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Valuing and Defending: A New Natural Law

Approach to the Family

Stephen W. Francis

A thesis submitted to the faculty of  
Brigham Young University  
in partial fulfillment of the requirements for the degree of  
Master of Science

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## ABSTRACT

### Valuing and Defending: A New Natural Law Approach to the Family

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Social science theories applied to the family make certain assumptions in the analytic categories of value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency. New natural law, a different theory from the body of classical forms of natural law, provides a unique approach to the study of the family. New natural law provides a defense for the traditional conjugal family as well as provides difference conclusions and implications for empirical research.

Keywords: family science theory, natural law, assumptions

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## Valuing and Defending: A New Natural Law Approach to the Family

Over the years, many different social science theories have been employed in the study of the family (see Boss, Doherty, LaRossa, Schumm, & Steinmetz, 1993). Although there are a variety of theories and perspectives, no theory has dominated the research in the field of family studies. As regards theorizing about the family, at least five general criticisms have been made: “the lack of the theoretical development itself, the tendency for scholars to move from topic to topic without sustaining their effort, the weak links between theory and research, the relative absence of multidisciplinary collaboration, and the questionable value of conceptual frameworks in moving us toward better family theories” (Klein & Jurich, 1993, p. 39). Despite these theoretical deficiencies, family studies research has become more sophisticated in the 21<sup>st</sup> Century. Many theories have been formulated and researchers have used these theories to inform their work. While granting that family theories have made contributions; in this thesis, I will raise some concerns about the implicit metaphysical assumptions of several of the well-known theories about the family, and address the implications of these assumptions. In this introduction, I will explain the categories of analysis that I will apply to social science theories of the family. In Chapter One, I will introduce and critique some of the most influential theories of the family (see Boss, et al., 1993; Holman & Burr, 1980; White & Klein, 2008) and discuss these theories fall in terms of theoretical dimensions that have currency in contemporary theoretical work in the social sciences, and which are important to the main conceptual project of this thesis. These dimensions are: value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency. I chose these issues, or “categories of analysis,” to highlight the scientific and philosophical perspectives that are relevant to these well-known theories, and also relevant to the less widely known natural law perspective. These theoretical dimensions put in

bold relief what is perhaps the most important and most obvious difference between a natural law approach and other contemporary theories, which difference is most clearly seen in new natural law's treatment of morality. I will not include all of the notable or important family theories in the present analysis, but the theories I will include have made and *continue* to make a significant impact on the study of the family. Three of the theories that I will cover in this thesis (i.e. symbolic interactionism, exchange theory, systems theory) are listed as "Major Theoretical Approaches" by Holman and Burr (1980). These theories have made a large impact in family studies (Holman & Burr, 1980). The last theory that I will treat, family development theory, is a minor theoretical approach for family scholars. I chose these theories not only because of Holman and Burr's (1980) recommendation of their comparative strengths, but to look at the assumptions behind both major and minor theoretical approaches. Following Chapter One, in which I will cover the assumptions and implications of social science theories, I will describe an alternative perspective on the family, new natural law theory.

Each of the theories prominent in family studies makes assumptions concerning the family. These theories have different strengths and limitations based on criteria relevant to evaluating theories in the social sciences (e.g. methodological soundness, explanatory power, logical coherence). These theories also implicitly take positions on certain epistemological, ontological, and methodological issues. The purpose of this thesis is to highlight the unique approach new natural law takes in regards to the family. This new natural law approach is unique to the context of social science theories applied to the family. Also, this thesis seeks to articulate both the defense that new natural law provides for the traditional conjugal family and highlight the difference in focus new natural law might bring to empirical research.

## Categories of Analysis

### Value-Neutrality vs. Value-Ladenness

**Value-neutrality.** Value-neutrality is the idea that a scholar or practitioner should not endorse any specific set of values, including morals and ethical principles, but should report the objective realities of the world (see Slife, Reber, & Richardson, 2005). Value-neutrality is assumed for scientific experiments and therapy (Slife, et al., 2005; Slife, Smith, & Burchfield, 2003); however, much research and conceptual analyses have shown that values *do* enter into social scientific theory, research, and practice, often implicitly (see Beutler & Bergan, 1991; Kelly & Strupp, 1992; Slife, et al., 2003). For example, what commonly happens in therapy is that the therapist has certain values, but he/she has been taught to not seek to persuade the client to adopt the therapist's values. Instead, the therapist has been taught to take on the client's values and work toward the client's ends. What ends up happening more often than not is that the therapist implicitly "proselytes" the client to the therapist's values nonetheless (see Beutler & Bergan, 1991; Slife, et al., 2003). The client may not be "cured" or "healthy" unless their values and behaviors match what is "good" or "healthy" according to the therapist's values. A problem with this is that the client is implicitly encouraged to change his/her values without any informed consent. Granted, the therapist's values may be "better" than the client's, but the client is not given information about the values toward which the therapist will influence the client. Proponents of value-neutrality hold their values implicitly—in spite of the fact that they may overtly try to eliminate them from having any influence in research and practice—in order to do "unbiased," objective science and in order not to proselyte the client to a certain way of life.

Value-neutrality has its historical roots in the interplay between medieval and Enlightenment times in the Western world. Many of the medieval peoples of Europe saw the



world as filled with inherently powerful, meaningful and value-laden beings, agencies, and objects (Taylor, 2007). For example, a candle or a cross could have the power to exorcise a demon from a pilgrim. The idea that demons had the power to possess a person was also an understanding of the day. One feature of this medieval world was the power that the Church had in the lives of all the people. The Church taught its dogma and the people believed and conformed. Also, individuals were seen as un-bounded or porous to the various influences of the day, both diabolical and divine (Taylor, 2007).

Many Enlightenment thinkers questioned the dogma of the Church and the assumptions of the medieval age. One major shift in viewpoint was that human beings were no longer porous to different agencies of heaven and earth, but that humans were like atoms, bounded and autonomous (Taylor, 2007), able to blaze their own trails and make their own destinies. Also, a feature of the Enlightenment era was that dogma came to be looked at as a viewpoint of the world, and not just the way things are. Thinkers saw dogma as biased and possibly harmful as compared to other ways of understanding the world. Also of note was the rejecting of the idea of worldly objects having inherent meaning and value. As empiricism rose to prominence the world came to be regarded as an object to be studied in a conscientiously objective and unbiased manner. Dogma was seen as subjective, biased, and not to be preferred. With the world and knowledge of it intellectually split into the value-laden, biased subjective and the valueless objective, positivist science as we know it could take root. Many psychologists, although not partaking of the doctrine of a valueless world, have still regarded all biases to be harmful to scientific endeavor and have opted for a value-neutral approach.

**Value-ladenness.** Value-ladenness (see Slife, 2004), in opposition to value-neutrality, is the idea that we all have inescapable values (Slife, et al., 2005; Slife, et al., 2003) and that the

best course of action is to be explicit about one's values in any scientific endeavor. When scientists or researchers are explicit about their values, then their explicitness creates an opportunity for informed consent on the part of the public and other scientists or researchers. Values can be ontological, epistemological, or ethical commitments, such as a commitment to hedonism as the "good life." Values involve what a person considers important, valid, or true.

Examples of implicit biases abound in the social science literature whereas straightforward value disclosure is a rarity. An example of implicit bias comes from Krause and Ellison's (2009) article entitled "Social environment of the church and feelings of gratitude toward God". Here the authors do not explicitly share their biases against religious explanations of the phenomenon of gratitude, but they hold an implicit bias in favor of naturalistic explanations the phenomenon. The researchers tested their theory that church-goers develop gratitude from being around a congregation that they think is cohesive. Those who feel part of a group tend to feel more gratitude (Krause & Ellison, 2009). In essence, the assumption is that gratitude toward God is not developed from an actual relationship with God, but just within the confines of social-connections with "coreligionists" and the positive emotions that come from these connections. The researchers do mention in the article's final section that another reason for gratitude toward God may be that "older adults may feel grateful to God simply because they can feel His presence in daily life" (Krause & Ellison, 2009, p. 203). This notwithstanding, the researchers conclude with the need to find conclusive causal connections between social relationships at church and gratitude toward God. Whether they believe in God or not, the authors never mention any supernatural forces (such as God) or other agencies as being relevant to their model. Every element of their model (including the figure they made to express it) was natural in origin: connectedness to others, congregational cohesiveness, church attendance, and

emotional support. God himself or a relationship with Him did not factor into the model at all. This suggests that the authors implicitly hold a naturalistic (non-supernatural) view of the world—that phenomena arise from natural causal forces. Krause and Ellison here exemplify an ostensibly value neutral approach to research and explanation as commonly found in the literature.

An example of values disclosure comes from Yanchar, Slife, and Warne's (2008) article entitled "Critical thinking as disciplinary practice." Here the authors let the reader know explicitly their assumptive framework regarding "knowing." The authors write, "we wish to state at the outset, however, that we do not presume to occupy an impartial or neutral standpoint on the nature and practice of critical thinking. Our position is informed by a set of ideas that, although persuasive in our view, is historically and philosophically situated within a broader intellectual tradition that explicitly recognizes knowing as perspectival, relational, and interpretive" (Yanchar, et al., 2008, p. 265). As argued above, values reflect ontological, epistemological, as well as ethical commitments. So the authors exemplify a value-laden approach in that they make explicit the ontological roots and implications of their position. A person reading the article who did not agree with a tradition of knowing that was "perspectival, relational, and interpretive," could take this into consideration as he/she read the article. This values disclosure allows for a type of "informed consent" opportunity for those consuming the research.

A value-laden approach allows research and therapy to operate within a type of informed consent. This is so because in value-ladenness, not only is it assumed that everyone has values, but it is assumed that people should neither avoid nor hide their values. Values—meaning ontological, epistemological, and ethical commitments—should be discussed openly after which a

client or consumer of research may make a decision whether to continue therapy or continue reading an article.

There are a few other implications of value-ladenness that should be stated. One implication of value-ladenness is that people may not consider another person's disclosed values or assumptions because of pre-conceived notions. For example, a therapist may advertise him/herself as a believer in alternative forms of therapy. Because of this disclosure, a parent with a troubled teen may not consider the services of the therapist in question because of the client's pre-conceived notions of alternative psychology as unscientific. Another example might be that a parent may not read an article because of pre-conceived notions about the validity or helpfulness of a systems-influenced theory. Another implication of a value-laden approach may be that after a family therapist discloses what he/she values, family members may change their behavior based on their desires to please the therapist. These implications follow from a value-laden approach.

In this thesis, I will emphasize the value stance of theories—whether implicit or explicit. Those theories (or theorists) that keep their ontological, epistemological, and moral stances implicit take themselves to be value-neutral, whereas those that make their stance explicit take a value-laden approach. It should be pointed out, however, that an implicit value-laden stance is still a value-laden stance. While it is easier to identify and stipulate that a particular theory's value stance is implicit or explicit, it is sometimes more difficult to find and identify value stances that theorists maintain implicitly. This problem will be dealt with as appropriate in the analysis to follow.

## Positivism vs. Hermeneutics

**Positivism.** Positivism, as originally conceptualized by August Comte (1848/1953), is a framework that includes *both* the intellect and the heart. Comte's earlier conceptions of positivism focused primarily on reorganizing society with *science*, instead of theology, as the center (Stumpf, 1989). Comte thought that science could cure the world's ills, and later argued that positivism would become a new religion, one that called for the worship of humanity instead of the supernatural (Stumpf, 1989). Although positivism was bent on arguing against the supreme position of reason, it was also seeking more than just scientific knowledge through observation (Comte, 1848/1953). Comte saw positivism as a movement that could solve the ills of war and could improve the human condition. He emphasized that "the primary object, then, of Positivism is two-fold: to generalize our scientific conceptions, and to systematize the art of social life" (Comte, 1848/1953, p. 3). In summary, Comte's work went through two stages, his application of science to society and then his creating of a new religion, with himself as the High Priest (Stumpf, 1989).

Comte (1848/1953) was seeking social renovation through positivism. According to Comte (1848/1953), the motto of positivism is "Love, Order, Progress" (p. 7). Positivism as it is conceptualized today, at least in the social sciences, seems to have maintained the emphasis on the second and third words of the motto while jettisoning the first. It may be that the evolution from positivism to logical positivism (in the early 20<sup>th</sup> Century) changed part of the movement's goals. Or perhaps (even more likely) Comte's vision of positivism was lost in the thinking of Ernst Mach, an intermediary figure between Comte and logical positivism. Mach is cited as a forerunner to the positivism of the members of the Vienna Circle (to be described below) and later thinkers (Blackmore, 1985). Perhaps Comte's idea that is closest to our contemporary

conception of positivism is that our work should mirror the truth of the external world (Stumpf, 1989). This is really another way of talking about logical positivism's principle of correspondence (see Slife & Richardson, 2009) or the correspondence of theory to objective "reality."

The movement called logical positivism emerged from positivism as conceived by Comte (Stumpf, 1989, p. 453). One group that took up this line of reasoning was known as the "Vienna Circle." This group was composed of thinkers from many areas including the natural sciences. The most prominent members or acknowledged leaders of this group were Moritz Schlick and Rudolf Carnap (see Mayhall, 2003). Also Wittgenstein, although not part of the Vienna Circle, contributed to scholarly work on the relationship between the logical and the empirical and, thus, to the logical positivist movement (Blumberg & Feigl, 1931). This group strictly held to empiricism and sought to avoid metaphysical questions but instead to grow a large body of empirical data. This group also adhered carefully in their work to what they called the "verification principle" (Stumpf, 1989) which seeks to verify a tentative theory in terms of its correspondence to reality.

Adherents to logical positivism argue that truth-claims can be divided into three categories: theology, metaphysics, and positive science (see Beckwith, 1957). Positivists distinguish these three categories by the source of the truth-claims. For (much of) theology, the source of truth-claims is revelation. For metaphysics, the source is rationality. For positive science, the source of truth-claims is observation of the objective world (Beckwith, 1957). Logical positivists claim that only empirical data can be tested, verified, and thus proven to be "factual truth" (Beckwith, 1957, p. 126) Therefore, logical positivists say that one particular (the empirical) way of scientific investigation is the only source of "factual" truth that doesn't

dissolve into speculation or some type of “faith” (Beckwith, 1957). What they mean by “truth” is not certain or absolute truth, but as truth as it can be verified through observation. It was assumed by the logical positivists that theological and metaphysical categories contain propositions that cannot be empirically verified.

One philosophical foundation of logical positivism is empiricism, especially the idea that all knowledge is based on experience (Blumberg & Feigl, 1931). Many thinkers and scientists before the rise of logical positivism used empiricism in their work, but many extended their conclusions about the world beyond what was specifically warranted by their empirically based generalizing (Beckwith, 1957). Part of the mission of logical positivism is to find the truth about the world from hard empirical facts (i.e. objective data), not from theorizing about the world. When physical theories are formulated, these physical theories must be about empirical reality, which is the only reality that can be known (Mayhall, 2003). Even though Schlick said that the external world exists “independently of us,” logical positivists believe that they do have access to the external world, not just sensations of it (Mayhall, 2003). The external world is objective, as compared to the desires, thoughts, hallucinations and dreams of the subjective mind (Mayhall, 2003).

Verification is one of the main ideas that came out of the Vienna Circle (Mayhall, 2003). In fact, notions of scientific investigation and the meaning of the world are wrapped up in the principle of verification. For instance, a statement is seen as meaningful if it can be verified, meaning that someone proposes a method by which the statement may be empirically tested (Beckwith, 1957). In logical positivism, meaning is not emotional significance but is instead “to know what must be the case [in the objective material world] if the proposition is true” (Blumberg & Feigl, 1931, p. 287). Logical positivism is not just a reinterpretation of Comte’s

positivism but is a union of empiricism and a strong logical framework (Blumberg & Feigl, 1931). Also, Wittgenstein talks about atomic and molecular propositions (i.e. simple and complex propositions), which are verified according to objective data (Blumberg & Feigl, 1931). The logical positivists' definitions of meaning leave out the emotive and metaphysical (i.e. things that cannot be empirically verified) while holding to the linguistic elements of meaning that can be compared to or can correspond to the external world. It is of note that although much of Wittgenstein's earlier writing supported the logical positivist framework, Wittgenstein later reconsidered his position on the issue and changed his mind on many of his earlier assertions (Pitcher, 1964, p. 172).

By the time psychology had developed into a scientific discipline, logical positivism no longer focused merely on what could be observed, but included studying other phenomena which could not be directly observed but could be operationalized into observables (Leahey, 1991). An additional part of this new positivism was the fact that theories could be helpful explanatory and expository tools as long as they were tied firmly to observables (Leahey, 1991). Logical positivism as it is used today—especially in psychology—involves theory and objective “data” with an emphasis on what is observable. The tie between the two is operationalization. To operationalize a construct, a researcher or theorist would define the construct in terms of observable phenomena. Operationalization is a common method used in social science research (see Green, 1992). For example, in psychology, depression is operationalized as observable levels or qualities of affect, the existence or affective tone of thoughts, and of certain behaviors performed for a certain time period. Since depression cannot directly be observed, it is defined in terms of such observable behaviors. One of the problems of operationalization is that there is no empirical way to verify whether an operational definition really represents or captures the



phenomena it defines. If, for instance, a researcher operationally defined “well-being” as a certain score on a positive-affect measure, the research could not really know whether a person with a high score on the positive-affect measure is really experiencing well-being or if they are lying on the test or simply believing they are doing fine. Another problem is that researchers may choose their own operational definitions and there is no way to arbitrate conclusively which operational definition is the best one.

It seems this logical positivism departs from Comte's earlier conceptions of positivism as a means of social renovation and a revolutionary movement (Comte, 1848/1953) in that logical positivism focuses almost exclusively on a narrowly empirical scientific endeavor.

Notwithstanding its departure from Comte's positivism, logical positivism has a strong ontological commitment (although they might not consider their position an ontological one).

Any enterprise aimed at the discovery of truth that puts emphasis on the importance of observation of the physical world—using the ordinary (aided or unaided) senses—must have a commitment to the reality of the external world in which sensory observations occur, and of the reality and validity of the phenomena of the external world as, to some degree, experienced through the senses. Otherwise observation could not serve as an anchor for the validity of theories and truth claims. This commitment to realism is seldom directly articulated, especially in psychology.

One of the important implications of logical positivism for the study of the family comes from the position's focus on what is observable. There is much in families that is not observable but is considered by many family scholars to be important. For example, family relationships are never directly observed (i.e. one cannot see or touch a relationship) but many family scientists study family relationships and their positive and negative consequences (which cannot be

directly sensed either). Since the relationship itself can never be directly quantified, and since the arbitrary operational definition may never fully capture the relationship, then relationships cannot be truly understood or studied under the logical positivist framework (for further treatment on the problems of operational definitions (see Green, 1992)). Some may argue that logical positivists can get “close enough” in their definitions, but both of these arguments fall to the arbitrariness of operational definitions—any researcher can make his/her own definition which cannot be gauged for closeness to the actual phenomena without invoking another preexisting definition that is better than the one being evaluated.

Another implication of logical positivism affects families themselves. This implication has to do with meaning. Meaning is important for families because families experience many meaningful events (see Daly, 1996; E. J. Hill, 2004; Howe, 2002). It seems naïve to seriously argue that individual people, or families, find meaning in the events of their life by comparing them somehow to observable events, or that real people find meaning only in things that correspond to sensory events. Common sense is sufficient to establish that people find deep significance in things that do not connect easily to observable things in the world. To hold, as the positivists do, that things (events, statements, expressions, etc.) are “meaningful” only if they can be tied to observable and demonstrable states of events in the observable world—and that things that cannot be tied to such observables are meaningless or nonsensical—is to hold that most things that are meaningful to real human beings and the families are really nonsense (because they not observably demonstrable). Meaning seems, by all accounts of our own experience, to be already connected to experiences of all sorts, and not to objectively demonstrable things alone. Meaning cannot really be separated into mere emotional significance and an object’s empirical properties. They are inseparable in their impact on persons and families.

**Hermeneutics.** Hermeneutics traces its earliest roots to Plato and Aristotle (Ferraris, 1996). Following its Greek beginnings of interpretation in general, Hermeneutics became concerned with establishing a method of interpretation in which meaning was derived from sacred texts, such as the Bible (Sugarman & Martin, 2005). From the Bible, the movement was applied to other texts (see Ferraris, 1996). Eventually, it was suggested that other phenomena in the world, including behaviors, symbolic actions of all sorts, social interchange, and even social structures and processes such as families and family interactions could be treated as texts, and hermeneutic methods could be applied to extract meaning from them. Since that time, hermeneutics has been applied in the human sciences (Bontekoe, 1996) although not all of the human/social sciences (e.g. psychology) have taken up this interpretive framework in major ways.

Modern forms of Hermeneutics, that have become influential in the social sciences, arises from the works of thinkers in the Continental philosophical tradition, such as Wilhelm Dilthey (1867/1996), Martin Heidegger (1927/1962), and Hans-Georg Gadamer (1977). Instead of emphasizing explanation of behavior in a way consistent with that practiced in the natural sciences, which invokes observations and abstract constructs that can be tied to observations, a hermeneutic approach emphasizes understanding in the form of interpretation, which focuses more on the meaning of phenomena than their explanation in terms of observable reality and observation-validated constructs. Hermeneutic scholars will hold, furthermore, that as we (as social scientists) interpret, we also continuously reevaluate our interpretation in light of our relationship to the studied person/thing (Ermarth, 1978). This reevaluation also involves tacking back and forth between wholes and their constituent parts (Sugarman & Martin, 2005). These elements of interpretation, reevaluation and tacking back and forth, are what is known as the

hermeneutic circle (see Bontekoe, 1996). It might be said that as positivism seeks to explain human beings, hermeneutics seeks to understand them (Dilthey, 1867/1996).

Part of the interest in a hermeneutic approach to the social sciences comes from Heidegger's notion of "modes of engagement" (Slife & Williams, 1995). Heidegger suggested two contrasting modes in which we engage the world: the present-at-hand and the ready-to-hand. Present-at-hand engagement reflects the understanding the world in a way consistent with the essence of many positivistic approaches. In the present-at-hand mode, we engage the phenomena of the world in terms of their qualities—in a rather distanced and abstracted form, much like they would be understood by means of theories and constructs resulting from objective observation, the imposition of constructs, and causal analysis. This form of engagement with and understanding of the world is close to what a positivistic science might recommend. The ready-to-hand mode of engagement, on the other hand, understands the world through involvement with it. A thing or an event is understood as we engage it and interpret it in light of its functionality and its relation to other aspects of the world in which it and we both exist (Slife & Williams, 1995; Sugarman & Martin, 2005). Hermeneutics asserts that we live as interpretive beings in the world and cannot separate ourselves from it nor live in separate objective or subjective worlds. Because of this enmeshed-in-the-world state of all interpreters, the world and our understanding of it will be inescapably moral because we are moral beings engaged in interpretation which is not limited to objectivity, but will take up all aspects of meaning, including the moral. The term *moral* here means that which "has some meaningful implication or consequence in the lives of human beings" (Williams & Gantt, 2002, p. 11). In other words, activities that make a difference in the lives of humans are *moral* activities. As humans are in

the world and interpreting the world, the meanings experienced in the world have a moral quality inasmuch as those meanings make a difference in humans' lives.

According to hermeneutics, there are different kinds of knowledge. Two that Gadamer (1960/1989) mentions are moral knowledge and objective knowledge. Gadamer differentiates between the two as he argues that moral knowledge is not objective knowledge. With moral knowledge, a person is not just observing, but he/she is confronted with action in relation to the situation (Gadamer, 1960/1989). In other words, moral knowledge is not separable from humans (i.e. the interpreters). Moral knowledge and decisions engage humans in them. Also, there does not exist an exhaustive reservoir of moral knowledge from which humans can draw but our moral knowledge is always informed or "supplemented" by the particular or "individual" case (Gadamer, 1960/1989, p. 38).

The human sciences are moral sciences. Gadamer made this clear when he said in his main work *Truth and Method*, "The human sciences stand closer to moral knowledge than to that kind of 'theoretical' knowledge. They are 'moral sciences'" (Gadamer, 1960/1989, p. 314). Also, moral knowledge is not merely for information but is to be used to govern humans' actions (Gadamer, 1960/1989, p. 314).

Meaning is the crux of the use of "hermeneutics" here. Hermeneutics focuses on the meaning of the world as revealed by and through experience (and not just sensory experience). Positivism suggests that meaning is merely constructed from the data of observation that constitute the facts attached to objects and events in the world. In this sense, positivism restricts experience to mere observation; hermeneutics understands experience in a much richer sense. For positivism, the world, in some sense just waits to be observed. For hermeneutics, the world is already meaningful because we are always interpretively knowing it so that it reveals itself

through our interpretive experience. Hermeneutics argues that meaning is inherent in the interpretive relationships of beings in the world with other beings and to the things and events of the world (Gantt, 2005).

Hermeneutics has implications for the study of the family. First of all, the research agenda is widened to include different kinds of information—not just observable phenomena. According to Gadamer, humankind has a “morally determined existence” (Gadamer, 1960/1989, p. 51). With this assumption, a study of the family would surely involve moral aspects of the family’s existence and day-to-day living. A researcher searching for the family’s “morally determined existence” would find deeper and richer information than a researcher not committed to meaning (of the sort hermeneutic approaches yield) would be able to find.

Hermeneutics also has some other implications for the family. One problem of hermeneutics for Gadamer was the application of the interpretation (Weinsheimer, 1982). In light of this, one implication of hermeneutics is that families may interpret meanings from their relationships but may not apply these interpretations or actually change anything. Interpretation may or may not include application (see Weinsheimer, 1982). Hermeneutic thinkers were conflicted on this idea. To Hirsch, interpretation provided the foundation for application; to Gadamer, interpretation and application were one in the same (Weinsheimer, 1982).

Another implication of hermeneutics is a type of relativism. Although interpretation and relationships provide a family with meaning, a specific morality is not included in the picture. Hermeneutics is the study of meaning and morality, but not of *what* should be done (see Seebohm, 1977, p. 190). Thus, there is a sense that morals are relative (i.e. are not absolute for every situation) in a hermeneutic worldview.

## **Determinism vs. Moral Agency**

**Determinism.** The concept of determinism essentially answers the question, “why did that happen?” or “what makes a person do that?” (see Rychlak, 1979). Scholars invoke determinism when, for example, they postulate cause/effect chains to explain natural events and other phenomena. In contemporary society, the concept of determinism finds its way into conversations about common experiences, such as in newscasts covering instances of violent behavior, explanations of shopping behavior, and advice available in parenting books. It is at the heart of conversations about such things as “Why did Smith kill his fellow classmates?” “How can I get people to buy my product?” and “Why is my child acting out in public?”

There are many different ways in which scholars have talked about determinism. Many of the conceptualizations are very similar, but some scholarly discussions offer subtleties or nuances that are helpful in discussing causes, effects, goals, and other phenomena related to determinism. One of the early approaches to determinism, fatalism, is implied in the works of the Greek writer Homer in conversations between Odysseus and his colleagues (Weatherford, 1991). Other ways of understanding determinism include the notion of limits (i.e. constraints) on events (Rychlak, 1979), the notion that phenomena can be predicted, the idea that events occur in a lawful and not a random fashion, and the idea that pre-existing conditions or antecedents to events are involved in the possibility of the events’ happening (D'Angelo, 1968).

One important reason why social scientists are committed to determinism is that determinism is directly related to the possibility of predicting events. If we know the causes of events we should be able to predict them on the basis of the presence or absence of their causes. The stronger and more direct the causal link, the better the predictability. Although predictability is part of most treatments of determinism, scholars disagree about the extent of that

predictability. For example, Nagel (1960/1970) makes the case that determinism does not mean that a phenomenon has to be predictable in an unlimited sense. On the other hand, D'Angelo, notes one definition of determinism holds that "every event has a cause and is in principle predictable" (1968, p. 2). Regardless of the extent of predictability, it is a part of many approaches to determinism.

Some scholars point out that there are different "kinds" of determinism (or, perhaps, more precisely, different aspects of determinism). Some (Rychlak, 1979; Thorp, 1980) talk about types of determinism such as physical, psychological, neurophysiological, and theological. Other scholars (D'Angelo, 1968; Weatherford, 1991) conceptualize determinism in terms of two broad categories: hard and soft determinism. It is common to argue that hard determinism is the idea that "determinism is true for all our actions, and that we are therefore not morally responsible for any of our actions" (Vilhauer, 2008, p. 121). Hard determinism is incompatible with free will and adherents of this view are sometimes called "incompatibilists," to distinguish them from the "compatibilists," or soft determinists (Weatherford, 1991). William James was influential in introducing soft determinism—distinguishing the position from "hard" determinism—to the world in his famous lecture, "The Dilemma of Determinism" (Trusted, 1984; Weatherford, 1991). James (1884/1907) scoffed at the position of the soft determinists for their use of "soft words" and for the problems they were finding with some types of freedom (1884/1907, p. 149). Soft determinists find no incompatibility between determinism and free will. The position of soft determinism (sometimes called the Hume-Mill theory) is that all things are determined metaphysically but free in the domain of morals and moral responsibility (Weatherford, 1991). In other words, effects always follow their causes but a person *can* do otherwise if they *choose* to do so (Weatherford, 1991).



The conception of determinism that I will emphasize in this thesis is related to the assignment of responsibility (Slife & Williams, 1995) and the conceptual consequences of all responsibility being put on non-human causal factors. One of the most influential figures of Western thought on the subject of determinism was Aristotle, with his notion of the four causes (see Rychlak, 1981; Slife & Williams, 1995) being one of the most influential treatments of the issue. Aristotle's four causes were categories of explanations to which an observer could assign the responsibility for something (a behavior or a state) and its properties. Aristotle suggested that there are four "kinds" of causes, or, more precisely, four dimensions in terms of which explanations could be offered for things and events. For example, the efficient cause of a wardrobe (i.e. the responsibility for certain qualities of the wardrobe) is the person/agent that created the wardrobe. The formal cause of the wardrobe is the blueprints that were used to plan its construction (and its relationship to other parts of the room). The material cause is the wood from which the wardrobe is made. The final cause of the wardrobe is the purpose for which it was made, to hold clothing.

After Aristotle, most conceptions of causality and determinism in the social sciences were influenced by David Hume's formulation (Norton & Norton, 2000; Slife & Williams, 1995). Hume postulated that for a person to infer causation or determination between two events, the person must observe three causal conditions: constant conjunction, contiguity, and antecedence (Norton & Norton, 2000; Slife & Williams, 1995). A fascinating comment made by Hume is that in addition to causal inferences being made of objects in the world, causal inferences can be made of cause-effect events in the minds of human beings (Norton & Norton, 2000). This comment by Hume suggests that causal explanations of the psychological world (as

we commonly find them in the contemporary world) are not only possible, but are the next logical step after applying causal inferences to the natural world.

In the social sciences, researchers and theorists have used Hume's causality as a model for their work. Ironically, it is not often pointed out that Hume's own conclusion is that knowledge of all the causal conditions is really not possible, and thus all causal conclusions are generalizations from experience. Most determinism as found in the social sciences (especially psychology) has seldom held a human agent responsible for human actions (see Honderich, 1993). A related approach to determinism focuses on "necessity", or the concept that things cannot be otherwise than they are (Slife & Williams, 1995). Both the assignment of responsibility to non-agents and the concept of necessity are a focus of this thesis.

Some practical consequences of hard determinism are the loss of meaning and the loss of moral responsibility. For example, one of the meanings of "meaning" holds that to "mean" is "to intend" (Rychlak, 1979, p. 50). If a person cannot truly intend to do something, they cannot *mean* it. They cannot participate in meaning, at least at the deepest level, although the person may feel that life events and their "choices" are meaningful because of the habit of thinking and talking about them that way. Meaning is ultimately tied up in the existence of a group of possibilities. This is the case because to "mean" or to "intend" requires intending or specifying one thing from a group of possible alternative things—to pick one out as the one meant. Therefore, if there are no genuine possibilities associated with an event or an action, it is by definition impossible to mean or intend any of them, and thus the question of meaning is irrelevant to the event or act. When we apply this to a behavioral situation, we can see the relationship between meaning and morality. If there are no genuine alternatives to a particular act, then the person cannot really mean to do it in any way that makes conceptual sense. Thus if

the act in question is not one possibility from among many, it just came about necessarily. If so, then it is very difficult to assign moral meaning to the act, for the same reason it would be difficult to assign a moral weight to a natural object that “just is.” For example, imagine the situation of woman leaving her husband and children and living with another man. From a traditional deterministic point of view, the woman did not mean to or intend to leave her family, but something else caused her to do so. Her act cannot be assessed as moral (or not) because it exists as the only possibility, given a certain chain of causes. She could not have done otherwise. Thus, morality and meaning partly arise from this sense of possibility (as opposed to necessity). In other words, a person cannot be judged as “good” or “bad” unless he or she had the ability to do or be otherwise than he or she does or is (Slife, 2002).

The loss of moral responsibility is another consequence of determinism. Moral responsibility is the basis on which the justice system, at least in the United States (historically), has operated. For instance, people are tried in court for a crime they may have committed. The seriousness of the crime, and, therefore, the severity of the punishment, depends in large measure on the degree of responsibility that can be assigned to the person. For example pre-meditated murder is a more serious crime than negligent homicide or manslaughter. Mitigating factors such as mental state, competence, or intentions can increase or decrease the punishment. The importance of personal responsibility can also be seen in the justice system in another way. If convicted, people are put in a system where they not only “do time” for their crimes, but they also receive attention from the justice system aimed at rehabilitation. Instead of locking all criminals up for good, the justice system is designed to release criminals that are seen to have changed; these criminals are given another chance. It is assumed that they can and will change their behavior and eventually become contributing and law-abiding citizens. If hard determinism

is true, then other non-human agents are responsible for the criminals' actions and, thus, it would make most sense to lock the criminals up for good, unless society could find some new technology to permanently alter the offenders' behaviors by eliminating the causal factors that had produced the criminal acts, or by introducing other causal factors (such as drugs, perhaps) that cause alternative behaviors.

**Moral agency.** There has been much discussion and scholarly debate on the free-will/determinism issue including many of the prominent thinkers in the history of the West (e.g. Aristotle, Hume, Bacon, Mill, Sartre, James). The debates have not only considered the issue of whether human beings are free but to *what extent* they are free. It is also the case that scholars do not all agree on the meanings of freedom or agency. Definitions of free will range from having the ability to choose (Gert & Duggan, 1986) to having an “uncaused” will or having an “uncompelled” will (D'Angelo, 1968). Also, the term “free” by itself has many possible meanings. The meaning, in this thesis, of the term “moral agency” is the existence of alternatives (D'Angelo, 1968), along with being able to opt freely for an alternative for personally held reasons—and not just as the result of internal or external causes. One other definition, one that directly maps on to new natural law thinking, is that freedom is the “result of rational considerations” (D'Angelo, 1968, p. 25).

Moral agency, as opposed to determinism, assigns the responsibility for human action to humans. Also, moral agency is the contention that human agents can “do otherwise, circumstances remaining the same” (Slife & Williams, 1995, p. 118; Van Inwagen, 1983). I use the term “moral agency” here instead of free will, to avoid any intellectual baggage that may follow the term “free will,” such as whether an act of will can truly be free of all influence; I also use the term “moral agency” to emphasize the moral responsibility and moral implications of

such a concept. Indeed, as Van Inwagen (1983) suggested, free will and human moral responsibility are critically connected. Also, I use moral agency as a tool in this analysis because the moral aspect of human action is important for new natural law theory (see Grisez, Boyle, & Finnis, 1987), as it has been applied to the family. Moral agency is not just the availability of possibilities but the ability to opt for some possibilities while rejecting others and to do so on the basis of reasons. New natural law theorists make this kind of moral agency a foundation of their work in rational decision-making and morality. If people saw or were presented with possibilities but could not actually choose them, there would be no genuine moral agency.

Implications of the existence of moral agency are the opposite from hard determinism. In a universe with moral agency, meaning and moral responsibility *abound*—whereas in hard determinism, meaning and moral responsibility are non-existent. As actions and events have the possibility of being otherwise, intention and genuine meaning are created as opposed to the meaningless world of necessity that I treated above. If persons are moral agents, society can impute a legitimate moral responsibility to those persons.

There are some other implications of the existence of moral agency. One implication of moral agency is that it may focus too much on the autonomous individual and not focus enough on important relationships involved in choice. This impacts the family in that members of the family could be seen as individuals with their own desires and needs instead of members in relation to the rest of the family system. Another implication of moral agency (as defined in this thesis as focusing on acting for rational reasons) is the denial of emotional or non-rational agentic actions. This moral agency could negate the discussion of a person acting for a non-rational reason. One important implication of moral agency is that there is always the possibility of people doing harmful things to themselves and others. Whereas one hallmark of determinism

and logical positivism is control, with moral agents, there is always the possibility that the agents will do differently. This means that certain outcomes can never be attained with absolute certainty.

I take for granted the idea that moral agency always involves a human who cannot be understood independent of his or her physical and social/cultural context. The reason it is important to understand human persons as embodied agents rooted in contexts is that a body and a cultural context are constraints for moral agency. They also present possibilities through and by the very natures of bodies and cultures. A person may want to walk through a wall, but their moral agency is constrained by the characteristics of physical bodies. Thus, moral agency does not mean unlimited possibility but possibility within certain constraints. I take these assumptions as theoretical and intellectual premises from which to operate (but space will not permit development of the full argument in this thesis).

I chose the categories of analysis explained above because they highlight some of the key differences between social science theories and new natural law theory. In the following chapter, I will apply the categories of analysis I have laid out above to social science theories of the family. Then, in chapter 2, I will apply the same categories of analysis to show some of the unique qualities of new natural law theory. In chapter 3, I will lay out new natural law's defense of the family and will briefly suggest some research implications from a new natural law perspective.

## **Questions**

Theories applied to the study of the family have said much and still have much to say about the family (see Boss, et al., 1993). This being said, I believe that new natural law (hereafter NNL) brings to the study of the family some concepts that may provide a unique

approach to the study of the family. This unique approach may reveal certain aspects of the family that are important for any program of family studies. In particular, NNL theory can enhance how we understand the family's moral qualities.

The questions this thesis seeks to address are:

- How do traditional theories of the family approach the issues of value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency?
- How is NNL theory different from classical forms of natural law theory?
- How would NNL theory likewise approach the issues of value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency?
- What can NNL reveal or emphasize about the family different from what is found in other theories?
- What are the research implications that can be derived from a NNL perspective?  
What sorts of research questions are brought into focus by a NNL perspective? What does NNL suggest about methods of studying the family?

## **Influential Theoretical Approaches to the Study of the Family**

Over the years, many theories have been applied to the family. Many of the theories still actively generate research, while others are not used. In this thesis, I will review four theories applied to family studies: symbolic interactionism, systems theory, exchange theory, and family development theory. My review of family theories is strongly influenced by the Sourcebook of Family Theories and Methods (see Boss, et al., 1993), which is a widely regarded review of theories used in family studies. Following this review, I will apply the conceptual categories developed in the first chapter in analyzing the theories. The categories are the following: value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency. These categories reflect different approaches to doing social science (and studying the family in particular), and reflect a concern for issues related to the philosophical commitments that underlie the social sciences and any social scientific approach to studying the family.

### **Symbolic Interactionism**

Symbolic interactionism was a dominant theory in the early decades of the 20<sup>th</sup> Century and remains a popular theory today (LaRossa & Reitzes, 1993). Symbolic interactionism arose out of the ideas of scholars who worked outside of social science and family studies, such as William James, Charles Horton Cooley, John Dewey, and George Herbert Mead (Blumer, 1969; Burr, Leigh, Day, & Constantine, 1979).

Many of George Herbert Mead's ideas are found in symbolic interactionism, either directly or in some reformulation (see Blumer, 1966, 1969; Boss, et al., 1993; Burr, et al., 1979; LaRossa & Reitzes, 1993). One of these ideas refers to the relationship between gestures and meaning. Mead (1964) claimed that there is meaning behind gestures, a meaning that both the doer of the gesture and the receiver of the gesture understand. These gestures symbolize certain



actions or responses (Mead, 1964). An example of this symbolism in gestures could be the offering of one's hand upon meeting someone. Putting forth one's right hand may symbolize many things, such as a greeting. The other person in the interaction symbolizes accepting the greeting as he/she grasps the offerer's hand. This action and response of a handshake and their symbolisms are what Mead is talking about when he refers to gestures.

Mead separated all interaction into two parts, non-symbolic and symbolic interaction. Whereas non-symbolic interaction merely means responding to someone's actions, symbolic interaction involves interpreting the meaning behind someone's actions and acting in light of that interpretation (Blumer, 1966). In light of the earlier handshake example, non-symbolic interaction would be a person grasping another person's offered hand in the conventional greeting (the grasper is not interpreting the meaning but merely responding). A symbolic interaction, on the other hand, may be when a man and woman hold hands at an altar during their wedding ceremony. The handclasp in this situation does not mean that the man is greeting his wife-to-be but is instead symbolizing their commitment to and covenant with each other. Mead's view of symbolism and his notion of different types of interactions are foundational to symbolic interactionism.

One additional concept that other theorists added to symbolic interactionism is the idea that meaning and symbolism are also constructed by society. This means that not only are the persons in an interaction interpreting and making meaning but also all of society is engaged in such meaning-making. For example, an action takes on meaning in the context of the interaction but also takes on meaning and symbolization from the dictates and interpretation of society (see Leigh & Gabel, 1992).

Symbolic interactionism's appeal partially comes from its strong conceptual background and research history. Its main focus is the connection between meanings (i.e. symbols) on one hand and behavior on the other (LaRossa & Reitzes, 1993). In its research literature, symbolic interactionism relies both on quantitative and qualitative methods, a difference that sets the theory apart from many other theories that have been applied to the family.

Symbolic interactionism is founded on three basic premises (Blumer, 1969). The first is that people act according to the meanings certain behaviors have for them; this is what Mead called symbolic interaction as opposed to non-symbolic interaction (Blumer, 1966). The second is that meanings arise from social interactions. Thirdly, meanings are changed by an interpretive process in the interactions (Blumer, 1969). The first premise does not set symbolic interactionism apart as a unique theory or make any unique arguments or claims, even though many scientific explanations do not share this premise (e.g. behaviorism). It is the second premise (the source of meaning) and the third premise (how that meaning is maintained and changed) that really define the theory (Blumer, 1969).

Symbolic interactionism investigates identities, roles, interactions, and contexts (LaRossa & Reitzes, 1993). In the world, we have shared expectations about behavior that arise from social interactions (Stryker, 1968). As will be explained more fully below, these norms filter down to our roles and identities.

Identity is a self-meaning found in a role (LaRossa & Reitzes, 1993). According to Stryker (1968), there are different identities according to different social interactions and contexts. One woman could be identified as a mother, a doctor, or a member of a board of trustees all within the same day. So, the argument is that a person sees himself or herself as a different identity in a different social interaction and environment (work vs. home) instead of

seeing himself or herself as one identity only (Stryker, 1968). There is some controversy here in the concept of self and identity. Mead saw the self as an “undifferentiated unity” whereas others see the self as differentiated and complex (see Stryker, 1968).

The concept of identity salience is also important here (Stryker, 1968). Not only does a person have different identities according to differing social interactions, but also a person has the possibility of invoking some identities in multiple situations and interactions. For instance, a basketball coach may invoke his father identity when he sees his son or another young man injured on the court. This identity salience is the probability that some identity would be invoked in multiple interactions; the importance of identity salience is found in its predictive power (Stryker, 1968).

A role is a group of social norms applied to a position in society (LaRossa & Reitzes, 1993). Attitudes and expectations for a role can come from two different sources, societal and personal (Robertson, 1977). The sources set these attitudes and expectations according to the needs of society or the individual. For instance, the role of stepfather may be influenced by societal assumptions (e.g. a stepfather is supportive but not a disciplinarian); on the other hand, the stepfather may decide what he thinks he should do as a stepfather, thus defining his role. Also, in terms of assigning and receiving roles, Stryker (1968) argues that when a person names others and themselves as a role (such as “I am the father, and you are my children”), he/she at the same time sets behavioral expectations for those named (Stryker, 1968).

Symbolic interactionism would not be correctly named without some of the theory reflecting how persons’ behaviors and society *interact*. Put succinctly, behavior affects society and society affects behavior (LaRossa & Reitzes, 1993). In other words, symbolic interactionism does not assign meaning solely from personal preference nor from social construction but from

an interaction and influence of both. Thus there is not a purely subjective element to meaning and norms, nor is society responsible for all human action.

In terms of value-neutrality vs. value-ladenness, symbolic interactionism seems to fall on the side of value-neutrality. Although the theory talks about meanings and interpretation, the theory does not talk about the moral dimensions of meaning and interpretation; in the same vein, symbolic interactionists do not talk about any moral values underlying the theory. The theory does not make clear its own moral and ethical assumptions or its other values (i.e. the theorists seem to be naive to these things). An example of this comes from an assumption about others and the self. Although interactions and the actions and opinions of other people are important to the behavior of a person, symbolic interactionism assumes that a “healthy” person will not be overly influenced by others but will keep some autonomy and make decisions to confirm his/her individual identity (LaRossa & Reitzes, 1993). This assumption of “healthiness” is explicit, but the under-girding assumption of individualism is *not* made explicit. In order for symbolic interactionists to follow a value-laden approach, they would need to make explicit this value of individualism: an argument that what is good for individuals is to seek their own autonomy and benefit, even in the face of relational concerns (e.g. in a family, or in the workplace). There is no explicit moral or ethical code or any talk about what values are important to symbolic interactionism, and yet the theory has many possible values that are implicitly held and absolutely critical to the theory (e.g. individualism, empiricism, determinism).

With positivism vs. hermeneutics, symbolic interactionism is an interesting combination of the two. Symbolic interactionism comprises two different approaches to studying the family: the “Chicago School” headed by Blumer and focusing on *interpretation* and qualitative methods, and the “Iowa School” headed by Manfred Kuhn and focusing on empirical data (LaRossa &

Reitzes, 1993). Given these two schools of thought in symbolic interactionism, the empirical side led by the “Iowa School” is by far the dominant voice in research and current theory (LaRossa & Reitzes, 1993). The positivistic element of the theory is the focus on empirical data. Usually when there is a focus on the empirical, the “objective data” in the world is given ascendancy over the meanings (which are seen to reside in the subjective or hermeneutic worlds). Yet, symbolic interactionism has a hermeneutic element in its ontology in that meaning is partly determined in the interaction and is not confined to the subjective realm. It is clear from the analysis above of the interaction of behavior with society, that some hermeneutic elements are in play in the theory, as objective and subjective elements of the world are blurred and are seen to influence each other.

When it comes to the categories of determinism vs. moral agency, symbolic interactionism talks about self-concepts providing motivation and also talks about the prominence of a “role” among those factors that provide motivation for an individual’s behavior. It seems the theory grants that many factors motivate (i.e. take responsibility for) a person’s actions, but the theory does not allow for a genuine moral agency because the many factors and not the person themselves are given primary responsibility for the acting. If factors or causes are responsible for human action, then it seems as if a person could not do otherwise in the face of these factors. From this analysis, it appears that symbolic interactionism flirts with the possibility of moral agency (coming from Blumer and Mead)—in the sense that there is something about humans that is unpredictable and indeterminate—but it also seems that in the theory’s current applications, symbolic interactionists have preferred to infer a rather traditional type of causation (from societal and self-concept factors). At the very least, there is a debate between how human agents affect society and society affects agents (Sandstrom & Fine, 2003).

## Systems Theory

Systems theory (otherwise known as General System Theory or GST) traces its roots to World War II and work in cybernetics (Whitchurch & Constantine, 1993). GST was a reaction against the mechanistic explanation of nature and organisms, and called for a rethinking of science. In this it was consistent with other lines of thought that appeared shortly after World War II (Bertalanffy, 1968; Whitchurch & Constantine, 1993). GST was originally applied to anti-aircraft artillery systems; feedback was used to improve precision in shooting down targets. Since then, theorists have applied GST in a variety of fields. The theory defines systems as “sets of elements interrelating with each other and the environment” (Bertalanffy, 1968; Montgomery & Fewer, 1988; Whitchurch & Constantine, 1993, p. 326). These systems are seen as wholes, including not only the elements of the systems but their contexts. Whereas science in the past had focused on reducing phenomena to independent parts and factors, GST sought for "wholeness," or to focus on the whole system as the phenomenon of study (Bertalanffy, 1968). These systems also contain smaller and larger systems known as subsystems and suprasystems (Whitchurch & Constantine, 1993).

In the 1980s and 90s, families as systems received more attention (Cox & Paley, 1997). Family systems theory, or this application of systems theory to the family, was developed by both scholars *and* therapists (Wedemeyer & Grotevant, 1982). In family systems theory, society is the environment in which the family system rests and the members of the family are the “components” of the system (Wedemeyer & Grotevant, 1982). Another way this environment/component concept has been emphasized is by talking about society as a macro-social system and the family and its members as the micro-social system (Sluzki, 2007).

Part of family systems theory involves bringing all the members of a family in for therapy, instead of singling out a challenging teen or a “troublesome husband.” Seeing the family together in therapy opened up new therapeutic and research avenues (Combrinck-Graham, 1990). One important element of family systems theory and GST in general is considering the contexts in which the systems of interest occur (Combrinck-Graham, 1990). Each system is couched in a context and what separates the system and the context are boundaries (Cox & Paley, 1997; Wedemeyer & Grotevant, 1982). Boundaries in systems are clear but flexible (Cox & Paley, 1997). A system comprises not just its components but comprises the relationships between the components (Ward, 1995). Systems theory focuses on complex patterns in networks instead of simple relationships among variables (Wedemeyer & Grotevant, 1982).

Founders of GST drew on the works of Walter B. Cannon and his concept of homeostasis (Cannon, 1929, 1932). Cannon argued that organisms seek to be physiologically stable. When there is a disturbance, the organism’s system compensates in order to return to homeostasis (Cannon, 1929; Cox & Paley, 1997). Family systems theory asserts that the principles of stability and compensation do not apply just to individual organisms—they also apply to relationships and to society, which Cannon referred to as a “social organism” (1932, p. 315). And the benefit of homeostasis is the same in the social organism as in an individual organism. Such stability will ensure that basic resources will be available to all of the organism’s “parts” or people (Cannon, 1932).

One of GST's main aims is the unifying of science (i.e. integration) under one theory (Bertalanffy, 1968; Whitchurch & Constantine, 1993). One step toward this unification of science is that systems theorists investigate both living and non-living systems and apply the

same systems theory principles to both (Whitchurch & Constantine, 1993). In this fashion, GST operates as a metatheory, a theory about all phenomena (i.e. how the world operates), and not just a theory about a specific set of phenomena. As part of its move toward becoming a grounding perspective of science, systems theory has changed its view on causality. Over the years, general theories of causation have moved from imputing a single cause to looking for multiple causes for phenomena (Montgomery & Fewer, 1988). GST developed alongside multi-causal approaches. The theory does seek to understand causation, and yet in GST there is no distinct beginning or first cause for phenomena (Montgomery & Fewer, 1988). Some systems are linear; in these linear systems theorists can impute the order of the causal chain (Ward, 1995). These linear systems are predictable (Ward, 1995). There are no unidirectional causations between system hierarchies (Cox & Paley, 1997); in other words, a suprasystem does not cause all the changes in a subsystem without being caused/changed itself. This is the idea of circular causality. Causes and effects go both ways between levels of systems.

From my review of systems theory, it appears that there are no explicit moral or value stances. There is no indication that systems therapists see systems as *good* or *preferable*, but merely that everything *is*, or can be viewed as, a system. There is no definition of morality or ethics inherent in GST, although some theorists may add talk of morality in their own formulations of the theory. There is also no indication that certain methods of scientific investigation are valued, but that the value of all methods of investigation used (e.g. quantitative and qualitative) is implicitly taken for granted. This means that there is no general rationale for using one method over another.

Systems theory seems to adopt a hermeneutic idea in that the meaning of “family” is found in the relationship of a group of individuals. This location of meaning is hermeneutic in



that it does not locate meaning solely in objects in the world nor in the subjective realm, but in the in-between-ness or relationship of interpreters to objects. Meaning is co-constituted in this subject/object relationship. There *is* controversy among the systems theorists as to whether a system is a set of interrelationships or a set of components (Whitchurch & Constantine, 1993); nevertheless, it seems that in systems theory, some of the meaning in the system changes according to the change in relationships. If, for example, a person is removed from a family, the nature of the family simultaneously changes. This is consistent with a hermeneutic understanding of reality in that meaning is not bound in bounded elements of the system, but is found in the interrelationships of the system.

At first glance, explanations in systems theory seem to allow for a genuine moral agency, but closer examination reveals that, for the most part, possibility is swallowed up in the mechanics of the “givenness” or the external reality of systems themselves. The clearest example of this may be found in the concepts of feedback and control. According to systems theory, families either stay stable (i.e. at homeostasis) or change rapidly, depending on whether a negative or positive feedback loop is in play. According to Whitchurch and Constantine (1993), control in the system is “a function of the arrangement of components into loops, not of the behavior of any individual component or group in itself” (p. 336). So, the arrangement of components, not the individuals or group, is responsible for the behavior in the system. This seems to make problematic the existence of genuine possibility for individuals to behave differently (in the face of the same systemic circumstances). Even Bertalanffy (1950), one of the founders of systems theory, suggested that science should widen to include systems theory because of the causal laws that could and should apply to systems. It seems Bertalanffy was suggesting a mechanistic view of systems, which negates genuine moral agency.

Systems theory does not explore the possible moral qualities in the family. Nor does systems theory defend the traditional conjugal family as preferable or important. Systems theory does not emphasize the study of static aspects of the family (its stability) but instead what happens when there is a change in the family.

### **Exchange Theory**

Exchange theory emerged from the ideas of social scientists that used exchange as a metaphor for all social action (Sabatelli & Shehan, 1993). According to exchange theory, exchanges between persons are governed by the presence of rewards and costs. The theory also includes units of activity and behaviorism's principles of contingency schedules and operant conditioning (Berger, Zelditch, & Anderson, 1966; Homans, 1961).

Homans and others used exchange theory to understand simple exchanges and interactions. By the late 1970s, this theory had become prominent in family research (Sabatelli & Shehan, 1993). It was Ivan Nye who took the theory one step further and applied it to more complex phenomena on many different levels of analysis (Sabatelli & Shehan, 1993). Nye is prominent among the theory's contemporary proponents (White & Klein, 2008). Exchange theory is applied not just to families, but to a wide range of phenomena—examples being friendships and more intimate relationships (Lloyd, Cate, & Henton, 1982).

According to exchange theory, rewards and costs determine social behavior or, in other words, “humans seek rewards and avoid punishments” (Sabatelli & Shehan, 1993, p. 396). To form friendships, a person must be able and willing to provide rewards to those he or she hopes to befriend (Thibaut & Kelley, 1959). The best social exchanges are built and maintained when there is mutual benefit, when the investment in the other results in profits for the investor (Homans, 1961). In other words, relationships do better when they are maximizing their rewards

and minimizing their costs (Thibaut & Kelley, 1959). A way this maximizing rewards and minimizing costs is reflected is in the idea of balance. In exchange theory, “exchange in social intercourse tends toward a balanced state” (Weinstein, DeV Vaughan, & Wiley, 1969, p. 1). As imbalance inevitably occurs in social exchange, expectations of reciprocity often make sure that balance is reestablished (Weinstein, et al., 1969). Exchange theorists argue that the more often a person is rewarded for doing something, the more often he or she will do that thing (Homans, 1961). However, certain rewards (such as affection or respect) are not used as bartering tools in an exchange—as they would lose their genuineness—though they are helpful in the exchange itself (Blau, 1964). Exchange theory has been used frequently in looking at dating and mate-selection (Blau, 1964; Edwards, 1969; Lloyd, et al., 1982; see Thibaut & Kelley, 1959).

In exchange theory, people exchange different resources, both tangible and intangible. Foa (1971) suggested that some of the resources exchanged are the following: love, services, goods, money, information, and status. The resources persons exchange are not always of the same type (Edwards, 1969); for instance, many people trade their labor (i.e. services) for money or for goods. These resources have different values depending on the situation; this is what Edwards called a “hierarchy of resources” (1969, p. 519). An example of this for the family would be that a father trades his time/labor for money, which he then will exchange for goods to support his family. Part of exchange theory researches what resources are exchanged and why.

One concept in the theory is that the attractiveness of positions in an organization depends on the rewards for each position (Yuchtman, 1972). The assumption is that with fewer rewards, a position would be less attractive to possible applicants. Also, a position is less attractive if the effort, time, and other resources put in to the position outweigh the rewards that come from the position (Yuchtman, 1972). Yuchtman (1972) claims that there are empirical and

theoretical grounds for the idea that rewards influence attitudes toward a particular role or position. So, for example, if a father does not feel rewarded at par to the work that he puts into his role, his attitude will be negative toward his role as father. The father in this example exhibits a subjective perception of his role and the exchanges that take place in that role. In exchange theory there is the actual objective exchange but also the subjective perception of the exchange by the persons in the exchange (Molm, Collett, & Schaefer, 2006). This subjective perception of exchanges is linked with the large body of research done on the fairness of exchange, using what are called “justice judgments” (Molm, et al., 2006). The father noted above may be receiving more or less than he subjectively perceives which may influence how fair he feels the exchange is.

A similar line of research to the above in exchange theory has to do with equity (Yuchtman, 1972). Equity arises because a person cannot simultaneously maximize his/her rewards with everyone else (Walster, Berscheid, & Walster, 1973). There are limited resources and so a “compromise” is used to spread the rewards around equally in any group (Walster, et al., 1973). In order to see that group members act equitably, groups must reward equitable behavior and punish inequitable behavior (Walster, et al., 1973). An equitable relationship is one where members of the relationship are all receiving equal relative outcomes (Walster, et al., 1973). In other words, what they put in is what they get out (Meeker, 1971). In this assessment, equity is somewhat subjective, since a member of the relationship or an outside party judges whether the relationship is “equitable” (Walster, et al., 1973). Additionally, people feel stress when they think they are in an inequitable relationship (Walster, et al., 1973).

In a sense, exchange theory rests on the assumption that humans are selfish (Walster, et al., 1973). This is the basis for the premise that humans will seek rewards and avoid costs

whenever possible, even at the expense of others. This premise is seldom is ever explicitly stated. Yet, exchange theory seems to illustrate value-neutrality. This is evident in the fact that hedonism (the concept that humans should maximize pleasure and minimize pain), though it lies at the heart of the theory, is not made explicit. This hedonism is evident in the concept that humans naturally maximize profits and eliminate losses in every interaction. To be explicit with its values, exchange theory would need to state that what is good (i.e. “the good life”) is the maximizing of pleasure and minimizing of pain, and that any other pattern of behavior is unnatural or abnormal. For example, Thibaut (1968) makes it clear that for a norm to be “adaptive” or “acceptable,” it must maximize positive outcomes for the parties involved in the norm. Adaptive or acceptable are terms that implicitly point to a moral stance, but do not do so explicitly. Another example is the underlying premise of exchange theory: that humans are selfish (Walster, et al., 1973). Exchange theorists assume this premise for their theoretical and empirical work, but they do not explicitly talk about the moral stance this premise entails. Instead of making its values explicit, exchange theory hides behind a theory of “the way things are.”

Exchange theory also draws on behaviorism (Sabatelli & Shehan, 1993), which emphasizes observed behaviors. For example, in family interaction, an exchange model would look at how each person behaves in the family. Then the theorists would infer the costs and benefits and calculations that are present. Another telling concept of exchange theory is the ontological separation of the objective and subjective. Exchange theorists talk about the objective nature of exchanges and also about the subjective perceptions of these exchanges. There is no discussion of meanings that lie between these objective and subjective realms. For example, the meaning of love in exchange theory is reduced to the nature and kind of exchanges

between two persons allegedly “in love.” The deepness of the meaning is lost in the reducing love to mere exchange. Exchange theorists are researching the positivist world of objective facts and the subjective world of meanings, options, and values. Given these conceptual starting points in exchange theory, I conclude that it is more tied to positivism than to hermeneutics.

The stance of exchange theory on determinism vs. moral agency is illuminated by the concept of altruism. According to exchange theory, authentic altruism cannot exist. This is because exchange theory assumes that people always act in their own self-interest (whether this self-interest is sophisticated or not). So “altruistic” behaviors are not a possibility, but of necessity must be motivated by some reward such as notoriety (or avoiding the pain of guilt). Thus, exchange theory does not allow for moral agency, but makes anticipated pay-offs for the cause of humans’ behaviors. An example of exchange theory’s focus on determinism is the assumption that people will not enjoy positions where their input (what they put in to the position) is more than their outcomes (Yuchtman, 1972). This seems to downplay the possibility of a person doing otherwise than calculating rewards/costs and only responding favorably to advantageous reward/cost ratios.

Exchange theorists often use formulas and equations to represent different social exchanges (Brandstätter, Gigerenzer, & Hertwig, 2006; Cook, 1977); these formulas and equations seem to be trying to use mathematics to prove the predictability of social exchanges. Many theorists even postulate models with possible causal arrows (Gatignon & Robertson, 1986; Hegtvedt, Thompson, & Cook, 1993; E. W. Hill, 1992) or use what they term “causal models” in order to look at social exchange (Molm, et al., 2006). Whether these models are valid or not is not necessarily the issue; the issue here is that exchange theory assumes determinism in all types of social exchange.

## **Family Development Theory**

Family development theory is a perspective that has much in common with other family studies theories (Rodgers & White, 1993). The theory seeks to explain change (i.e. development) in the family. Throughout the theory's history, scholars have wondered whether to call family development theory an actual theory or a perspective instead. Critics have argued that the family development approach cannot be called a theory because it does not have the explanatory power that is the hallmark of strong theories (Rodgers, 1964; Rodgers & White, 1993). Rodgers and White (1993) suggest that with a few changes, the family development approach could qualify as a real theory. One of the changes they suggest involves changing the old perspective—with its assumptions of teleology, determinism, levels of analysis, and logical criteria—into a theory that is nonteleological, stochastic, and dynamic. Regardless of the controversy surrounding the theory-status of family development, I will refer to it as family development theory.

Family development theory defines the family as “a social group regulated by the norms of the institution of marriage and the family” (Rodgers & White, 1993, p. 236). Each family experiences what the theory calls a family cycle; this cycle starts with the marriage of a couple and ends when they die (Glick, 1947). Also, family events cause changes or transitions (i.e. marriages, divorces, children moving out), which also affect some of the norms of the family institution. Although many elements of the family are affected by these transitions, the family's size is usually stable from the time of the birth of the last child and the time the first child marries and finds a new residence (Glick, 1947). According to the theory, there are only two types of change, systematic and random (Rodgers & White, 1993). These types of change lie

within the context of three different lenses through which to see time: chronological, social, and historical (White & Klein, 2008).

The family development approach looks at the family as a dynamic rather than a static entity (Aldous, 1990; Kaye, 1985). In this vein, family development theory focuses on the changes that occur in the family during different stages of its existence (White & Klein, 2008). There are two main definitions of development in the theory. The first is ontogenetic change, such as learning language or going through puberty. The other definition is more sociological and involves moving from one expected family event to another—such as getting married, having a first child, etc. (White & Klein, 2008).

Positions, norms, and roles are all part of the theory (Rodgers, 1964). A position is a location in a social group that is associated with certain roles and norms. A role is a part of a social position with sets of norms that are distinct from other sets. A norm is an expected behavior (Bates, 1956; Rodgers, 1962).

At the First National Conference on the Family in 1948, Reuben Hill, Evelyn Duvall, and other leading scholars in family studies presented research and theory on the family (see Aldous, 1990; Duvall, 1988). Some of the presentations revolved around the family life-cycle stages and contained the following considerations: developmental tasks of children and parents, crises and problems at the stage, and the implication for social services to help the family (Duvall, 1988). This conference and presentation came in answer to a family crisis following World War II and a growing need for families to be reestablished (Duvall, 1988). The publications of this conference formed the framework for many publications and work on family development (Duvall, 1988).



Between the '30s and the '60s, the family development approach had been mainly descriptive. In 1964, according to Rodgers, the approach just had to operationalize and test its propositions (Rodgers, 1964). According to Rodgers and White (1993), family development theory still has a ways to go before it has the explanatory power of a true theory.

One of the unique features of the family development approach is that the approach uses time in its analysis of the family (Rodgers, 1964). The approach specifically looks at “the dynamic changes in the nuclear family from its establishment at marriage to its dissolution in death, separation, or divorce” (Rodgers, 1964, p. 263). The inner dynamics of and patterns in the family change as members join and leave the family (Rodgers, 1964). These dynamics form the content for stages, although there have been problems with the somewhat arbitrary defining of stages (Rodgers, 1964).

In family development theory, the family is a semi-closed (i.e. between fully independent and fully dependent of other institutions) “system of interacting personalities which is composed of interrelated positions and roles defined by the society of which it is a part as unique to that system” (Rodgers, 1964, p. 264). Rodgers (1964) and others (see Burgess, 1926) first defined the family as a system or “unity of interacting personalities,” but Rodgers felt like there needed to be some element of the definition which differentiated the family from other groups in society. With Rodgers’s extended definition of the family, the hope is this institution is properly differentiated from other groups.

The family development approach has made significant contributions to theory on the family (Laszloffy, 2002). Some of these contributions are the focus the approach has put on family developmental tasks, family evolution through stages, family crises, and the possible need of families to get social services (Duvall, 1988; Laszloffy, 2002; Rodgers, 1964). Also,

contributions have been made to directing assistance to the family from non-family institutions. Proponents of the family development approach argue and suggest that educators and social institutions can best help the family in assisting in the developmental tasks that family members face in all the stages of the life cycle (Duvall, 1972).

For the category of value-neutrality vs. value-ladenness, family development theory appears to seeking value-neutrality. A list of explicit values are missing from articles and books that explain and describe the theory (see Rodgers & White, 1993). Their seeking to be value-free or value-neutral is evident in the talk on divorce. Rodgers and White do not explicitly condone or condemn divorce, but they do state that in society, divorce may not be preferable. In the same sentence they state that divorce *is* normative. In a sense, they are saying that they do not want to make a value judgment of the goodness or badness of divorce for the family (even though they most likely *have* an implicit value judgment for the behavior).

Family development theory follows the path of many social science theories in that it seeks to find observable data to back up its theories. The theorists and researchers are not seeking a hermeneutic meaning but the typical positivist objective truth of the world. This is evident in family development theorists' desire to make the perspective a true theory, complete with the predictive power of other social science theories (see Rodgers & White, 1993).

Historically, family development theory has been deterministic in that scholars believed if certain conditions were met, a family would of necessity develop a certain way (Rodgers & White, 1993). Two concepts from family development theory suggest that the theory is still deterministic. One of these concepts is that family events cause changes and transitions in the family. This concept is laced with an implicit efficient causation (i.e. past events or factors cause present change) that is a hallmark of much of current psychological theory (see Slife & Williams,

1995). The other concept of note is “development is a particular type of process that is dependent on both stage and the duration of time spent in a stage” (Rodgers & White, 1993, p. 242). This means that the duration across time of a condition is responsible for either a current transition or a continuation of a given stage. The theory suggests that this is a causal law, and not a possibility of one outcome among many.

### **Conclusion**

From this review, it seems that most of the theories fall on the value-free, positivistic, deterministic end of the theoretical scales being employed in this thesis. There is a sense that this characteristic is not always clear-cut, such as in the case of symbolic interactionism’s drawing upon some version of hermeneutics and moral agency. Some of the theories partake of the language of meanings and moral agency, but their implications and applications show that such language does not connect with the fundamental concepts of the theories. Many of the other theories that I have studied in preparation for this thesis, but which will not be analyzed carefully, have similar conceptual incoherence. It could be said of social science theories that they generally seek a research agenda that is value-free, positivistic, and deterministic. The purpose of the succeeding chapters of this thesis is to argue that new natural law provides a different framework for the study of the family, in terms of these analytical categories.

## Natural Law

### A Brief History of Natural Law

John Finnis (1980) has argued that a brief history of natural law is not necessary nor possible; he claims this is the case because the principles of natural law arose not out of any historical construction but have existed forever. An example of what Finnis means is found in the observation made by some concerning the Declaration of Independence and the fundamental tenets of natural law (Bix, 2004; Forte, 1998; George, 2000b): that God gave rights to humankind in the beginning and these human rights are not constructed nor granted by magistrates, nor by the State, nor by anyone. These human rights are eternal. Even though the principles of natural law may be eternal, for the purposes of this thesis I will attempt a brief history of the perspective.

Although some cite Plato and Socrates as the first proponents of natural law principles (see Tyrrell, 1693), most sources imply or state that Aristotle's work is the original source of the idea (see Crowe, 1977; Finnis, 1986; Kennedy, 1991; Westerman, 1997). These three Greek thinkers proposed certain "laws of nature" (Tyrrell, 1693); these proposed "laws of nature" did not formally create natural law theory, but laid the foundation for later thinkers to think in terms of natural law and related constructs.

According to Aristotle, there are two kinds of law, specific and common (Kennedy, 1991). Specific law is written and is made by humans themselves. An example of specific law would be a civil law created by a legislature. Common law, on the other hand, is "that which is based on nature" (Kennedy, 1991, p. 102). However, there seems to be conflict on whether Aristotle is truly the father of natural law. Many natural law proponents argue that he is, whereas some question this assertion (see Crowe, 1977). Crowe (1977) claims that Aristotle

made a strong case for reason and the "natural," but he didn't formally establish natural law as understood today. Also, Simon (1965) claimed that Aristotle was a foundation for natural law thinking but did not take natural law theorizing very far. This being said, Aristotle did make contributions to the movement. One of Aristotle's contributions is that he argued that reason is fundamental to the human constitution, or in his own words, "the life according to reason is best and pleasantest, since reason more than anything else *is* man" (Aristotle, 1954, p. 1178). Aristotle's statement here is similar to later arguments by natural law proponents that the human being is a rational animal. Aristotle linked living by reason as the natural and the "happiest" life (Crowe, 1977).

The Stoics contributed to thought on natural law with their argument that the highest good is conforming to nature and reason (Crowe, 1977). This conforming to reason was right in line with the stoic belief of political conforming through indifference and apathy (Crowe, 1977). The stoic version of natural law does not allow for freewill (Crowe, 1977); other formulations make free will critical to natural law (see George, 2000a; Grisez, et al., 1987). Perhaps the greatest and most important contribution of the Stoics is their championing of universalism (Simon, 1965). Universalism means that natural laws apply to all people in all cultures and places. Most of the natural law and natural rights theories have the element of universalism (such as "*all* men are created equal") and thus reflect the thinking of the Stoics. Although the concept of universalism did not begin with the Stoics, the Stoics contributed the idea of universalism to thought on natural law—which other natural law thinkers used in their work.

The best-known *early* formulation of classical natural law comes from Cicero, a Roman orator who came after Plato and Aristotle (Bix, 2004, p. 8). Cicero was influenced by the Stoics (Bix, 2004, p. 8) and mainly popularized and preached the stoic contributions to natural law

thinking (Crowe, 1977). According to Cicero, natural law does not change from society to society nor across time (Bix, 2004, p. 9). Cicero's concept of non-change from society to society is another argument for stoic universalism.

Adair-Totef (2005) suggests that natural law's "greatest formulation is found in Aquinas's *Summa Theologicae*" (p. 734). Other sources, especially new natural law sources, take their point of theorizing and departure from the *Summa Theologicae* (see Grisez, et al., 1987). Aquinas is pointed to as a critical figure in the history of natural law and is sometimes seen to be the most influential figure (see Bix, 2004; Crowe, 1977; Westerman, 1997). Aquinas was able to harmonize the doctrines of Christianity with the ideas of the "heathen" Aristotle (Barceló, 2010, p. 266). According to Stumpf (1989), "Aquinas built upon Aristotle's theory of ethics" in that both Aristotle and Aquinas saw ethics as the quest for happiness (p. 189). Aquinas himself considered that "all acts of virtue" were considered to be under the province of natural law (George, 2000a, p. 1626), whereas Aristotle did not combine ethics and natural law but may instead have applied his philosophy of virtue ethics to considerations of virtue. Aquinas brought the Christian God into Aristotle's naturalistic philosophy in that Aquinas believed that man had an *end* in God (Stumpf, 1989, p. 189). Aristotle had talked about God as a Prime Mover (Stumpf, 1989), but had not made the connection between God and natural law that Aquinas later made (Simon, 1965).

Aquinas postulated a separation of law into different categories: the most important to natural law theory are natural law and positive law (Bix, 2004, p. 9). Natural law is what is found in nature and human nature; positive laws are created by legislators. This distinction between different categories of law is similar to Aristotle's distinction between specific and common law. According to Aquinas, all *just* positive laws come from natural law. Just laws

characteristically are made for the common good (Bix, 2004, p. 10). These positive laws are either derived directly from the natural law or are fashioned and adapted to local custom and convention (Bix, 2004, p. 9). In other words, all *just* law (civil and otherwise) comes from the law found in nature (Westberg, 1994, p. 3). Aquinas's argument is that positive law (i.e. law created by legislating bodies) gains its validity as law or its lawfulness from being in line with natural law (Westberg, 1994, p. 2). An unjust law does not carry the same moral force as a just law (Bix, 2004, p. 10). This idea, in a way, explains a quote attributed to Aquinas of "an unjust law is not law" (Bix, 2004, p. 10).

Around the time of the Renaissance and the years following, talk of natural law was often linked to securing human rights and limiting the power of government (Bix, 2004, p. 11). Some of the most important thinkers that developed the discussion on individual rights were Suarez, Grotius, Pufendorf, Hobbes, and Locke. Francisco Suarez, a Spanish Jesuit, wrote a treatise on natural law in 1610 (Finnis, 1980). Suarez diverged from Aquinas's meaning of the Roman term *jus*, which was discussed in earlier works on natural law, and substituted his own. Whereas Aquinas talked defined *jus* as "the just thing itself", Suarez saw *jus* as a moral power that all of us have over our property (Finnis, 1980, p. 206). Seventeenth-Century philosopher Hugo Grotius, one of the main natural law thinkers after Suarez, took Suarez's project farther (Westerman, 1997). It was Grotius that made the shift from natural law to natural rights (Westerman, 1997). Earlier thinkers such as Aquinas and Suarez looked at how congruent positive law was with natural law. Grotius shifts this consideration from positive law to society itself; in other words, Grotius looked at whether society was in congruence with natural law (Westerman, 1997). Part of this congruence comes from looking at whether society and its

attendant governments protect and promote the natural rights of humans or whether society and governments deny natural rights.

Grotius made the assertion that natural law and God could be separate—that God was not necessary for the understanding or functioning of natural law (Bix, 2004; Crowe, 1977). He once stated that, “even if, contrary to all my belief, there were no God, there would still be natural laws of the right and the wrong” (Simon, 1965, p. 35). Many theorists following Grotius also made this claim about natural law (Bix, 2004, p. 11). It is suggested that Grotius’s divorcing of God from natural law was because of what he saw as theological controversies that he thought his theory should avoid (Crowe, 1977). Whether this was Grotius’s reason for leaving God out of the theory or not, his arguments for a Godless natural law affected thinkers who followed him.

Locke added to natural law the idea that the immutable principles of human nature can be found in humans themselves (Westerman, 1997). Although Locke was not an atheist, this “humanizing” of natural law (Westerman, 1997) further removed God from the picture. No longer was God considered necessary for the functioning of the natural law system.

Through Locke came an important distinction between privileges and rights (Westerman, 1997). A privilege is granted by a legislator, monarch, or other powerful entity. A right, on the other hand, is not granted but inherently enjoyed and derived from nature. In Locke’s writings on natural law, he establishes that there are certain natural rights that belong to all humankind. Later thinkers, including the US Founding Fathers (George, 2000b) used this concept of natural rights in their writings. Again, the stoic concept of universalism is clear in natural law as natural rights were considered as belonging to *all* humans.



Richard Cumberland, a British philosopher who wrote in the late 1600s, pushed back against some of Locke's arguments. Cumberland wrote his treatise on natural law in Latin. One of his followers James Tyrrell (1693) wrote a small disquisition in English based on Cumberland's work. One of the main arguments that Cumberland and Tyrrell disagreed with is the idea that natural law can be separated from God—that God does not need to be invoked in the argument. Cumberland and Tyrrell both argued that God is necessary for any sense of true “laws of nature” (Tyrrell, 1693). This debate concerning the necessity of God for an understanding of or the functioning of natural law has continued until the present day. For example, new natural law theorists still argue about whether God is involved or not (Finnis, 1980; George, 2001).

Debate and dialogue on natural law theory (including ethics and morality) declined as the positivist scientific revolution began its ascent to the forefront of Western thought. Specifically, natural law theorizing died out at the beginning of the 20<sup>th</sup> century but began again in the 1980s (Forte, 1998, p. 5). Some of the theorists in the revival have tried to start talking about ethics (Hittinger, 1989). Others have sought to bring back a “premodern” way of thinking (Hittinger, 1989, p. 1). Grisez, Finnis, Boyle, and George are four of the revivalists that created, organized, and honed new natural law theory, which theory I will cover in detail below.

In summary, the concept of natural law and its tie to rationality started with Aristotle and the Greeks (Forte, 1998, p. 3). Following the Greeks, although some made contributions along the way, the theory found its greatest champion in St. Thomas Aquinas. Grotius and those following him argued for natural rights as well as natural law. From my review of natural law thinkers and their works, I have come to agree with Bix's (2004) evaluation of the natural law movement. He claims natural law theory reflects the thinking of a group of thinkers who have very few ties that bind them together in support of a unified and comprehensive theory (Bix,

2004, p. 8). It seems instead that each of the thinkers has contributed his/her answer to the some philosophical questions, examples of which may be, “How do we know what is right and wrong? What is the basis of morality? What is the basis of law and law-making?” From all the thinkers and writers on natural law, it can be said that there are three formulations of what makes natural law natural: natural law is natural because of its basis in *human nature*; natural law is natural because it is available to our *natural faculty* of reason; and natural law is natural because it is found in the *natural world* around us (Bix, 2004, p. 9). David F. Forte summarizes well the progress of natural law thinking through the ages:

“As a philosophical discipline, natural law has been with us since the times of the Greeks, Aristotle in particular. Natural law was made universal by the Stoics, incorporated into the law by the Romans, allied with Christianity, and finally raised to its highest exposition by Aquinas in his scholastic philosophy” (Forte, 1998, p. 3).

### **New Natural Law**

For my review and analysis of new natural law (NNL), I will use chiefly the work of Germain Grisez, John Finnis, and Robert George because they are acknowledged as being prominent among those who have formulated the principles of new natural law.

It is important to state at the outset that NNL begins with a certain interpretation of the work of Aquinas and then forms its own theory from that point forward (Grisez, 1965; Hittinger, 1989). Grisez (1965) claims that natural law proponents that look to Aquinas for their roots apply a “mistaken interpretation” (p. 168) to the principle of practical reason found in the phrase “Good is to be done and pursued, and evil is to be avoided.” The traditional reading of Aquinas on this point has been, “do good and avoid evil” (Grisez, 1965, p. 168). And classical natural law theorists have assumed that a person just looks to him/herself for what comes naturally; what

comes naturally (i.e. what is human nature) is imputed to be “good” (Grisez, 1965). In new natural law, morality is not based in “what comes naturally” to a person, but in the basic human goods and intelligibility of reasons. This distinction will be treated below.

In order to best understand the elements of new natural law, it is important to understand some foundational assumptions NNL theorists hold about human nature. This is the case because NNL is a moral enterprise and as George (2000a) put it, “morality and its content depend on (human) nature” (p. 1628). These assumptions about human nature bear directly on the decision-making process and the valuing of what are taken to be basic human goods.

**Human nature.** One of the most important qualities of human nature is its rationality. Philosophers have taken different positions on the nature and extent of human rationality. Whereas animals act in the world according to instinct, humans act according to their God-given rationality (George, 2000a, p. 1630). This rationality is the basis for the first principle of practical reason, the basic human goods, and for many other NNL arguments (see Hittinger, 1989). If humans were not rational, then morality based in basic human goods would not be coherent or defensible. On a basic level, human nature, through rationality, can provide a criterion for determining what is suitable, right, best (George, 2003). This idea will be explained and clarified below.

According to George, “each human being...possesses a profound, inherent, and equal dignity simply by virtue of his nature as a rational creature” (George, 2008). Also, all humans have rationality, even if in a “rudimentary” form (George, 2008). Because all humans have rationality then all humans can and do possess other qualities and participate in other activities related to important principles articulated and taken to be important in NNL. All of these principles require and reveal rationality.

The second argument about human nature concerns values. George has argued that humans are “idealizing animal[s]” and participate in valuing and having values (George, 2003, p. 33). This is important because humans are expected in NNL to understand the value of certain reasons for action. This is also important in light of the categories of analysis introduced in the first chapter of this thesis. The critical point of this valuing is not that humans *subjectively choose* what to value—in other words, human nature is not based in desires (George, 1998)—but that they *can understand* truly valuable reasons for actions. This bears on the notion of basic human goods articulated below.

A third element of human nature is moral agency. NNL theorists believe that humans are moral agents. This agency is critical to new natural law theory (Finnis, 1980; Grisez, et al., 1987). Also, Grisez (1987) claims that moral agency, which he calls free choice, is one of the elements that distinguishes NNL from classical forms of natural law theory. NNL theorists state that “in all rationally motivated actions there is a guiding judgment and a choice” (Grisez, et al., 1987, p. 105). The theorists argue that the choice, or volition towards a reason for action, is at the heart of NNL accounts of human nature and human action.

**Foundations of new natural law.** Having established the necessary understandings of human nature, I now will turn to the foundations of NNL. The first of these foundations is the basic definition of NNL. Finnis (1986) defines natural law as the “set of true propositions identifying basic human goods, general requirements of right choosing, and the specific moral norms deducible from those requirements as they bear on particular basic goods” (Finnis, 1986). Finnis starts his definition with the “set of true propositions.” The first of these propositions is what is called the first principle of practical reason.

**The first principle of practical reason.** “The first principle of practical reason...is the first precept of natural law” (Grisez, 1965, p. 168). This first principle of practical reason is expressed in Aquinas’s writings in the statement “Good is to be done and evil is to be avoided” (see Grisez, 1965; Hittinger, 1989). This statement in NNL is not meant to be making a moral judgment (i.e. is not saying one should be good), but is establishing definitions of good and evil. Good is something that should be done and evil is something to be avoided. So, if something is judged to be morally good, then NNL would suggest (according to the first principle of practical reason) that, by definition, it should be done. This first principle of practical reason is the source of action (Grisez, 1965, p. 168). In NNL theory, all human action operates according to the first principle of practical reason (Hittinger, 1989, p. 36). This means that all human action is done in light of the human goods (i.e. reasons for action) and either furthers or hinders their actualization. According to Grisez, no human action can violate the first principle of practical reason (Hittinger, 1989, p. 36). Some critics may say that instinctual or reflexive actions are probably not made according to the first principle of practical reason; NNL theorists would counter that not only is the NNL project focusing on *rational* decision making, but that the rational is what makes us human and distinguishes us from animals (Grisez, et al., 1987). In other words, all human action is rational and is taken in regards to, or in light of, basic human goods. The first principle of practical reason is “pre-moral” in that it is foundational to a person’s choosing moral or immoral acts (Hittinger, 1989). The first principle of practical reason is not a moral norm but establishes the foundation for basic human goods (which are defined below) and moral norms.

**The first principle of morality.** The first principle of morality (a principle that proceeds from the first principle of practical reason) is that choices *should* be in line with “integral human fulfillment” (Hittinger, 1989, p. 50). This human fulfillment is a common element of NNL. It is

found in the works of the main NNL theorists (see Finnis, 1993; George, 1998; Grisez, et al., 1987). For NNL, human fulfillment is “an ideal of [the basic human goods’] collateral realization” (Hittinger, 1989, p. 51); in other words, when the basic human goods are extant, so is human fulfillment. This idea does not mean that human fulfillment is the end goal of all human endeavor, since Grisez does not invoke tenets of utilitarianism, nor does he suggest that the basic human goods are subordinate to this ideal (Hittinger, 1989, p. 51). This idea merely means that the realization of the basic human goods *equals* human fulfillment. Another way to think of human fulfillment is that it is what makes us “fully human.” In summary, the first principle of morality (i.e. the answer to the question of what is moral/immoral) is that a person’s choices should be in line with human fulfillment or the basic human goods. Humans should seek after and act in accordance with the basic human goods. And the realization of basic human goods is the source of real human fulfillment.

**Goods, instrumental goods, and basic human goods.** At this point, it is important to define these *goods* in NNL theorizing, which have already been mentioned. A good is something which is understood as “intelligibly worthwhile” (Hittinger, 1989, p. 35). Another definition of a good is a “reason for action” (George, 1999). In NNL, reasons for action must be intelligible to be considered reasons. However, intelligibility does not mean that the reason is morally right (George, 1999). Another definition of intelligibility is rationality or reasonability.

There are two different types of goods to be considered here. It may be that NNL theorists may believe there are other goods than these two, but they are not developed within NNL. The two types of goods are instrumental and basic (i.e. basic human). Instrumental goods are reasons for action that are means to other ends. Basic human goods are reasons for action which are “ends-in-themselves” (George, 1999, p. 231); these are “things one values for their

own sake” (Bix, 2004, p. 12). These basic human goods are “intrinsic aspects of human well-being and fulfillment” (George, 1998, p. 35). These basic human goods are self-evident, meaning that they are not derived from any other goods. For example the basic human good of the value of human life is not derived from any other good or end; it is an end in itself. George (1999) explains that this self-evidence applies to the first principle of practical reason, the basic human goods, and the first principle of morality, but not to moral norms. One must argue one’s way to moral norms instead of taking them as foundational and self-evident (George, 1999, p. 44). Moral norms will be briefly dealt with below.

Examples of basic human goods and instrumental goods are helpful in distinguishing between the two. An example of a basic human good is knowledge: it is sought as an end-in-itself and not always (or even mostly) as a means to a better job, more popularity, or as a pastime. On the other hand, an example of an instrumental good is money. Money is used instrumentally to buy things or to provide future financial security, but is not an end in itself (George, 1999, p. 47). According to NNL theorists, acquiring an instrumental good as an end-in-itself is irrational, and thus breaks the first principle of practical reason. The basis of NNL is to understand and prescribe rational moral decision-making as opposed to irrational whimsical action. Another example of a basic human good is marriage/family. This good definitely has benefits coming therefrom but can be reasonably sought for its own sake. Medicine on the other hand is an instrumental good, a good that is a means to the end of health (George, 1999).

Instrumental goods are important, but the basic human goods are what are critical to NNL and to human life as distinctly and importantly human. If there were any hierarchy between goods, it would be that basic human goods have ascendancy over instrumental goods (Hittinger, 1989, p. 24). This being said, there is no hierarchy *among* the basic human goods.

The humans goods “would be different if human nature were different” (George, 2000a, p. 1628). In other words, because of our very nature, these basic human goods fulfill and perfect us, and thus, these goods would be different if other things fulfilled and perfected us, i.e., if our nature were different (George, 2000a, p. 1628). This point is important because it negates a sense that basic human goods are universal context-less truths that are absolute irrespective of human nature. NNL’s basic human goods are not like Newtonian laws of physics, but are bound to the nature of humans and bound to reasonableness and rationality.

The basis for the basic human goods is reasonableness and rationality and not emotion nor instinct. It is true that the basic human goods involve a valuing process (which many people may associate with some emotional connection), but the goods of which the NNL theorists speak are reasons for acting in a certain way which cannot be reduced to the *emotions* surrounding the valuing process (George, 2003, p. 35). Likewise, NNL theorists argue that practical reasons, not just emotions or desires, have the ability to motivate people, as opposed to drive them in some mindless way (George, 2000a, p. 1633).

Basic human goods can exist even if no one believes in them (George, 2003, p. 35). Also, the fact that the basic goods may not always be understood or used, does not negate the existence of these reasons for action (George, 2003, p. 35). Just because human goods are reasons for action, does not mean that people will always choose these goods; often people choose against these goods and thus do what is bad, evil, or immoral (George, 2000a, p. 1635). In this way, morality is importantly connected to the basic human goods. For example, an *ought* of NNL is that one should never do anything to impede or destroy a basic human good (Bix, 2004, p. 12). Proper moral action is to see that the basic human goods are achieved, realized, and promoted in society (Grisez, et al., 1987).



**Moral Norms.** The connection between basic human goods and moral norms is an important part of NNL (Hittinger, 1989, p. 13). Natural law states that God put the law in nature and that nature is the origin of moral norms; NNL, on the other hand, makes the basic human goods (grounded in the first principle of practical reason) the origin of those norms (George, 1999). Basic human goods, in turn, are specific to and grounded in human nature.

In NNL, a moral norm does not identify what is to be done, but only “guides and structures human choice” (George, 1999, p. 39). Moral norms are needed to determine why certain choices are good and why others are not good (Hittinger, 1989, p. 49).

**Reason and reasonableness.** The critical element behind the principles of natural law (practical and moral) is rationality or, in other words, reasonableness (George, 2000a, pp. 1628-1629). The basic human goods are understood or “grasped” rationally and not emotionally (Grisez, 1965, p. 170). George (2003) suggests a worldview in which there are “objective truths about what it is ultimately reasonable to want and to consider worthy of acting to realize, attain, preserve, promote, and participate in” (p. 32). Also, new natural law can presumptively act as a “normative science...the use of intellectual faculties to ascertain objective truths about what one ought to want, what is worth wanting and what isn’t” (George, 2003, p. 32). Again, to clarify, these truths are *objective* in nature in the same sense that there are *objective* facts or truths about human nature. If humans were different, the objective truths about what is reasonable would be different. It would no longer be reasonable to make pairs of shoes if humans were no longer bipedal. By this analysis, the good and the moral are objective, true, and knowable because human beings have an objective nature. The objectivity as well as the content of moral truth rests on the objective reality of the kind of beings we are and the things of which we are capable.

**Summary.** The most important elements of NNL that apply to my analysis of the family include the basic human goods, the rational and non-emotional reasons for action, and the principle of morality (i.e. that basic human goods should be sought and realized in society). These elements apply directly both to the value of the traditional conjugal family as well as to a defense of the family.

### **Categories of Analysis**

The three categories of analysis introduced above are value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency. Value-neutrality vs. value-ladenness deals with the issue of the implicitness or explicitness of one's values. A value-neutral approach would stress being objective and unbiased whereas a value-laden approach would argue that values and biases are inescapable and should be disclosed for informed consent toward a theory or treatment. The positivism vs. hermeneutics category has to do with how people conceptualize the world and know what is real. With positivism, all verifiable and knowable truth is in the empirical objective world; researchers are to *observe* that objective world to discover truth. Hermeneutics involves a world of meaning created by the relationship between objects in the world and interpreters. If either the object or the interpreter change, then the meaning simultaneously also changes. Finally, the category of determinism vs. free will involves the responsibility of action. With determinism, other external/internal non-human factors are responsible for human actions and humans by necessity, and given certain antecedents, must act a certain way. Moral agency, on the other hand, allows that a person has the genuine possibility of acting differently, even in the face of the same circumstances.

In terms of value-neutrality vs. value-ladenness, new natural law generally takes a value-laden approach. NNL theorists work on understanding and uncovering the reasons for human

action. They postulate that humans act according to certain rational reasons and that these reasons are valued by the agents themselves. NNL proponents theorize about the foundations of human thought and action. After all of their theorizing, NNL theorists make explicit their arguments about the basis of rational thought, moral judgments, and moral norms. New natural law is a moral enterprise—one clearly focused on morality (Hittinger, 1989). Because of this, natural law does not ignore morality nor values. There is a way in which NNL manifests a type of value-neutrality. This is in the sense of the “objective truths” that were mentioned in the last section. NNL theorists treat these objective truths in a way similar to the way logical positivism treats objective truths, in a distanced factual way. This is a way that NNL theorists are not totally value-laden in their approach.

Also, NNL theorists make explicit statements about moral truths and the rightness or wrongness of certain actions and ways of life. They make clear that they value rationalism and reasonableness, the basic human goods, morality, and meaning. The theorists make clear why something may be unacceptable or acceptable. According to Bix (2004), positivists try to theorize in a “morally neutral way” whereas natural law theorists make moral evaluation part of their theories (p. 13). Also, where positivists by nature cannot and do not make explicit statements of what *ought* to be done, NNL theorists include the moral and ethical with the ontological. This moral evaluation—which is *not* morally neutral—is in line with the value-laden approach.

In NNL theory, what is good is to seek and promote the basic human goods. What is bad is to obstruct or stop the realization of these goods. In this context, the family is taken to be a basic human good and is to be protected in society. For this reason, NNL theory also makes clear what comprises a family and what does not (the proper constitution of the family will be

treated in the next chapter). The theory does not just make arguments and expect their being accepted merely by authority or by dogma. Instead, new natural law theorists use sophisticated and intellectual dialogue with critics to argue why new natural law's assertions are true. The theory's arguments and assertions are laid out clearly and explicitly, and thus the theory falls in the value-ladenness category. Finnis explicitly makes this point when he argues that NNL theory is open about its values, suppositions, and assumptions whereas other theories do not openly discuss their values and assumptions but "covertly" do their values work (Finnis, 1986, p. 494).

At first blush, it appears that NNL differs from most other theories applied to the family when it comes to the categories of positivism and hermeneutics. New natural law seeks to explicate the meanings of the world, including the moral meaning of the family (see George, 2008; George & Elstain, 2006), and not merely to report objective data. For example, new natural law could use empirical findings to back up the assertion that the intact traditional conjugal family is the best venue in which to raise children. Instead, new natural law theorists say that the traditional conjugal family should be upheld because it is a human good. These assertions about the traditional conjugal family will be treated in the next chapter.

Also, a hermeneutic aspect of NNL is the fact that basic human goods are grounded in the context of human being. If the constitution of human beings were different, the basic human goods would also be different. Thus, the meaning of moral or good (which is found in the realizing/achieving of basic human goods) is created by the relationship between the constitution of human beings and the reasonableness of a reason for action. Another aspect of NNL that seems to be hermeneutic in nature is NNL theorists' discussion of moral norms. Moral norms are not hard/fast rules of what must be done in every situation; instead, moral norms are guides for behavior given the different instrumental and basic human goods in play in any given

situation. Thus, NNL theorists do not prescribe every proper human action, but point to opportunities and possibility of correct human activity based on basic human goods. So NNL theory is not thoroughly hermeneutic, but it does have some hermeneutic aspects, which help to engender, clarify, and preserve meaning. This meaning is especially made possible by NNL's view of moral agency.

It seems that NNL theory not only includes much writing about free will and intentional beings, but also provides for a genuine moral agency. By this I mean that some theorists talk about free will but their conception of free will means indeterminism or arbitrariness instead of the possibility to do otherwise (the human agent being the determiner of action). Natural law theorists, on the other hand, argue that human beings are beings full of possibilities (George, 1999; Grisez, et al., 1987). Natural law theorists also argue that humans are rational, intentional, and have the ability to make choices (George, 1999; Grisez, et al., 1987). These theorists' conception of the moral agency places the responsibility on the human agent; they argue that the human agent could have chosen and acted otherwise, even if the circumstances were the same. Even though the basic human goods exist and may be understood, a person may not choose to seek any of the basic human goods. A viable moral agency is an integral part of new natural law theory.

Moral agency is clear in NNL theory in that it is a critical part of how basic human goods are realized—persons choose basic human goods and morality is situated in relation to the basic human goods. Also, Grisez characterizes basic human goods as *possibilities* and potentialities (Hittinger, 1989). The theory definitely allows that a person has the ability and possibility to choose against the basic human goods—this “choosing against” is what they call evil or immorality.

In summary, NNL is different both from classical versions of and thought on natural law. NNL is also different in its approach to the family in that NNL is value-laden, learning toward hermeneutics, and allowing for moral agency. NNL's defense of the traditional conjugal family follows in the next chapter.

### **New Natural Law and the Family**

George (2006) claims that the reason why marriage and family are faltering in society is because of a failure of practical understanding (i.e. reason)—a failure to understand and appreciate the reasons and goods associated with family and marriage, and, above all, that marriage and family are basic human goods or goods in their own right. Practical understanding as George explains it is just another way of talking about the principles of new natural law. The problem is currently that people do not understand marriage as an intelligible reason for action nor do they understand the intelligible reasons for getting married (George, 2006). If society understood the goods of family and marriage and the basic human good marriage is inherently, it is argued, marriage and family would not be as challenged as they currently are. In chapter 2 of this thesis, I explained the approach NNL theory takes toward the family. In this chapter, I turn to the defense NNL makes for the traditional conjugal family. This defense is mainly rational and is based on the principles of natural law.

#### **New Natural Law's Defense of Marriage and Family**

To review, NNL theory begins with the first principle of practical reason (Grisez, 1965). This first principle is stated succinctly by Aquinas in the phrase, “good is to be done and pursued, and evil is to be avoided” (Grisez, 1965, p. p. 168). This principle is considered “pre-moral” and is, thus, the basis for morality (Hittinger, 1989). Following the first principle of practical reason is the first principle of morality. The first principle of morality defines what is good and evil. Good is to act in accordance with human fulfillment. Evil is to act against human fulfillment. This human fulfillment is realized or achieved in the basic human goods or in other words, the basic human goods are aspects of “human fulfillment;” these basic human goods are ends-in-themselves and not instrumental means to any other end.

This background comes to the fore when applied to marriage and the family. To begin, Finnis and George state that marriage is a basic human good (George, 1998, p. 36). This means that marriage is an intelligible and reasonable reason for human action and is an end in itself (although other benefits come from marriage). Because marriage is a basic human good, it should be protected and promoted in society (Grisez, et al., 1987).

New natural law theorists do not justify and defend the family by pointing to the empirical benefits of the family on spouses and children as other groups have done (see *Marriage and the public good: Ten principles*, 2006), but by arguing that marriage and children are intrinsic, not instrumental, human goods (George & Elshtain, 2006). By arguing that marriage and children are intrinsic goods and that seeking these goods is a moral act, NNL theorists highlight the moral worth of the family. An implication of marriage and children as intrinsic goods is that it matters what happens to the family. Protecting and supporting the family becomes a moral imperative to all people who seek to do what is morally correct. Marriage and family are treated as intelligible reasons for action, or as goods. Although NNL theorists do not justify nor defend the family by pointing to empirical findings or benefits coming from the family, this fact does not negate the fact that certain benefits do come from the institution and that empirical data does support the traditional conjugal family. Some of this empirical information and benefits will be covered below.

### **Not Just *Any* Relationship**

George (2008) defines marriage as between a man and a woman. He claims that no other formulation (e.g. homosexual) achieves the basic human good that heterosexual conjugal marriage does. Marriage must be conjugal and heterosexual because organic (bodily) unity is



part of the good of marriage (see George, 2006). In order to make this point clear, I will state NNL theorists' views on human nature.

Concerning human nature, NNL theorists argue that a human person is a unified body, mind, and spirit (George, 2008). NNL theorists claim that true marital unity involves the uniting of two persons—their bodies, hopes, dreams, lives, etc (George, 2008). Only a male and a female can organically unite in the reproductive-type act in marriage (George, 2006, 2008). This line of argument defines marriage as between one man and one woman.

Bodily union is the foundation of marriage and marital union (George, 2008). The reproductive-type acts of marriage (e.g. bodily union in sexual intercourse) are a good of marriage that represent marital unity and cannot be achieved by homosexual relationships. With these arguments, George is saying that sexual intercourse is not just for bearing children, although children are a blessing of marriage. Intercourse is a good in itself; it is a symbol of marital unity and makes the couple “one flesh” (George, 2006, 2008).

In other words, the heterosexual couple does not have to be fertile to achieve the basic human good of marriage. To illustrate this point, and to make the further point that traditional marriage is a basic human good and not a mere instrumental good, I turn to a set of arguments between natural law theorists and same-sex marriage advocates. This set of arguments started with John Finnis's article about the rightness or wrongness of homosexual acts, in which he states that “marriage, with its double blessing—procreation and friendship—is a real common good” (Finnis & Nussbaum, 1995, p. 44). Finnis here states the constitutive purposes of marriage, procreation being one of them. Some same-sex marriage advocates have taken Finnis's argument to mean that marriage is an instrumental good leading to children, children

being the end good (George & Elshtain, 2006). In other words, these same-sex advocates think that NNL sees marriage as a means to the end of having children.

George (2006) explains the discussion surrounding the idea of marriage as a means to procreating. Same-sex marriage advocates have argued that if conjugal heterosexual sexuality is a good because it is the means of having children, then what makes it good for infertile or elderly couples to engage in sexual relations? Infertile and elderly cannot conceive children and yet they still engage in sexual relations. If a couple knows that they cannot have children, what is their reason for engaging in sex? Homosexual couples argue that they are in the same situation as infertile and elderly couples in that they cannot naturally have children. So then what is wrong about homosexual couples having sex or even adopting children (George & Elshtain, 2006)? George departs from Finnis on this issue and articulates a different view of sexuality that deals with these arguments. George (2006) suggests that conjugal heterosexual sexuality is not a good because of the children that come from it, but the reproductive-type act of intercourse is a basic human good in its own right; this reproductive-type act symbolizes creation and also makes the heterosexual couple “one flesh” (George & Elshtain, 2006). So, whether or not a couple actually can have children, the reproductive-type act of intercourse is a basic human good. The basic human good of this relationship is not merely love or children, but the act and couple themselves as a reproductive unit (fertile or infertile).

To review, intercourse (i.e. bodily union) is a good in itself and even if the married couple cannot have children, the bodily union of intercourse is a good constitutive of marriage that makes the two persons “one flesh” (George, 2008). This marital unity is an intrinsic (non-instrumental) good and provides a reason for couples to engage in sexual acts with each other

(George, 2006). And children are ends in themselves and not just products of sexual acts (George, 2006).

Although NNL theorists claim that traditional conjugal marriage is a basic human good, they generally do not provide reasons for why this is so. Some reasons, taken from the concepts of new natural law, may clarify why heterosexual marriage is a human good of this sort. As mentioned above, the basic human goods are based in or reflect the way humans are constituted. The human goods are truths about humans that are rationally defensible. Some of these truths that back up the claim of heterosexual marriage as a basic human good are sexual (organic) complementarities, fecundity, and the inherent kinship altruism (to use Aristotle's term) found in the conjugal family. Other formulations of a family do not reflect the same truths of human constitution as the traditional conjugal family. This is the kind of reasoning NNL theorists would use to back up their claim of marriage as a basic human good.

Because heterosexual marriage is a basic human good, marriage is a "foundational issue" (George, 2008) meaning that so much depends on the institution. Once it has been established as a basic human good—one to be pursued in its own right, NNL theorists can turn attention to the analytical task of establishing the benefits of marriage—not because these benefits constitute the ends for which marriage is the means, but because they constitute a set of rational, moral reasons for pursuing marriage as a good, and for acting in favor of traditional marriage. One of the indispensable benefits of marriage for any free nation is that it is a vehicle to create upright citizens (George, 2008). The state depends on upright citizens to obey the rule of law (George, 2008). There are not enough police officers to keep law and order in a society without honest citizens. Conjugal families have performed this function in society and constitute the best means for producing honest citizens. This line of analysis is one that has the capacity to generate

questions for social science research. Can it be established by empirical means that traditional marriages—and families—have advantages in producing children capable of respect for law, honest citizenship, and moral action? New natural law theory does not see the results of such research as establishing the validity of the argument in favor of traditional marriage and family (because these are intrinsic, basic human goods, in spite of what might be observed). By the same token, failure to find empirical results consistent with the proposal that traditional marriages produce better moral citizens does not negate marriage and family as basic human goods. Thus the value and validity of NNL itself is not subject to the vicissitudes of empirical findings, although such empirical findings might serve useful pragmatic purposes, and may illuminate practical goods and provide motivation for moral courses of action

In conclusion, new natural law theory defends and justifies traditional conjugal marriage and the traditional family with the argument that these institutions are basic human goods. Reasonable people can (and should) see the value of promoting and protecting marriage and the family. Also, marriage is not just any consensual relationship, but is between a man and a woman wedded legally. No other formulation achieves the consummate bodily union that is part of conjugal marriage. Homosexual formulations *cannot* naturally conceive children in this consummating act of unity, and thus cannot establish this good-in-itself. Children conceived by other means do not participate in this unity either biologically or historically. The ideal for family is for children to be reared within the context of this unity in families established by couples capable of realizing and expressing it in their marriage.

### **Possible Research Questions**

There are different types of family research and a variety of research questions pertaining to the family that are suggested by a new natural law perspective. This research may include

implications of new natural law for the family, qualitative research reflecting the meanings people find in the basic human goods of conjugal marriage and family, research on the moral aspects of family life and interactions, and research on the rational decision-making regarding the family and the basic human goods related to it. It must be kept in mind that, from a new natural law perspective, marriage and family are basic human goods in themselves. That they are is established by practical reason and rationality. Neither the basic goods themselves, nor the propositions related to establishing them as such require empirical verification. In fact, empirical verification on any theory related to the fact that marriage and family are goods is, irrelevant to the status of NNL theory or the goods themselves. Rather, empirical research can provide demonstrations of phenomena consistent with the proposition that marriage and family are basic goods, and they can provide demonstrations and pragmatic evidence of phenomena related to the goods, and the efficacy of various strategies for realizing, and furthering these goods in the lived world. This is a somewhat different role for social science research than the one often attributed to it by practicing social science researchers who are used to a theory-validation approach to research. Research questions seen in light of NNL also will take on a different theoretical slant in family studies research in that, since the validity of the theory is not the point of research, more methods are available to better understand the phenomenon of the family and to demonstrate and document collateral goods associated with the family. It is also undoubtedly true that research in that NNL theory will ask different questions or interpret data and research differently.

Although historically scholars with certain ontological or metaphysical leanings have created or proposed certain methods for the study of phenomena, the methods themselves do not necessitate only certain types of explanations or conclusions. This would be the fallacy of

confounding theory with method (Rychlak, 1988). Following this argument, NNL researchers have a large array of methods from which to choose. Each method could reveal a different aspect or attribute of the family. In other words, NNL theorists could interpret both quantitative and qualitative data according to natural law principles and could make conclusions according to NNL theory.

The conclusions of NNL research would clearly have a slant, but research has shown that people's conclusions reflect their own ontological understanding of the world (see Richardson & Woolfolk, 1994; Slife, et al., 2003; Whoolery, 2004). With research informed by new natural law, the research conclusions would reflect the understanding that humans are rational and intentional beings (Finnis, 1980). If researchers see humans as rational and intentional (i.e. being moral agents), then research questions, methods, and conclusions drawn from data would be different from researchers who see humans as determined.

### **Empirical Research**

A NNL law approach would not reject traditional empirical research on the family but would merely interpret the research and data differently and perhaps make cast their conclusions in different terms (and obviously according to a different theory). Only a small number of examples of this different interpretation are presented here.

Over two decades of social science research has demonstrated that children fare best in an intact traditional family “headed by two biological parents in a low-conflict marriage” (*Marriage and the public good: Ten principles*, 2006, p. 22). Also, children from intact families are significantly more likely to participate in literary activities (*Marriage and the public good: Ten principles*, 2006) and significantly less likely to participate in deviant behaviors in school (Schneider, Atteberry, & Owens, 2005). Not only does an intact marriage help the well-being of

children, but it also benefits the couple themselves financially, emotionally, and physically (*Marriage and the public good: Ten principles*, 2006). This empirical research points to the positive outcomes of children who grow up in an intact traditional family. A NNL interpretation of this research might point to the basic human good that conjugal marriage is and how basic human goods are aspects of human fulfillment. It follows easily that a family would definitely be benefiting from an institution that reflects “human fulfillment.” Another interpretation/conclusion from NNL theorists might be that in an intact family, the basic human goods may be not only achieved by the parents, but may be exemplified to and experienced by the children. This conclusion, of course, would need to be supported by other evidence (such as evidence that the other basic human goods are being achieved and realized in the family).

Other empirical research demonstrates the opposite of intact families, families in which one of the parents is absent. Much of the research has highlighted the affects of father absence (see Day, 1992; Kiernan & Hobcraft, 1997; Newcomer & Udry, 1987). For example, teenage girls from father-absent homes in two different countries (the United States and New Zealand) were more at risk for teenage pregnancy and early sexual activity than their counterparts (Ellis, et al., 2003). An example of a possible NNL viewpoint of this research is the following: maybe one reason why certain teenage girls are more at risk for pregnancy and early sexual activity is that they do not have a father at home who can explain the reasons for abstaining from such activities. An intact family is, by its nature, a testament to the physical and emotional unity that typifies marriage as an inherent good. A father in the home in an *intact marriage*, when living morally (i.e. true to human nature) may help a teenage girl to understand the nature of marriage as a basic human good.

Along with different interpretations/conclusions on empirical research, NNL could give a moral tone to the study of the family. An example of this is NNL's stance on marriage/family formulations. NNL argues that only heterosexual marriage is a basic human good. If supporting the basic human goods is a moral act, then marriage and divorce certainly involve moral acts.



## Conclusion

The family studies area has seen the development and elaboration of many different perspectives on the phenomenon of the family. Each theory has its own assumptions, strengths, and limitations. In review, the original questions that I have attempted to answer are the following:

- How do traditional theories of the family approach the issues of value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency?
- How is NNL theory different from classical forms of natural law theory?
- How would NNL theory likewise approach the issues of value-neutrality vs. value-ladenness, positivism vs. hermeneutics, and determinism vs. moral agency?
- What can NNL reveal or emphasize about the family different from what is found in other theories?
- What are the research implications that can be derived from a NNL perspective?
- What sorts of research questions are brought into focus by a NNL perspective? What does NNL suggest about methods of studying the family?

In answer to the first question, one common link between the theories is that they follow the agenda of most of social science research, which includes seeking value-neutrality, investigating phenomena in a positivist fashion, and explaining behavior deterministically. I have described some of the consequences of these assumptions for the family, such as lack of consent in imposed values, loss of meaning, and loss of moral responsibility.

Concerning the differences between natural law theory and NNL theory, one of the biggest differences is the moral dimension at the core of NNL. Whereas classical natural law

bases the morality and moral norms on human nature, NNL bases morality in aspects of human fulfillment and flourishing—in other words, the basic human goods.

In terms of the categories of analysis, NNL is different from social science theories in some key ways. Whereas social science theories seek for objectivity and value-neutrality, NNL theorists are very explicit about their values and assumptions. This means that those that are introduced to a NNL line of reasoning can, in a sense, view social science theory and research in a moral light which affords some comparisons generally not available or encouraged in the theories themselves or in the research they generate. Whereas the social science theories I looked at were leaning toward positivism, NNL has some hermeneutic aspects that can allow for more meaning and flexibility in the “truths” of the theory (i.e. basic human goods would change if human nature changed). And in the category of determinism vs. free will, social science theories tend to either argue for a deterministic framework or do not allow for a genuine moral agency. NNL theory, on the other hand, assumes that humans are moral agents from the foundations of the theory (all other conclusions follow from the fact that humans can choose which reasons for action to seek). In light of these conclusions, NNL theory offers a *different* approach to the family than mainstream social science has offered. It is my opinion that such an approach should not only be furthered, but that such an approach would open up new possibilities for family research.

I reviewed the research implications that are derived from a NNL perspective in the current chapter. Again, these implications are that empirical research is not rejected but interpretations and conclusions are different from a NNL perspective. NNL theorists discuss human decisions and decision-making from a goods viewpoint (basic human goods and instrumental goods). Also, morality enters the interpretation of research from NNL theorists.

NNL theory allows for both qualitative and quantitative methods in family research. Both the quantitative measures and meaning-laden measures of marriage and families are important.

Research from a new natural law perspective might involve the philosophical concepts of basic human goods, the public good, and the rationality and agency inherent in human experience.

A new natural law approach to the family brings both analytical differences to the study of the family as well as morality and moral implications. A new natural law approach also brings with it a defense of marriage and the family as a foundational unit of one man and one woman, wedded and committed. New natural law opens up possibilities for alternative approaches to research on the family.

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