely reciprocity and concern for how others in the group treat them or judge them.

Children then begin to internalize many culturally specific social norms that aid in conformity (Tomasello 2009, 4).<sup>70</sup>

Further, Tomasello's experiments demonstrate that children's helping behavior is mediated by empathetic concern, suggesting that infants' naturally occurring empathetic or sympathetic responses to the plight of another affect their tendency to help that other person out (Tomasello 2009, 13). Paul Bloom (2014, 48) corroborates this finding with his own, claiming that infants attempt to soothe someone they perceive to be in pain. Infants also supply information altruistically; they inform others of things helpfully, accurately interpret intentions that are directed at them, and they understand imperatives in a cooperative fashion, meaning that they recognize that imperatives are typically communicated as desires (e.g. "I'd like some water") and automatically want to fulfill the desire in a cooperative way. This suggests that they understand the cooperative logic of helping (Tomasello 2009, 19).<sup>71</sup> With this in mind, Tomasello argues that we need to recognize that even young children already have some shared sense of intentionality – they take themselves to be part of some larger "we" intentionality. Without this dimension of "we" identity and rationality, it is impossible to explain why children take it upon themselves to actively enforce social norms on others from a third-party stance, especially the kinds of norms that are

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<sup>70</sup> Tomasello defines the three main types of human altruism by the "commodity" involved: goods (being generous with sharing food), services (fetching an out of reach object), and information (sharing information and attitudes is to be informative) (Tomasello 2009, 5).

With respect to a "helping" experiment, Tomasello and partners tested 14-18 month olds to see how much they helped out an adult in need. The parameters were identified that first, infants need to be able to perceive others' goals in a variety of situations, and second, they must have the altruistic motive to help the adults out (Tomasello 2009, 7). There is evidence to suggest that human's helping behavior is not created by a human-like cultural environment, specifically because the same environments applied to primates do not yield the same results, suggesting that there is something hard-wired about our altruism as infants (Tomasello 2009, 11).

<sup>71</sup> Young children also have an understanding of equitable distribution; 25-month olds and school-aged children typically select an equitable distribution over a selfish distribution, or, if challenged about an unfair distribution, they almost always square things up (Tomasello 2009, 25).

based on constitutive rules (and in a sense, arbitrary) and not only based upon cooperation (Tomasello 2009, 40).<sup>72</sup> They value conformity (both their own and the conformity of others) to the group – a value of “we-ness” that has its original basis on identification with significant-other individuals like parents and classmates (Tomasello 2009, 41). Further, children seem to feel committed to joint goals, and prefer that all participants get the coveted reward instead of caring only about their own satisfaction (Tomasello 2009, 66). So, it seems that children are indeed capable of displaying some form of agency, and this type of agency seems at least on par with Gould’s account of how we should define basic agency.

To return to Gilbert’s theory of joint commitments, it should now be evident that at the very least, infants and small children are capable of joint readiness in both respects that Gilbert has in mind: children have a natural disposition toward cooperating with others, and children also *do* cooperate with others when given the opportunity, demonstrating that they possess a readiness to act collectively with others toward group goals.<sup>73</sup> While it remains unchanged that infants require immense amounts of care and concern that they are unable to reciprocate, and it is indeed a stretch to claim that children are capable of forming joint commitments (supposing they have an understanding of what it means to take on such obligation), it should at least be clear that children

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<sup>72</sup> Children respect conventional norms in which no harm is involved (Tomasello 2009, 34). Children also actively seek out what they are supposed to do to follow certain norms so that they can behave accordingly (Tomasello 2009, 35). When playing a known game with an unfamiliar (foreign) puppet, children will scold or stop the puppet when the puppet does not play the game the *correct* way. Children don’t just disapprove of the way the puppet plays the game, but mention that the puppet is playing *incorrectly* because of the way that “we” play the game. The significance of this study concerns the fact that the norm enforced is not just regulative, but constitutive - this means that children do not just follow conventional norms because of how they are supposed to instrumentally guide action (to please adults or garner a reward), but because they view the conventional norms as supra-individual entities that carry social force independent of such instrumental considerations (Tomasello 2009, 38).

<sup>73</sup> In the case of the intellectually disabled, there remains, at least, agency in the basic sense. Hence, those who are unable to equally or substantially reciprocate because of an intellectual disability or injury are still able to cooperate in the sense that they respond to their caregivers and, in some cases, demonstrate appreciation for the care they are receiving.

are more than capable of collective intentionality and, hence, collective action toward group goals because they recognize the significance that other group members place on shared goals. Although children may not be committed members of the group, their readiness to participate in group activity is sufficient for communicating approval of the group goals, as well as for laying the path to eventually become a group member when their basic sense of agency becomes developed.<sup>74</sup> So, the notion of joint readiness, as a characteristic of joint commitments, enables young children to essentially act as though they are part of a social group with a shared goal.

Now that we have determined that 1) collective intentionality is a good foundation for discussing social groups, 2) obligation seems to play a part in the persistence of social groups, and 3) a more inclusive notion of agency more accurately captures the natural abilities of children and adults, widening the pool of agents capable of taking on joint commitments (through joint readiness), we can at last discuss what members of a social group have obligations to do – that is, we can discuss whether there are any normative criteria that may be used to identify the purpose(s) that social groups have and, in turn, determine the kinds of goals and actions that group members may be committed to. To flesh out an account of the family, specifically, as a distinct social group, we need to identify normative reasons for family members to commit to certain *kinds* of goals and activities, just as we would identify the normative reasons for other kinds of social groups to commit to other kinds of goals and activities. If these goals and activities can be identified, then we can use Gilbert’s account to explain why these groups ought to promote the goals and perform the activities by virtue of the nature of joint commitments.

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<sup>74</sup> I will say more about this development in the Section Six.

## 5. *Reciprocity, Mutuality, and the Content of Obligations*

Carol Gould presents a notion of reciprocity that I believe provides the right starting place for the discussion of the content of obligations, specifically those that are inherent to family relationships. Gould contends that one must know both the enabling and constraining conditions in which a joint activity takes place, and that agents are capable of *being* those conditions for other agents (Gould 1983, 61). So, to understand joint activity it is important to take into account the actions of agents with respect to one another. This means that we view *reciprocity* as an important feature of joint activity. A reciprocal relation is defined as a relation in which “each acts with respect to the other on the basis of shared understanding, and a free agreement, to the effect that the actions of one with respect to the other are equivalent to the actions of the other with respect to the first” (Gould 1983, 67). For Gould, a dimension of reciprocity is present in all social relations. When this dimension is positive (meaning that agents act as enabling conditions for one another), agents act reciprocally by taking the mutual enhancement of each other’s agency as a conscious aim (Gould 1983, 78). Thus, reciprocity contributes to the *flourishing* of all members of a social group that participate in a joint commitment. Gould mentions a specific type of reciprocity for the family, called *cooperative reciprocity*, which is meant to capture a relation among individuals who are all engaged in activities towards common ends, in this case, the well-being of the family unit (Gould 2004, 44). She argues that caring about achieving this shared end is a compelling reason for family members to pay attention to their own responsibility for the joint undertaking in addition to the concern over the continued participation of other family members (Gould 2004, 45).

The idea of a joint commitment solidifies the understanding we have of obligation with respect to social group membership. However, it does not give us any meaningful way to distinguish between social groups because it does not focus on the relations *between* group

members in any normative way.<sup>75</sup> Instead, it maintains only that all social groups share one distinct feature – joint commitments. Gould’s notion of reciprocity gives us the tools to talk about the relations that occur *within* social groups, and can provide some content for group obligations. Different kinds of social groups will require different kinds of behavior to promote member flourishing. An understanding of the kinds of behaviors required for member flourishing can furnish us with a set of normative principles, specific to the social group in question, and these principles can help us assess whether the members of a social group are upholding their shared obligations to one another.<sup>76</sup>

Another way to understand how goals and obligations are to be maintained within a group like the family is to consider family members in specific roles that relate to one another. Virginia Held (1989) defines a role as a set of rights and obligations, or of goals and competencies, or some combination of these characteristics. An important condition that Held places upon persons who occupy specific roles is that, in addition to being guided by a comprehensive morality, these persons in roles, “should be guided by appropriate segments of morality ... the moral norms for various roles are not the same” (Held 1989, 24). By this she means that certain roles – a lawyer, parent, sibling, public official, etc. – have moral conditions placed upon them that other roles do not have. So, a person in the role of a parent should care for their child (but perhaps not *all* children), a person in the role of public official should always place the good of the community that they govern above their own personal gain (but perhaps not the good of a different community), and so forth.<sup>77</sup> So, a role is also defined by a set of norms or rules that concern

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<sup>75</sup> We would certainly not want to say that members of a family behave toward one another in the same way that inhabitants of a certain city who all obey and uphold the same traffic laws behave toward one another.

<sup>76</sup> I will discuss the specifics of these normative principles in chapter three.

<sup>77</sup> Although we may say that, for the parent and the public official, they have a *comprehensive* (that is, not role specific) moral duty to be concerned for all children and to not put their own personal gain above any community, respectively.

behavior, and by accepting to occupy a certain role, we thereby accept the norms on the behavior expected of us (Held 1989, 30).<sup>78</sup> If we think about members of the family as occupying specific *familial roles* and we acknowledge that, in addition to following the tenets of a comprehensive morality, these specific familial roles come with their own obligations (for instance, that a parent cares for their child, that a child cares for their parent when they become elderly, that siblings help one another to care for elderly parents, and so on), then we can rely upon those family members to act according to their specific obligations, and similarly hold those family members accountable when they do not adhere to the obligations that come with their role.

What is important to note here is that, despite the fact that comprehensive moral principles might provide the parameters for obligated behaviors in joint commitments (i.e., that family members care for one another in particular ways – for instance, by not controlling one another or physically abusing one another), these same comprehensive moral principles do not *justify* the obligations. That is to say, our obligation to care for our particular family members is not determined by comprehensive moral reasons, but by the role-specific moral reasons which are only generated by the commitment itself.<sup>79</sup>

Understanding the family as a set of individuals who occupy specific roles within the

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<sup>78</sup> Similarly, Michael Hardimon (1994) defines a role obligation as a moral requirement, which attaches to an institutional role, whose content is fixed by the functions of that role, and whose normative force flows from that role (Hardimon 1994, 335). He follows Hegel in drawing a sharp distinction between the obligations and relationships that arise within family and state and the obligations and relationships that arise within Civil Society. This contrast is meant to show that familial and political obligations do not arise via voluntary commitment, but are situations that we just happen to find ourselves in. Civil Society, on the other hand, is the sphere of the market, where voluntary commitments and obligations are the norm - choice is required for Civil Society, but it is not required for the family or the state (Hardimon 1994, 352-353).

<sup>79</sup> There may also be some obligations to family members that do derive from general moral principles; for instance, to not lie to family members.

family is compatible with the account of joint commitment and reciprocity discussed above.<sup>80</sup> A joint commitment does not preclude those who are jointly committed from occupying specific roles within a group. Part of the reciprocal nature that joint commitments should have can be characterized by the kinds of norms of behaviors that roles are defined by: these roles (and their corresponding obligations) give us an indication of what to expect from those who occupy those roles. For instance, Elizabeth Brake (2012, 106) argues that (for a contractualist view of the family, specifically) those who care about the welfare of others should also care about fairness, and so should articulate fair protective ground rules early on in a relationship. In the case of the family, this does not mean that members negotiate daily over responsibilities, but it lays the protective ground rules (legal, financial, domestic chores) that cover what individuals within the relationship should expect from one another. Though such planning may seem to threaten trust and sincerity, Brake argues that it creates conditions for trust by limiting risk within the relationship. I agree with Brake's sentiments, and believe that can be worked into an approach with joint commitments. A joint commitment has an acknowledged openness (as part of the nature of a joint commitment), wherein all family members are aware that they are jointly committed to one another, and they know what that commitment entails. This openness and understanding of what obligations are expected of jointly committed members make conflict resolution easier, and actually helps to identify points of conflict as they arise. So, a joint commitment in this sense helps to identify the role(s) that family members will take on with respect to one another, and helps them to continually meet their obligations to one another. So, what are these obligations?

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<sup>80</sup> I don't believe that these roles have to be pre-defined and unique with respect to one another *within* the family; rather, roles in the family should be defined mainly by their difference from roles *outside* of the family.



## 6. *Obligations and Group Purpose*

In Chapter One, I claimed that the *purpose* of a social group is what forms the *identity* of the social group and, hence, what distinguishes it from other social groups. Having now discussed the significance of obligation for all group members – clarifying that our group obligations are not wholly determined by comprehensive moral reasons, but by the role-specific moral reasons that are only generated through joint commitment – the importance of group purpose should be more evident. The role-specific obligations that we have to other group members are determined by the purpose that our role serves toward the group goal. To return to a previous example, the role-specific obligations of a parent and a public official are quite different, as are the role-specific obligations of those with whom they share each joint commitment (for instance, as a parent we would not expect a child to vote on policy referendums, but we would expect such behavior from our constituents if we were a public official). Hence, the purpose of a social group is the shared goal, belief, or practice that members jointly commit themselves to. This purpose elucidates for all members what specific obligations they have toward one another, how long they have these obligations, and what rights they have to rebuke members who do not perform or uphold their obligations to the group. I propose that we conceive of the family as a kind of social group whose purpose is based upon a commitment to interdependent caring relations and the fulfillment of mutual wellbeing through those relations. Carol Gould’s notion of reciprocity and its focus on contributing to the flourishing of all members of a group should be understood within the family as obligating *caring behaviors* as means for ensuring that all family members are given the caring resources they need to flourish. This signifies that a joint commitment to form, join, or maintain a family obligates family members to *actively care* for one another by virtue of the shared goal of interdependent caring relations. Further, especially for a kind of social group like the family, group members should be committed to continue their obligations to one another in longevity – that is,

they should actively care for one another over a long period of time to be able to work toward the mutual flourishing of all family members. Gould calls this focus on active work toward the enhancement of well-being *mutuality* (Gould 2004, 42).

An important aspect of actively caring in the long term toward the mutual flourishing of all family members involves the development of agency, especially for the family's youngest members. By receiving care from other family members and participating in caring activities through joint readiness, children will arrive at a developed sense of agency that includes a conception of the good based upon their experiences with their family members. This developed sense of agency leads children who have grown into young adulthood to identify a conception of the good that they are willing to make their own. This conception of the good will most likely involve the maintenance of their family's group goal. Their developed sense of agency enables them to fully join the family as a committed member (meaning that they are now capable of being held accountable to other members), and to do so voluntarily. Thus, they willingly commit to *remain* members of the family that they were brought up into because they have identified this family, and the group goal of the family, as fitting within their conception of the good life.

In conclusion, I propose that we understand the family in the following way: 1) the family is a social group created by a joint commitment to the goal of maintaining the well-being of all family members and the family unit as a whole, 2) the family is maintained by joint activity that works toward the shared goal of mutual well-being, and 3) this joint activity is comprised of the practice of active care that family members are obligated to perform for one another by virtue of their joint commitment. In other words, the family is a unique kind of social group with a particular purpose – to provide active care in intimate settings for the mutual flourishing of all family members. But why care? In Chapter One, I discussed many of the purposes that are commonly

attributed to the family and found each one lacking. After a lengthy discussion in this chapter about the kinds of obligations that group members have toward one another, I believe that mutual, active care is the most accurate purpose for the family. I turn now to Chapter Three where I will argue for the necessity and importance of care in the family, and discuss the criteria for active caring behaviors that family members are obligated to uphold.

## Chapter Three

### *The Social Family and the Obligation to Care*

In Chapter Two, I argued that Margaret Gilbert's theory of *joint commitment* best explains our understanding of obligation with respect to social group membership (cf. Gilbert 2014).<sup>81</sup> However, we were left with the unsatisfying conclusion that joint commitments do not provide any meaningful way to distinguish between social groups because they do not focus on the relations between group members. Gilbert's account maintains only that all social groups share one distinct feature – joint commitment – that underlies the concept of obligation, but not the *content* of obligation. To flesh out an account of the family as a distinct kind of social group, we need to identify the primary purpose that the family serves for its members – that is, we need to identify the normative criteria for members of a family to commit to certain *kinds* of goals and activities, just as we identify the normative criteria for members of other kinds of social groups to commit to other kinds of goals and activities. The account I present here holds that the family is a unique social group with a particular primary purpose – to provide care in intimate settings for the mutual flourishing of all family members – that determines the kinds of behaviors that are required for member flourishing.

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<sup>81</sup> A joint commitment holds each member responsible to every other member as part of the structure of the commitment. Unlike moral obligations, obligations of joint commitments are *directed obligations*, meaning that one's obligation to the other party of a joint commitment is directly correlated to that other party's right against the person to do so-and-so (Gilbert, 2014, 50).

I propose that we conceptualize the family in the following way: 1) the family is a social group created by a joint commitment to the goal of maintaining the well-being of all family members and the family unit as a whole, 2) the family is maintained by joint activity that works toward the shared goal of mutual well-being, and 3) this joint activity is comprised of the practice of active care that family members are obligated to perform for one another by virtue of their joint commitment. In Chapter Two, I defended claims one and two by discussing the necessity of joint commitment, joint readiness, and obligation for the genesis and maintenance of social groups. Therein, I also laid the groundwork for claim number three by demonstrating the significance of *reciprocity* for determining (in particular) the content of familial obligations. Carol Gould's notion of *mutuality* (which is one of the modes of reciprocity that she proposes) holds that persons act reciprocally by taking the mutual enhancement of each other's agency as a conscious aim. For the family members who are party to a joint commitment, the group purpose is worked toward successfully *if and only if* all members work collectively toward the group goal.

Different kinds of social groups will have different primary purposes that require different kinds of behavior to promote member flourishing.<sup>82</sup> In this chapter, I argue that reciprocity should be understood within the family as obligating *caring behaviors* over time as means for ensuring that all family members are given the caring resources they need to flourish. This means that a joint commitment to form, join, or maintain a family obligates family members to *actively care* for one another by virtue of the shared goal of maintaining the mutual well-being of all family member. Additionally, family members should be committed to continue their obligations to one

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<sup>82</sup> For instance, a corporation is a kind of social group that consolidates decision-making power, responsibility, and liability into one group agent (independent of the individuals who are members of the corporation) with the purpose of continually increasing profits for the corporation and limiting liability for individual members. This purpose determines the normative criteria for member behavior: to act toward the joint goals of increasing profits and diffusing responsibility. For more on corporations as social groups / group agents, see Pettit 2007.

another in longevity – that is, they should actively care for one another over a long period of time to be able to work toward the mutual flourishing of all family members.<sup>83</sup> In the sections that follow, I will elaborate upon what it means to actively care for one’s family members, what this caring activity is comprised of, and why care is so important for families. Before launching into these discussions, it is important to note the methodological approach that I will take to justify the practice of care as the purpose of familial relations.

Although I am making a normative claim that families should be the place where primary caring activities take place for most (if not all) persons, I will appeal, initially, to descriptive claims about the nature of human beings and the needs that human beings have.<sup>84</sup> These descriptive claims will provide a sound foundation for the normative claims that I will make later on in this chapter; namely, that human beings are all dependent at certain points in their lives, the needs that arise out of dependency are varied and require different levels of care and, while some care can be provided by impersonal care givers (such as the state, or institutions built around provided care like nursing homes and daycares), there are certain needs that human beings have that should only be taken care of by the family.

It is also important to remind readers at the outset that the conception of the family that I am talking about is not necessarily biologically based, but *social* in nature. This conception enables persons to form, maintain, or join families throughout the duration of their lives, and gives persons the ability to revise their familial relationships if they are not receiving (or giving) the kind of care that families ought to provide.<sup>85</sup> To clarify what I mean by the *social* nature of the family, I discuss

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<sup>83</sup> Gould calls this focus on active work toward the enhancement of well-being *mutuality* (Gould 2004, 42).

<sup>84</sup> In Section Three I will discuss the difference between *primary* and *secondary* caring activities.

<sup>85</sup> I do not refer to the family as a biological group, as I do not believe that biology itself is a marker for determining familial connection in the qualitative sense. For a further discussion of this point, please see Chapter One, Section Three.

below how my conception of the family differs from *de facto families* (revisiting arguments found in Chapter One) and suggest who the members of a family might be, which will facilitate a greater understanding of the nuances of my account going forward by giving readers a better idea of what *the family* might look like.<sup>86</sup>

After discussing the social nature of the family, I provide an analysis of the concept of need, detailing how my own conception of need differs from others, and then propose a taxonomy of needs that will ground many of the claims that I make about familial care. By combining a conception of the person that is rooted in the nature of dependency and need with a practice of meeting needs determined largely by the ethics of care framework, I aim to provide an account that can make sense of the relationship between dependency, need, and the obligation to meet needs. This methodology for determining caring responsibility sets my account apart from other theories of needs-based morality, and my focus on the family as the primary responder to needs distinguishes my account from the larger ethics of care framework, which prefers to see caretaking diffused more evenly to institutional and global levels (cf. Miller 2012; cf. Held 2006; cf. Tronto 2013).

### *A Departure from the De Facto Family*

The normative conception of the family that I discuss will, at times, be in tension with the way we understand the family colloquially (hereafter called the *de facto family*). For example, when we think about our own *de facto families*, we often think about close relations – those who might comprise something like the nuclear family, such as parents and siblings – and contrast them with extended *de facto family* relations comprised of grandparents, aunts, uncles, cousins, great-

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<sup>86</sup> I will discuss these points more thoroughly toward the end of this chapter, and again in Chapter Four.

aunts and great-uncles, second-, third-, and perhaps even fourth-cousins. Often, the qualitative aspects of our relationships with these close and distant relations are based upon our proximity of biological relatedness to them. While we may regularly see, talk, and share day-to-day activities with our close relations, it may be the case that we do not regularly see or talk with our great-aunts and great-uncles, and it may also be the case that we do not even know our third- and fourth-cousins. So, it might seem odd to claim that, for extended de facto family member especially, we have all committed to the shared goal of having interdependent caring relations with one another. We might consider all of these persons to be our de facto family members, but we do not share a commitment to interdependent caring relations with all of them – at best, we might share this commitment with those who might form our nuclear family only.

In the Introduction to this Dissertation, I argued that *social benefits* are conferred upon families who use those benefits appropriately to *benefit each family member*. In practice, this means that family members direct those benefits toward one another's mutual well-being because they are obligated to do so through their joint commitment to the goal of maintaining one another's well-being (and the family unit as a whole). The most effective and appropriate way to use these benefits is to establish and maintain *intimate caring relations* between family members, where the benefits facilitate the success of these caring relations. In Section Four of this chapter, I expand upon exactly what that entails.

For now, I mention social benefits to raise the concern that, in the case of distant de facto family members like third- and fourth-cousins, it seems rather unlikely that we would jointly commit to the goal of maintaining one another's well-being (especially since we do not personally know one another, despite possibly knowing of one another) and consequently, it seems equally unlikely that we would use social benefits appropriately, as we would have no caring relations to



apply them to. More pointedly, it may even be the case that we do not make a joint commitment like this with our *closest* de facto family members, or that if we did at one point have a joint commitment with them, it may have been undone by repeated transgressions by one member (or several) against other members. So, who, then, actually makes such a commitment?

As I will argue more thoroughly in the next section, the various dependencies that we all have throughout our lives make it the case that we must have intimate caring relations with at least *some* other person(s), and many of these relations begin when we are born (some may even continue over the course of our lives). Despite an inclination to compare these relations to de facto familial arrangements (e.g., between a mother and a child), the point to make here is that these relations need not mirror de facto familial arrangements. Instead, they can exist between what we might colloquially consider to be friends, distant de facto familial relations, or the like. As such, a family can be comprised of any group of individuals – biological relations, communes, tribes, and the like – who uphold a joint commitment to reciprocally work together toward the mutual well-being of one another and the group as a whole.<sup>87</sup>

While it may sound as though I am making a transhistorical claim about the nature of the family, I do not intend it as such. Rather, this conception is meant to challenge those views of the de facto family that (either intentionally or unintentionally) preserve problematic relationships in the name of biological relatedness or some insufficient primary purpose, such as religious perpetuation and expansion, that we discussed in Chapter One. This conception is also meant to challenge the notion that our family members are a determinate set of individuals regardless of the

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<sup>87</sup> These commitments can be made and upheld by an unspecified number of persons, although, as I have argued in Chapter One, they are not as intimate or effective in very large numbers. While this may lead some to conclude that the account I propose is reserved primarily for the equivalence of de facto nuclear families, I argue that these committed intimate caring relations can be taken on by any group of persons who uphold their obligation(s) to one another, including infants and small children whose joint readiness is sufficient for group membership (see Chapter Two, Section Four for a discussion on joint readiness).

quality of our relations with them. My account affords persons the ability to revise their familial relations if necessary, with the goal of establishing better, more caring relations with those we consider to be family members.

This last point strikes a tense chord with traditional theories of care that argue that the majority of our relations to other family members are completely unchosen for many years of our lives. Care theorists argue that these unchosen relations shape us in significant ways (our demeanor, beliefs, values, and so on) before we are typically given the choice to revise our familial relations. Further, when we do revise those relations, we do so having been heavily affected by those initial familial relations, so we often don't change the kinds of familial relations that we have in a substantial way.<sup>88</sup> Although I discussed the concept of joint readiness with respect to the capabilities of infants and children to make and maintain eventual joint commitments in Chapter Two, I did not touch upon the ways in which familial relations might be revised. Section Eight of this chapter will focus on how persons revise their familial commitments over time and will discuss, in more detail, how an understanding of the family as a social group with a particular purpose toward interdependent caring relations, if put into practice, would curtail harmful situations from arising within families.

In the section below, I will sketch the foundation for the importance of caring behaviors and caring relations by examining the nature of human beings with respect to *needs* and *dependency*. The ethics of care, and some elements from the philosophy of education, will provide guiding ideals about the nature of dependency and its relationship the needs that persons have while offering important suggestions for how those needs ought to be met. After the discussion of needs, I will propose that different institutions, including the family and the state, are obligated to

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<sup>88</sup> See: Fagan 2005; Narang & Contreras 2005.

take care of different kinds of needs that we have. By doing so, I incorporate notions of dependency and interdependency into the argument for the obligation to provide care within families.

## *2. A Needs-Based Morality and an Ethic of Care*

As mentioned above, this chapter puts forth a normative claim that families should be the place where primary caring activities take place for most (if not all) persons. To ground this claim, I will appeal, initially, to descriptive claims about the nature of human beings and the needs that human beings have.

Philosophers who argue for a needs-based conception of morality often work to challenge a historical trend, advanced by dominant moral theories, that neglects the moral significance of *need* and *dependency* and instead prioritizes preferences, interests, desires and rights as the foundation for moral theory (Miller 2012, 2). Sarah Clark Miller rightly claims that omitting needs from moral consideration misconstrues certain vital aspects of our shared humanity by focusing too much on idealized notions of human beings instead of human beings as they are (Miller 2012, 2; cf. Reader 2007). In the same vein, the impetus behind the emergence of the ethics of care is the recognition that liberal theories have consistently omitted the most basic universal human experiences and relationships that do not fit with a liberal conception of the person. A central assumption that these dominant theories hold is that, for purposes of constructing political and moral theory, human beings can or should be thought of as self-sufficient, autonomous, fully capable, rational moral agents. This assumption is crystalized by the liberal belief that the home, and the types of relationships that occur within the home, are

private, and the law and government should not be extended into the private sphere unless egregious behaviors are occurring (Held 2006, 12).<sup>89</sup>

Virginia Held argues that since dominant moral theories have posited that morality should be sought for the autonomous, fully (and equally) capable, rational (male) adult, they miss the moral issues that arise between interconnected persons in the contexts of family, friendship, and other social groups (Held 2006, 13). The ethics of care aims to understand, evaluate, and prescribe moral values for those underrepresented contexts and to generalize these moral values beyond them, much the same way that needs-based moral theories seek to generalize the necessity of meeting the needs of others to apply to various contexts.

An important step for promoting care as a way to meet needs involves challenging the view that dependency is a deficiency. Dependency, which is often equated with incompleteness and immaturity, has been portrayed as an undesirable stage of life that one must strive to rid oneself of (cf. Dewey 1997, 45). John Dewey argues that society treats immaturity as a privation. In contrast, maturity, like autonomy, is equated with adulthood and as a desirable trait. Dewey suggests that we understand the concept of immaturity differently, that we view it not as a privation, but as a *power* (Dewey 1997, 46). Immaturity is the power to *grow*, and its two primary traits – dependency

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<sup>89</sup> John Locke writes that the purpose of education is geared toward a very specific end result: the production of ‘rational citizens’ capable of autonomous, political activity (Locke 1946, Ch. 6, §58). This view is made more concrete by the liberal philosopher’s stance on the family. For Locke, as well as Thomas Hobbes, children were meant to submit to their father (likewise, wives to their husbands), who was “abler and stronger” and the natural ruler of the home. Such an arrangement presupposes the dependent status of women and their children, but also champions the liberal political ideal of family: a pre-political (precontractual) natural hierarchical association (Hobbes 2012, 124). Caring for children beyond the aim of autonomy is not something discussed much at all in liberal philosophy, primarily because of the rigid divide between the political public and the private family: it is beyond the scope of liberal political theory to discuss care within families. The perpetuation of the public/private split between the state and the family is also present in contemporary liberal political works such as John Rawls’ *A Theory Of Justice*. For Rawls, the family is a part of the basic structure of society, yet the principles of justice are not directly applied to it (cf. Rawls 1971; cf. Okin 1989, 95). This commitment continues on the tradition of viewing dependency within the family (especially the dependency of children and the disabled) as something that does not fall under the scope of political theory (cf. Nussbaum 2009, 331-351).

and plasticity – are integral to harnessing that power. Dewey recognizes that dependency has been historically maligned as an undesirable trait because it is consistently conflated with *helplessness* – a type of deficiency when measured against autonomy. Because children and the disabled have needs that they are unable to fulfill themselves, they are looked upon as being totally dependent – helpless – and hence, *deficient*. Dewey argues that this is the wrong way to view dependency. Instead, he suggests that dependency is actually a *constructive* component for one’s ability to grow (Dewey 1997, 47-48).

Dependency is a social phenomenon that, when viewed as a strength and not a weakness, encourages *interdependence* beyond childhood to the relations between adults. Dewey contends that if helplessness was synonymous with dependency, no development could ever take place: “the fact that dependency is accompanied by growth in ability, and not by an ever increasing lapse into parasitism, suggests that it is already something constructive. Being merely sheltered by others would not promote growth,” (Dewey 1997, 47). This shift in the concept of dependency is a move in the right direction, and a foundation for *interdependent* relationships that are a core element in theories of care.<sup>90</sup>

If dependency is construed as helplessness, and thus as a deficiency, then surely dependency will be viewed as something unfortunate – something that must be overcome and transformed into independence. Holding, as care theories do, that dependency is an inevitable, on-going part of the human condition would seem to claim that human beings are all deficient. However, if dependency is understood as a *constructive* element in the continuous growth of human beings, then its inevitability will be seen more positively as an opportunity for one to grow

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<sup>90</sup> Joan Tronto argues that this is a necessary step toward a more inclusive state – that all citizens bravely admit their vulnerability and their status as care receivers at different points in their lives (Tronto 2013, 146). Similarly, Eva Kittay argues that interdependency should be a goal in human development more broadly (Kittay et. al. 2005, 453).

as a person.<sup>91</sup> Understood in this light, the acceptance of the universality of dependency would lead social and political theorists to value interdependency much more favorably, as the relationship of persons and institutions that recognize and respond to one another's dependencies as they arise. Hence, a better alternative for discussing dependency, and the needs that dependency reflects, is provided by the ethics of care. Care theorists argue that we must accept the fact that human beings are dependent and not self-sufficient; human beings are organisms that have many different needs, affecting many different areas of their lives, and these needs require care from many different places to be satisfied.

Further, dependency is experienced in various forms *throughout one's life*. We may personally be chronically disabled or injured, or we may have fallen ill or aged beyond self-sufficiency, finding ourselves in states of dependency that – *at best* – periodically require that we be cared for at different times in our lives. Beyond personal physical (in)capabilities, we may suffer emotionally from traumatic or unfortunate events and find ourselves dependent (sometimes for our lives) upon those who will listen to us, or offer us guidance and support to help us find our way out of emotional trauma. We also find ourselves dependent upon finding child care or elder care so that we can work; upon our local grocery store for stocking enough food to sustain (us and) the local population; upon the banks to be a safe place for what savings we have; upon unemployment insurance to sustain us when we cannot find work; upon affordable housing that is safe and does not consume the money that must be used to pay for groceries, bills, utilities, and transportation; upon a transportation system that reliably gets us where we need to go; upon an affordable and adequate healthcare system that provides the treatments and care that we need in

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<sup>91</sup> That being said, one can view dependency merely as a fact, and not ascribe a value (negative or positive) to it at all. In discussing dependency in a more positive light, I am attempting to show that it need not always be described negatively.

all situations; and so on. In short, our dependencies are varied and permeate many different areas of our lives *over the course of our lives*. Thus, care theorists argue that interdependency and social cooperation are also facts of life, although as a foundation for social and political theory these features of human existence do not receive the same attention as, most paradigmatically, the liberal tenets of autonomy and contract.<sup>92</sup>

Instead, we ought to recognize that, because persons are all dependent in a variety of ways over the course of their lives, the needs we have matter, and ought to be met. To that end, we must understand the kinds of needs persons have, what kinds of responses those needs require, and who (or what) the appropriate responder to those needs might be. The taxonomy of needs that I propose in the following section is meant to respond to this challenge by specifying the content of familial obligation (i.e. the kinds of needs that intimate caring behaviors meet) as well as the content for other institutional responses (i.e. the kinds of needs that institutions and governments meet). The distinction I will draw between *primary needs* and *secondary needs*, and their respective correlates *primary caring activities* and *secondary caring activities*, is meant to establish where the *responsibility* to meet needs is situated, rather than to provide a thorough examination of the genesis of different kinds of needs. Specifically, I will argue that a particular set of needs, *primary needs*, can only be met by certain kinds of caring activities, *primary caring activities*, which should be performed by family members. Likewise, *secondary needs*, it will be argued, are those needs that can only be met by *secondary caring activities*, which may be performed by a variety of

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<sup>92</sup> Virginia Held argues that the biggest problem with the liberal model is that it portrays individuals as being self-sufficient and, hence, downplays the universality of dependency. This obscures the fact that social cooperation is a precondition of autonomy (Held 2006, 86).

institutions or through the regulatory power of the state.<sup>93</sup> Before giving my proposed taxonomy of needs, I must clarify the methodology used to arrive at its central distinction.

The concept of *need* has commonplace, explanatory uses. David Braybrooke writes, “If people realize that their lives depend on providing for certain needs, we may expect them to take steps to provide for them; we explain the steps taken by citing the need” (Braybrooke 1987, 10). However, the concept of need is often susceptible to indefinite expansion, creating confusion about what to consider a *need* and what to consider a *preference*.<sup>94</sup> Using Braybrooke’s *relational formula* – “*N* needs *x* in order to *y*” – reveals that almost anything can be communicated as a need: Betty needs tickets to attend the game; Darnell needs books to study; Angelina needs money to buy food, and so on. Once the formula is filled in, argues Braybrooke, we can make a judgment about how important the need is by assessing how important the end *y* is, or how important it is for *N* to accomplish that end (both for *N* and for others who might be affected) (30). To avoid conflating needs with preferences, Braybrooke argues that there are limits to the relational formula, and these limits help determine where to draw the line between basic needs and preferences:

“...one cannot sensibly ask, using the language of needs, “Does *N* need to live?” or “Does *N* need to function normally (robustly)?” *N* does not have to explain or justify aiming to live, or aiming to function normally. ...Being essential to living or to functioning normally

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<sup>93</sup> By using the term *secondary* I do not mean to suggest that these needs are temporally secondary or any less significant than the needs I have termed *primary*. Rather, my use of *primary* and *secondary* are only meant to distinguish between the two different categories of needs that I outline in this Chapter.

<sup>94</sup> For Braybrooke, preferences are not morally compelling. There is no license to disregard the preferences of another, but there is nothing morally compelling to meet the preferences of another (Braybrooke 1987, 8). That being said, there are differences between the needs that persons have, which should not be conflated with preferences. These needs vary because of convention: “...no one can deny that in some respects - for example, in what provisions are familiar - there are variations in needs between persons and between cultures. The variations between cultures imply that needs are affected by conventions and suggest that truly general - universalized - arguments for meeting any specific need with specific forms of provision may be hard to find” (18). Likewise, Carol Gould argues that, “the identification and interpretation of needs have a socially constructed aspect and also involve a personal ascription of these needs to oneself” (Gould 2004, 98).



may be taken as a criterion of being a basic need. Questions about whether needs are genuine, or well-founded, come to the end of the line when the needs have been connected with life or health” (Braybrooke 1987, 31).

This approach helps to identify a set of needs that cannot be reduced to a concept of preferences or determined solely by convention:

“...course-of-life needs do not depend on preferences: People have a need for exercise regardless of what they wish, prefer, want otherwise, or choose. They have the need even if they do not much care to live or be healthy” (Braybrooke 1987, 32).

Braybrooke goes on to identify a number of proposed lists that aim to capture our course-of-life needs. He argues that these lists are incomplete on their own, but that a family of lists might produce a more comprehensive collection of course-of-life needs. In creating a family of lists, Braybrooke proposes his *List of Matters of Need*, which contains two parts: the first part is informed by notions of physical functioning, and the second part is informed by notions of what one needs to function as a social being. The list he provides is as follows (from Braybrooke 1987, 36):

### **The List of Matters of Need**

#### **Part 1**

1. *The need to have a life-supporting relation to the environment*
2. *The need for food and water*
3. *The need to excrete*
4. *The need for exercise*
5. *The need for periodic rest, including sleep*
6. *The need (beyond what is covered under the preceding needs) for whatever is indispensable to preserving the body intact in important respects*

#### **Part 2**

7. *The need for companionship*
8. *The need for education*
9. *The need for social acceptance and recognition*
10. *The need for sexual activity*

11. *The need to be free from harassment, including not being continually frightened*
12. *The need for recreation*

Braybrooke's List of Matters of Need is indeed thorough (yet, he admits, not complete), and informs many of the needs that I include within my own proposed taxonomy of needs. The structure of his list also informs the way I divide needs within my own account. However, significant differences exist between the needs that I include and the needs included by Braybrooke, as well as where the line between different kinds of needs is drawn.

First, Braybrooke explicitly includes the need to have a life-supporting relation to the environment, whereas I will not explicitly specify this need as a primary need. Material needs (such as food, clothing, and shelter) are unconditionally essential for human survival, and a relationship with the natural world where persons transform nature into material goods through work is required to meet those needs (cf. Gould 2004, 95). This work is often cooperative and social in nature, as material needs require organized forms of political and economic life to be satisfied (Gould 2004, 98). However, I claim that *to be fed and hydrated* is a primary need because it reflects the fact that, for (at least) the first several years of our lives, we are unable to have the kind of relationship with the natural world that could yield material goods for our survival (namely, we cannot yet work, either on our own or with others, to produce material goods for ourselves or our communities). We are dependent upon others to have those needs met until we can develop the right kind of relationship with the material world ourselves (and even then, some persons never develop this relationship sufficiently). So, my account specifies the primary need for nutrition and hydration in a way that necessitates a caring relationship with others. This relates to the second difference between Braybrooke's List and my proposed taxonomy.

Braybrooke divides his List of Matters of Need by notions of physical functioning first, notions of what one needs to function as a social being second. While the majority of his social needs are adopted within my own account,<sup>95</sup> I do not divide my taxonomy of needs along the same lines. Most of the basic needs that Braybrooke includes on his List comprise my category of *primary needs*. Primary needs involve those things that persons cannot live without regardless of social, economic, or political context; specifically, they are needs that arise independently of where one lives, how wealthy or poor one is, what local customs or traditions one adheres to, and what political system one lives under. However, I specify a second category, *secondary needs*, and claim that these needs are those things that persons require to secure the resources necessary to meet their primary needs. By using the term *secondary* I do not mean to suggest that these needs are temporally secondary or any less significant than the needs I have termed *primary*; as I will go on to argue in the next section, many of our primary needs cannot be met unless our secondary needs are satisfied first. Rather, my use of the terms *primary* and *secondary* are only meant to distinguish between the two different categories of needs, and the unique caring activities related to each, that I discuss here.

Unlike primary needs, secondary needs are circumstantial – that is, all persons do not have them equally, and they may change (for better or worse) depending upon forces external to persons (such as governmental policy, job termination, weather patterns, and so on). In an important respect, this categorization is similar to the way that Braybrooke conceptualizes *conventionality*: “At the very heart of the concept [of need], as close to a firm footing for it as it ever gets in ordinary use, conventionality takes the place, without renouncing the claims of biological necessity: What people are held to need for subsistence is always considerably more than the biological minimum

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<sup>95</sup> I find it problematic that Braybrooke includes *the need for sexual activity* in the social category, as it can be misconstrued to condone forceful sexual contact with others.

required to sustain life” (Braybrooke 1987, 19-20). Conventions (be they social, cultural, or political) have the power to create and perpetuate additional needs that must be met for persons to subsist. I expand upon this notion of convention to highlight the fact that many of our primary needs cannot be met unless our secondary needs are also met.<sup>96</sup>

My proposed taxonomy of needs is meant to highlight how central care is to meeting the majority of our needs throughout our lives. As such, I sketch out a taxonomy of needs and the corresponding caring activities that may successfully meet those needs.<sup>97</sup> The kinds of caring activities involved in meeting particular needs will, I hope, evince who has an obligation to provide care in these different contexts. Before proceeding, it is important to remind the reader that I do not aim to provide an exhaustive taxonomy of needs and their corresponding caring activities; rather, I seek to highlight the different areas of our lives that our needs fall into, and the different kinds of caring activities that best meet those diverse needs. It would be impossible to provide a full taxonomy of needs because our needs change and diversify over time and in different contexts (for instance, the ever-increasing use of technology in our lives may alleviate some needs that we have while also creating new needs that are non-existent at this time).<sup>98</sup> That being said, I try to offer a thorough analysis and a sound foundation for the claim that certain persons (namely, family members) are obligated to perform caring activities to meet certain needs.

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<sup>96</sup> I will explain this process more thoroughly in the following section, though it is important to note here that the economy and many of the activities associated with economic production straddle both processes for meeting primary and secondary needs.

<sup>97</sup> I don’t mean to claim that *all* needs are met through caring activities. Rather, I am claiming that many of our needs are met through caring activities, and it is an important task to figure out just what kinds of caring activities most effectively meet our needs.

<sup>98</sup> Karl Marx argues that the first historical act of mankind is the production of the means to satisfy needs (food, water, clothing, shelter, and so on), which is the production of material life itself. The satisfaction of first needs, which includes the act of satisfying and the instrument of satisfaction used, eventually leads to new needs (Marx 1978, 156).

### 3. *A Taxonomy of Needs*

Needs vary between persons and over the course of a person's life (Braybrooke 1987, 43). Needs also vary by stability: some needs are stable throughout our lives (such as the need for hydration and nutrition) while other needs are more circumstantial (such as the need for medical care or childcare) (Noddings 2002, 58). Likewise, caring activities that respond to these needs vary as well: some caring activities are physical, others are emotional, and some are financial. For instance, a person may be chronically disabled, injured, have fallen ill, or aged beyond self-sufficiency. In such cases, that person may be dependent upon others to do for them what many of us take for granted as activities we can do for ourselves: to be fed and hydrated, bathed, to excrete without complication, to be physically stimulated to prevent blood clots or bed sores, to dress our own wounds, and so on. These physical states of dependency require *physical care*: a particular kind of care work that responds to the physical needs that persons have. To borrow Joan Tronto's terminology, the kind of care work required for physical care involves *caring for* the person with the need, or being an active *caregiver*. (Tronto 1993, 107). This kind of care work might involve feeding the *care receiver*, bathing and exercising her, helping her use the restroom, cognitively stimulating her (perhaps through conversation) to prevent decline, tending to wounds or administering medication when necessary, and so forth. While the activity of caring for another might demand a significant amount of direct physical care work, caring for another might alternatively involve *indirect physical care work* as well: preparing meals for the care receiver (if/when they are able to feed themselves), maintaining facilities for the care receiver to bathe and exercise herself (a clean bathroom and a safe uncluttered space), providing reading material or visual/audio entertainment, filling prescriptions, or ensuring that there are adequate bandaging materials available.

Caring for another might also involve *emotional care*: a particular kind of care work that responds to the emotional needs that persons have. This kind of care work aims to meet the needs of those who are suffering from emotional or psychological trauma (perhaps the loss of a loved one, the ending of a relationship, an assault, or the witnessing of a disturbing event), or those with a chronic emotional or psychological condition such as depression, body dysmorphia and related illnesses, dementia, schizophrenia, post-traumatic stress disorder, and the like. While this kind of caring activity may be less physical in nature, it is nonetheless as direct and demanding upon the caregiver.<sup>99</sup> Care receivers in these cases may be (and in many cases, are) dependent for their lives upon caregivers who are able to listen, guide, support, and (in professional cases) prescribe and administer medications for these conditions. It is also likely that, as a result of many of these conditions, the physical kinds of caring for may also be required, in tandem, by the same caregivers. That is, those who are unable to emotionally or psychologically take care of themselves may also need a caregiver to care for some of their physical needs as well.

So, caring for another involves direct or indirect physical or emotional care work that aims to meet the specific physical or emotional needs of the care receiver – one cannot care for another in these circumstances by sitting on the sidelines. However, one can certainly *take care of* the needs of another at a greater distance through *financial care* (cf. Tronto 1993, 106).<sup>100</sup> Financial care is a particular kind of caring activity that may or may not involve a degree of care *work*. To return to our example above, someone who either does not have the time, capacity, or means to *care for* another person may instead *take care of* that person by using financial resources to provide

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<sup>99</sup> In Section Four I will discuss how reciprocation, even to a degree, helps to alleviate some of the burden that caring for another places upon the caregiver.

<sup>100</sup> Tronto does not specifically cite financial care as an element of taking care of another person, but her examples tend more toward financial activity. The important distinction here is between *taking care of* and *caregiving*, where taking care of does not have the same direct and intimate element of care as caregiving (cf. Tronto 1993, 105-108).

the direct or indirect care that the care receiver needs.<sup>101</sup> For instance, one might hire a caregiver to provide direct physical or emotional care, or one might rent certain equipment that helps the care receiver to exercise. Likewise, one might pay for a professional psychiatrist or a specialist who might be more helpful to diagnose and care for emotional and psychological conditions in the care receiver.

*Taking care of* another person does not mean that the caring activity being done involves less responsibility than *directly* or *indirectly caring for* the care receiver. Rather, taking care of another person is yet another way to responsibly ensure that the needs of that person are being met adequately, even if one cannot respond to those needs directly. Further, *taking care of* another person's needs may involve a degree of labor similar to the degree involved in *caring for* another person. For instance, one may be unable to afford the right kind of caregiver necessary to meet the needs of the care receiver without taking on a second or even third job – a very taxing amount of labor that helps to provide the required care. Likewise, one might take on personal debt to take care of another person, adding years of work onto their life. Additionally, *taking care of* another person is no less *effective* than *caring for* that other person oneself, provided that the hired caregiver, specialist, rented equipment, or the like are caring for the person adequately.

The examples above detail cases where persons may or may not depend upon others for prolonged periods of time or have many different dependencies at the same time that require physical, emotional, and financial care simultaneously. A much more certain example, and one

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<sup>101</sup> The distinction that I am drawing between *caring for* versus *taking care of* does not correspond exactly to the colloquial uses of these phrases. For example, when someone says that they are “taking care of” their child, they typically mean to communicate (and are typically understood to be communicating) that they are providing the more direct, hands-on kind of care that I designate *caring for*. Similarly, “caring for” is often used colloquially to describe an attitude or feeling about something or someone (“I don’t care for the game of football” or “I care for you dearly”) rather than to directly *care for* someone. Although my terminology differs in these important respects, I believe that my usage of these phrases helps to distinguish the ways that care is provided to others in more precise terms.

that applies to all of us much in the same way as we are all *some mother's child*, is the fact that, as children, we were all dependent upon caregivers for our very lives and well-being (cf. Kittay 1999, 25). The needs that all infants and children have – namely, to be fed, sheltered, clothed, given affection, educated, looked after and, when necessary, disciplined – require near constant care that is comprised of physical, emotional, and financial care work. Caregivers must feed infants and young children, must provide enough food for older children to feed themselves, must provide adequate shelter and clothing to protect against environmental elements, must educate children – at least minimally – so that they are able to communicate and (to the extent possible) care for themselves as they grow, must protect them from harmful situations (removing sharp objects from grasp, for instance) and discipline them (at least in situations where they are a danger to themselves and/or others) so that they do not repeat harmful behavior. Caregivers must also show, at minimum, a degree of affection to infants and children that research suggests helps to foster a sense of security, self-esteem, and self-worth within the child as they grow (cf. Roberts & Bengtson 1996; cf. Harris et. al. 2015; Engster 2015). Simply put, without a majority of this care work infants and children would not reach adulthood. Likewise, for adults with disabilities, injuries, physical or psychological illnesses, age-related incapacities, and the like, care work is necessary to ensure that one's life does not end as a result of the (potentially chronic) condition, and that one's quality of life is maintained at an adequate level.<sup>102</sup>

Thus, these *primary caring activities* address the *primary needs* that persons have at any given time during their lives. Primary needs involve those things that persons cannot live without regardless of social, economic, or political context; specifically, they are needs that arise independently of where one lives, how wealthy or poor one is, what local customs or traditions

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<sup>102</sup> For instance, that one eats and drinks clean water regularly, is bathed and moved around regularly to prevent infections and sores, is mentally stimulated to prevent decline of cognitive faculties, and so forth.



one adheres to, and what political system one lives under. In Braybrooke's terms, these most basic needs are not derived from other needs; they are the most essential needs that cannot be reduced to preferences shaped by political, social, or cultural convention (Braybrooke 1987, 37). Primary needs, when they cannot be met independently, must be met by others through primary caring activities – those activities that involve direct or indirect physical and emotional care, which include the activities outlined above – else one's life may potentially end. While I will argue in Section Four below that the family is obligated to engage in primary caring activities, it is important to note that our primary needs are also met through organized forms of social and economic life that have existed, in different forms, alongside families both before and after the advent of the modern state (Gould 2004, 98-99). Although these organized forms of social and economic life are regulated by modern states, they are not entirely conventional in character and may be thought to straddle the processes for meeting both primary and secondary needs.

Although primary needs encompass a significant portion of the needs that all persons have, they are not the only needs that all persons have. Because all persons live in societies, and these societies are now typically governed by particular political and economic systems that affect the resources persons have available to meet their primary needs, all persons also have *secondary needs* specific to their socio-economic and political status. Thus, secondary needs are those things that persons require to secure the resources necessary to meet their primary needs. Unlike primary needs, secondary needs are circumstantial – that is, all persons do not have them equally, and they may change (for better or worse) depending upon forces external to persons (such as governmental policy, job termination, weather patterns, and so on). To use Braybrooke's terminology again, we might say that secondary needs are primarily affected by conventions that are specific to particular social, cultural, and political systems (Braybrooke 1987, 18). These conventions make it very

difficult to propose a universal assessment of secondary needs, as each social/cultural/political system will produce different versions of them.

For instance, unless we forage in unoccupied or uncontested territory, we are dependent upon an economic system that enables bartering or trading, or upon a social and political system that enforces private property laws, allowing us to work on some land and keep the results. Since a system of property rights and enforcements is already in place for much of the world, ownership of, and access to, private property is unequally distributed. If we do not own our own land to grow our own food (if we do not have a direct relationship with the natural world, where our labor directly produces material goods), then we find ourselves dependent upon trading or bartering with farmers (who in many cases do own their own land) and/or purchasing items at grocery stores (who purchase the products of labor for resale) to stock enough food that is reasonably priced for us to purchase to meet our primary need of nutrition. In turn, if the economic system in place determines that food is a commodity to be valued monetarily, then we are dependent upon acquiring money to purchase the food that we need. Further, if we have a need for money to purchase the things that are required to meet our primary needs, then we are dependent upon having a steady source of income, which in turn makes us dependent upon having a certain political status – citizenship – that enables us to legally work, and so on and so forth. In short, secondary needs, while not themselves life-dependent, are needs that must be met to ensure that our primary (life-dependent) needs are also met.

If primary needs require direct or indirect physical and emotional caring activities to be met, then what kind of caring activities meet the secondary needs that we have? Given the breadth of secondary needs, their primarily circumstantial nature, and their footing in social, economic, and political systems, a variety of different *sources* for caring activities are required, but not

necessarily a variety of different caring activities. Since our secondary needs are shaped primarily by convention and derived from primary needs, the caring activities that will meet these needs will most often be shaped by convention and derivative of primary caring activities as well. They will be comprised of activities that *take care of*, rather than *care for*, the needs that persons have – although there will be some cases that require primary caring activities.<sup>103</sup> To continue the most recent example, if we are dependent upon having a steady source of income then we need to work, which in turn requires us to learn or apply some skill that is considered valuable for the workforce.<sup>104</sup> If we have no children or elderly parents, our time away from home (or away from others) doesn't seem too problematic. However, if we do have children and/or elderly parents, then we will need to secure childcare (perhaps in the form of daycare or a nanny) or elder care (perhaps in the form of a home aide or a nursing home) to be able to work and earn money.<sup>105</sup> Further, if we are earning a steady income, and that income exceeds our expenses, then we become dependent upon financial institutions like banks to provide us a safe place to keep our earnings. When our income does not exceed our expenses (or breaks even with our expenses), then we are dependent not only upon grocery stores and childcare, but also upon affordable housing and affordable transportation. If we should lose our steady income (perhaps through job layoffs or retirement), then we become dependent upon unemployment insurance or social insurance programs like Social Security. Additionally, we are all in need of affordable healthcare (and an adequate, efficient healthcare system) to prevent the accrual of medical debt should we require medical, dental, or

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<sup>103</sup> Most notably here I mean care received from childcare workers, eldercare workers, and medical professionals.

<sup>104</sup> Or for some in capitalist economic systems, ownership of capital can generate income.

<sup>105</sup> Susan Moller Okin argues that the structure of the workplace assumes that workers are free of caregiving responsibilities (Okin 1989, 176). It is not within the purview of my argument here to highlight the troubles with this conception of the workplace, only to draw attention to the fact that it exists.

psychological care from medical professionals, and to keep us healthy enough (and alive!) to continue working and earning money.

In short, there are many conventions that determine which and how many secondary needs we have (a representative sample might include money, a marketable skill for the workforce, affordable childcare, employment, an advanced degree, and citizenship), and many different institutions that are capable of taking care of these needs (such as public or private companies, vocational schools, graduate schools, governments, and daycares). In some cases, taking care of a secondary need involves financial care, such as unemployment insurance, social insurance, subsidized housing, subsidized transportation, and food-purchasing assistance programs. In other cases, taking care of secondary needs involves providing services or goods that would otherwise be unavailable to persons in need, such as publicly run daycare and eldercare centers, banking institutions, grocery stores, walk-in clinics, and hospitals.<sup>106</sup> These services and goods may also be provided through less conventional means; for instance, through social organizational arrangements within communities to provide community childcare or through local economic arrangements such as Community Supported Agriculture initiatives. That being said, in the majority of cases, the needs one has, and the response to those needs, are produced by social, economic, and political conventions.

So, primary and secondary needs can be met, when necessary, by primary and secondary caring activities that are performed by certain persons, practices, institutions, and governments. However, just because they *can* be met does not mean they *ought* to be met by certain persons, practices, institutions, and governments. Why should there be an obligation to meet primary and secondary needs? To answer this question, we need to examine how valuable care is to us and to

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<sup>106</sup> It is important to note that some of these services involve hiring employees to provide primary caring activities, especially daycare and eldercare centers, and medical centers.

our institutions. For instance, if no one were obligated to care, at the very least, for the youngest members of a community, society, or state, then there would cease to be communities, societies, and states, as we know them.<sup>107</sup>

Additionally, as Daniel Engster (2007) argues, human beings implicitly value care as a necessary good because we all make claims on others when we need care. We at least implicitly assert that others *should* help us to meet our basic needs, alleviate or mitigate pain and suffering, and develop and maintain our basic capabilities when we are unable to do so on our own (Engster 2007, 46). By making these claims on others, we imply that capable human beings *ought* to provide care for others in need (when they are able to do so consistent with other caring obligations). Engster continues that, since our own care does not morally outweigh the care of others (including self-care), and since we all depend upon the care of others at different times and implicitly believe that capable individuals should help us when we are in need, we should consistently recognize as morally valid the claims that others make upon us for care when we are able to provide the care required without harming ourselves (Engster 2007, 49). This principle, called the *principle of consistent dependency*, grounds Engster's claim that citizens have an obligation to provide care to other citizens who need it. We might also appeal to this principle to ensure that our society organizes and maintains a caring infrastructure that can sustainably and successfully meet the demands of care.

There must, then, be persons, institutions, or governments that are obligated to care for, or take care of, the needs that persons have for states and societies to maintain themselves over time and thrive. That being said, it may be the case that certain persons, institutions, or governments

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<sup>107</sup> Many parents do, in fact, *want* to care for their children. The notion of obligation here is to ensure that children are being cared for *well*.

might be more effective than others at carrying out different kinds of caring activities. This brings the primary purpose of the family to the core of this debate.

#### *4. Why is The Family Obligated to Care?*

In Chapter One, I argued that the family should not be defined as a biological group, but instead as a social group with a particular purpose. We determined that the primary purpose of the family should not originate from *outside* of the family: from a desire to protect property and assets, to indoctrinate members to a specific belief system, or to raise future citizens for a political regime. In Chapter Two, we discussed Margaret Gilbert's view that social groups are created and maintained based on *a joint commitment* to some particular goal, belief, attitude or action, and this constitutes the *primary purpose* of the social group (cf. Gilbert 2014). Joint commitments are upheld when all members of a social group participate in *joint activities* that work toward realizing the primary purpose of the group. The discussion of needs and dependency in the first part of this chapter elucidates the necessity of *caring activities* for the well-being of persons throughout their lives. If following Engster, we accept that the moral imperative for providing care makes claims on us all to provide care to others when we are able to. However, it may be too overwhelming – or too disorganized and ineffective – if these morally prescribed caring activities fail to specify any particular persons that we ought to be responsible to care for. That is, our ability to care for others who are in need is greatly enhanced if we are only obligated to care for a certain number of others, rather than an indefinite (and unknown) number of others.

Taking these premises into account, I propose that we conceive of the family as a kind of social group whose primary purpose is based upon a commitment to interdependent caring relations and the fulfillment of mutual wellbeing through corresponding caring activities because it is an ideal arrangement for persons to care for and receive care from one another. I call this

conception *The Social Family*. This means that a joint commitment to form, join, or maintain a family obligates family members to *actively care* for one another by virtue of the shared goal of interdependent caring relations. Correspondingly, the notion of *reciprocity* that we have discussed in this chapter and in Chapter Two adds further weight to the claim that caring activities are required of all members. Family members are all obligated to *care for* one another because all family members require *care from* one another. The youngest and most vulnerable members of the family benefit greatly from the care they receive, as do those who are temporarily ill or injured, and those who are suffering emotionally and psychologically. Being on the receiving end of a caring relationship is still a part of *joint activity*, since caring is a relational activity that requires more than one person (or one person's disposition to care) (cf. Bubeck 2002, 160; cf. Held 2006, 12).<sup>108</sup> Care receivers are obligated to reciprocate, to the best of their ability, to continue the joint activity (and continue to realize the purpose of the family). Accordingly, family members must be committed in the long term – that is, they should actively care for one another over a long period of time to be able to work toward the mutual well-being of all family members (who all need care at different points in time).<sup>109</sup> So, as *persons* we are morally obligated to care for others on the basis of our universal dependency (the *principle of consistent dependency*), and as *family members* we are obligated to care for a particular set of persons (our other family members) on the basis of our joint commitment.<sup>110</sup> Thus, the obligation to care for our family members is both morally and

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<sup>108</sup> Virginia Held argues that a disposition to care is one-sided; it merely says that someone is ready to care and has some idea of what caring behaviors might be. Being in a caring relationship, however, means understanding what the needs of the care receiver are, and meeting them appropriately (Held 2006, 55). Persons in caring relations are acting for self-and-other together, in the same acts. Caring relations involve the cooperative well-being of those in the relation, which leads to the well-being of the relation itself (Held 2006, 12).

<sup>109</sup> Carol Gould calls this focus on active work toward the enhancement of well-being *mutuality* (Gould 2004, 42).

<sup>110</sup> By narrowing down the scope of those who may demand care from us, we potentially alleviate some moral dilemmas (cf. Frankfurt 1988, 81).

socially grounded through the appeal to our universal moral convictions and the significance of our particular relationships with our family members.

The caring obligations that family members have do not encompass the full range of caring activities discussed above. Family members may not be able to provide many of the secondary caring activities discussed above, but they are certainly capable of providing many of the primary caring activities discussed. What's more, family members are in a special place to provide that kind of care for one another – they have intimate knowledge of one another's capabilities and dependencies – which, I will argue, makes families more efficient and effective primary caregivers than other institutions and governments. This, in turn, gives specific content to the caring activities that family members are obligated to perform for one another.

### *5. The Family and Primary Caring Activities*

There are important moral considerations involved in meeting the needs of others that we have a responsibility to care for (Held 2006, 10). Some needs that persons have may be stable over time, but other needs are more circumstantial – for example, a person has a need for food and water on a daily basis, but may only need medication now for a health condition that has just been diagnosed. Likewise, some needs that persons have may be able to be met by the person herself – such as feeding herself, bathing herself, and using the restroom by herself – while other needs require care from a caregiver – such as filling and picking up prescriptions, grocery shopping, and mental health counseling. These examples suggest that 1) different kinds of caring behaviors are needed at different times, and 2) caregivers need to know something about the individuals they are caring for – they need to have knowledge of what the care receiver needs at a given time to provide the right kind of care, else more harm may be caused (Noddings 2002, 58). Joan Tronto argues that care should be viewed as a practice that involves both *thought* and *action* (Tronto 1993, 108).



It is not enough merely to provide any kind of care in a situation; care must be provided to meet a particular need (or set of needs) that a person has. Determining the most appropriate caring response to a person's need is just as crucial as the caring activity itself. So, the role of the caregiver (and the knowledge that the caregiver has) is extremely important for ensuring that the dependent is cared for appropriately. This means that the role of the caregiver cannot be filled by just anyone.

*Social Families* are intimate; the nature of joint commitment shapes the kind of relationship that family members have with one another to be closer and more personal than other relationships outside of the family.<sup>111</sup> Part of this intimacy arises from the fact that family members interact with one another on a regular basis through joint activity, and know many of the intricate details of one another's lives, making them jointly ready for activity when the need arises.<sup>112</sup> Consequently, family members have comprehensive, intimate knowledge about one another's capabilities, dependencies, needs at any given time, and dispositions (how much or little care family members *want* from one another). This knowledge gives family members the ability to evaluate these dispositions, capabilities, dependencies, and needs and transform them into knowledge about what types of caring activities particular family members should receive, and how often: some members require many different direct physical caring activities on a daily basis while others only require indirect physical caring activities (such as maintaining facilities, preparing meals, filling prescriptions, and the like); some members require significant emotional care (for instance, a need to speak with others daily) while others only need that kind of care from family members weekly

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<sup>111</sup> For example, relationships between coworkers, congregation members, and friends.

<sup>112</sup> By *regular basis* I mean that family members interact with one another, in some form, at intervals of time that they each find acceptable. *Joint readiness* and *joint activity* makes it difficult for these intervals to be very long, for the longer the interval, the less that family members know about each other. If family members know very little about one another, then they cannot be jointly ready for action, nor could they successfully take on any joint activity. (cf. Gilbert 1989, 207; and Chapter Two, Section Four of this dissertation).

or monthly; some members may require time away from primary caring responsibilities (requiring assistance from others so that they may take that time off), and so on. In short, different family members require different types of caring activities. Virginia Held claims that these differences reflect the individuality of persons.<sup>113</sup> These differences also highlight the importance of familial intimacy that makes needs like these, and their corresponding caring activities, known in the first place.

While it is universal that all persons have primary needs, not all persons have the same primary needs at any given time. Moreover, the nature of primary needs, especially for those that cannot be filled by persons themselves, regularly requires very intimate direct or indirect caring activity, often over lengthy periods of time. Those who respond to our primary needs must have substantial knowledge not just about us, but about what kinds of caring activities will best meet the needs that we have. As such, it is not likely that institutions or governments, or even local social or economic organizations, would have such comprehensive intimate knowledge about us, nor the resources to respond to each and every person with the appropriate, adequate caring responses – especially since *all* persons need caring responses at different times. So, it seems that other *persons* are the only entities that are capable of possessing this intimate knowledge and ability to carry out primary caring activities for one another efficiently and effectively. But, of course, not just *any* person can provide effective primary care to another person: the caregiver must have intimate knowledge about the other person to be able to care effectively. So, family members, who are in a special place to have this kind of intimate knowledge about one another, are the most effective providers of primary care for one another. Because families are comprised

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<sup>113</sup> However, Held notes that one can think of relationships that are extremely demanding and possibly dangerous to the caregiver. Held responds that in such cases, when relationships are so entangling that they impede free agency, they are often the kinds of relationships that need revision (Held 2006, 50).

of persons 1) who all have needs and, thus, certain dependencies and demands (the *principle of consistent dependency*); 2) whose needs are best met by other persons that they share intimate knowledge with; and 3) who have jointly committed to a group goal that aims toward the mutual well-being of all family members, family members are obligated to *care for* one another's primary needs, or to *take care of* those needs when necessary. Providing care for one another's primary needs accords with the notion of reciprocity that makes caring relations beneficial to all family members.<sup>114</sup> But what about those family members who cannot reciprocate the care that they receive?

Familial reciprocity does not require that all actions be met with equivalent responses.<sup>115</sup> In certain cases, such as for those with severe disabilities, it may only be possible to receive emotional feedback in the form of positive gestures (i.e. smiles, hugs, and the like), love, or camaraderie. Even still, that kind of feedback keeps the caring relationship positive for both caregiver and care receiver and, on many occasions, reduces the heavy burden on the caregiver (Kittay 1999 150-152; cf. Kittay 2002).

In other cases, former care-receivers may only be able to take care of the primary needs of those who cared for them, rather than care for those needs directly.<sup>116</sup> I will return to this point

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<sup>114</sup> Carol Gould mentions a specific type of reciprocity for the family, called *cooperative reciprocity*, which is meant to capture a relation among individuals who are all engaged in activities towards common ends, in this case, the well-being of the family unit (Gould 2004, 44). She argues that caring about achieving this shared end is a compelling reason for family members to pay attention to their own responsibility for the joint undertaking in addition to the concern over the continued participation of other family members (Gould 2004, 45).

<sup>115</sup> Persons who receive adequate care who become directly responsible for the care of others will likely develop a moral orientation that Nel Noddings believes captures the ethic of care (Noddings 2002, 29). Hence, they will seek to care for those who have cared for them, to the best of their ability – even if they cannot fully reciprocate that care.

<sup>116</sup> I have in mind here an adult child who cannot reciprocate the direct care given to them as children by a caretaker (to be fed, bathed, and so on), but can take care of the needs of their childhood caretaker by hiring a home health aide or the like.

shortly. What is most pressing to understand here is that reciprocity *itself* does not dictate whether certain caring activities are appropriate; rather, reciprocity dictates that caregivers always try to appropriately meet the needs of their particular others to the best of their ability, as their own needs were similarly met. We might understand this process, as it unfolds over time, as exemplifying a sort of *practice* of care similar to the way that care theorists discuss care as a practice (cf. Tronto 1993; cf. Bubeck 2002; cf. Held 2006). Caroline Whitbeck defines a practice as a coherent form of cooperative activity (joint action) that not only aims at certain ends but also creates certain ways of living and develops certain characteristics in those who participate in the cooperative activity (Whitbeck 1984, 65).<sup>117</sup> Practicing primary care in the family would develop certain ways of living that help facilitate the maintenance of caring relations over the long term. The practice of active caring might look something like the periodic shifting of roles within the family from caregivers to care receivers as needs are met and new needs arise. For example, *family member A* has a broken leg and requires direct and indirect physical care from *family member B* as they heal, yet at the same time, *family member A* provides emotional care to *family member B* by discussing a troubling situation that *family member B* is struggling with. So, family members cooperatively work toward the mutual well-being of each member by taking on the appropriate role at the appropriate time. But what about those times when family members are unable to perform primary caring activities because of other obligations that arise outside of the family, or because there are too many needs to address at once?

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<sup>117</sup> Specifically, Whitbeck writes, “By “practice” I mean a coherent form of cooperative activity, or “joint action,” as Carol Gould calls it, that not only aims at certain ends but creates certain ways of living and develops certain characteristics (virtues) in those who participate and try to achieve the standards of excellence peculiar to that practice” (Whitbeck 1984, 65).

## 6. *Secondary Caring Activities and the Family*

Family members are not always able to care for the primary needs of those who are on the receiving end of the caring relationship. Contemporary political, social, and economic systems each have a hand in creating, perpetuating, and (potentially) mitigating a variety of secondary needs that must also be met to ensure the well being of persons. For instance, parents of young children may not be able to directly or indirectly care for all of their children's primary needs because of a secondary need for money that results from not having direct access to material goods from nature. These parents would have to work to fulfill the family's secondary need for a steady income while *taking care of* their children's primary needs by, say, placing their children in daycare or preschool. Relatedly, some family members may not be the appropriate responder for certain needs that arise, such as the need for psychiatric evaluation, monitoring, and prescribing medication if the care receiver has had a traumatic psychological experience. In such a case, a medical or psychiatric professional would be better able to care for the care receiver's primary need. As discussed above, this does not make the caring action(s) of the family member any less effective, although it does make the caring action(s) less direct.

The secondary needs that arise within families are typically the result of the family not being able to meet the primary needs of all of its members due to socio-economic and political forces. For instance, in the contemporary world, families who do not grow their own food rely on grocery stores to stock enough food to purchase for family members to eat regularly. This entails another set of needs including, but not limited to, the need for money to purchase food (and other goods to meet our primary needs), the need for a steady source of income, the need for citizenship so that one might be able to work, the need for childcare or eldercare (should the worker have children or elderly family members), the need for affordable healthcare to prevent catastrophic medical debt, and so on. Institutions like daycares, eldercare centers, medical centers (hospitals,

walk-in clinics, private practices), and schools, as well as private care workers such as nannies, nurses, home health aides, and tutors, perform primary caring activities that address the unique set of primary needs that each care receiver has similarly to how family members meet the primary needs of one another. However, there are two differences between family members providing primary care and care workers providing primary care to dependents.

First, in many cases, care workers do not possess the same knowledge about the care receiver that their own family members do. For instance, a doctor or nurse who is caring for a patient's specific primary need does not typically know anything about the patient beyond the relevant information necessary to the caring activity at hand (they may know what allergies the patient has and how their injury or illness must be treated, but they may not know that the patient has difficulty sleeping at night and has high anxiety, leading them to be more tired and clumsy, and more prone to illness). The primary caring activities are effectively and efficiently carried out (the wound is dressed or the illness diagnosed and medicated), but perhaps the root of the problem has not been addressed. That is, the caring activity has not been as comprehensive as if a family member, knowing that the care receiver needs to sleep more, offers an additional level of care to ensure that the care receiver is given more opportunities to sleep. Likewise, an eldercare worker might know a significant amount about his charges – their health history, capabilities, disabilities, likes, dislikes, and so on – but may not recognize emotional trauma from losing a long-term partner or friend, or regret for not having fulfilled a life-long dream. The eldercare worker might attribute a somber disposition to more recent events, or as a side-effect of their physical state, and so any emotional care offered by the eldercare worker would be less targeted than a caregiver who knows more about the person's overall history and can more accurately target the need in question (perhaps by watching home movies or sharing memories and stories).

While care workers are effective and efficient primary caregivers to those persons who are under their care, in most cases care workers will not possess the same amount of knowledge about the care receiver, resulting in less comprehensive primary care than family members would be able to provide. Again, this does not mean that the charge is receiving less effective care, for their specific primary needs are being met. Instead, it is meant to highlight the fact that family members are usually able to care for one another's needs on several fronts because they have comprehensive intimate knowledge about the person being cared for. That being said, some care workers are able to gain a substantial amount of knowledge about their charges, leading to the same kind of comprehensive care that family members could provide. For instance, childcare workers, especially those who are privately hired and work in the child's home, or daycare workers who have cared for a child for several years, may in fact have a significant amount of knowledge about the child and be able to offer primary care as comprehensively as the child's parents. Even still, it is likely that the child will not remain a charge of the childcare worker for the long term (the child may switch schools or daycares, the family may move to another state, or the child may start to attend public school, eliminating the need for home care). This leads to the second difference between primary care provided by family members and primary care provided by care workers.

Care workers and their charges do not have the same kind of reciprocal relationship that family members do, since care workers and their charges are not committed to a shared goal of mutual well being. In the care worker-care receiver relationship, the care receiver need not ever provide primary care to the caregiver. Instead of receiving reciprocal care, care workers typically, although not always, receive compensation, and this compensation is usually monetary (although

it may be a bartered service).<sup>118</sup> Care workers ought not expect to receive care from their charges, and care receivers ought not expect to provide care themselves in the future.

It is important to clarify that a lack of reciprocity does not mean that the care receiver need not *care about* the care worker. Virginia Held argues that caring about another person involves concern about whether or not they are doing well independent of caring activities; if caring activities happen to be present, then caring about another person also involves concern about whether one's caring activities are positively affecting that person (Held 2006, 33). So, the care worker and the charge may *care about* each other, even if their relationship does not involve reciprocal *care for* one another. Similarly, Nel Noddings claims caring about another person can help to establish, maintain, and enhance caring relations. However, for Noddings the objective of caring relations is for caring *activities* to take place; *caring about* is empty if it doesn't result in *caring for* another individual (Noddings 2002, 24). In this sense, a care receiver cannot care about the care worker since they are not obligated to (and most likely never do) provide care for the care worker themselves. Noddings' conception of the caring about / caring for relationship seems misguided. For instance, Joan Tronto's account of *caring about*, like Held's, does not posit this same emptiness. Instead, Tronto treats the phenomenon as a first step in the recognition that care is necessary to meet the needs of others (Tronto 1993, 106). Understood in this way, caring about another person involves recognizing the moral consideration that all persons require care and, whether or not we are obligated to (or able to) *care for* another person, we may at least *care about* them and hope that they are receiving the care that they need. Even if our caring relationships emerge from different circumstances, we are not precluded from caring about one another even if we do not care for, or take care of, one another reciprocally.

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<sup>118</sup> Unfortunately, this compensation is not always adequate (cf. Robinson 2011; Tronto 2013).



To return to the discussion about secondary needs, family members often meet these needs through conventional means without much assistance: they pay for their own groceries with their own money that they earned through working; they pay for their own childcare or eldercare arrangements, and they facilitate their own (and their family's) healthcare coverage either through their employer or through direct payment to insurance companies. In such cases, private institutions are able to provide the primary caring activities to dependents when family members are unable to themselves.<sup>119</sup> However, many families are not able to meet their secondary needs without assistance. For instance, some families have difficulty keeping a steady income because of disabilities, availability of employment, market conditions, and the like. Other families struggle to make enough money to cover the costs involved with having dependent family members like children, the disabled, and the elderly, who all require considerable amounts of primary care that must be provided by care workers if not by family members themselves. What are we to do in such cases? Are these families to be punished, or to suffer, for not being able to care for, or take care of, one another's needs?

### *7. Secondary Caring Activities and the State*

In Section Three I argued that family members were obligated to care for, or take care of, one another's primary needs. I argued for this on the basis that family members are in a special place to provide that kind of care for one another because they have intimate knowledge of one another's capabilities and dependencies. This makes families more efficient and effective primary caregivers than other institutions and the state. However, families are not obligated to (and often face difficulty trying to) meet one another's secondary needs, especially because these secondary

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<sup>119</sup> It should also be noted that persons could take care of their own primary needs by paying for their own care when they need it.

are often shaped by conventions that apply to life outside of the family, such as political systems, and by social and economic organizational arrangements that affect how family members access material goods and services.

Secondary needs are circumstantial; they are specific to social, economic, and political statuses and arise because some particular social, economic, and/or political structure is in place. This means that all persons do not have the same secondary needs, nor do they have them equally. Secondary needs may change (for better or worse) depending upon forces external to persons, such as a newly introduced government policy, market conditions that dictate the availability of employment opportunities, weather events that affect one's health, home, or employment status, and so on. What is *not* circumstantial, however, is the fact that social, economic, and political structures *create or perpetuate* secondary needs through policy, regulation, and conventional practices: the need for money, the need for employment, the need for childcare, the need for citizenship, and so on (Braybrooke 1987, 18). Because economic and social arrangements are typically regulated by governments, political structures (governments) are in a unique position to create, maintain, alter, and alleviate the secondary needs of persons living within the state in a number of ways, including the creation or revision of policies that pertain to citizenship, wages, healthcare, and the like, or by insufficiently regulating harmful market practices (cf. Rawls 1971, 54-58). For instance, states may enter into trade agreements with one another that directly affect the availability of jobs for citizens; they may introduce and uphold laws that make it unnecessary for workplaces to accommodate employees that have constant primary caring responsibilities; they may subsidize grocery items like milk, produce, and grains so that consumer prices are kept affordable; they may create social insurance programs that provide income to those who are temporarily unemployed or retired through taxation policies; and so on. The most problematic

aspect of a government's power to create secondary needs is that it creates these needs *unequally*, meaning that some persons have more secondary needs than others depending on their social, economic, and political statuses. Families must have their secondary needs met in order to meet the primary needs of their family members, and an unequal level of secondary needs between families means that certain families have a much more difficult time meeting their primary needs – a consequence that is in tension with the principle of consistent dependency.

The moral considerations involved in the principle of consistent dependency ground the requirement that all persons should have adequate care for primary needs as they arise. The Social Family is the most effective and most efficient place to meet the primary needs that arise for all members of the family. Having families in place that take care of these primary needs (in conjunction with social and economic organizational schemes) means that most persons in the state will, in fact, have their needs met adequately – or at the very least, will be involved in interdependent caring relationships where that is the aim. Thus, in order for the government to abide by the moral considerations involved in meeting the primary needs of its citizens, it should take care of the secondary needs of families who most effectively meet the primary needs of all family members.

The state has a moral obligation to take care of the secondary needs of families, but it also has a social obligation to take care of these needs. Since governmental policy and regulatory practices create and perpetuate secondary needs, often *hindering* families' abilities to meet their primary needs, the state has an obligation to take care of the secondary needs of families that arise as a direct result of policies, regulations, and procedures. This social obligation is certainly rooted in the moral obligation to meet the secondary needs of families, yet it also recognizes that the cause of secondary needs is inherent in the conventions upheld by social, political, and cultural

structures. This recognition puts the state in a particular position to assess its own policies and make changes when necessary.

There are several different ways that the state might take care of the secondary needs of families so that family members may focus upon meeting their own primary needs. The state may, through taxation policies aimed at individuals or employers, create a system of public daycares and eldercare centers that are free of cost, enabling family members to work without an additional expense of paying for care workers. Alternatively, the state may subsidize the costs of private daycares and eldercare centers, or subsidize the cost of hiring care workers to work in one's home, as a means of reducing the cost of these caring services. This might be done through the use of vouchers, tax credits, or through a guaranteed minimum income so that families can choose how best to use their resources to pay for the care they need. Likewise, the state may require that the minimum wage paid by employers is adequate to cover all of the expenses that are incurred as family members care for and take care of one another, and may insure against a substantial loss of income due to unemployment and retirement through social insurance programs. Additionally, the state may provide (or subsidize) healthcare for all citizens to ensure that no one accrues substantial medical debt or is unable to seek medical attention when necessary.

The state may implement any of these methods, or a combination of them, in an effort to fulfill its obligation to take care of the secondary needs of families. These secondary caring activities enacted by governing bodies should be thought of as *social benefits* – as benefits that help families to care for and take care of one another's primary needs.<sup>120</sup> We may also think of social benefits as a set of privileges, bestowed by the state, that family members receive in relation to one another: visitation rights in hospitals, prisons, and care centers; the ability to speak on behalf

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<sup>120</sup> The state may also take care of political rights – i.e. free speech, freedom of religion, etc. – but these political needs are less immediately related to our ability to provide care within families.

of those who are unable to communicate their needs (i.e. children, the infirm or the cognitively disabled); privacy for intimate moments and conversations (especially those that result in decisions for how to provide care); and the ability to transfer assets between one another to address needs (such as providing money for a car payment, or leaving one's home to other family members upon death). These benefits should be conferred upon social families: families that are actively caring for, or taking care of, one another's primary needs. They should *not* be conferred upon groups that purport to be families, yet fail to actively care for, or take care of, the primary needs of family members.

The social family is the only kind of social group that stands to use these benefits *to benefit each family member*. This is because the primary purpose of the social family is to work toward and promote the mutual well being of all family members through caring activities. Other kinds of social groups – for instance, corporations, congregations, trade unions, and the like – would not have the explicit goal to use such comprehensive benefits for their ultimate intended purpose: to meet the primary needs of members. Instead, these benefits might be used to enhance profits (perhaps by monopolizing on institutional care and increasing prices), to promote particular belief systems (that may encourage certain persons to shoulder the majority of care work at their own expense), or to consolidate property for financial gain. Similarly, for those groups who purport themselves to be families, these benefits may contribute to harmful behaviors toward group members, such as the facilitation of intimidation and abuse (if, say, an abusive member is able to speak on behalf of the abused during medical exams, or if abusive behaviors are going on in private), the swindling of assets from a gravely ill member, or if monetary benefits like social insurance are being used irresponsibly (not to alleviate the needs of all members).

The kinds of benefits that states confer upon families demand that families be the kinds of

groups that actually use those benefits to benefit each family member. If a group of jointly-committed persons is recognized as a family, conferred the status of *family* by the state, and given the benefits that go along with it, yet do not use those benefits for the purpose of benefitting all family members (potentially even harming them instead), then the state should not recognize that group as a family and those benefits should not be conferred. Certain financial benefits (social insurance, subsidized groceries, healthcare, and so on) may still be conferred upon persons who have lost or disbanded their families (especially children and the disabled), but a majority of social benefits would be forfeited in such cases. This is because social benefits appertain to the *relationships* between individuals because they affect the *functioning* of those relationships. As such, social benefits only have meaning when applied to relationships – most integrally, familial relationships – and cannot be applied to individuals apart from their relationships. This requirement is not just in the best interest of all persons, but it is also in the best interest of the state.

From an earlier discussion in this chapter, if persons were not cared for by family members as infants and small children *at the very least*, then there would be no citizens to make and maintain the state. Similarly, if persons were not cared for throughout their lives when needs arose, there would be far fewer persons who could participate in the necessary activities that keep a state going (such as maintaining infrastructure, producing goods to meet needs, and defense). So, primary care is clearly crucial not just to the well being of persons, but also to the well being of the state.

That being said, families may exist *par excellence* in the *right* kind of state – one that *values care* by meeting secondary needs so that family members may care for, or take care of, one another's primary needs. The Social Family is the instantiation of this excellence, and thrives in a state where universal needs, dependency, and caring activities are valued by the state. But how do

we ensure that all groups that purport themselves to be families are indeed *social families*? That is, how do we know that all families are actively caring for the primary needs of all members?

### 8. *Dissolution and Revision of Families and Relationships*

The Social Family is not a biologically based group, but a *social* group. Understanding the family in this way enables persons to form, maintain, or join families throughout their lives. It also gives persons the ability to *revise* their familial relationships if they are not receiving (or giving) adequate primary care because families are less rigidly defined in terms of biology and procreation.<sup>121</sup> As mentioned at the beginning of this chapter, the ability to revise or change one's familial relationships is at odds with many theories of care that argue that the majority of our relations to other family members are completely unchosen for many years of our lives. Care theorists argue that these unchosen relations shape us in significant ways (our demeanor, beliefs, values, and so on) *before* we are given the choice or opportunity to revise our familial relations. Further, when we do revise those relations, we do so having been heavily affected by those initial familial relations, so we often don't change the kinds of familial relations that we have in a substantial way.<sup>122</sup> We may have been raised by persons who were not adequate caregivers, or who were abusive and neglectful, or who were emotionally distant, and so on. We may be so heavily shaped by these formative experiences that, even when we recognize that our relations are *not* caring relations, we choose to remain in them or we change them for very similar uncaring relations. Alternatively, we may seek to change these relations for better, more caring relations and distance ourselves from our past or existing relations.

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<sup>121</sup> The social family is not dependent upon biological relationship or procreation for familial status. For a more detailed explanation, please see Chapter One, Section Three of this dissertation.

<sup>122</sup> See: Fagan 2005; Narang & Contreras 2005.

Virginia Held argues that we are not constrained by our upbringings and circumstances; the relations that we are enmeshed in are capable of being reshaped or changed when necessary (Held 2006, 48). When we do reshape or change our existing relations, we act with the desire of having better and more caring relations. So, we replace existing relations with other, better *relations* – we do not choose complete independence and liberal autonomy (Held 2006, 49).<sup>123</sup> Nel Noddings similarly contends that if we are concerned with developing caring relations, we need to know about the kinds of encounters that support or undermine caring (Noddings 2002, p 102). While we may not be able to choose all of our family members at a given time, we certainly are able to *revise* our caring relationships over time to reflect the kinds of familial relationships that we want, which may involve dissolving some (un)caring relationships that we feel are harmful.<sup>124</sup> This does not mean that we go off on our own, completely independent, and without need of caring relationships. Rather, we gain the ability to choose what *kinds* of relationship we are going to be a part of as we grow: we may choose to stay a part of the family that we were born into, or choose to join a different family that welcomes us, or we may choose to start a new family with others who are similarly situated.

That being said, it may not be possible to completely distance ourselves from persons with

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<sup>123</sup> This approach is also proposed by Carol Gould, whose account of “individuals-in-relations,” understands individuals as fundamentally interdependent. Gould argues that relations are indeed constitutive of individuals, yet not *wholly* constitutive. What is important is that individuals remain capable of choosing and changing their relations, even though these relations form and constitute persons (cf. Gould 1988, 105). I discuss Gould’s view more fully in Chapter Two.

<sup>124</sup> I argued in chapter two that infants and small children are capable of joint readiness: children have a natural disposition toward cooperating with others, and children also *do* cooperate with others when given the opportunity (cf. Tomasello 2009). That young children possess natural cooperative tendencies (and hone and develop those skills over time) enables them to evaluate their relationships as they grow and choose either to affirm their commitment to their family, or seek to leave an abusive or negligent family. While this is undoubtedly more difficult for those who are cognitively impaired, those who are not being cared for well may not show the same responsiveness to medicines or care routines, potentially signifying that the relationship with the caretaker is a negative one.



whom we've previously had caring (or uncaring) relations. For example, we may hold some affinity for biological siblings, parents, aunts, uncles, and the like, especially if they have been a significant presence in our lives. We may still *care about* them. However, if (at best) we are not actively *caring for* them and they are not actively *caring for* us, I contend that the *familial relationship* has ceased. We might then say, for example, that we have a brother<sub>b</sub> (to mark our *biological* brother), who is no longer (or perhaps has never been) our brother<sub>s</sub> – our *social* brother, which would signify that there is no active care and no recognized family relationship.<sup>125</sup> The family that one is a member of – the *social family* – is the group of persons who are jointly committed to, and jointly maintain, caring relations. Families are families *because* family members actively care for one another. If members of a family cease to care for other members, or worse, begin to harm other members of the family unit, they no longer have a *standing to demand* care from the other members and, if the harm is ongoing, they lose membership in the family or the entire family dissolves.<sup>126</sup>

Assessing for ourselves what kind of familial relationships we want to have, although a challenging task for sure, reflects the personal and moral considerations involved in the principle of consistent dependency (that we want to be cared for, and that we ought to be cared for). It also reflects our dispositions, since different persons desire to give more or less direct (or indirect) caring activities to others and to receive more or less direct (or indirect) caring activities from

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<sup>125</sup> I am indebted to Virginia Held for this distinction.

<sup>126</sup> If we are members of a group, and we are jointly committed toward a shared goal, then we have an obligation to continue our acting toward the shared goal, and we have a right against the other parties of the joint commitment to continue their acting toward the shared goal. Gilbert (2009, 177) sometimes refers to this right as a *standing to demand* the action of another with whom one is jointly committed. She argues that there are certain background understandings that are standardly associated with acting together that are in place to prevent hurtful behavior towards others (Gilbert 2003, 45).

others.<sup>127</sup> We cannot ensure that our formative familial relations are caring relations, but we can aspire to improve those relations, or work towards changing them, if we find them inadequate or harmful. Of course, this may not be possible for all persons. Some purported families are rife with abusive, neglectful, and/or oppressive behaviors and persons become, for lack of a better word, accustomed to such behaviors. In such cases, persons do not act to revise their relations or, if they do, often revise them for similarly problematic relations. The perpetuation of abusive, neglectful, and/or oppressive behaviors is certainly a challenge to the viability of the social family: how possible is it to base our conception of the family on something like the social family if there are so many purported families that are uncaring, distant, neglectful, oppressive, and abusive? For those persons within such problematic groups who are able to assess and revise their relations, we might think that they would realize the idea of the social family by changing their current relations for better relations. But what about those persons who are unable to revise their relations by themselves?

For those groups that are perpetually uncaring, as well as those social families that devolve over time into uncaring groups, the state has a responsibility to intervene on behalf of those persons who are no longer having their primary needs met adequately. To be sure, qualitatively analyzing each and every family is an extremely daunting task for the state, and may seem very invasive, especially in relation to other social and political theories that aim to protect privacy in such

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<sup>127</sup> That being said, some dispositions may be overridden by moral considerations. For instance, Harry Brighouse and Adam Swift argue that parents have no duty to love their children, and children have no right to their parents love. However, parents do have a duty to try to develop the capacity to love their children, and if a parent does have the capacity to love their children, then they have a duty to exercise that capacity (Brighouse & Swift 2014, 21). Similarly, if a family member has the capacity to care for other family members, they are required to exercise that capacity as part of their joint commitment to the group. If a family member has no such capacity, then they are not required to care for the family that they are a part of, and they have no standing to demand care from others.

contexts.<sup>128</sup> Further, punishing groups that fail to adhere to certain familial relationship standards by removing their recognized status and corresponding social benefits might seem to be even more harmful to those who are in problematic situations than leaving the group to its own devices. This outcome should certainly be the last resort as far as state policy is concerned. The state should be able to apply a range of options when faced with groups that are in danger of losing their familial status. These options might include mandatory counseling, training programs, safe departures or relocations for family members under duress, criminal charges when applicable, and so on. In short, the state should take steps to further assist families who are in trouble before dissolving the family, even if that the ultimate outcome.

It may be impossible to peer into the day to day lives of all families – some problematic relations will certainly exist and may never be rectified – but a state that actively promotes the value of care by taking care of the secondary needs of all families sends an important message to families that they ought to fulfill their obligations to one another and use those benefits as intended. Moreover, the root causes of many kinds of familial discord stems from the inability of families to meet their own secondary needs: tensions over a lack of money, food, adequate housing, childcare and eldercare, and the like lead to other disputes between family members that may ultimately turn violent or neglect many primary needs. A state that takes care of its citizens thoroughly by meeting the secondary needs of all families can help to reduce a significant number of these tensions before they become dangerous. So, the state, which actively promoting the value of care by meeting the secondary needs of all families, helps to ensure that all families are upholding their joint commitments to actively care for one another. In the following chapter, I discuss just how the state may assess the qualitative relationships within families.

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<sup>128</sup> I discuss this concern more fully in Chapter Four.

## 9. Concluding Remarks

Prima facie, my account may seem to require a great deal more state involvement within the family than liberal or even communitarian accounts would allow. However, in the next chapter I will argue that my account merely *shifts* the boundaries between the family and the state, a move that does not translate into an appreciable increase of state involvement in familial affairs. The approach I take behooves us to *examine* what parameters those boundaries are drawn around and then *question* why those boundaries need to be drawn as such. In doing so, we come to recognize that 1) the boundaries drawn between the family and the state is within the state's power to control; 2) the state *does* in fact control where those boundaries are drawn; and 3) this boundary-drawing is not unique to my account, but can be found in any approach that attempts to conceptualize the family. In response, my account uses different criteria to draw the boundary between the family and the state in an effort to remedy the lack of oversight for familial relationships within existing theories.

Highlighting this problem in other social and political theories is an important task from the standpoint of doing philosophy, but it is also a crucial task for how we live: these problematic theories have consistently informed state policies that ignore or fail to rectify 1) intra-familial abuse of all kinds; 2) oppression that disadvantages women and children, especially (both inside the family and outside of it); and 3) the systematic neglect of familial needs (lack of infrastructure for daycares, eldercare, universal healthcare, and so forth). I maintain that it is the responsibility of the state to ensure that families have the resources they need to maintain healthy and mutually beneficial relationships for all family members. While my account will undoubtedly unsettle liberal and libertarian theorists especially, I believe that it offers a substantial challenge to traditional theories of the family-state relationship that must be taken seriously.

In the next chapter, I defend my account of *the social family* against these other social and political theories that have often dominated how we think about the family-state relationship. I divide these theories into four different camps, each with their own distinct view of the family-state relationship: the Traditionalist View, the Liberal View, the Abolitionist View, and the View From Recognition Theory. I argue that my own account more accurately defines the purpose of the family and discerns what makes families so significant both for persons and for the state. Further, I argue that a state that actively promotes the value of care by taking care of the secondary needs of citizens, and meaningfully intervenes on behalf of persons who are not receiving adequate primary care, better addresses the needs of families and citizens.

## Chapter Four

### *Relational Thinking and the Family-State Relationship*

*The Social Family* account that I have presented conceives of the family as a kind of social group whose purpose is based upon a commitment to interdependent caring relations, and the fulfillment of mutual wellbeing through corresponding caring activities, because it is an ideal arrangement for persons to care for and receive care from one another. A joint commitment to form, join, or maintain a family obligates family members to *actively care* for one another by virtue of the shared goal of interdependent caring relations. In Chapter Three, I argued that this active care is comprised mainly of *primary caring activities* which respond to the *primary needs* that all persons have.<sup>129</sup> Families are in a unique position to provide primary care for one another because of the intimate knowledge that family members have about one another. The special circumstances that enable family members to possess such knowledge makes the family a more efficient and effective setting for primary caregiving than other institutions and the state.<sup>130</sup> Family members, however, are not always able to care for one another's primary needs for a variety of reasons – most centrally, a

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<sup>129</sup> For a thorough discussion about primary needs, primary caring activities, and the family's obligation to meet primary needs, see Chapter Three, Sections Three, Four, and Five.

<sup>130</sup> It is important to reiterate here that our primary needs are also met through organized forms of social and economic life that have existed, in different forms, alongside families both before and after the advent of the modern state (Gould 2004, 98-99). Although these organized forms of social and economic life are regulated by modern states, they are not entirely conventional in character and may be thought to straddle the processes for meeting both primary and secondary needs.

lack of resources (financial and temporal, especially). Contemporary political, social, and economic systems each have a hand in creating and perpetuating a variety of *secondary needs* that must also be met to ensure that families are able to meet their primary needs adequately.<sup>131</sup>

In Chapter Three, I drew a comparison between my conception of *secondary needs* and David Braybrooke's conception of *conventionality*: "At the very heart of the concept [of need], as close to a firm footing for it as it ever gets in ordinary use, conventionality takes the place, without renouncing the claims of biological necessity: What people are held to need for subsistence is always considerably more than the biological minimum required to sustain life" (Braybrooke 1987, 19-20). Conventions (be they social cultural, or political) have the power to create and perpetuate additional needs that must be met for persons to subsist. I expanded upon this notion of convention by highlighting the fact that many of our primary needs cannot be met unless our secondary needs are also met.

Secondary needs are circumstantial; they are specific to social, economic, and political statuses and arise because some particular social, economic, and/or political structure is in place. This means that all persons do not have the same secondary needs, nor do they have them equally. What is *not* circumstantial, however, is the fact that social, economic, and political structures *create or perpetuate* secondary needs through policy, regulation, and conventional practices: the need for money, the need for employment, the need for childcare, the need for citizenship, and so on (Braybrooke 1987, 18). Because economic and social arrangements – even those that are not wholly conventional – are typically regulated by governments, political structures (specifically, governments) are in a unique position to create, maintain, alter, and alleviate the secondary needs of persons living within the state in a number of ways, including the creation or revision of policies

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<sup>131</sup> For a thorough discussion of secondary needs and secondary caring activities, see Chapter Three, Sections Three, Five, and Six.

that pertain to citizenship, wages, healthcare, and the like, or by insufficiently regulating harmful market practices (cf. Rawls 1971, 54-58). Before moving on, it is important to note exactly what I mean by “the state”, which will inform later discussions about the family-state relationship.

Following Chandran Kukathas, I intend “the state” to mean a political association that has some structure of authority (through which some course of action can be determined) and a capacity for agency (in the sense that it is akin to a corporate entity and, hence, can be held responsible for actions) which is best expressed through the state’s government (Kukathas 2014, 360).<sup>132</sup> The state is not identical to the government (states do not need governments to exist, and vice versa), but the government is a group (or person) that rules or administers a state.<sup>133</sup> The government creates and regulates policies and practices that affect all persons and groups within the state, and the state acts to uphold such policies and practices.

In Chapter Three I argued that the state has both a moral and a social obligation to take care of the secondary needs of families. By appealing to *the principle of consistent dependency*, I claimed that all persons should have adequate care for primary needs as they arise.<sup>134</sup> Since the social family is the most effective and most efficient primary caregiver for family members, and

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<sup>132</sup> Kukathas argues that the state is a corporation in the way that a people or a public cannot be. “It is a corporation because it is, in effect and in fact, a legal person. As a legal person a corporation not only has the capacity to act but also a liability to be held responsible. ... A corporation cannot exist without the natural persons who comprise it – and there must be more than one, for a single individual cannot be a corporation. But the corporation is also a person separate from the persons who comprise it” (Kukathas 2014, 360).

<sup>133</sup> Kukathas writes that, “Until the emergence of the state, however, government did not attend to the interests of a corporate entity but administered the affairs of less clearly defined or demarcated publics. With the advent of the state, however, government became the established administrative element of a corporate entity” (Kukathas 2014, 360).

<sup>134</sup> The *principle of consistent dependency*, proposed by Daniel Engster, contends that 1) since our own care does not morally outweigh the care of others (including self-care), and 2) since we all depend upon the care of others at different times and implicitly believe that capable individuals should help us when we are in need, then 3) we should consistently recognize as morally valid the claims that others make upon us for care when we are able to provide the care required without harming ourselves (Engster 2007, 49). This principle grounds the claim that citizens have an obligation to provide care to other citizens who need it.



having families in place that take care of primary needs means that most persons in the state will have their needs met adequately (or be on the path to do so), the state, in an effort to abide by the moral considerations involved in meeting the primary needs of its citizens, should take care of the secondary needs of families.

The state has a moral obligation to take care of the secondary needs of families, but it also has a *social* obligation to take care of these needs. Since governmental policy and regulatory practices create and perpetuate secondary needs, often *hindering* families' abilities to meet their primary needs, the state has an obligation to take care of the secondary needs of families that arise as a direct result of policies, regulations, and procedures. This social obligation has roots in the moral obligation to meet the secondary needs of families, but its true force comes from the recognition that the *cause* and *perpetuation* of secondary needs is inherent in the conventions upheld by social, political, and cultural structures. This recognition puts the state in a particular position to assess its own governmental policies and make changes when necessary. So, while my understanding of the functional capacity of the state is more or less empirically based (including the way that the state intervenes in problematic familial affair), I am making a normative claim that the state ought to *value care* by recognizing social families and by responding to the needs of social families through policies and regulatory practices that promote caring relations in the family.

The social family account thus implores us to contemplate the family-state relationship as more than merely two institutions that are *entangled* with one another due to the way that state policy affects familial arrangements and relationships. We are instead forced to consider the *symbiotic* relationship that exists between the family and the state, especially with respect to the moral obligations that both institutions have to persons: the family as the most effective and efficient primary caregiver cannot function optimally without secondary care and support from the

state, and the state cannot function optimally (if at all) without the primary caregiving of families. What is unique about this approach to understanding the family-state relationship is that the symbiotic nature of the relationship stems from a *shared value* of care and caring activities: the family expresses the value of care by engaging in primary caring activities for the mutual benefit of all family members, and the state expresses the value of care by promoting policies and engaging in secondary caring activities that serve to benefit families as well as the state. A shared and promoted value of care sets the social family account apart from other theories that postulate a family-state relationship based upon alternative conceptions of the family.

In this chapter I critique these alternative conceptions of the family and the claims they make about the characteristics of the family-state relationship in an effort to demonstrate that the social family account offers a more comprehensive and advantageous picture of the family-state relationship. Specifically, I argue that a shared and promoted value of care in both the family and the state is more beneficial to both institutions because of the mutual recognition of obligation on both sides. This approach more adequately defines the primary purpose of the family, more aptly describes the significance of families for persons and the state, and provides an account of the state that highlights the responsibility that the state has to its citizens as a direct result of its policies and actions.

In Section One I provide a theoretical framework for the family-state relationship that elucidates how the social family account treats the concepts of familial privacy, state intervention, and social benefits. I argue that a *relational* framework allows for state intervention and the conferral of social benefits without infringing upon familial privacy. Further, I contend that a social and political system built upon a relational framework better serves the needs of both the family and the state. In Section Two I discuss some different historical stages that the family has

transitioned through in an effort to identify the periods of time when other views of the family have been the most influential in shaping familial arrangements. In doing so, I analyze how the state shapes permissible familial arrangements and clarify how the social family account determines the kinds of permissible familial arrangements that best adhere to practicing and promoting care within the state.

Sections Three, Four, and Five present alternative conceptions of the family that have been very influential at different periods of time, either as guiding ideals for familial arrangements or as direct challenges to them. I divide these alternative conceptions into three different camps, each with their own distinct view of the primary purpose of the family and the significance of the family-state relationship. I call these three approaches the *Traditionalist View*, the *Liberal View*, and the *Abolitionist View*, respectively. The traditional view of the family adheres to a hierarchical model of familial relations that privileges the male head-of-household. It strictly separates productive and reproductive labor and emphasizes the “naturalness” of reproductive labor, consigning women to perform the majority of this “natural” labor.

Many problematic aspects of the traditionalist view were recognized by liberal theorists who sought to improve the relations between family members by appealing to women’s rights, consent, and a model of the family-state relationship that granted the state minimal power to intervene into familial affairs. As such, the liberal view of the family departs from the traditionalist view by granting women conjugal rights and granting the state the right to intervene into private familial relations on behalf of those who are in danger. Still, the liberal view has its own shortcomings, some of which apply to the traditionalist view as well.

Proponents of the abolitionist view recognize the problems attached to the traditionalist and liberal views and call for certain aspects of the family structure to be completely abolished.

While some abolitionists call for the abolition of the private or well-defined family as we know it, others call for the abolition of marriage or any public status that sets those with certain benefit-conferring relations apart from those without such relations.

Before discussing these views in detail, I turn to an analysis of the relational framework that underpins the social family account.

### *1. Shifting Boundaries: Social Benefits and Intervention*

The account of the social family that I have presented places care and caring activities at the forefront of our understanding of the primary purpose of the family. Although I've argued vehemently that the significance of care stems from the fact that all persons have needs, this is not the whole story. The significance of care also arises from the *sociality* inherent in my account of the family – that is, the fact that the family is a social group emphasizes the *relational* aspect of family life and informs discussions about the *relational* characteristics between the family and other institutions, as well as the family and the state. These relational characteristics highlight the interdependency between family members, the pervasive ways that family members affect one another (through care or, in less exemplary circumstances, through harmful behaviors), the ways that a family's ability to thrive is affected by other institutions and the state (public and/or private care centers, market conditions, and state policy), and the ways in which a state either thrives or falters depending upon the quality of familial care (citizens who are capable of civic participation because their needs are consistently met). Jennifer Nedelsky argues that we ought to be thinking relationally about social structures in this more general way: we ought to see how both personal relationships and personal choices are inevitably shaped by wider relationships (Nedelsky 2011, 21). Relational thinking, she argues, enables persons to see clearly the structures that shape their own lives:

...they can see how these relationships intersect with institutions, such as family law (which defines marriage and stipulates spousal and parental obligations), a market economy, the presence or absence of state-supported child care, the presence or absence of a “family wage” (and the norms of one or both parents in the paid labor force). These national (or regional) institutions, in turn, interact with global markets and institutions, such as the World Bank, as well as with relations of economic and political power generated over centuries (Nedelsky 2011, 21).

Relational thinking makes clear the fact that persons, institutions, markets, and states are shaped by one another, and these shaping forces change or reinforce the relationships that constitute each. To tie this into the social family, Nedelsky’s point serves to explain why the family and the state have a *symbiotic* relationship: the state needs citizens who will actively and effectively maintain political structures (by serving, voting, obeying laws, and the like), and it cannot achieve this without ensuring that persons are adequately cared for to be able to participate politically. The family, as the most efficient and effective primary caregiver, can provide that care. But a family that is a part of the state is affected by the choices, actions, and policies of the state and its governing body – especially with respect to the kinds of resources available for the family to care for its members. For the family to adequately care for its members, it must have adequate resources; the state (as well as the market, which is regulated to a large degree by the governing body of the state) has the power (and the moral and social responsibility) to provide those resources or arrange for the provision of them.<sup>135</sup>

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<sup>135</sup> A unique need that families must have met in order to adequately care for its members is that of *security*. Although I do not have the space to offer a thorough analysis of security in the dissertation, I offer a brief proposal here: Security is not a resource, nor is it something that can be created or regulated. Rather, it seems to be a *status* that is provided by the state to some degree (i.e. a family is very secure, not very secure, or somewhere else on the spectrum) in relation to some other force. Being secured from outside forces (such as other states, other institutions, other families, other persons, and so on) enables families to focus upon their own relations, and not their relations to these potentially dangerous forces. That being said, the state

If we extend this exercise in relational thinking, we see that the state has the ability to shape many aspects of the family: the *boundaries* that are drawn around the family, the *structure* of familial relations, and the *capabilities* of families.<sup>136</sup> For instance, the American legal conception of the family draws boundaries between *families* and *non-families* by referencing a specific set of criteria meant to pick out those persons within a family and separate them from those persons outside of that family.<sup>137</sup> Often, the criteria that determine who counts as a family member involve intergenerational biological ties and/or contractual relations (specifically, marriage and/or adoption). The social family account does not draw boundaries like this, but does indeed maintain that there are boundaries between families and non-families.

Boundaries drawn between families and non-families are typically drawn by criteria that are determined to be appropriate by the governing body of the state; that is, *the government* decides which features are significant for picking out certain persons and labeling them a family (i.e. biological relatedness, contracts, and so on). On the social family account, the criterion that determines where the boundary between families and non-families is drawn originates from *the family itself*, in the kind of relationships that family members have with one another. So, the social family account defines the family independently of the state. It is therefore the state's responsibility

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itself can become a danger to the family, necessitating a need to be secured from the actions of the state (perhaps by an intermediary institution).

<sup>136</sup> David Archard argues that societies also play a role in determining whether or not there are families, and have the power to influence the kinds of families that exist and flourish (Archard 2010, xv). I also hold that societies (and elements of society, including, but not limited to, civil society, institutions, practices, traditions, and interpersonal interactions) shape the way(s) that familial arrangements take form; however, for the purposes central to this chapter, I limit my discussion primarily to the state's ability to shape and influence familial arrangements through its actions, and through the decrees of its governing body.

<sup>137</sup> The U.S. Census Bureau defines the family as a group of individuals (2 or more persons) who live together who are related either by birth, marriage, or adoption (a family or family household is defined by the United States Census Bureau for statistical purposes as "a householder and one or more other people related to the householder by birth, marriage, or adoption."). Webster's New World Law Dictionary defines the family as: "A group of individuals who share ties of blood, marriage, or adoption; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage."

to *recognize* the significance of caring relationships as defining the family, and then draw the boundaries between families and non-families accordingly, especially because these caring relationships offer the best guarantee for ensuring that *social benefits* are being used appropriately by families.

The social family account holds that those who qualify as families are conferred certain benefits such as reduced taxation, inheritance transfers, visitation and decision rights in hospitals and prisons, shared healthcare, and immigration eligibility by the state. I have called these kinds of benefits, among others, *social benefits*. For social benefits to be conferred upon family members of the same family, we must have some notion of who those particular family members are, else there would be no reliable way to discern whether those benefits are being used to benefit each member of the family.<sup>138</sup> But families receive more than merely social benefits; the boundaries drawn around families by the governing body of the state also *protect* them from scrutiny and intervention – something that Nedelsky argues gives those boundaries, as defined and enforced by the law, the means to, “wield power, shield power, and shield from power” (Nedelsky 2011, 107). The boundaries that contribute to protections often influence what kinds of familial *structures* are permissible within a state and which ones are not permissible. While the social family account holds that there are indeed boundaries between families and non-families, it does not conceive of those boundaries the way that other theories do, and challenges the way that those boundaries are drawn precisely because of how they affect the structure of familial relations.

Within many accounts of the family-state relationship (several will be discussed in subsequent sections), families are given a certain amount of freedom (or complete freedom, in certain cases) to structure their relations and acceptable behaviors without interference from the

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<sup>138</sup> See Chapter Three, Section Six for a more thorough discussion about why social benefits should be used to benefit each family member.

state. For instance, several theories hold that the family is subject to no more than *protective intervention* into familial relations, and even then intervention occurs only when extreme cases of abuse or neglect are uncovered.<sup>139</sup> Although it seems as though the boundaries erected around the family on such accounts preserve a robust level of privacy and autonomy for the family to structure itself, this is in fact not the case. Frances Olsen argues that policies that only support protective interventions *still* shape what models of familial relations are acceptable and influence how family relations are structured (Olsen 2014, 165). More precisely, the state – through policies, actions, and protections decreed by its governing body – shapes *permissible* relations within the family on these accounts by either choosing to intervene *or* by abstaining from intervention.

If a protective interventionist policy only warrants intervention in exceptional situations, then the governing body of the state is still making a *judgment* that declares it permissible for families to structure themselves and operate in certain ways – albeit within a wide range of acceptable arrangements as a means of protecting the “privacy” of the family. Even if the governing body of the state allows a wide range of options for familial structure, it still might prohibit certain familial structures or alter others it finds unsatisfactory.<sup>140</sup> Further, should public opinion change in favor of a once-prohibited familial structure, the governing body of the state

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<sup>139</sup> The *protective intervention* argument stems from the belief that nonintervention into the family would be possible, but is not always a good idea. Rather, the protective intervention argument makes the claim that selective intervention is permissible in exceptional situations, such as when the interests of society and of the family members who may be at risk need to be protected (Olsen 2014, 165). Even then, the threshold for when intervention is deemed appropriate is extremely high, potentially permitting years of abusive, neglectful, or domineering behavior to occur.

<sup>140</sup> For instance, in the United States polygamy is still not a permissible familial structure, and it is becoming increasingly impermissible throughout the world (cf. Macedo 2015, 192-194). Likewise, in the fight for gay partners to marry and adopt children, certain states have made it extremely difficult for marriage and adoption procedures to be carried out or upheld (see the American Supreme Court reversal of Alabama Supreme Court opinion *V.L. v. E.L.* 577 \_\_\_\_ (2016); and Campaign for Southern Equality, Et. Al. vs. The Mississippi Department of Human Services, Et. Al., Civil Action No. 3:15cv578-DPJ-FKB (2015)).



must recognize and legalize the familial structure before it is counted as permissible.<sup>141</sup> So, for the protective interventionist stance, the governing body of the state has a direct role both in shaping the kinds of familial structures that it is populated by, and in determining the criteria for what constitute permissible familial relations. Those familial structures that are deemed permissible are granted protection from intervention and scrutiny regarding the way those families choose to arrange their relations, enabling families to structure their relations and behaviors according to diverse religious doctrines, secular doctrines, and personal preferences.

While it does not sound problematic *prima facie* to permit a wide range of familial structures, the protective interventionist stance has made it permissible for certain family members to dominate others, for abuses of women and children to go unchecked or unchallenged, and for certain family members (predominantly women) to be prevented from civic participation. For instance, families structured around the tenets of patriarchal hierarchy (whether or not inspired by religious belief) will typically be spared from intervention (as has been the case historically) save those cases where severe physical harm befalls women and children (and even then protective intervention methods are often slow to respond). Protecting the privacy of the family through the boundaries of protective interventionist policies often enables harmful behaviors to continue between family members, such as a detrimentally unequal division of reproductive labor (where women are required to take on all reproductive tasks, often without compensation, that limits their ability to leave due to financial dependency upon the income-earning male), and the domination and intimidation of partners and children that affect their ability to fully enjoy their political rights

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<sup>141</sup> See such American Supreme Court cases as *Loving v. Virginia*, 388 U.S. 1 (1967); *Lawrence v. Texas*, 539 U.S. 558 (2003); and *Obergefell v. Hodges*, 576 U.S. 14-556 (2015).

and participate in civic activities.<sup>142</sup> This type of boundary-setting also serves to perpetuate the systematic neglect of familial needs (a lack of infrastructure for daycares, eldercare, universal healthcare, and so forth) that may fuel these problematic situations further because the needs of families are also considered a private matter.

In less controversial cases, the state must usually step in to decide a wide variety of parental disputes (particularly among divorced or unmarried parents) that then influence the relations between parents and between parents and children (cf. Olsen 2014, 175).<sup>143</sup> In short, the boundaries that are drawn between families and non-families enable the state to confer benefits to families and protections from scrutiny and intervention into the relations between family members that relations between non-familial citizens do not receive. These boundaries affect how power relations within families arise and influence how families meet their needs.<sup>144</sup> Although these boundaries are meant to instill a sense of privacy and autonomy to the arrangement(s) of familial relations, they nonetheless shape permissible familial structures and directly influence the relationship between the family and the state, especially with respect to meeting the needs of families.

Despite these findings, the account that I have presented appears to involve a great deal *more* state involvement within the family – in terms of both an increase of benefits and an increase in intervention – than other theories that adhere to strict protective interventionist boundaries

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<sup>142</sup> I am not advocating here for coercive force to be used to rectify the unequal distribution of reproductive labor. Rather, I am highlighting the way that the boundaries are drawn, and the problematic consequences of neglecting certain familial arrangements.

<sup>143</sup> For instance, whether or not a child will be brought up with a particular religious doctrine, or whether or not a parent will be responsible for child support payments.

<sup>144</sup> Olsen argues that courts must frequently draw lines that either protect individual family members or promote familial authority (Olsen 2014, 175). Exactly where a line is drawn, or where a line is expected to be drawn, affects the power relations within the family. Olsen contends that the courts make these decisions based off of the policy considerations by the state, so the state cannot avoid making decisions that will influence family relations.

would allow. Yet, even with a significant number of social benefits conferred upon families and a potentially lower threshold for intervention efforts on the part of the state, the social family account does not diminish or strengthen the boundaries between families and non-families; rather, as I will go on to explain, it merely *shifts* the boundaries in a way that takes account of the relational aspects between family members, families and institutions, and families and the state.

An account like the social family, which seems to erode the privacy around families and diminish the boundaries that so staunchly protect privacy, instead behooves us to *examine* what parameters those boundaries are drawn around and then *question* why those boundaries need to be drawn in that way. As I argued earlier, the social family account urges the state to determine where to draw the boundary between families and non-families using a criterion that originates from *the family itself* that reflects the relationships that family members have with one another. Drawing the boundary in such a way requires the state to recognize the significance of caring relationships as defining the family when using its power to draw boundaries. That is, the social family account, and the framework of relational thinking that it is built upon, recognizes that the boundaries drawn between families and non-families is within the state's power to control, and that the governing body of the state *does* in fact control where those boundaries are drawn. The state retains the power to determine the boundaries of what a family *is*, what a family *is not*, and how the relationships within the family ought to be structured, even if the state is mistaken about where the boundaries should be drawn (Nedelsky 2011, 108-109; cf. Olsen 2014, 175). In this respect, the social family account does not challenge the empirical understanding of the power and functioning capacity of the state, at least not for the purpose of this dissertation.<sup>145</sup> Recognizing these things means that

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<sup>145</sup> Although I am accepting the state as it is in this dissertation, a full discussion of the family-state relationship would need to consider whether an alternative form of the state, or a different kind of political organization, might be able to facilitate the goals of the social family account without the kinds of intervention (coercive or otherwise) found in contemporary accounts of the state.

the social family cannot just break down the boundaries around families, for these boundaries arise from the *relationship* between the family and the state. Rather, the social family reconceives *how* those boundaries ought to be drawn and then treats those reconceived boundaries as *movable* when faced with a situation that challenges a mutually beneficial relationship between the family and the state. Specifically, as I will explain more thoroughly below, the social family account conceives of the boundaries drawn around families as arising from the recognition that intimacy is a necessary condition for effective and efficient caring relations between family members and requires privacy to thrive, yet it also holds that those boundaries should be shifted when necessary to protect those family members who might suffer by the allowance – or promotion – of certain kinds of familial structures that are not conducive to reciprocal caring relations among family members.

The Social Family draws boundaries around the family that are based upon the *qualitative aspects* of familial relations.<sup>146</sup> These qualitative aspects are primarily concerned with how family members interact with, and behave toward, one another. Specifically, the qualitative aspects of familial relations are not based upon any politically expedient purpose; rather, they are based upon a natural condition of being a human being – dependency – and the kinds of relations that make it possible for all members of a family to thrive given that all family members have needs that correspond to particular dependencies.<sup>147</sup> This means that the governing body of the state must assess how its policies affect the *capabilities* of the family to meet the needs of its members – especially policies that disrupt those capabilities. Such an assessment requires the state to examine the inner workings of familial relations (such as the arrangement of child care, elder care, mental

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<sup>146</sup> See Chapter One, Section Two in this dissertation for a more thorough discussion of the qualitative aspects of familial relations.

<sup>147</sup> See Chapter Three, Section Two in this dissertation for a thorough discussion of the relationship between dependency and needs.

health counseling, and so on) and act to confer more robust and comprehensive benefits where necessary. Hence, the governing body of the state makes a *judgment* about how satisfactorily families are getting by, which involves determining what criteria are acceptable for the structure of familial relations and, consequently, what primary purpose the family ought to serve for its members.<sup>148</sup> This judgment warrants stronger state support for families through the increase of social benefits, such as the provision of child care services, elder care services, universal healthcare, counseling services for those with mental illness and for those in stressful relationships, and various social insurance programs that help families provide primary care for their members. Increasing the social benefits that families receive does not increase the amount that the state intervenes within the family, nor does it break down the boundaries that protect the intimacy of familial relations.

That being said, the state must also assess whether or not individual families are using those social benefits to benefit each family member. To do so, we might imagine an assessment model that combines the more effective procedures that currently exist (in the United States, for example) with some additional measures that are justified by the enhanced benefits the social family account requires.<sup>149</sup> For instance, regular assessment of the overall physical and mental health of family members – perhaps required annual or semiannual physician exams – may reveal early signs of abusive or neglectful behaviors within a family. These exams may be required of all persons in families (children and adults), potentially as a condition for continual family healthcare coverage.<sup>150</sup>

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<sup>148</sup> I will discuss the differences between the purpose of the family for the traditionalist, liberal, and abolitionist views in detail in subsequent sections on this chapter.

<sup>149</sup> I do not intend to specify a comprehensive assessment and intervention model in this dissertation. Rather, I aim to give an indication of what such a model might include.

<sup>150</sup> By this I do not mean to say that family members who fail to get their annual exam would lose coverage; rather, I have in mind family plans that are updated annually to take account of membership changes or

When necessary, early interventions that include individual or family counseling, rehabilitative therapies, or required classes that offer information and best practices may serve to prevent any additional harmful behaviors in situations deemed dangerous or unstable. These interventions may focus on improving physical relations between family members (curtailing aggression, informing family members about the importance of consent for intimate relations, discussing appropriate disciplinary methods, and so on) and emotional relations between family members (curtailing oppressive or domineering behavior, discussing the significance of mutual respect and the importance of education for all family members, and so on) while encouraging and instructing family members to behave in a wide variety of caring ways. In particularly severe situations – if early interventions have failed or a situation is initially diagnosed as egregiously harmful to family members – then the state ought to be responsible for temporarily (or permanently, if the situation warrants it) separating family members from their abusers, potentially pursuing criminal charges against abusers, and implementing a variety of post-intervention programs that aim at restoring caring relations among remaining family members. If the interventionist policies of the social family account were adopted, relations between family members would more closely resemble ideal relations between non-family members, preserving the state’s ability to justly regulate the relations between the state and its members, and upholding the state’s moral responsibility to provide for the primary needs of its citizens.

An assessment of the inner workings of the family, a corresponding increase in social benefits, and a more restorative interventionist policy does not eliminate the boundary between the family and the state and infringe upon familial privacy. Instead, as argued above, it merely shifts

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health changes within the group. Relatedly, consistent tracking of health conditions across the population may help to adjust the skewed relationship between research funds acquired to treat specific illnesses and the rates with which those illnesses occur (cf. Belluz 2014).

the boundary between the family and the state by applying a criterion based in the significance of intimate caring relations. Although the state must assess whether or not individual families are using social benefits to benefit each family member, the state does not infringe upon a family's intimate decision-making processes regarding how primary caring activities will be performed, how arrangements for child care and elder care will be made, or how a family will add new members (perhaps through biological reproduction, adoption, or fostering) or embrace those who wish to join a family (perhaps those who wish to become partners, surrogates, or cohabitators). So, the boundaries drawn between the family and the state still preserve the intimacy that makes familial relations unique, yet they are shifted enough to recognize the significant role that the state plays in determining the capability of the family to adequately care for its members.

Further, these shifted boundaries will influence the relationships between the state and various other institutions, such as the adoption of policies that regulate a livable minimum wage for all public and private employees, an increase in social esteem and economic value for care work vocations, increased ownership and benefits for employees in large companies, and so forth.<sup>151</sup> The recognition of the family's unique primary purpose influences how the state draws the boundaries around the family, which in turn influences how markets and other institutions relate to both the family and the state and the improved function of each. The symbiotic

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<sup>151</sup> Here I have in mind Virginia Held's argument for alternative valuations of vocations and Carol Gould's argument for democratic management of the workplace. Held argues that we can and should recognize many values, of things and activities, other than their market value, and we can demand that people be paid something that more nearly reflects the other-than-market value of their work (Held 2006, 109). This means recognizing the intrinsic, and not merely instrumental, value of an activity. For care work, this means recognizing that care leaves people knowing that they are valued, which leads to social connectedness, well-being, and social cohesion (Held 2006, 109). Gould proposes an account of democratic management of the workplace that includes workers and management sharing particular decisions about work allocations and methods, the conditions of work (including environment and facilities), and corporate policy, as well as the acknowledgement that external stakeholders (those affected by corporate decisions) have valuable input and a right to communicate their interests (Gould 2004, 231-33).

relationship between the family and the state is manifest through the practice of relational thinking, and the benefits for both the family and the state are enriched by the adoption of a system, such as the social family, that has relational thinking as its foundation.

Still, one might object that the shifted boundaries of the social family account do not allow for much freedom for determining familial structure or allow too many instances for intervention. While the social family is subject to direct state intervention in cases where adequate primary care is not being provided, the policy of state intervention is no more extreme or invasive than the intervention policy set forth by protective interventionists. The governing body of the state is still making a *judgment* about which kinds of familial arrangements are permissible and which ones are not. The shifted boundaries between the family and the state certainly inform this judgment, but a judgment about permissible family structures is equally present on both accounts – the difference between judgments within the social family account and the protective interventionist account lies in the criteria used to make such assessments.

The criterion that the social family account uses has its foundation in relational thinking, but it is also a response to the shortcomings of other theories built upon protective interventionist principles that fail to protect the individual members of families from domination, oppression, abuse, and neglect. Sigal Ben-Porath, in arguing for her account of *structured paternalism*, employs a similar rationale: individuals may make choices that others would regard as weak and destructive, and these problematic choices may carry over into their intimate lives and affect others (Ben-Porath 2010, 53).<sup>152</sup> Rather than adopt a more liberal policy that views such choices (and their problematic repercussions) as private matters not warranting intervention, Ben-Porath claims

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<sup>152</sup> *Structured paternalism* organizes choice sets and access to opportunities through the creation of policies that enable (and rarely coerce) individuals to express their diverse preferences within these created structures (Ben-Porath 2010, 40).



that the state has an obligation to provide means for individuals to minimize, or at best prevent, destructive choices when the effects of such choices significantly harm a person's own well-being, or when they undermine the civic equality of those with whom the individual is intimately connected (Ben-Porath 2010, 54). If the state were to not act in such cases, Ben-Porath argues that the inaction would hinder the project of justly regulating the relations between the state and its members. So, the state should extend and structure the scope of *acceptable* intimate choices while minimizing the acceptability of *destructive* intimate choices (Ben-Porath 2010, 58). Ben-Porath proposes that structured paternalist policies can be put in place to:

“...address intimate matters preventatively, rather than responding to them mostly when a breach of law occurs, this possibly obviating criminal intervention. They allow individuals to manifest various forms of self-regulation, but they do not abandon them in potentially destructive situations, such as unplanned pregnancy or abusive spousal relations” (Ben-Porath 2010, 59).

She continues:

“In order to prevent destructive choices in the intimate sphere, unacceptable intimate choices need to be identified. Beyond them, a vast diversity of intimate preferences has to be accepted, allowing for as rich an intimate life as possible to be expressed without social intervention” (Ben-Porath 2010, 60).

Applying this thinking to the social family account means that the state ought to *promote* and *encourage* a wide-range of permissible familial structures and arrangements that will lead to adequate caring relations between members while minimizing the acceptability of neglectful, harmful, or abusive structures and arrangements through programs and practices that communicate what these problematic behaviors are. This may indeed preserve a wide variety of choices for families while also reducing the kinds of harmful choices that may hinder the caring relations between family members. As mentioned above, early interventions that include individual or family counseling, rehabilitative therapies, or required classes that offer information and best

practices may serve to prevent additional harmful behaviors while promoting and encouraging a wide range of acceptable or permissible behaviors, such as safe disciplinary methods and the importance of consent and mutual respect in interactions between family members.

Additionally, the criteria for interventions in the social family account also extend to state relations with the market: the state ought to promote and encourage a wide-range of permissible market practices that will lead to adequate care for all citizens while minimizing the acceptability of neglectful, harmful, or abusive economic structures and practices.<sup>153</sup> The state may be warranted to impose regulations on market practices, such as setting a livable minimum wage, requiring businesses to pay mandatory over-time, and to require adequate paid family leave time for employees, in addition to creating public alternatives to private childcare centers, eldercare centers, and medical clinics. Such steps work to promote and encourage market practices that benefit citizens, families, and the state by contributing to the improvement of caring relations between citizens and between family members.

A state that enables the relations within families to be more caring by creating conditions for caring relations to thrive also helps families to positively shape the state. Families that have strong foundations of caring relations will produce persons/citizens who are themselves more caring, potentially perpetuating the value of care beyond their most immediate family members into communities and institutions, and into regional and global policy.<sup>154</sup> The social family account embodies relational thinking and recognizes the positive changes that can occur when families, states, and institutions work together to improve their relations. Policies set to promote and

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<sup>153</sup> Although I do not specify exactly what kind of state I have in mind in this dissertation, I am strongly inclined to believe that the best kind of state for the social family account is one that is organized democratically.

<sup>154</sup> Nel Noddings argues that people who are directly responsible for the care of others (so long as they themselves have been adequately cared for) will likely develop a moral orientation that is described as an ethic of care (Noddings 2002, 28).

encourage caring relations between family members, between families and institutions, and between families and the state better address the needs of families, the needs of citizens, and the needs of the state than other theories that are more closely aligned with the traditional, liberal, or abolitionist approaches to the family-state relationship. Before turning to an analysis of these accounts to assess their shortcomings, I must make one more point about the significance of preserving a wide variety of choice for permissible familial structures and arrangements.

## *2. History, Heteronormativity, and the Modern Family*

Preserving a wide variety of choices for permissible familial structures and arrangements is crucial for the social family account because it demonstrates that the relational approach taken is not detrimental to the privacy and autonomy of familial relations. The social family account provides opportunities for persons to advance their conception of the good for themselves and for those with whom they share intimate familial relations by granting family members the freedom and privacy to make intimate decisions regarding how primary caring activities will be performed, how the family will add new members, and how they will embrace those who wish to join a family. The significance of this freedom (and a particularly unique aspect of the social family) is made truly apparent by the social family account's refusal to promote one particular *kind* of familial structure over others, or to claim that caring relations may only successfully arise between certain kinds of persons. This means that the social family account is more inclusive of the diverse kinds of familial arrangements that 1) have not always been thought of as families, 2) have had to fight for social and legal acceptance before being considered families, and 3) are still not considered families by other theories and states.<sup>155</sup> Without delving too much into the history of the family, a

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<sup>155</sup> In particular, I am referring the United States of America and the historically slow acceptance of interracial marriage, gay marriage, and other familial arrangements.

brief recounting of some of the more representative periods of the American family will be helpful to demonstrate not just how the social family account improves upon these historical conceptions of the family, but also to reveal how particular theoretical views have influenced these transitional periods. These theoretical views will themselves be critiqued in subsequent sections.

Judith Stacey offers a compelling analysis of the defining periods that the American family has transitioned through over the past three hundred years.<sup>156</sup> Starting with the “pre-modern family”, Stacey argues that this type of familial arrangement had an integrated economic, social, and political unit and was the constitutive element of American Colonial society (Stacey 2014, 17). The premodern family had three particular characteristics: 1) individual interests were subordinate to the interests of the family; 2) boundaries between the family and the community/state were permeable, granting communities the power to regulate proper family conduct; and 3) women and children were subject to the authority of the household’s patriarchal head (children in particular were often exchanged to serve as apprentices and servants for other families) (cf. Stacey 2014, 18).<sup>157</sup> Although this period would intuitively lend itself to be called a “traditional” account of the family, the traditionalist approach as I will define it here instead refers most accurately to what Stacey calls the “modern” period of familial relationships.<sup>158</sup> The liberal approach, which to an extent will be derived from liberal social and political philosophy, finds its

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<sup>156</sup> For a more thorough analysis of the different stages discussed by Stacy, she points readers to the following sources: Mintz, Steven, and Susan Kellogg. (1988). *Domestic Revolutions: A Social History of American Family Life*. New York: Free Press; Evans, Sara M. (1989). *Born for Liberty: A History of Women in America*. New York: Free Press; Zinn, Maxine B, and D S. Eitzen. (1987). *Diversity in American Families*. New York: Harper & Row; Coontz, Stephanie. (1988). *The Social Origins of Private Life: A History of American Families, 1600-1900*. London: Verso; Mills, C. Wright. (1959). *The Sociological Imagination*. New York: Grove Press.

<sup>157</sup> The exchanging of children as apprentices and servants for other families was a tradition that carried over from the Medieval period, as noted by Philippe Ariès (cf. Ariès 1962, 193).

<sup>158</sup> As with the premodern family, the modern family typically covers white American familial arrangements because racism, oppression, and segregation prevented any other group from making such a popular cultural impression.

home within the modern period as well, although there are significant departures in the liberal approach that eschew several key elements of the traditionalist approach. Of the modern American family, Stacey writes that four radical innovations separate it from premodern family life:

1) Family work and productive work became separated, rendering women's work invisible as they and their children became economically dependent on the earnings of men. 2) Love and companionship became the ideal purposes of marriages that were to be freely contracted by individuals. 3) A doctrine of privacy emerged that attempted to withdraw middle-class family relationships from public scrutiny. 4) Women devoted increased attention to nurturing fewer and fewer children as mothering came to be exalted as both a natural and demanding vocation (Stacey 2014, 18).

Stacey argues that the rise of the modern American family accompanied the rise of industrial capitalist society because of the way it reorganized social, spatial, and temporal elements of work and domestic life (for instance, segregating the sexes by extracting men from the home and consigning women there) (Stacey 2014, 18).<sup>159</sup> Although the peak of the modern family period did not occur until after World War II, the theoretical underpinnings that defined the period – a strict adherence to a gendered split between the public and private realms, an emphasis on familial privacy, and the naturalness of reproductive labor – were present in the philosophical writings of Aristotle and Robert Filmer, among others, who I take to be some of the central architects of the traditionalist approach. The liberal approach relies heavily on many of these tenets as well, although an emphasis on love and contractual marriage (favored by Locke and Mill, especially) granted women more rights outside of the family and created a distinct approach to regulating some aspects of family life that was absent in the traditional approach. In this respect, the liberal

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<sup>159</sup> This line of reasoning follows Carole Pateman's argument that the social contract, which concerns the origins of the civil sphere and capitalist relations, relies upon the adherence to sexual difference in the home and the patriarchal division of labor that enables men to sell their labor outside of the home (Pateman 1988, 135).

approach can be thought of as motivating the philosophical foundation for the later stages of the modern family period.<sup>160</sup>

The modern family period, perhaps the most culturally well-defined period in American family identity, ultimately did not last. Stacey argues that the undoing of the modern family structure was tied to its embrace of the liberal ideologies of individualism, democracy, and conjugal love (Stacey 2014, 19).<sup>161</sup> Women and men began to remake American family life in the face of post-industrialism, newly-won women's rights, and an embrace of diversity that challenged familial structures based solely upon marital love and childrearing. Stacey calls the result of these diverse efforts the "postmodern" family, and claims that it is not a new model of family life, but the breakdown of the norms of the modern family in a logical progression of stages (Stacey 2014, 25). The postmodern family retains little of the rigid structure of the modern family and heralds itself on diversity by including single-parent households, domestic partnerships, and childless couplings among the remnants of modern families. Some have claimed that the changes implemented during the postmodern period have begun to dismantle the family and will ultimately

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<sup>160</sup> Analyzing these relatively recent periods of the family might be seen by some as omitting significant stages of family life that occurred prior to the 18<sup>th</sup> Century. Philippe Ariès, preceding Stacey, argues that the (to use Stacey's terminology) "premodern" period of familial arrangements began roughly around the 16<sup>th</sup> Century with the improvement of hygienic practices and, consequently, the newfound perspective to view children as unique individuals (Ariès 1962, 401). Prior to this time, high rates of infant and child mortality, open homes that included servants, guests, and travelers, and conditions of poverty prevented any substantial identity of the family (cf. Ariès 1962, 365-400). Because of these factors, the intimacy, privacy, and microcosmic 'way of life' characteristics that have come to define how we view families as valuable, unique entities did not occur until late in the premodern period. This devaluation of the family extended beyond day-to-day living: prior to the 16<sup>th</sup> Century, Ariès argues that the family did not inspire paintings, poetry, or philosophy (cf. Ariès 1962, 364).

<sup>161</sup> Stacey argues that the early feminist movement provided ideological support for divorce and for the soaring rates of female-headed households after the 1950's. She notes that the majority of benefits won at this time went to privileged women (Stacey 2014, 22).

lead to its complete demise, while others have embraced the changes as moving in the right direction for the conception of familial relations (Stacey 2014, 16).<sup>162</sup>

Those who argue for the de-establishment of marriage and the related norms of heterosexuality and childrearing often espouse elements of what I call the abolitionist view, which underpins many of the critiques against the modern family. The abolitionist view has cropped up in several forms as a response to the structural problems inherent in the modern family: the gendered division of labor, the reliance on monogamous marriage to define legitimate relationships, the hierarchical structure of the family, and so on. The postmodern family movement to embrace diversity and, in some cases, to reduce the significance of “familial” relations has influenced some to defend the significance of marriage and childrearing, while still embracing certain forms of diversity for familial arrangements, by calling attention to the social and economic benefits that marriage grants spouses, and the social and emotional benefits that may come with childrearing. However, despite the transitions – both structural and theoretical – that the family has undergone and continues to undergo, two features have remained fairly constant fixtures of how the family is paradigmatically defined, even in postmodern times: *monogamous marriage* and *intergenerational procreation*. To return to a previous example, the American legal definition of the family still maintains that families are defined through relations to a household head via birth, marriage, or adoption.<sup>163</sup> This definition places significant emphasis on the procreative aspect of

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<sup>162</sup> “Profamily” movements have railed against domestic partnerships (hetero- or homosexual), childless women, and other non-modern arrangements as destroying the sanctity of the family. Stacey, in contrast, ultimately argues that we ought to hasten the demise of the family in favor of a rich variety of kinship stories that allow such diversity (Stacey 2014, 27). This places Stacey in the abolitionist camp, which I will discuss shortly.

<sup>163</sup> The U.S. Census Bureau defines the family as at least 2 or more persons who live together and are related either by birth, marriage, or adoption. A family or “family household” is defined by the United States Census Bureau for statistical purposes as “a householder and one or more other people related to the householder by birth, marriage, or adoption.”

familial relations while also privileging (primarily heteronormative) marriage, or what Elizabeth Brake calls *amatonormative* relationships, over other kinds of relations (see footnote six above, and cf. Brake 2012).<sup>164</sup> The recent Obergefell v. Hodges decision (Supreme Court decision 576 U.S. 14-556 (2015)) has broadened the criteria for who can be legally married to include same-sex couples, yet the decision permits same-sex couples to form the kind of familial structure that still privileges monogamous marriage, continuing the view that monogamous marriage serves as the primary mode for creating a family (followed by biological procreation and adoption).

Correspondingly, several philosophers have also recently upheld these paradigmatic criteria for the creation and identity of the family despite a defense of same-sex marriage. For instance, Stephen Macedo argues that we ought to preserve marriage and extend it to same-sex couples, yet he also contends that justice does not require extending marriage to groups of three or more, nor does it require adopting a privatized contractual model of relationships that would subvert marriage as an institution (Macedo 2015, 8). He argues that monogamy helps to advance the core values of liberal democracy, such as equal liberty and fairness among citizens, by surrounding the institution of marriage with expectations and norms that can help stabilize and support a marriage commitment (Macedo 2015, 14). Although he recognizes that the law ought to do more to recognize and support a variety of forms of non-marital caring and non-marital caregiving relationships, he offers little in the way of how to provide such caregiving relationships with the same social significance and benefits as marriage.

In a similar vein, Mary Lyndon Shanley proposes an “equal status view” of marriage that ought to serve as the genesis of the family (Shanley 2004, 6).<sup>165</sup> She argues that marriage ought to

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<sup>164</sup> Amatonormativity is the focus on marital and amorous love relationships as a special site of value, as opposed to other kinds of caring relationships like friendships (cf. Brake 2012, 4).

<sup>165</sup> Martha Fineman argues that Shanley adheres to the assumption that the genesis of families is dependent upon the sexual affiliation of two adults (Fineman 2004, 50).



be viewed as a special bond deserving of a public status, yet she eschews the traditional aspects of marriage relations that have ordered marriage hierarchically, instead proposing that marriage requires the equal status of consenting partners (especially opposite-sex partners). Like Macedo, Shanley also rejects the contractual model of relationships, arguing that contracts obscure the fact that the public has a legitimate interest in marriage and promoting the dual-statuses of husband/citizen and wife/citizen (Shanley 2004, 16).<sup>166</sup> For Shanley, marriage as a status suggests, where a contractual model does not, that the role of committed relationships is most important in shaping the self in this dual sense: through the promise to love someone else, in a very particular and public way, a person is bound to act in ways that will fulfill that obligation (Shanley 2004, 27). Shanley, in upholding the significance of monogamous, primarily heterosexual, marriage, leaves little room for other caregiving relationships that do not structure themselves around amatonormative relations.

Other philosophers have focused less upon the marriage aspect of familial relations and have instead tied the identity of the family to procreation and child-rearing practices. For instance, David Archard defines the family as, “a multigenerational group, normally stably co-habiting, whose adults take primary custodial responsibility for the dependent children” (Archard 2010, 26). This functional definition emphasizes the defining role of the family as the custodial care of dependent children and allows for an appraisal of how well (or poorly) families are fulfilling this purpose, especially as it relates to preparing children to become citizens (Archard 2010, 62-64). Similarly, Harry Brighouse and Adam Swift claim that the identity of the family is tied to a particular way of raising children: one in which children have parents, the relationship between

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<sup>166</sup> Advocates of the contractual model, such as Martha Fineman, argue that abolishing marriage as a legal category is a necessary step in the fight for gender equality because it replaces the gendered stereotypes and protective intervention model of traditional accounts with the recognition of equal agency for contracting partners (Shanley 2004, 19).

parents and children is intimate-yet-authoritative, and the relationship produces *familial relationship goods* (Brighthouse and Swift 2014, 50). Familial relationship goods are a set of goods that make the parent-child relationship *itself* beneficial for parents, children, and the state; because of this, they are not easily achievable outside of parent-child relationships, so the state has an interest in promoting parent-child relationships (Brighthouse and Swift 2014, 57). For instance, a parent sharing their values with their child counts as a familial relationship good because it fosters loving, intimate relations between parents and their children and contributes to the development of the child and the flourishing relationship between the parent and the child (cf. Brighthouse and Swift, Chapter 6). Although they argue that familial relationship goods may be successfully produced between parents and either biological children or adoptive children, and that families may have a single-parent or multiple parents with no specified gender, the account that Brighthouse and Swift propose does little to challenge the notion that procreation and child-rearing are essential features of families.

All of these recent definitions of the family promote either monogamous marital relations or procreative practices as paradigmatic conditions for the genesis and identity of the family. Further, although they all account for the state's interest in maintaining more positive and inclusive familial relationships, all of the proposed definitions see the purpose of the family as involving some greater contribution to the state in the form of enhanced citizenship, the development of future citizens, or the preservation of an institution that benefits the state above more diverse arrangements that might better serve individuals. Without going the route of the abolitionist, one can still see the problem with keeping the definition of the family so heavily bound up with notions of marriage and reproduction: a narrow set of permissible familial arrangements are being privileged over and above other types of arrangements that may be equally as good (if not better)

at realizing the primary purpose of the family. Macedo recognizes this, claiming that, “...monogamous marriage imposes a certain ordering on the most intimate aspects of almost everyone’s personal life. ... It creates certain kinds of families and rules out other forms of family life that have prevailed across most human societies in the past and much of the world today” (Macedo 2015, 11).

The social family account does not restrict familial arrangements so narrowly, yet it also does not call for abolishing marriage or diminishing the importance of intimate familial relationships. Rather, the social family account aims to include as many types of familial arrangements as possible – just so long as they adhere to the purpose of the social family: providing reciprocal, adequate primary care for all family members. This means that the social family account is open to families that have children and those that do not, to those who are biologically related and those who are not, to partners or spouses of the same or opposite sex, to partners who choose to have more expansive amorous relationships, to persons who wish to have no amorous interactions with one another, to caregivers and care receivers engaged in caring relations over the long term, and so on.<sup>167</sup> The social family is not interested in promoting one kind of arrangement over others so long as all arrangements are capable of creating conditions for family members to cooperatively work toward the mutual well being of each member through the provision of primary care. Thus, the social family account preserves a wide variety of choices for permissible familial structures and arrangements.

Some may argue that including such a range of arrangements may potentially allow for harmful situations to arise between existing family members or persons looking to form families

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<sup>167</sup> The social family account is also open to those who live together and to those who do not, but a condition of engaging in intimate caring relations with family members requires that they live within a reasonable proximity to one another to carry out such caring behaviors effectively.

around potentially harmful doctrines. For instance, the United States prohibits both polygamy and incestuous relationships from receiving any legal protections or social benefits (in fact, these relationships are sometimes prosecuted for their illegality). The theories outlined above do not condone expanding marriage to polygamists or biologically related sibling-pairs or parent-child pairs either. These kinds of arrangements have the potential to be very harmful to those who participate in them, even if they are comprised of fully consenting participants. And although the social family account aims to be inclusive of as many types of familial arrangements as possible, it ultimately does not hold these particular arrangements to be permissible for two reasons.

First, the social family account does not promote any familial arrangement over others – in theory, this could include arrangements based upon polygamy and incest. While these arrangements may be theoretically permissible, just as monogamous heterosexual marriage may be theoretically permissible, the social family account needn't promote any particular arrangement as being desirable, nor make any claims at all about the desirability of one particular arrangement or another.

Second, what the social family account *does* make claims about is the desirability of having families arranged around the primary purpose of reciprocally providing adequate primary care for all family members. When such claims are made, it becomes evident that many instances of polygamy, and not a single instance of incest, will be permissible under the social family account. For instance, Stephen Macedo argues that polygamy as a social form is inherently prone to a variety of abuses and tends to produce general social harms (Macedo 2015, 187). Aside from the fact that polygamy, as practiced in the United States, problematically produces a gendered hierarchy by reducing the status of women, children in polygamist arrangements are more likely to confront higher levels of jealousy and rivalry, emotional stress, tension and violence than their

peers in monogamous arrangements (Macedo 2015, 171). This is because the children of different wives, like the wives themselves, are treated unequally and often have to compete more fiercely for family resources. As a result, they tend to suffer from more emotional stress and have significantly higher rates of behavioral and physical problems. Polygamy also tends to reduce to average parental investment per child, and grants the husband the ability to use much needed resources to procure more wives instead of using those resources to care for those already involved in the relationship (Macedo 2015, 172). While it is not necessarily the case that these outcomes will materialize, polygamist arrangements are much more precarious for their members and would more often than not be considered inappropriate familial arrangements by the social family account.

More starkly, incestuous relationships also produce a variety of harms for participants, many of them egregiously so. Macedo notes that an obvious harm of incest is that the distinctive goods of family life – love, trust, care, and mutual support – depend upon strong norms that prohibit sexual relations among immediate family members (Macedo 2015, 195). Macedo continues,

For siblings or parents and children to consider each other as eligible sexual partners *prospectively* is inherently corrupting of norms that sustain healthy and valuable family relations ... If we were to announce permission for adult siblings, or parents and their adult children, past a certain age to have sexual relations, this would reshape the way that siblings and parents and children regard one another generally, including from the time children are very young (Macedo 2015, 195).

The detrimental outcomes associated with incestuous relationships would detract from the primary purpose of the family and negate the effectiveness of caring activities in the face of corrupting forces. The social family account recognizes that these types of arrangements are not beneficial to family members and would therefore not permit such relations because of how they negatively

impact caring relations. Although the social family account does not promote one kind of arrangement over other, nor claim that caring relations may only develop between certain persons in particular situations, the account still uses a set of criteria that promote caring relations as defining the primary purpose of the family and hence, as defining the family. In the case of incest, siblings and parents and children threaten those caring relations and, hence, threaten their ability to remain a family by introducing amorous relations between themselves. This is especially the case because the role of consent is often absent or coerced in such relations, which means there is a lack of mutual respect among family members and a hindrance on certain family members' ability to flourish.

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Now that I have answered the general objections to certain elements of the social family, especially those involving the practices that will govern family-state relationship, we are in a good position to turn to the alternative views of the family and the family-state relationship that I have briefly outlined up to this point. With the larger framework of the social family account in mind, I will examine the traditionalist view, the liberal view, and the abolitionist view and compare each of them to the social family account. I will argue that my own account more adequately defines the primary purpose of the family and discerns what makes families so significant both for persons and for the state. Ultimately, I will conclude that the social family account better addresses the needs of families and the state.

For the sake of brevity, I have chosen to include only the most representative individual accounts that I will associate with each view I present here. That being said, the guiding principles of each view will be presented as thoroughly as possible to demonstrate how they differ from the

social family. It is also important to remind readers that I will continue to use Judith Stacey's terminology to identify the different periods of time that these views have culturally aligned with in the United States. By doing so, I hope to provide a clearer picture as to what kinds of familial arrangements each view best represents.

### *3. The Traditionalist View*

The traditionalist view of the family has spanned many centuries, manifesting itself in stages from the end of the Medieval family period through the modern family period.<sup>168</sup> Although there are some variations between these stages as the family transitioned from a premodern to a modern model, there are several key elements that have remained staples of the traditionalist view. The first is a strong adherence to a hierarchical model of familial relations that privileges the male head-of-household. The second is a strict separation of productive and reproductive labor with a particular emphasis on the “naturalness” of reproductive labor. Third, the consignment of productive and reproductive roles based upon gender enforces the hierarchical nature of family relations and supports the persistent separation of these kinds of labor. Together these three tenets influenced the structure of familial relations in ways that denied political identities to women and children, enabled oppressive and abusive familial relations to thrive, and depreciated the practice of care as a necessary human good.<sup>169</sup>

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<sup>168</sup> As the family moved away from Medieval conceptions, it began to take shape as a particular entity with its own defining characteristics and ways. Prior to this time the family was not considered to be valuable in its own right (cf. Ariès 1962, 364-400).

<sup>169</sup> Phillipe Ariès notes that after the Medieval period, the wife's position in the household slowly deteriorated. By the 16th century, the wife's position had deteriorated so much that she could no longer perform any acts without the authority of her husband. Any acts performed without this permission would be null and void under the law. (Ariès 1962, 356).

Early instantiations of the traditionalist family did not maintain a strict separation between the public life of politics and the private life of the family. While the patriarchal doctrine was indeed the guiding doctrine for familial relations after the Medieval period, it was also used to justify the power of the King over his subjects, creating a social and political system where power, authority, and obedience are fused together under a Godly grant of dominion that stems from the first patriarch, Adam (Elshtain 2014, 33). For instance, Robert Filmer claimed that gendered, hierarchical rule within the family is natural; there is a “Natural Right of a Supreme Father over every Multitude” (Filmer 1680, 12). The father has power and right of Sovereign Authority over his children and wife, by which he rules over them according to no law other than by his own will (Filmer 1680, 12, 29).<sup>170</sup> Filmer further claimed that this natural right of the father over the family extends first to the natural authority of the father over his entire kinship network (including subsequent generations), and then to the natural authority of the King over his subjects (Filmer, 1680, 13). The King is the father over many families – inferior (house-hold) fathers included – and is tasked with preserving, feeding, clothing, and defending a commonwealth as a father would do the same for his own children (Filmer 1680, 13). So, for Filmer, the family-state relationship is one of a continual reaffirmation of power to both fathers in their homes and to the father on the throne by promoting patriarchalism as the guiding doctrine for the family and the state.

Although Filmer’s *Patriarcha* had a substantial influence on the structure of intrafamilial relations, many subsequent philosophers within the traditionalist view supported a withdrawal of the family into privacy – a move that adhered more closely to the Aristotelean approach to the family-state relationship, which promoted a more definitive separation between the family and the economy on one side, and the state on the other, as unique realms with their own guiding doctrines

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<sup>170</sup> Filmer also claims that the father is bound by the law of nature to do his best for the preservation of his family (Filmer 1680, 29).



and purposes. That being said, there are still significant points of overlap between Filmer's and Aristotle's views, making them both equally important foundations for the traditionalist view. For both philosophers, the family is an institution that serves an integral function for the state: for Aristotle, the reproduction and maintenance of citizens and the genesis of the state insofar as reproduction of bodies is a necessity; and for Filmer, as an ideological foundation for the natural authority of kings over their subjects as fathers are over their wives and children. Further, for both philosophers the structure of the family shields any intervention attempts against abuse, neglect, or domination by stipulating that a patriarchal system of rule is not only permissible but encouraged, and the rights of fathers give them the utmost protection against state interference (whereas wives and children do not possess any rights against the father). The difference in their views lies within the relationship between the family and the state, but also with respect to how the family ought to be regulated.

Aristotle's explicit divide between public and private life – a divide that stipulates that the family remain a non-political entity within the composition of the state – was intended as a rejection of Plato's "family state" that called for private households and families to be abolished in favor of complete social and political hegemony (cf. Plato 1992, 543a-b; Engster and Metz 2014, 3; Gutmann 1987, 22-28). For Aristotle, the ideal state is divided into two distinct but complementary realms, the family and the state, and each realm is based on the type of associations that take place within it (Aristotle 1998, 1252b20). The realm of the state is the realm of political activity, the center of civic life, where issues of governance and moral development are central concerns. The family realm, by contrast, is the realm of necessity: the "natural" functions of reproduction and kinship are deemed a necessary part of populating the *polis*, but those activities are more "animalistic" in nature and hence of a lesser good than political activities (Aristotle 1998,

1252a27-30, Engster and Metz 2014, 4). Aristotle argues that the family, as a natural unit, naturally gives rise to small villages, and then ultimately the formation of the state (although Aristotle notes that the city-state is prior in nature to the family) (Aristotle 1998, 1252b16-30, 1253a20-25; Engster and Metz 2014, 4).<sup>171</sup>

Another characteristic of the naturalness of families lies in the natural structure of familial dominance – the family is hierarchically organized with women, children, and slaves subordinate to the dominant male (Aristotle 1998, 1260a13).<sup>172</sup> This natural ordering is thought to be ideal for the maintenance of material, physical, and emotional care to all family members (although the details of this care are not specified, other than that the care provided to those in families is better than the care provided in common) (Aristotle 1998, 1262a0-15). What is significant to note here is that Aristotle, through his discussion of the family-state relationship, has stipulated the tenets of the traditionalist account: an emphasis on the naturalness of reproductive labor and a consignment of productive and reproductive roles based upon gender that holds that women are more suited to reproductive tasks.<sup>173</sup>

What's more, Aristotle allows the state to impose a small yet significant set of regulations upon familial relations: the encouragement of coupling during a woman and man's most fertile period of life, prescriptions for pregnant women on how to be as healthy as possible to ensure a healthy fetus, the abandonment of any disabled children, and prescriptions for the kinds of education parents can give to their children (Aristotle 1998, 1335a25-40, 1335b0-40; cf. Engster

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<sup>171</sup> However, despite its crucial part in the creation of the state, it is ultimately a less perfect association than the political association, for it aims at sustaining life only, rather than examining and promoting the good life for all human beings (Aristotle 1998, 1253a30-35; Engster and Metz, 4).

<sup>172</sup> Aristotle writes that women are naturally inferior to men because the deliberative part of their souls lacks authority over the other parts of the soul (Aristotle 1998, 1260a13).

<sup>173</sup> It can also be noted that Aristotle's inclusion of economic activities in the private realm is distinct from the liberal theories I will discuss in the next section that maintain that economic activities are only appropriate for the public realm, outside of the home.

and Metz 2014, 5). The small (yet significant) number of family relations that are regulated by the state are not intended to improve those familial relations for members, nor are they regulated to protect members of the family from abuse, domination, or neglect. Rather, the regulations aimed at families are meant to address how Aristotle identifies the purpose of the family: the reproduction and sustenance of healthy (able)bodies, of which a select few will participate in public civic life. So for Aristotle, the family is a natural, patriarchal realm with an ultimate (external) purpose of producing ideal citizens for the state.

Although Aristotle's account has provided the foundation for the traditionalist view, it has also been used to build and defend certain aspects of the liberal view of the family, most notably, the notion that the family and the state are two distinct realms (with the family occupying the private realm), and the notion that the state has some power to intervene in familial affairs (although the doctrine of protective intervention is significantly less intrusive than Aristotle's directives for familial relations).<sup>174</sup> Because of this, contemporary philosophers within the traditionalist view have sought to reject the liberal elements of Aristotle's account and continue to advance the notion of naturalism within the family while maintaining a strict family-state divide. These theorists typically hold that the family ought not to be defined or regulated by the state so as not to disturb the unique features of family life or alter the spontaneity of familial relations.

For instance, Christina Hoff Sommers argues that philosophers must have respect for moral traditions as they relate to the family, for the customs and opinions of the community with respect to the family must be taken into account. Marriage and child-rearing within marriage are customs that have stood the test of time and must be respected by the state; these customs must not be altered by the state else the state will render them unrecognizable. She believes that the traditional

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<sup>174</sup> I will discuss the liberal view of the family in the subsequent section.

family is under attack from two sources: first, feminists who have critiqued traditional family relationships and roles, and second, liberal moral philosophers who accept a purely voluntaristic theory of moral obligation (cf. Sommers 1996, 42-49).<sup>175</sup> Against this second point, she argues that family members have special obligations to one another in virtue of the fact that they are biologically related (mother to child, especially), and these obligations should inform other issues that affect families such as abortion, infanticide, and a child's right to divorce their parents (Sommers 1996, 55-57). This response restricts the freedom of women to make meaningful choices about their own bodies, and promotes the traditionalist tenet of the naturalness of reproductive labor by excluding appeals to universal rights (such as the right to control one's own body) from familial decision making. Her response to feminist challenges of the gendered division of labor within the family is to defend the characteristics of femininity as warranting a distinct place for women within the family to be the primary reproductive laborer (Sommers 1996, 50). These features of her account uphold the distinction between productive and reproductive labor and maintain the gendered identity of those who labor in each realm.

Additionally, Sommers appeals to a more conservative approach of doing philosophy to defend what she sees as "radical" attacks on the family:

...responsible moral philosophers are liberal or conservative but not radical. They respect human relationships and traditions and the social environment in which they live as much as they respect the natural environment and its ecology. They respect the family. ... A moral philosophy that does not give proper weight to the customs and opinions of the community is presumptuous in its attitude and pernicious in its consequences (Sommers 1996, 62).

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<sup>175</sup> Specifically, those in the liberal tradition more generally who ascribe to the "volunteer theory of obligation," which claims that all moral obligations are voluntarily assumed (Sommers 1996, 43).

Despite her insistence that we identify the family by its naturalness and preserve the modern family by not politicizing it, Sommers' final appeal here seems to place significant weight upon the state's interest in promoting and defending a particular form of family life. By claiming that the opinions of the community must be given proper weight, Sommers seeks to *prevent* the state from changing the structure of familial arrangements to permit more postmodern and modern liberal characteristics, such as divorce, reproductive choice, and same-sex marriage. Instead, her argument appears to demand that the state use its political power to protect an idealized notion the family *from* those changes that actually reflect the opinions of the community.<sup>176</sup> In this respect, Sommers' account actually *calls for* state intervention into familial arrangements through the preservation of a particular, idealized notion of the family. So, her account does little to address what is good for families and family members by restricting the options for familial arrangements, even if those alternative options would make the family more just (for instance, to allow family members to escape from abusive and oppressive relationships, to enable more equitable child-rearing arrangements, to increase respect for female autonomy, and so on). As such, her account upholds the tenets of the traditionalist view.<sup>177</sup>

A different approach to preserving a specific kind of moral foundation for the family comes from John Finnis, who argues that heterosexual, monogamous marriage is a morally transformative

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<sup>176</sup> As Sommers wrote this piece, the postmodern family movement was already well underway, with increasing instances of divorce, family planning, same-sex couplings, single-parent households, and the like.

<sup>177</sup> Similarly, Michael Sandel argues that bringing justice into the family will erode the natural "spontaneity" and affection between family members. For Sandel, the ideal family is one where generosity, not justice, is the driving force behind familial attachment and obligation, and this generosity renders individual rights within the family that the state would observe unnecessary (Sandel 1982, 33). He argues that the point of familial relations is not to focus on questions of 'what I get and what I am due.' Rather, generosity within the family will generate responsibility for family members to do their parts and avoid discordant situations. If discord arises within the family, Sandel argues that it is not the place for justice, or the procedures associated with producing justice, to enter the picture, as those procedures don't do as good as job at restoring the situation to its moral conclusion (Sandel 1982, 33).

element of creating the right kind of conditions for familial relations. He claims that the marital union between two opposite-sex persons is a basic human good and produces conditions for marital acts (i.e. sexual intercourse) and their effects to fully resolve in communion (Finnis 1997, 32). Finnis further argues that “Natural Law” requires that sex must always aim at the marital good of procreation, and can only be ethical so long as it takes place within a marriage with procreation as a goal.<sup>178</sup> A good marriage and, consequently, good familial relations, may only occur when the condition of marriage has been satisfied (Finnis 1997, 38). As such, Finnis’ account grants the institution of heterosexual, monogamous marriage the power to transform certain acts and relations into moral familial acts and moral familial relations.

Finnis’ account uses the premise of morally transformative marriage to highlight the naturalness of reproductive processes and the “moral correctness” of heterosexual, monogamous marital relations (that is, the experience of heterosexual, monogamous marital relations elucidates the good of procreation). In doing so, Finnis, like Sommers, promotes the hierarchical model of familial relations that problematize female sexuality, reproductive choice, and the diversity of familial arrangements that may better serve family members. While this approach may seem to privilege family life as something morally rich and transformative, it actually disadvantages many individuals within families, and excludes many others from becoming families because of how narrowly it stipulates the conditions for creating families.

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<sup>178</sup> John Finnis’ account of natural law involves notions of practical reason and basic goods. Practical reason is concerned with what is good for human nature (in the case mentioned above, *procreation*), and infers what is good for human nature through direct experiences (Haakonssen 2001, 1210). According to Knud Haakonssen, practical reason, “imposes a set of methodological requirements on itself, such as the necessity for a coherent plan of life, the avoidance of arbitrary preferences among values and among persons, etc., and it grasps the full variety of human goods ... This combination of goods and methodological requirements ... enables us to distinguish objectively between good and bad, just and unjust” (1210).

Despite variations between the different stages of the traditionalist view, the philosophers who espouse the traditionalist view have all upheld hierarchical models of familial relations that privilege dominant males and subordinate women and children by stipulating that reproductive labor is naturally feminine and, likewise, that reproductive acts are naturally good and therefore warrant little intervention. This stance perpetuates inequality between the sexes and disenfranchises women and children, especially with respect to the lack of authority they have over their own bodies and over the structure of their relationships. Further, by claiming that reproductive labor is both feminine and in accordance with natural law, the traditionalist view diminishes the value of care by treating care as less theoretically significant than other productive activities.<sup>179</sup>

Challenges to this view, from feminists and from those who argue for more varied familial arrangements, have been met with refutations that defend the gendered nature of reproductive labor and the significance of heterosexual relationships for familial relations, especially with respect to rearing children. As such, those who adhere to the traditionalist view see women's rights as threats to marriage, child rearing, and the stability of familial relations. Additionally, the insistence upon heterosexual relationships and their connection to reproduction ignores and wrongly discourages the diverse kinds of familial arrangements that have become more commonplace with the postmodern family movement. Lastly, the refusal to treat reproductive labor as a significant part of life beyond the creation of future citizens depreciates the practice of care as a necessary *human* good. As I argued in Chapter Three, any social or political theory, especially ones that focuses on particular institutions such as the family, must take seriously the needs that persons have because *all persons have needs*. Likewise, care, and the caring activities that meet the needs of persons,

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<sup>179</sup> This way of thinking about reproductive labor also denies caring roles to men, precluding the possibility of genuine equality.

must be taken equally seriously because all persons require care throughout their lives to meet their needs when they are unable to do so themselves. The traditionalist view of the family either ignores or undertheorizes the needs that all persons have and depreciates caring activities. Hence, the traditionalist view does not meet the needs of citizens and perpetuates harms that arise from hierarchical, gendered familial arrangements.

#### *4. The Liberal View*

Many of the problematic aspects of the traditionalist view of the family were recognized by liberal theorists who sought to improve the relations among family members by appealing to women's rights, consent, and a model of the family-state relationship that granted the state the power of protective intervention into familial affairs. Like the traditionalist view, the liberal view of the family has also transitioned through several distinct stages, with each stage attempting to incorporate these theoretical solutions to different degrees. Liberal theorists, following Aristotle, upheld the notion that the family and the state were two distinct realms, yet they deviated from Aristotle by arguing that the family remain a completely private realm warranting little state intervention or regulation (the state would not be given the power to dictate procreative practices, nor determine what kind of nutritional regiment certain family members would follow, and so on). Although liberal theorists sought to protect family members in positions of vulnerability through the doctrine of protective intervention, I will demonstrate below that many liberal thinkers, especially Early Modern thinkers such as John Locke and John Stuart Mill, either stipulate a hierarchical model for familial arrangements or do little to challenge such arrangements, even when they are detrimental to women and children. Likewise, the liberal view mandates that conjugal relations be entered into only with the consent of both parties – effectively granting women the right to create and sign contracts, and giving them some authority over how their



particular marital arrangement will transpire – yet it either stipulates, or does little to challenge, a gendered division of labor within families that places the burden of reproductive labor upon the woman. Later liberal thinkers like John Rawls, David Archard, and Elizabeth Brake focus heavily on familial privacy or rigid contracts in a way that limits the ability to fully overcome gendered roles within the family or to develop an appropriate framework for covering all kinds of familial arrangements. As such, the liberal view, although a positive departure from the traditionalist view, retains several of the problematic aspects of traditionalist thought. This also extends to the limited kinds of familial arrangements that are deemed permissible on liberal accounts.

The key elements that have remained constant for the liberal view thus include some elements of the traditional view as well as some responses to the problems created by the traditionalist view. First, as noted above, the liberal view divides the family and the state into different realms – the state into the public realm and the family into the private realm – and grants the family a significant amount of privacy over the intimate relations within. Second, the liberal view retains the division of labor between the family and the state, maintaining that the family is the center for reproductive labor. While different stages of the liberal view treat the question of whether or not reproductive labor is gendered (i.e. feminine) in disparate ways, they all uphold that it is the family’s responsibility to provide a majority of the care that a person requires. Third, the liberal view mandates consent for conjugal relations, ensuring that all persons who enter into familial relations are equals (for instance, the contractualist model in particular tries to replicate the consensual nature of political contract in the marriage contract) (cf. Elshtain 2014, 33).<sup>180</sup> Lastly, the boundary between the family and the state is drawn upon a political understanding of

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<sup>180</sup> Jean Bethke Elshtian notes that liberal contractarians were often cautious in carrying their political principles into domestic life; many opted to keep contractarian politics public while maintaining a traditional family, while others softened the patriarchal authoritative claims of males in the family and allowed more contractual relations within the family, such as John Stuart Mill (cf. Elshtain 2014, 33-34).

the way that the family as an institution fits into the realm of individual rights and liberties. This understanding supports the doctrine of protective intervention, yet does not take into consideration the qualitative characteristics of familial relations that are created and maintained by the way rights, powers, and responsibilities are assigned through different familial roles (Olsen 2014, 171). For instance, parents are given rights over their children that, when used negatively as a means of compelling the children to adopt the parent's belief system (even if it is oppressive), may harm a child's ability to develop an independent sense of self (or worse, feel ashamed about themselves or think of themselves as inferior). So, because the boundary is drawn to protect the liberty of adults (and even then, mainly male adults) as citizens, and not to ensure that familial relationships are healthy and non-oppressive, liberal accounts are typically plagued by scenarios where intervention and/or social assistance is needed but not warranted on the part of the state.

For instance, John Locke, who famously rejected Filmer's use of the patriarchal family to justify political patriarchy, argued that marriage and the state are both voluntary: one can only enter marriage through consent, just as one can only enter into political compact through consent (Locke 1946, Section 78). However, Locke is not consistent in his reasoning. He grants that women are in full and free possession of what is in their right by contract, including their life and their ability to leave a marriage (Locke 1946, Section 82).<sup>181</sup> However, Lockean marriage retains a hierarchical structure similar to Filmer's patriarchal family because the family, despite being a state institution, is also governed by natural law, which grounds this hierarchical structure in divine will.<sup>182</sup> So, on matters of common interest or ownership, the woman must always defer to the man

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<sup>181</sup> Even still, as Carole Pateman notes, since women were (and still often are) mostly unable to earn as much as men, only professional and wealthier women are in the position to negotiate an intimate contract and survive a divorce without being adversely affected (Pateman 1988, 155).

<sup>182</sup> Locke's understanding of natural law is derived from Hugo Grotius and the voluntarists, and holds that natural law is meant to limit our inclinations and behaviors so that they are in accordance with divine laws that must be obeyed for the benefit of all (for instance, restraining our self-love to be more cooperative)

and is subordinate to his will (Locke 1946, Section 82, Section 86; cf. Pateman, 1988, 53). This is because, as Mary Shanley argues, Locke defaults to defining the family in private “naturalistic” terms, stipulating that men are permitted to rule in the home because they are by nature “abler and stronger” than women and children (Shanley 1982, 94). Still, Locke does grant both men and women divorce and property rights, and contends that a magistrate may be called upon to settle disputes related to procreation and mutual support during the course of marriage (Locke 1946, Section 83; Shanley 1982, 94). He also insists that both parents have a duty to care for and educate their children (possessing a shared parental right to them), which places some of the burden of reproductive labor upon men (Locke 1946, Section 58). However, by placing the sole burden of care and procurement of education in the hands of parents – claiming that it is a parent’s duty for the good of the commonwealth – Locke makes the home the center for all reproductive tasks (Locke 1925, 8; cf. Guttmann 1987, 28).<sup>183</sup>

While many of these features are improvements over traditionalist accounts, Locke still maintains problematic notions of the traditionalist account within his view. His separation of the family and the state, his emphasis on the gendered division of productive and reproductive labor, and his insistence that the family be governed by natural law (in that the hierarchical structure of the family complies with divine directive), enables him to deny certain rights to women while, at the same time, granting other rights to them. Lastly, his inclusion of a protective interventionist clause within conjugal relations is refreshing, but he leaves too much to be determined by the “abler and stronger” male with respect to important decisions and behaviors that fall within the

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(Haakonssen 2001, 1209).

<sup>183</sup> Locke writes, “The well educating of their children is so much the duty and concern of parents, and the welfare and prosperity of the nation so much depends on it, that I would have everyone lay it seriously to heart; and after having well examined and distinguished what fancy, custom or reason advises in the case, set his helping hand to promote everywhere that way of training up the youth...” (Locke 1925, 3-4).

realm of common interests or ownership. Such deferment leaves women in a vulnerable position to be oppressed, dominated, or abused by a spouse inasmuch as they cannot appeal to an arbitrator to contest such harmful treatment. Thus, Locke's view, while a move in the right direction, still maintains some elements of more traditionalist thought.

In what seemingly strikes a more equitable tone, John Stuart Mill proposes that we view the family-state relationship as being more in sync with one another, claiming that the institutions of marriage and the family are not to be cast off into a private non-political realm. He argues that marriage and the family are intrinsically political institutions (insofar as they are arenas of power, rule, and authority) and crucial spaces for moral and political education (cf. Krouse 1982, 160, 324 n.54).<sup>184</sup> Recognizing that the current laws around marriage allow for the mistreatment of women in various forms, Mill argues that power within marriage and the family ought to be equitably distributed according to capacities and suitability; the law ought not declare one person the ruler over another (Mill 2009, 71).<sup>185</sup> He does maintain that the family is distinct from the state, but only because of its hierarchical structure: the state must have a ruler, yet a voluntary association between two persons need not create one ruler and one subordinate; like other economic partnerships, it is not necessary for one family member to rule over others (Mill 2009, 70). Further, Mill claims that when the equality of married persons is ascribed by the law, the family will be a school of moral

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<sup>184</sup> In *The Subjection of Women* Mill writes, "...because men in general do not inflict, nor women suffer, all the misery which could be inflicted and suffered if the full power of tyranny with which the man is legally invested were acted on; the defenders of the existing form of [marriage] think that all its iniquity is justified, and that any complaint is merely quarrelling with the evil which is the price paid for every great good. ...Not a word can be said for despotism in the family which cannot be said for political despotism. Every absolute king does not sit at his window to enjoy the groans of his tortured subjects, nor strips them of their last rag and turns them out to shiver in the road" (Mill 2009, 60). As a result of this observation, Mill calls for marriage law to be reformed to bring the marriage contract in line with other more equitable contracts (Pateman 1988, 162).

<sup>185</sup> Mill's *Statement on Marriage* is a direct refusal to accept a subordinate place for women in marriage. Mill claims that his marriage to Harriet Taylor should not deprive her of any rights (Mill 1984, 99).

cultivation, for genuine moral sentiment can only be cultivated in a society between equals (Mill 2009, 77).<sup>186</sup>

Despite these substantial theoretical gestures toward the equality of women both inside and outside of the home, Mill's strong assertions in favor of women's autonomy are limited. He later argues that women, though they might be capable, should not exercise their labor outside the home, but should only work toward the management of the household and the bringing up of a family (Mill 2009, 86; Krouse 1982, 164). Mill writes,

When the support of the family depends, not on property, but on earnings, the common arrangement, by which the man earns the income and the wife superintends the domestic expenditure, seems to me in general the most suitable division of labour between the two persons. If, in addition to the physical suffering of bearing children, and the whole responsibility of their care and education in early years, the wife undertakes the careful and economical application of the husband's earnings to the general comfort of the family; she takes not only her fair share, but usually the larger share, of the bodily and mental exertion required by their joint existence. If she undertakes any additional portion, it seldom relieves her from this, but only prevents her from performing it properly (Mill 2009, 85).

Mill did not see his affirmation of the traditional division of labor within the family as a threat to the ideal marriage he earlier defined; he merely thought it prudent and in the best interest of familial needs. However, this more 'pragmatic' outlook on the ideal familial arrangement creates the same difficulty for his view as we saw in the case of Locke. By refusing to challenge both the divide between the productive and reproductive realms and the gendered nature of reproductive work, Mill denies the very equal rights to women that he sought. Further, his insistence upon the moral cultivation of citizens occurring within (ideal) families not only places the majority of care and education on the family, but also dictates that the purpose for family life is to serve external

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<sup>186</sup> Mill argues that a school of sympathy in equality, and of living together in love, is preferred over a school that emphasizes power on one side and obedience on the other (Mill 2009, 79).

means (to rear and educate future citizens to be morally upright). As such, Mill's account does not do enough to challenge many aspects of the traditionalist account despite his belief in the equal capabilities of women. For the sake of brevity, I turn now to consider a more contemporary approach to defining the family-state relationship.

John Rawls stipulates that the family has a place in the basic structure of society, along with the political constitution and the primary economic arrangements, because it is one of many institutions that shapes the rights and duties of persons and influences life prospects (Rawls 1971, 7; Rawls 1999, 157). However, Rawls does not initially provide much analysis of the family or of family relations, and, keeping in line with his predecessors, assumes that the family is a private institution concerned with the reproductive tasks that are necessary to perpetuate society (Rawls 1999, 157). Further, Rawls assumes that the family as an institution is more or less a just institution, precluding the need to consider whether there is justice in the family – something Susan Moller Okin criticizes as preventing the family from undergoing the same critical evaluation exercised on other institutions, which do not start with a similar assumption (Okin 1989, 95). Okin continues, claiming that Rawls' characterization of the family is limited: he alludes to a nuclear family when arguing that members in the original position are “heads of families” (Rawls 1971, 128; cf. Okin 1989). She argues that it is safe to assume, based on historical and philosophical trends, that the heads of families specified by Rawls are males, while the dependent members of the family are wives and children, preserving the gendered, hierarchical nature of familial arrangements.<sup>187</sup>

Rawls counters these assertions in his later work, claiming that the principles of political justice apply directly to the basic structure of society, but apply indirectly to the internal life of the

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<sup>187</sup> Ruth Abbey argues that, despite his claim that political liberalism does not presume a heterosexual family, Rawls' often takes the heterosexual family structure to be the norm. Hence, *the family* is a heterosexual family (Abbey 2007, 10).

associations within the basic structure – familial associations included (Rawls 1999, 158). For Rawls, this means that political principles impose essential constraints on the family as an institution (guaranteeing basic rights and liberties, freedom and opportunities for all members) through something that resembles a protective interventionist scheme. However, because the family is to remain a private institution, Rawls claims that we must, “rely on the natural affection and goodwill of the mature family members,” to ensure justice within the family (Rawls 1999, 160). As such, Rawls indeed maintains separate “domains” of the family and of the state that arise directly from how the principles of justice are applied to each: the former indirectly, and the latter directly (Rawls 1999, 161). Although he clarifies that the state ought to invest in supporting and regulating institutions like the family that are needed to reproduce political society over time (because it has a legitimate interest in doing so), these regulations are sparse.

For instance, Rawls signals that the state ought to have no interest in a particular form of family life save how permissible forms affect the orderly reproduction of society over time (Rawls 1999, 147).<sup>188</sup> Yet, he also does not challenge a gendered division of labor – or how it may detrimentally impact women especially – that arises as the result of a religious doctrine (Rawls 1999, 162). Given the history of oppressive, abusive, and domineering treatment of women, Rawls’ lack of direct justice within the family may serve to perpetuate these problematic arrangements. So, for Rawls as well, a problematic adherence to a productive / reproductive split, where a significant amount of reproductive labor is tasked within the family or directed by the family, perpetuates the problematic trend that impinges upon women. Further, by upholding the split between the public and private domains, Rawls prevents families from achieving the necessary equality between members within the family that would grant more than mere formal

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<sup>188</sup> Rawls notes that this condition still does not specify one form of family life over other, but it may influence political arguments that promote monogamous heterosexual relations (Rawls 1999, 147).

equality outside of the family (specifically, to be granted equal wages for equal work, comprehensive family leave packages, and raises to higher-level positions within companies). Failure to implement supportive policies and regulations that prevent such hierarchies hurts the family's chance to develop all of the caring activities necessary to ensure the cooperative well-being of all family members, especially if those caring activities are being carried out primarily by women.

Liberal theorists after Rawls have approached the family-state relationship with a narrower theoretical scope and in more concrete terms. A substantial portion of liberal scholarship about the family in the past fifteen years has concerned issues that arise around the institution of marriage and its relationship to parenting models and the state, especially with respect to expanding marriage rights to same-sex couples. These most recent theories aim to expand the definition of marriage to be more inclusive, yet they each fall short of overcoming the major problems that have plagued the liberal view.<sup>189</sup>

Mary Lyndon Shanley proposes an "equal status view" of marriage, claiming that marriage requires the equal status of consenting partners and ought to be viewed as a special bond deserving of a public status (Shanley 2004, 6). To expand marriage to same-sex couples, Shanley argues that, instead of abolishing marriage law in favor of contractual relationships, marriage law itself ought to be altered (Shanley 2004, 15). This is because marriage law reflects the fact that the public has a legitimate interest in marriage as an institution because of how it transforms the lives and responsibilities of those within committed relationships (Shanley 2004, 27). Although Shanley gestures toward the recognition that public protection and support for associational and affective ties need not be limited to spouses and parent-children relationships, she does not indicate how the

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<sup>189</sup> I have discussed the views of several of these philosophers earlier in this chapter (see Section Two), so some liberal accounts will not be presented here, or will not be presented in full.



state would recognize or confer benefits upon these alternative arrangements.<sup>190</sup> Those who challenge upholding marriage law, such as Martha Fineman, argue that abolishing marriage as a legal category is the only way to achieve gender equality for it removes all traditional notions of the public/private split, as well as the productive/reproductive labor split, that have historically complicated the equal agency of marriage partners (Fineman 2004, 47).<sup>191</sup> By upholding marriage as an institution with a special status, Shanley problematically limits the kinds of groups that may call themselves families and preserves a system that has historically contributed to the oppression of women and the devaluation of care.

David Archard, in *The Family: A Liberal Defense*, defines the family as, “a multigenerational group, normally stably co-habiting, whose adults take primary custodial responsibility for the dependent children” (Archard 2010, 26). This functional definition emphasizes the defining role of the family as the custodial care of dependent children and allows for an appraisal of how well (or poorly) families are fulfilling this purpose, especially as it relates to preparing children to become citizens (Archard 2010, 62-64). Archard claims that a plurality of family forms (including same-sex partnerships) is not undesirable so long as whatever familial form is taken serves the important end of bringing up children (Archard 2010, xv). That being said, Archard makes the case that, in general, the best scenario for the upbringing of children is with their own biological parents. He claims that two factors are important in making this determination:

- 1) biological parents (usually) have demonstrated a commitment to care for a child and are

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<sup>190</sup> Similarly, Stephen Macedo notes that the law ought to do more to recognize and support a variety of forms of non-marital caring and non-marital caregiving relationships. However, he offers little indication of how to provide such caregiving relationships with the same social significance and benefits as marriage (Macedo 2015, 9).

<sup>191</sup> Fineman argues that marriage is the way that the United States privatizes dependency and care. The state has a responsibility to provide social services that it cannot do so long as marriage as an institution stands (Fineman 2004, 47).

disposed to love that child, and 2) kinship matters culturally, and is of significance to children looking to trace their roots (Archard 2010, 61). This stance privileges biological relatedness over other considerations and seems to support the worrying assumption that biology undergirds a disposition to care and show affection.

Further, Archard maintains the split between the public (state) and private (family) realms of society, claiming that the state determines the scope of ‘public authority’ and then determines what falls outside of that scope (Archard 2010, 19). Since the family falls mostly outside of that scope and, as Archer argues, the family works best and flourishes if it is left to its own devices, it is not subject to public regulation unless a “reasonable” measure detects that a wrong has occurred (Archard 2010, 22-25). Archard writes, “We may be unable to determine that a wrong has been done, or is very likely to be done, in private – a child abused, a wife assaulted – unless police officers can ‘pry’ into our private lives, and even ‘search the sacred precincts’ of our domestic domain. The point is that official agencies must have just cause to ‘snoop’ rather than simply be exercising a general right to patrol the private (Archard 2010, 25). Despite the known prevalence of abuse, oppression, and dominance that have already been discussed throughout this chapter, Archard’s defense of the privacy of the family preserves the same protective interventionist policies that create unsafe conditions for family members. As such, Archard’s view preserves several problematic aspects of the liberal view despite his functionalist-appraisal account of the family’s inner workings.

Another distinct approach within the liberal view comes from Elizabeth Brake who, building her account upon on Rawlsian framework of public reason, proposes the idea of “minimal marriage” as a way to expand marriage beyond its current restriction to what she calls

“amatonormative” relationships only.<sup>192</sup> Brake claims that all citizens should be able to accept the idea that caring relationships are intrinsically good, and in virtue of that fact, the state should support such relationships (Brake 2012, 158). As such, marriage should be extended to cover different kinds of caring relationships – even beyond same-sex couplings – because any other restrictions on marriage would be illiberal and unjust since they could only be justified through appeal to non-public reasons.<sup>193</sup>

For Brake, Minimal marriage would support “adult care networks” or “caring relationships” comprised of any number of persons, with or without a romantic component (Brake 2012, 161). Marriage should not restrict either the gender or the number of people who are involved in a marriage, nor should there be any restrictions on the kinds of spousal obligations that people exchange with one another in marriage (Brake 2012, 161).<sup>194</sup> Those who form minimal marriages might choose to exchange all of their marital rights reciprocally with one person, or distribute them throughout an adult care network, ensuring that married persons are only responsible for the obligations that they voluntarily choose – so long as those obligations work toward caring relationships (Brake 2012, 161). Minimal marriage would also entitle married persons to a range of benefits that, Brake argues, form the social bases of caring relationships, such as insurance benefits, immigration benefits, prison and hospital visits, and so on (Brake 2012, 182).

While Brake’s proposal sounds extremely promising, she still problematically emphasizes the importance of marriage for defining what a family is. Although her definition of marriage does not conform to amatonormative relationships, it privileges adult-only relationships (instead of

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<sup>192</sup> Amatonormativity concerns marital and amorous love relationships that are seen as a special site of value, as opposed to other kinds of caring relationships like friendships (cf. Brake 2012, 4).

<sup>193</sup> Brake argues that marriage should not draw respect or meaning from comprehensive expressive meanings of marriage, for these cannot be shared by all persons (Brake 2012, 187).

<sup>194</sup> Brake envisions this as a kind of pre-marital contract where parties check off boxes to determine what obligations they will take on.

relationships that also involve children) and relationships between those who are cognitively able to consent to marital relations and negotiate a set of obligations with one another (Brake 2012, 161).<sup>195</sup> In fact, to deal with objections related to such complicated relations, Brake asserts that parenting frameworks should be kept separate from minimal marriage (Brake 2012, 145-150). This response does not take into account the fact that parenting (or co-parenting, or “othermothering”) is often not a choice for all parties involved, and an emphasis on contracting over specific rights and duties for care may leave some children without willing guardians.<sup>196</sup>

Brake writes, “Unlike current marriage, minimal marriage does not require that individuals exchange marital rights reciprocally and in complete bundles: It allows their disaggregation to support the numerous relationships, or adult care networks, that people may have” (Brake 2012, 161). Her account supposes that those who are contracting to marry one another have the ability to see what their futures might hold, and only exchange the rights and duties that support certain lifestyles (namely, lifestyles without children). Brake claims that minimal marriage consists in rights that recognize and support caring relationships (Brake 2012, 162). However, one cannot know in advance what kinds of caring relationships may materialize over time, so prematurely agreeing only to certain rights and responsibilities while abstaining from others (most notably parenting responsibilities) may lead to higher instances of “divorce” or dissolved marriages when, for instance, an unexpected pregnancy occurs.

The liberal view of the family, in all of its stages, retains some problematic characteristics that make it a difficult view to promote as meeting the needs of citizens. By dividing the family

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<sup>195</sup> Brake stipulates that minimal marriage would not require that individuals exchange marital rights reciprocally and in complete bundles; persons could negotiate how their obligations are distributed among family members (Brake 2012, 161).

<sup>196</sup> Additionally, it is not clear how those who are cognitively disabled would be able to marry into a family or join a family through other means, especially since separate parenting frameworks does not ensure inclusion into a family.

and the state into different realms and granting the family (in most cases) a significant amount of privacy over the intimate relations within, the liberal view continues the dangerous trend of ignoring many instances of abuse, oppression, domination, and neglect that may arise from such unregulated relationships. Further, by maintaining the distinction between productive and reproductive labor, the liberal view devalues the importance of care and privatizes the needs of persons by neglecting to specify how the state will support caring relations (either through policy or regulation), making it more difficult for family members to adequately care for one another and to assess how well families are taking care of their members. The doctrine of protective intervention certainly helps to alleviate problems that may arise because of these arrangements; however, it has been shown that protective intervention is not a sufficient means for preventing abuse, oppression, and the like from familial relations because it only warrants intervention in egregious situations – and even then, intervention often comes after harmful behaviors have occurred. Lastly, the contemporary liberal accounts of the family, when not plagued by these structural issues, still encounter problems because they place too much emphasis upon marriage as a contract (to the detriment of other kinds of caring relations that arise without contracts) or neglect the needs of certain persons (particularly, children and those who cannot contract as specified). As such, the liberal view of the family does not meet the needs of persons as successfully as the social family account.

### *5. The Abolitionist View*

Recognizing the problems attached to the traditionalist and liberal views – hierarchical familial structures that privilege men over women, the segregation of rights and benefits for married persons versus unmarried persons, privatized familial relations and the neglect of care outside of the family that comes from such a privatized notion of family life – abolitionists call for

certain aspects of the family structure to be completely abolished. While some proponents of the abolitionist view call for the abolition of the private or well-defined family as we know it, others call for the abolition of marriage or any public status that sets those with certain benefit-conferring relations apart from those without such relations.

In *The Republic*, Plato argues for the creation of a just state that relies on a very particular understanding of kinship, love, and harmony and, as such, requires a very different kind of family-state relationship than what has been discussed thus far. Plato calls for private households and families in the Guardian class to be abolished in favor of a complete social and political hegemony that prohibits the development of relationships between particular parents and children or within private spaces (cf. Plato 1992, 543a-b; Engster and Metz 2014, 3; Gutmann 1987, 22-28). Michael Walzer notes that for Plato, political community must *override* traditional kinship ties because they produce divisive interests and claims to private property that keep individuals and small family units in conflict with one another (Walzer 1983, 230).<sup>197</sup> Overriding kinship ties requires more than merely abolishing familial structures; it also involves diffusing the tasks associated with reproductive labor to the greatest number of persons to obscure kinship ties. As such, Plato stipulates that, for the guardian class in particular, social and reproductive roles not be divided by gender: parenting is handled by the community at large, producing conditions where no parent recognizes a child as their own, and no child knows their biological parents. This kind of arrangement meant that women were no longer associated solely with motherhood and were defined as being equally as capable as men to carry out the various tasks required of them (with

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<sup>197</sup> In a similar vein, Susan Moller Okin notes that Plato recognized the need for private homes and “private wives” to be abolished because communal ownership of (non-guardian) women and children would produce the greatest amount of unity (Okin 1982, 34). Okin argues that, for Plato, women were an important subsection of property, and could be made public or private as necessary. When women are made “private,” they are depicted as hastening the decline of the state because of their “exclusive concern with the particular interests of their families,” (Okin 1982, 35).

the exception for brute strength) (Okin 1982, 39). It also meant that private kinship relations were impossible to observe, and a much wider kinship network developed among the guardian class. So, Plato's guardians were a class of equal persons that formed a large kinship network similar to the traditional family in sentiment but with a more universal scope akin to something like *political friendship* (Okin 1982, 38; Walzer 1983, 229).

The force of the Platonic argument for the abolition of the traditional family and the extension of the kinship network was to create a sense of social harmony amongst those who would normally be tied to separate smaller kinship networks. This social harmony would produce the kind of camaraderie between a large network of citizens that would typically arise only between those members of a traditionally defined family, and would educate the youngest members of the state to believe that they cannot realize their own good except by contributing to the social good (Gutmann 1987, 23).

Although Plato's theory of the family has an exceptional stance on the equality of women, objections have been raised over how feasible and desirable such an arrangement would be. For instance, Walzer argues that men and women feel a loss when deprived of the special affections that come with smaller families. Despite our attempts to treat our community members with love, we still treat our kinfolk more specially, and prefer to be in their company (Walzer 1983, 231). Similarly, Amy Gutmann argues that family members want to share their specific values and way of life with their progeny; denying them this opportunity challenges the notion that parents ought to be able to do what they think is best for their children (Gutmann 1987, 27).<sup>198</sup> Thus, there seems to be something significant about *particular* familial relationships that warrants a level of privacy

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<sup>198</sup> Likewise, Harry Brighouse and Adam Swift argue that sharing values with children lies at the heart of the parent-child relationship because such interactions contribute to 'familial relationship goods' (Brighouse and Swift 2014, 152).

necessary for developing intimate connections and caring sentiments. The social family account recognizes that intimacy plays an integral role in developing and maintaining caring relations between family members. It seems as though Plato's view is unable to produce the conditions necessary for intimate caring relations, despite his push for extended caring networks.

Plato's motivation for abolishing the family is very different from the motivations of other abolitionists like Emma Goldman and Claudia Card. For instance, Goldman espouses the *free love* view, which holds that it is immoral to make long-term commitments to other persons, such as a marriage commitment, because it may require those individuals who have made the commitment to stay in the relationship at times for reasons other than spontaneous love (Goldman 1914). She argues that love cannot arise within a marriage (if it does, it is only because the spouses have adjusted to the inevitable), and that marriage is in fact detrimental to the raising of children (it replaces sentiment with obligation) (Goldman 1914). Love between partners and between parents and children can only thrive if there is freedom from continued obligation because love is stronger than legal commitment. Legal commitment stifles the intimacy and spontaneity between those who love each other and replaces it with the gesture of a safe investment (Goldman 1914).

Goldman's view is extremely romantic, but it is certainly not practical. While one cannot be obligated to love another, there does seem to be an intuitive desire, especially in contemporary social relationships, for long-term commitment between family members, especially in the face of hardship or periods of disenchantment. This intuition has been evinced in several places within this dissertation, including the traditionalist and liberal accounts of the family in this chapter, the discussion about needs and caring activities in Chapter Three, and the idea of group identity and group commitments in Chapter Two. Spontaneous love does not take into account dependency, disability, or reciprocity, nor does it seem to apply to non-amorous relations, save parent-child



relationships. As such, Goldman's view is extremely narrow – discounting long-term caring relations that are necessary for the sustenance of human life and the variety of relationships that persons create and maintain that have little to do with spontaneous romantic love.<sup>199</sup> Further, the lack of obligation between lovers may certainly lead to unequal provisions of care and concern, especially if the amorous relationship becomes unrequited.<sup>200</sup> As such, Goldman's account fails to capture the significance of long-term commitments for maintaining healthy family members over time.

In a different take on the abolitionist stance, Claudia Card seeks to reject state legitimization of relationships because they privilege certain relationships while discriminating against others. Card compares the removal of legally regulated marriage from the basic structure of society to the removal of “legitimate” birth from it. She argues that babies born to unwed mothers are no longer stamped “illegitimate” and, mostly importantly, are not stamped “legitimate” either (Card 2007, 27). In terms of marriage, Card clarifies that this does not mean that all kinds of intimate unions (no matter how bizarre) would suddenly be legitimate; rather, it would mean that marital status, like legitimate birth, would disappear as a legal status (Card 2007, 27).<sup>201</sup> As a result, the privilege of being “legitimate” would disappear in tandem, as would all of the benefits that come with legally regulated marriage.

Card finds the benefits that come with marriage discriminatory against those who are not able to enter such relationships. She argues that a more inclusive strategy would work to separate

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<sup>199</sup> For instance, relationships between siblings, cousins, and best friends.

<sup>200</sup> In contrast, a joint commitment to the goal of maintaining the well-being of all family members and the family unit as a whole would not permit unequal relationships.

<sup>201</sup> This argument follows a similar proposal made by Carol Gould, who claims that marriage should be abolished as a state and legally defined institution. However, she maintains that childraising should not be completely left to the private sphere, arguing that, “legal protections for children are required in which responsibilities for childraising are specified” (Gould 1984, 10)

marriage and the supplementary benefits that are currently attached to it – benefits such as healthcare, visitation rights, property transfers, and so forth (Card 2007, 29). More pointedly, though, she argues that the legal and economic incentives of marriage are actually unjust for all persons married or unmarried. These incentives actually *reduce* the ability for a fair assessment of the choice to marry and to make a long-term commitment, and provide disincentives for abused spouses to exit relationships (Card, 2007, 31).

Card is right to reject current marriage law as it stands; it still discriminates against certain kinds of familial arrangements (those that are not amatonormative) and determines the recipients of benefits purely on legal grounds as opposed to the assessment of needs. That being said, two objections can be raised against her view. First, the importance of the family having a certain status within the state enables the family to receive social benefits, which in turn make it more feasible for family members to care for one another. While this may not necessarily translate into *marriage* having this special status,<sup>202</sup> there ought to be some public recognition of the intimate ties that certain persons have to one another (whether or not they are amorous or parent-child ties) so that supportive policies and regulations can be created to help those relationships thrive. Part of that thriving is expressed as the ‘we’ that family members identify themselves as that make caring relations more intimate.<sup>203</sup>

For instance, Joan Tronto argues that, “the family not only provides material support for its members . . . but is also a source of an individual’s sense of identity” (Tronto 2004, 39). Tamara Metz similarly argues that, “the extra value attached to the marital title is the community’s

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<sup>202</sup> Tamara Metz notes that same-sex couples seeking marriage over civil unions seems to suggest that “marriage” adds something extra to the instrumental status of the relationship (Metz 2014, 196).

<sup>203</sup> As per the discussion in Chapter Two, Section Two about what it means to be a ‘we’, a joint commitment delineates who the members of a social group are, but it is the feeling of having a shared commitment – the knowledge of a *group* commitment – that gives meaning to the social group *qua* social group for each of its members (cf. Gilbert, 1989).

constitutive recognition, the weighty moral approval and the complex normative account of the relationship it names and that is intended to reconstitute the most intimate aspects of self-understanding” (Metz 2014, 200). Although Metz calls for the disestablishment of marriage, she argues that the constitutive status of intimate relationships can be preserved through Intimate Care Giving Unions (ICGUs), although she ultimately concedes that the instrumental purpose would guide the creation of these units (Metz 2014, 204).<sup>204</sup> The sense of identity – the constitutive status – is what gives families the foundation for intimacy that contributes to mutually beneficial caring relations between family members. Family members who jointly commit to form a ‘we’ have a particular understanding of who they are as a group and form special, intimate relationships as a result.<sup>205</sup> The recognition of the family by the state leads to the conferral of social benefits that help family members to maintain these intimate relationships with one another, thus contributing to the identity family members built in relation to their family unit. Downplaying the significance of this identity reduces relationships to purely instrumental partnerships rather than intimate places for care.

Second, while it is problematic to tie *all* social benefits to a particular legal status (such as marriage, for example), certain benefits just simply *are* more useful to particular familial arrangements (such as subsidized child care, home health aides, or visitation rights in hospitals) than others, and these benefits ought to be conferred to families *qua* families. This does not mean that benefits like Social Security, unemployment insurance, or healthcare are tied to familial status. Rather, it means that certain families have greater needs than others (either because of membership

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<sup>204</sup> Metz problematically upholds the ability for ICGUs to be created with gendered hierarchical structures or polygamous structures with little oversight or challenge, claiming that we ought to respect both liberty and equality with respect to forming these unions. However, as Metz clearly notes, this leaves her account open to some potentially problematic outcomes (Metz 2014, 206).

<sup>205</sup> This feeling of being a ‘we’ may also foster feelings of trust between family members; these trusting feelings may also be grounded by the mutual obligation to uphold the joint commitment.

constitution or socio-economic status) and the state ought to assess the needs of those particular families and confer the corresponding social benefits upon them, even if other families do not receive those same benefits.

Although the abolitionist view makes greater strides toward elevating the importance of care within families and tries to reduce the problematic outcomes of restricted relationship structures, it nonetheless possesses its own set of shortcomings. Most notably, as I have argued above, the abolitionist view fails to appreciate the significance of particular familial relationships, especially with respect to creating the kind of intimacy between family members that leads to better caring outcomes. As such, the social family account is better able to meet the needs of families because of its emphasis on preserving intimacy within families.

## *6. Concluding Remarks*

The traditionalist view, the liberal view, and the abolitionist view are each plagued by their own unique shortcomings that neglect certain fundamental aspects of the family-state relationship that make families beneficial for all family members and for the state. One last problem that all three views face is a notable exclusion of any meaningful responsibilities assigned to the state to either care for, or help take care of, its members. By omitting the state's responsibility to help take care of its members, the traditionalist view, the liberal view, and the abolitionist view ignore the fact that governmental policy and regulatory practices create and perpetuate secondary needs (those things that persons require to secure the resources necessary to meet their primary needs), which often hinders a family's abilities to meet their primary needs.<sup>206</sup>

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<sup>206</sup> For a thorough discussion of primary and secondary needs, see Chapter Three, Section Three in this dissertation.

The state has an obligation to take care of the secondary needs of families that arise as a direct result of policies, regulations, and procedures. As I have argued in Chapter Three, this obligation is both morally and socially grounded; the moral grounding is based in the *principle of consistent dependency*, and the social grounding is based in the recognition that the *cause and perpetuation* of secondary needs is inherent in the conventions upheld by social, political, and cultural structures.<sup>207</sup> This recognition puts the state in a particular position to assess its own governmental policies toward supporting caring relations, and to make changes to these policies and to regulatory procedures when necessary.

The social family account recognizes that the family and state have a *symbiotic* relationship that extends the moral and social obligation to care for persons to both institutions for their mutual benefit: the family as the most effective and efficient primary caregiver cannot function optimally without secondary care and support from the state, and the state cannot function optimally (if at all) without the primary caregiving of families. As such, a shared value of care and caring activities guides the purpose and activities of the family and the state: the family expresses the value of care by engaging in primary caring activities for the mutual benefit of all family members, and the state expresses the value of care by promoting policies and engaging in secondary caring activities that serve to benefit families as well as the state. A shared value of care is most beneficial to both family members and the state because all persons are adequately cared for, granting as many persons as possible the ability to participate as active citizens within the state. As such, the social family account better meets the needs of persons, families, and the state.

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<sup>207</sup> For more thorough analyses of the *principle of consistent dependency* and *conventionality*, see Chapter Three, Sections Four and Seven.



## Conclusion

At the beginning of this dissertation I claimed that the way we define *the family* has profound effects on the political and social practices within an organized state. How we define the family affects the composition of family membership, the basis for relationships among family members and between families and other institutions, and the guiding principles that shape the relationship between the family and the state. As I hope to have shown throughout this dissertation, defining the family by appealing to the qualitative aspect of familial relationships through the notion of *the social family* account produces the most beneficial outcomes for family members and, consequently, for the state.

*The social family* account recognizes the *sociality* inherent in familial relations. The recognition that the family is a unique kind of social group emphasizes the *relational* aspect of family life and informs discussions about the *relational* characteristics between the family and other institutions, as well as the family and the state. These relational characteristics highlight the interdependency among family members, the pervasive ways that family members affect one another, the ways that a family's ability to thrive is affected by other institutions and the state, and the ways in which a state either thrives or falters depending upon the quality of familial care. The arguments presented in this dissertation defend these salient points, while also grounding a robust

notion of obligation that underpins a normative account of the family-state relationship based upon valuing care.

In Chapter One, I claimed that the primary purpose of a social group is what forms the identity of the social group and, hence, what distinguishes it from other social groups. I argued that a family is a social group and, as such, should be recognized as having a particular primary purpose that originates *from* the family and *for the sake of the family*.<sup>208</sup> In proposing a clear criterion – *purpose* – to distinguish social groups from one another, my approach also provided a way to evaluate the qualitative aspects of relationships within social groups that shaped discussions in Chapters Two and Three.

In Chapter Two, I argued that Margaret Gilbert’s theory of *joint commitment* best explains our understanding of obligation with respect to social group membership. However, joint commitments only underlie the *concept* of obligation, not the *content* of obligation. To flesh out an account of the family as a distinct kind of social group, it is necessary to identify the primary purpose that the family serves for its members by identifying the normative criteria for members of a family to commit to certain *kinds* of goals and activities. I proposed that the family is a unique social group with a particular primary purpose – to provide care in intimate settings for the mutual flourishing of all family members – that determines the kinds of behaviors that are required for member flourishing. This proposal called for us to conceptualize the family in the following way: 1) the family is a social group created by a joint commitment to the goal of maintaining the well-being of all family members and the family unit as a whole, 2) the family is maintained by joint activity that works toward the shared goal of mutual well-being, and 3) this joint activity is

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<sup>208</sup> By this I mean that the primary purpose of the family ought to be something that only pertains to the functioning of the family as a social group *independent* of all other purposes that the family might serve in different contexts.



comprised of the practice of active care that family members are obligated to perform for one another by virtue of their joint commitment. As such, the *social family account* holds that the family is a unique social group with a particular primary purpose – to provide care in intimate settings for the mutual flourishing of all family members.

The social family account conceives of the family as a kind of social group whose primary purpose is based upon a commitment to interdependent caring relations, and the fulfillment of mutual wellbeing through corresponding caring activities, because it is an ideal arrangement for persons to care for and receive care from one another. A joint commitment to form, join, or maintain a family obligates family members to *actively care* for one another by virtue of the shared goal of interdependent caring relations.

In Chapter Three, I argued that this active care is comprised mainly of *primary caring activities* which respond to the *primary needs* that all persons have. Families are in a unique position to provide primary care for one another because of the intimate knowledge that families members have about one another. The special circumstances that enable family members to possess such knowledge makes the family a more efficient and effective setting for primary caregiving than other institutions and the state. However, I also noted that primary needs may be met through organized forms of social and economic life that have existed, in different forms, alongside families both before and after the advent of the modern state (Gould 2004, 98-99). These organized forms of social and economic life are regulated by modern states, yet they are not entirely conventional in character and may be thought to straddle the processes for meeting both primary and secondary needs. With respect to meeting primary needs, family members are not always able to care for one another's primary needs for a variety of reasons; most centrally, a lack of resources that prevents them from participating in organized forms of social and economic life.

In response to this observation, I argued that contemporary political, social, and economic systems each have a hand in creating and perpetuating a variety of *secondary needs* that must also be met to ensure that families are able to meet their primary needs adequately.

I drew a comparison between my conception of *secondary needs* and David Braybrooke's conception of *conventionality*.<sup>209</sup> Conventions (be they social cultural, or political) have the power to create and perpetuate additional needs that must be met for persons to subsist. Because economic and social arrangements are typically regulated by governments in present day, political structures (specifically, governments) are in a unique position to create, maintain, alter, and alleviate the secondary needs of persons living within the state in a number of ways, including the creation or revision of policies that pertain to citizenship, wages, healthcare, and the like, or by insufficiently regulating harmful market practices. Since many of our primary needs cannot be met unless our secondary needs are also met, I argued that the state has both a moral and a social obligation to take care of the secondary needs of families. Since governmental policy and regulatory practices create and perpetuate secondary needs, often hindering families' abilities to meet their primary needs, the state has an obligation to take care of the secondary needs of families that arise as a direct result of policies, regulations, and procedures. This social obligation has roots in the moral obligation to meet the secondary needs of families, but its true force comes from the recognition that the *cause and perpetuation* of secondary needs is inherent in the conventions upheld by social, political, and cultural structures.

As a result of these arguments, I proposed in Chapter Four that we consider the *symbiotic* relationship that exists between the family and the state, especially with respect to the moral

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<sup>209</sup> Braybrooke writes, "At the very heart of the concept [of need], as close to a firm footing for it as it ever gets in ordinary use, conventionality takes the place, without renouncing the claims of biological necessity: What people are held to need for subsistence is always considerably more than the biological minimum required to sustain life" (Braybrooke 1987, 19-20).

obligations that both institutions have to persons: the family as the most effective and efficient primary caregiver cannot function optimally without secondary care and support from the state, and the state cannot function optimally (if at all) without the primary caregiving of families. The symbiotic nature of the family-state relationship stems from a *shared value* of care and caring activities: the family expresses the value of care by engaging in primary caring activities for the mutual benefit of all family members, and the state expresses the value of care by promoting policies and engaging in secondary caring activities that serve to benefit families as well as the state. A shared and promoted value of care sets the social family apart from other theories of the family-state relationship, most notably the *Traditionalist View*, the *Liberal View*, and the *Abolitionist View*. I critiqued these alternative conceptions of the family and the claims they make about the characteristics of the family-state relationship to demonstrate that the social family account offers a more comprehensive and advantageous picture of the family-state relationship that better meets the needs of persons, families, and the state.

Having presented my argument in full, I wish to point to some similarities between my own view and the views presented by G. W. F. Hegel and Axel Honneth that I believe support the approach I have taken in this dissertation. Although I will not discuss these accounts in full, the similarities noted may help to situate my account within this tradition going forward.

\* \* \*

The social family account relates in some ways to *recognitional* accounts of persons, groups, institutions, and states. *Recognition theory*, particularly as found in G. W. F. Hegel and Axel Honneth, posits that sociality is inherent in all types of interactions as well as in the formation

of the self.<sup>210</sup> The recognition of this inherent sociality is akin to the recognition in *relational* accounts (such as Jennifer Nedelsky's relational account discussed in Chapter Four) that all persons, institutions, markets, and states are shaped by one another, and these shaping forces change or reinforce the relationships that constitute each. As such, recognition theory posits a framework that corresponds well to the kind of relational thinking I have highlighted here.

For Hegel, as well as for the social family account, the family is the formative institution of the state, meaning the family is the place where values are shaped and where our notions of the qualitative aspects of relationships are acquired. While the social family account maintains that the purpose of the family is to provide care in intimate settings for the mutual flourishing of all family members, Hegel's view of the purpose of the family is based more centrally on an external end for familial relations: to provide a state's youngest members with a mind open to ethical thought. Although the members of the family focus only on what is immediately beneficial to the family (that is, they attend more to particularity than universality), the family provides the foundation for the development of empathy toward others outside of the family: the loving aspect of familial relations serves to educate children to adopt more universal ethical principles in both civil society and the state (1991, §158, §163). So, for Hegel, the family has a logically indispensable function in the reproduction and early cultivation of empathetic, ethical citizens. This primary purpose for the family differs from the primary purpose identified in the social family account, yet it still draws on the significance of familial relationships for the creation of empathetic, ethical citizens.

Hegel claims that the family is the birth of the citizen and the first place that we learn to care for and value others. The ethical development of an individual is first shaped by the dynamic

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<sup>210</sup> I will only focus on the non-psychological aspects of recognition theory here.

of the family, especially the feelings associated with particular relationships that exist between family members (1991, §158). As such, Hegel's theory of the family emphasizes the importance of love, care, membership in a collective, and ethical education (1991, §177).

However, given the indispensable significance of the family in ethical life, it is troubling that Hegel divides reproductive labor in the family along gender lines (1991, §165-166, §171, §177).<sup>211</sup> Honneth claims that Hegel's version of the family adheres to something similar to the modern notion of the family that was discussed in Chapter Four.<sup>212</sup>

“Each member's specific activity would supplement that of the others, such that they could only realize the individual aims deriving from their respective natural determination together. Therefore, the disclosure of the element of freedom within the modern family relied on strongly naturalistic assumptions according to which the father seeks to satisfy his claims to authority, the mother seeks to fulfill her maternal instinct and the child seeks to gain support and orientation” (Honneth 2013, 168).

Honneth notes this way of looking at the family is now unacceptable. He argues that the levelling of the division of labor within the family – mothers in the workforce, fathers increasingly helping out in the home - has caused a shift in the self-understanding of parents, who now see themselves as equally responsible for the development of a child's autonomy, instead of fulfilling gendered roles (Honneth 2013, 161). Parents no longer primarily regard themselves as caretakers of dependents (children) who eventually leave the family to form families of their

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<sup>211</sup> I have argued elsewhere that Hegel's family need not be divided along gender lines, and this is in fact an arbitrary choice on Hegel's part to maintain the status quo. That does not make his choice any less problematic, but it must be considered that Hegel's resistance to traditional marriage contracts demonstrates his insistence that the family be an institution of affection and good will where roles can be differentiated not on the basis of gender, but on the social needs of the family to establish itself as a strong foundation for ethical life (cf. Kane 2014).

<sup>212</sup> Judith Stacey defines the modern family with the following criteria: 1) The separation of family work and productive work; 2) Love and companionship as the ideal purposes of marriages that are freely contracted in to; 3) Familial privacy; 4) Women devoted increased attention to nurturing their children (Stacey 2014, 18).

own.<sup>213</sup> Instead, the parent-child relationship now represents the 'we' of a life-long form of primary community, since parents live long enough to know their adult children, and these adult children often become primary caretakers of their parents.<sup>214</sup> Honneth claims that, "families now understand themselves in their diverse forms ... as a relationship involving three equal members [mother, father, and child] whose roles and tasks change in accordance with the phases of their time spent together" (Honneth 2013, 163).

This understanding of the family gives way to new norms that govern family life and, for Honneth, provides an alternative way to view Hegel's ideal version of the family. Honneth claims that Hegel was trying to grasp the mutual symbolization of past and future stages of life when he claimed that children were the 'objectification' of the love between their parents. This mutual symbolization means more than just the idea that children are reflections of their parents; it also means that children come to mirror their parents as they become the primary caretakers within their families, taking over the role(s) that their parents once filled (Honneth 2013, 169-171).

This view reinforces the claim made in the social family account that familial care is most effectively carried out over the long term, especially since the roles of caregiver and care receiver change with respect to the different needs that arise over time for each family member. Although Hegel and Honneth discuss families as necessarily involving parents and children (foreclosing the status of *family* to more diverse groupings), both accounts highlight the significance of familial relations and familial care over the long term.

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<sup>213</sup> Hegel argues that the family is dissolved naturally once children completely grow up and forms families of their own (1991 §177).

<sup>214</sup> Honneth writes that, "the tendency toward multi-locational cross-generational families, which are a consequence of the significant rise of average life expectancy for both men and women, has led to the formation of a temporally expanded pattern of reciprocity between parents and children, representing areal historical novelty. Because parents do not generally die until their children are between the ages of forty-five and sixty, their children can provide the care and affection to their parents in old age that they once received from them as children" (Honneth 2013, 165).

Additionally, Honneth call attention to the symbiotic relationship between the family and the state, arguing that, "... all these new normative [familial] practices ... can only take hold and prosper if the corresponding preconditions in the socioeconomic environment are given. And at present, government family and labour policies are in no way formulated so as to guarantee the special kind of social freedom in the democratized families of our time" (Honneth 2013, 172).

He argues that there are several elements needed for families to function well in the world today without disadvantaging themselves economically at the same time: "plenty of time to interact with the children, the freedom to equally distribute duties over the entire duration of the family's life together, and reliable prospects of stable careers that provide a sufficient livelihood" (Honneth 2013, 172-173). These elements can only be achieved without financially burdening families if supportive governmental family and labor policies are in place that provide persons the freedom and capability to fulfill their familial obligations. Akin to the social family account, Honneth argues that the state has a responsibility to provide supportive conditions for families so that they may fulfill their caring obligations to one another: "every democratic community must have a vital interest in creating the socioeconomic relations under which all families can truly adopt the practices that are already institutionally available" (Honneth 2013, 175).

The social family account also tries to make the case that we ought to be looking at the family-state relationship through the lens of responsibility, especially the *relational* notion of responsibility that family members have toward meeting the primary needs of one another and that the state has toward meeting the secondary needs of families. As such, the social family account makes claims that are similar to those made by Honneth, as well as those made by Hegel, that may situate it within this tradition. Going forward, my hope for the social family account is for it to serve as a foundation, as well as a springboard, for the development of socially progressive policies

aimed at providing better opportunities and resources to establish and maintain caring relations between family members and between citizens.

Governmental and institutional policies aimed at improving the lives of citizens ought to follow the model presented in the social family account of facilitating intimate caring relations among family members while also aiming to extend those caring relations beyond the family, to relations between citizens, and between persons and institutions. By this I have in mind the implementation of a caring infrastructure through the adoption of more robust social benefits: subsidized and/or universal childcare, subsidized and/or universal eldercare, universal healthcare, and the expansion of social insurance policies such as universal basic income, or at the very least, more robust versions of Social Security, Unemployment Insurance, Disability Insurance, and so on. The blueprint provided by the social family account for supporting caring activities within the family and the state can be incorporated into our current social and political landscape through incremental changes in social policy. Striving to implement these incremental changes by employing a new, social definition of the family is the right place to guide this change.



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