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Redefined Family as a Challenge for Modern Society and Bioethics

Zredefiniowana rodzina jako wyzwanie dla współczesnego społeczeństwa i bioetyki.

Abstract:

The redefinition of family and marriage is an ideological and political topic in modern society, where the public is more and more interested in issues like IVF, surrogate motherhood and child adoption for LGBT couples. What is the definition of family? why is the conventional nuclear family being replaced by new types of households? and what are the potential consequences of redefinition of family for society as a whole? These are some of the most important questions. Family ethics and bioethics could be an excellent framework to present the historical and social background of these kinds of phenomena.

Keywords:

Family ethics, bioethics, same-sex marriages, surrogate motherhood, assisted reproduction, cohabitation, children

Introduction

The family is the basic unit of every society. The wellbeing of children and society depended on the stability and quality of family life. Recent attempts in some European countries to redefine marriage and family could lead to new ethical questions, such as: what exactly is the definition of family? what are the legal bases of family life? is there any difference between conventional family and new type of households like cohabitation and same-sex lifestyles? etc. In the field of bioethics, the availability of assisted reproduction techniques and surrogate motherhood, together with the inclusive language and informed consent procedure for LGBT people could be problematic. Des-

pite different political and ideological aspects regarding the redefinition of family, the historical and scientific evidence is very important for making critical analysis.

1. Family as a natural and social structure

Family is a group of persons united by marriage, adoption, or blood. Family members live together, and everyone has a social role: spouses, parents, children, and siblings (Bai 2012, 475–477). From the sociological point of view, family is distinguished from a household like roommates sharing a common residence. It should be also differentiated from kindred who could be divided into several households. Traditionally, the family group is based on the parent-child relationship, which may be absent from the legal marriage.

The so-called nuclear family consists of two married adults, a man and a woman, who are not related by blood. Such a family is a place for their offspring. It is commonly believed that such a family is the oldest of the various types of families (*The New Encyclopædia Britannica* 2010). In some cases, the extended nuclear family includes older parents, unmarried and married children and their offspring and elderly relatives.

Family performs different kinds of functions, like providing emotional and psychological security (through love). It is a place of procreation and a legitimate place for sex. The nuclear family is a place for the raising and socialization of children and a place for giving care to elderly members of the family (sick, disabled). On the economic side, family provides food, shelter, clothing and physical security. From the social point of view, family promotes stability and order in society.

In most cultures, the most common family is male-dominated (patriarchal). The Bible is the best source of this kind of family. In Hebrew (Old Testament) the husband is responsible for the whole family and usually lives in a polygamous relationship. Polygamy disappeared during the Roman times.

During the industrialization and urbanization of Europe, extended families disappeared in big cities. After the Industrial Revolution, a greater equality between men and women developed. Caring for home and children was replaced by educational systems, the participation of women in public life and earning wages, all of which changed the social understanding of the woman's role. Having children and motherhood was no longer the main social task of women. Some couples prefer not to marry and have children; others prefer shorter relationships without legal obligation. With the legalization of divorce and the shorter duration of relationships, the number of one-parent

households increased. The modern family is more consuming and socially dependent, and family members work outside the home. Many family roles today have been replaced by the government-funded institutions like education, health and social systems. With the discovery of natural planning methods (sympo-thermal method etc.) and invention of artificial contraception, couples could decide when they will have children and how many children they will have.

Every culture has some form of family law, which defines the legal relationships between family members and families and society, as well. The majority of family laws contain special rules for defining marriage, the status of children and the succession of property. In general, family law defines the relation between the interests of society and individuals or families. In the nineteenth and twentieth centuries the meaning of marriage changed due to the emancipation of women in the field of economic endeavours and property ownership. In the middle of the twentieth century, the majority of European states legally defined equality between men and women. The legalization of divorce, many times via court, changed marriage and families into less stable structures. From the legal point of view, the issue of children is of great importance. Every legal system pays attention to the protection of the rights of children. Many times (especially in modern societies) the society replaces the role of parents through mandatory education. One of the facets of family law deals with the division of the property left by a deceased family member.

Family as a social structure is based on promoting responsible procreation and raising children, caring for family members, and financial responsibility (Belsey 2001, 289–292). Such a view historically offered health, longevity, stability, security and prosperity to family members and society and culture as a whole. In the second half of the twentieth century, the institution of marriage and the nuclear family diminished. With the rise of feminist and liberal ideologies, the institute of marriage is less and less attractive. Divorce, promiscuity, homosexuality and cohabitation are in the process of "normalization" and social acceptance. Therefore, in western societies more and more people are in open relationships which are often less defined, less stable and less beneficial.

2. What are the main causes of diminishing nuclear families in the West?

There are many different factors which could be the reason of such rapid changing of the family structures like:

a. Changing the understanding of traditional social institutions like family, educational institutions, church, state and the (media) promotion of new forms of informal housing, personal freedom, emancipation of women, etc.
b. Changing the perception of religious and moral message. It is well known that religion could play a beneficial and important role in preserving the meaning of family life in society due to the importance of family life for the transfer of religious traditions from one generation to the next one.
c. Universal access to the contraception which gave women a control and freedom to decide about time and number of children (reproductive rights). On the other side, some negative consequences could be underlined, like negative demographic effects; negative side effects, positive impact on prostitution, pornography, the disintegration of matrimonial and family community as well as the negative impact on marital fidelity. Analysis of the situation in the area of contraceptive use in Europe indicates a connection between the increased use of contraception as well as the almost simultaneous decline in marriage and fertility, and the increase of divorce.
d. Redefinition of the concept of family. In recent decades in the West different ideas about the various forms of family lifestyles arose (Cherlin 2004, 848–852). Specifically the non-marital, same-sex, divorced, remarried, recombined etc. "families" are expected to be equally legitimate and "acceptable" as the conventional family of married man, woman and children. Despite the empirical fact that only the traditional family could sustain population growth, the extensive promotion of new non-conventional family lifestyles in media, pop culture etc. has been done during the last 50 years. That has a negative impact on fertility and demography (Popenoe 2008). Due to unstable relationships, poverty, violence, etc. these kinds of family lifestyles are less open to procreate life than married conventional families.
e. Finally, the reduced ability of younger generations to make a formal marriage contract and preference to live in informal housing (cohabitation).

One of the reasons for changing family styles could be in the current media pop culture (TV, Internet) where traditional family lifestyles are not enough promoted. It could be said the same for the role of schools which do not provide basic knowledge and information regarding marriage, family, motherhood and fatherhood.

Today new social questions arise in the field of families: What exactly is the meaning of family? Is marriage founded in human nature defined during

a long human history or is it just a social construction which could be ideologically changed? Which are the main arguments to support the redefinition of marriage or to keep it in conventional or traditional way? Why would fewer and fewer people like to marry and what is the real of cohabitation and nuclear family? In the pluralistic modern society there are many beliefs and traditions regarding the family styles.

3. The role of nuclear family: The evidence from social and biological sciences

Today it is difficult to justify the conventional sense of marriage and family only at the level of philosophical and anthropological discourse. It is important to use the scientific language of social sciences which in modern society could justify the benefits of marriage and family life. The researches focus on different aspects of marriage and cohabitation: family, economics, education, physical health and longevity, mental health, emotional well-being and crime, and domestic violence.

Researches demonstrate that family structure matters for children and adults. The family structure that helps children the most, is a family headed by two biological parents in a low-conflict marriage (Kristin Anderson Moore 2002, 5). Marriage increases the likelihood that fathers have good relationships with their children. Fathers and mothers are affected by the absence of the marriage. Single mothers report more conflicts with children than married mothers do (Acock in Demo 1994). Children from intact families have closer relations with their parents than children from divorced families (Amato in Booth 1997). In the United States 30 percent of young adults had poor relations with their divorced mothers compared to 16% of children whose parents stayed married. The children relationships with their fathers are even at greater risk (Nicholas Zill et al. 1993). In general the children of divorced or never married parents have less stable relationship with fathers than do children from married families (J.A. Seltzer and S.M. Bianchi 1988). It is interesting that divorce has more negative impact on relationship between children and parents than remaining in an unhappy marriage. Cohabitating couples usually resemble more to the single than married couples in terms of emotional well-being, physical and mental health (Pienta, Hayward, in Jenkins 2000; Allan V. Horwitz and Helene Raskin 1998; Steven Stack and J. Ross Eshleman 1998).

Children living in married families are more likely to score higher in reading comprehension as fourth graders (Elizabeth Marquardt 2005, 27). Such children are about 30 percent less likely to miss school. The effect of family

structure on children's educational performance could be more evident in high school graduation rates. Children living in intact, married households are about twice as likely to graduate from high school, compared to children reared in single-parent families. One study found that 37 percent of children born outside marriage and 31 percent of children with divorced parents dropped out of high school, compared to 13 percent of children from intact families headed by a married mother and father (McLanahan in Sandefur 1994, 162). Marriage influences the emotional health of children. Children from married families are less likely to suffer from depression, anxiety, alcohol and drug abuse and thoughts of suicide compared to children from divorced homes (Elizabeth Marquardt 2005, 169–182). The same results could be found from the study of Swedish boys and girls in two-parent homes who were about 50 percent less likely to suffer from suicide attempts, alcohol and drug abuse, and serious psychiatric illnesses compared to children reared in single-parent homes (Gunilla Ringback Weitoft 2003, 291). Family structure influences the sexual development of girls. Only 5 percent of girls who grew up in an intact family got pregnant as teenagers, compared to 10 percent of girls whose fathers left after they turned six, and 35 percent of girls whose fathers left when they were preschoolers (Bruce Ellis et al. 2003, 818–820). The influence of family structure on boys is more significant. One study proofs that boys reared in single-parent or step-families were more than twice as likely to end up in prison, compared to boys reared in an intact family (Harper in McLanahan 2004, 390–395).

Marriage has also significant benefits for men and women. Very often the financial advantages are mentioned. Married man earns between 10 and 40 percent more money than cohabitating or single man with similar education (Elizabeth Marquardt 2005, 112). Usually married couples spend money in more responsible way than others. Married adults have longer lives, less illness, lower level of depression and less alcoholism and drug addiction. Many sociological studies show that cohabitating couples in comparison with married couples more often challenge with divorce (Adkins 2008); with more conflicts (Anderson Moore 2002), more risk for poverty (McLanahan 2000, 704; Rank in Hirschl 1999, 1060), greater rates of suicide and mental illnesses (Cutler, Glaeser, in Norberg 2001, 64; Johnson 2000, 80; Hetherington in Kelly 2002; Simons et al. 1999, 1022), less physical health (Angel in Lowe Worobey 1988, 50; Lundberg 1993, 1050), lower education (Jaynes 2000, 90–92), antisocial behaviour (Harper in McLanahan 2004, 390–392), unwanted pregnancy (Hetherington in Kelly 2002, 87), shorter lifespan (Schwartz 1995, 1240), less stable relationships with parents (Gallagher 2006), more risk of contracting sexually transmitted diseases and infidelity in partner relationships (The Witherspoon Institute 2008, 14). Therefore, the claims that all kinds of family

life are of the same quality are unfounded and are not supported by scientific researches.

4. The redefinition of family

In recent years more and more countries, especially in Europe and in some parts of the United States, changed their family laws to redefine the definition of family. The traditional definition of marriage as between one man and one woman is replaced with the marriage of two persons with no defined sexes. Such terminology is "open" for different kinds of nontraditional relationships like lesbian, gay and transsexuals, and it was created by the supporters of the so-called "Gender theory" (Risman 2004, 429–431). Gender is a term used by feminists, who usually belong to the international gay and lesbian organizations, to propagate the idea that "gender" has nothing to do with biological sex. According to them there are not two sexes, but six or more, depending on sexual preference. Society should grant to LGBT people all human rights, including the rights to marriage and having a family (Lannutti 2005, 7–12). The gender perspective recognizes no essential or innate differences between men and women, like the fact that each cell of the human body is male or female. It represses and ignores the results of brain research, medicine, psychology and sociology, which prove the different identities of men and women in their brain structure, hormonal balance, and psychological structure and social behavior.

The political and ideological meaning of "gender theory" can be found in the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (Gross 2007, 129–130). The Principles were developed at a meeting of the International Commission of Jurists, the International Service for Human Rights and human rights experts from around the world at Gadjah Mada University on Java on November 6–9, 2006. They formulated a set of principles relating to sexual orientation and gender identity, intended to apply international human rights law standards to address the abuse of the human rights of lesbian, gay, bisexual, and transgender (LGBT) people, and issues of intersexuality. The concluding document contains 29 principles adopted by the experts, along with recommendations to governments, regional intergovernmental institutions, civil society, and the UN itself. These principles have not been adopted by states in a treaty and are not a legally binding part of international human rights law. The Yogyakarta Principles specifically address sexual orientation and gender identity (Sastriyani 2009). The Principles were developed in response to patterns of abuse reported from around the world. These included

examples of sexual assault and rape, torture and ill-treatment, extrajudicial executions, honor killings, invasion of privacy, arbitrary arrest and imprisonment, medical abuse, denial of free speech and assembly and discrimination, prejudice and stigmatization in work, health, education, housing, access to justice and immigration. These are estimated to affect millions of people who are, or have been, targeted on the basis of perceived or actual sexual orientation or gender identity. Principle number 24 states the right of LGBT to found a family: "Everyone has the right to found a family, regardless of sexual orientation or gender identity. Families exist in diverse forms. No family may be subjected to discrimination on the basis of the sexual orientation or gender identity of any of its members." The authors invited all states "to ensure the right to found a family, including through access to adoption or assisted procreation (including donor insemination), without discrimination on the basis of sexual orientation or gender identity." The legal authorities are obliged to "to ensure that in states that recognize same-sex marriages or registered partnerships, any entitlement, privilege, obligation or benefit available to different-sex married or registered partners is equally available to same-sex married or registered partners."

It is interesting that many European states have accepted the Yogyakarta Principles and are in the process of legalization of same-sex marriages (Denmark, Spain, United Kingdom, France, etc.) and redefinition of marriage and family. Discussions about redefining marriages and family often include dilemmas regarding in vitro fertilization and surrogate motherhood for same-sex couples and the adoption of children by LGBT couples (Kollman 2007, 342). From a legal point of view, there are no legal international treaties on human rights that recognize the rights of LGBT people to be married and adopt children. Article 12 of the European Convention of Human Right states: "Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right." In the Schalk and Kopf v. Austria case (n°. 30141/04), the European Court of Human Rights (ECHR) affirmed in June 2010 that there is no right to marriage or registered partnership for homosexuals under the European Convention of Human Rights (Cerna 2010). The Court further affirmed that the Austrian government had not discriminated against the "couple" by not allowing two men to contract a marriage. The Court unanimously reiterated that the right to marry is granted only to "men and women", as set forth in Article 12 of the Convention. It is interesting that The United Nations Human Rights Committee, in Joslin et al. v. New Zealand, concludes that the International Covenant on Civil and Political Rights does not foresee a right to same-sex marriage (Saiz 2004). Nevertheless, the issue of redefinition of marriage and family is present in different countries all over the world. These phenomena

could have an impact on different processes in the fields of education, law, medicine and bioethics.

5. Some challenges for bioethics in the case of redefinition of family

There are many ethical issues that lie at the intersection of family, sexuality, gender identity and bioethics. Today's western world is challenged by the new movements that are promoting the redefinition of family through the rights of lesbian, gay, bisexual, transgender, queer/questioning or intersex (LGBTQI) and redefining the definition of conventional or traditional marriage and family. From the bioethics perspective, there are many new challenges in dealing with the redefinition of family and the rights of LGBTQI people and their living communities, including patients' rights; access to healthcare; the dilemmas of gay youth studies; pediatric treatment and decision-making; recognition of LGBTQI patient surrogates; hetero-biased sex education; access to mental health resources; stereotyping; the stigmatizing gay representations and classifications; third-party payer access and coverage for treatments and services; health insurance access for domestic partners; blood donation standards for same-sex sexually-active individuals; and exclusion from clinical trials. While ethical issues sometimes differ across individual LGBTQI groups and their healthcare providers, there remains the common theme of the considerable impact of sexuality and gender identity issues in healthcare access and treatment.

While there has been substantial scholarship in the fields of family and gender studies in recent years, it is important to present some specific issues in bioethics, like dilemmas in the field of informed consent, child adoption, in vitro fertilization and the use of proper inclusive language.

Informed consent is from the bioethics point of view more than simply getting a patient to sign a written consent form. It is a process of communication between a patient and physician that results in the patient's authorization or agreement to undergo a specific medical intervention. Usually the physician providing or performing the treatment discusses with the patient his or her diagnosis, if known; the nature and purpose of a proposed treatment or procedure; the risks and benefits of a proposed treatment or procedure; alternatives, the risks and benefits of the alternative treatment or procedure; and the risks and benefits of not receiving or undergoing a treatment or procedure. In turn, patient should have an opportunity to ask questions to elicit a better understanding of the treatment or procedure, so that he or she can make an informed decision to proceed with or refuse a particular course of medical intervention. This process is usually an ethic-

al obligation in most European countries. From the point of redefinition of family, informed consent is present in the case where the patient is not capable of consent and family members should be included in the process. In the case of the patient who is in a same-sex partnership, the physician is obliged to consult and to get informed consent from the same-sex patient partner. That means that the new family structure will influence the informed consent process, which is linked with the use of proper language. The gender-neutral language, inclusive language, gender-inclusive language, or gender neutrality as linguistic prescriptivism aim to eliminate (or neutralize) reference to gender in terms that describe people. In the case of LGBT people, this use of language could be important. Otherwise, discrimination and stigmatization could be present.

Another problem in bioethics is the issue of assisted technologies, like in vitro fertilization and surrogate motherhood. The main question that arises is whether it is ethically acceptable to offer such technology and procedures to same-sex people who are – from the medical point of view – healthy and fertile. Are there any obligations that medicine should grant them these kinds of procedures? So-called "Gay IVF programs" are present in countries all over the world. Discussions regarding IVF address the question of whether there is a right for children to be conceived by their biological mother and father or whether there are merely the rights of adult people, in this case LGBT. In the field of psychology and sociology, there are some concerns whether such children have any issues due to the same-sex environment. The problem of commercialization of surrogate motherhood for male gay couples could spark different kinds of ethical problems, like egg and women exploitation, trading the eggs and sperms, psychological and health problems for surrogate motherhood, etc. Many questions arise with regard to the health of children living in same-sex partnerships. Children brought up by partners in same-sex relationships are encountering more difficulties in adulthood than their conventionally-raised counterparts. In 25 out of 40 different outcomes, there are statistically significant differences between adult children who grew up with a mother who had a lesbian relationship and those who told us their biological mother and father were, and still are, married, according to Mark Regnerus in his recent research on children living in same-sex households (Regnerus 2012). These kinds of children have lower average income levels as adults, along with more physical and mental health problems and more instability in their romantic relationships. They also showed higher levels of unemployment, smoking, need for public assistance and involvement in crime. Regnerus' findings were published in the Social Science Research, and drew on data from the New Family Structures Study. That survey measured differences in 40 social and personal indicators among

3,000 Americans aged 18 to 39 who were raised in eight different types of households. These findings challenge data cited in 2005 by the American Psychological Association, which claimed that "not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents." According to Regnerus, some of these influential studies have relied too heavily on small or non-representative population samples, focusing mainly on highly educated, white same-sex couples, in order to draw conclusions about same-sex parenting in general.

Regnerus as "nonpolitically correct" scientist found that children appear most apt to succeed well as adults when they spend their entire childhood with their mother and father, especially when the parents remain married to the present day. For bioethics experts, these kinds of researches are important to make further researches and collect all relevant data. Such an approach will give them the opportunity to provide general answers about access to IVF, surrogate motherhood, and child adoption for LGBT people.

Conclusion

Family is an important structure for any society. The wellbeing of children and society is dependent on the stability of families. Historically, the legal structure of the family was stable and well-defined. In recent decades, however, new ideas and ideologies have influenced the legal definition of family life and marriage. Bioethics is a place where different kinds of sciences are looking for agreement as to what is ethically licit and what is not, under pressure to make decisions about different kinds of issues like in vitro fertilization and surrogate motherhood for same sex couples, modification of language, adoption of children and the redefinition of family in legal systems all over the world and in international legal treaties. The discussion about the role of family in the past and in the future is very important. Changing this fragile structure could have different kinds of long-term negative consequences that might prove very difficult to eliminate. Therefore, further research in the field of bioethics and family ethics will be welcome.

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