

Elizabeth Brake

Minimizing Marriage: Marriage, Morality and the Law.

New York: Oxford University Press 2012.

x + 240 pages

\$99.00 (cloth ISBN 978-0-19-977414-2); \$24.95 (paper ISBN 978-0-19-977413-5)

Christine Overall

Why Have Children? The Ethical Debate.

Cambridge, Mass.: MIT Press 2012.

xiii + 253 pages

\$27.95 (cloth ISBN 978-0-262-01698-8)

Stefan Ramaekers and Judith Suissa

The Claims of Parenting: Reasons, Responsibility and Society.

New York and Dordrecht: Springer 2012.

xviii + 158 pages

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These three books bring a variety of philosophical perspectives to bear on issues of family and intimate association in contemporary western societies. Whatever their different approaches, none of these authors aspires to offer universal, acontextual approaches to these most personal of relationships. Brake and Overall contend that their topics— respectively, the sort of institution that marriage should be in a politically liberal society and the reasons for having children—are ‘philosophically undertheorized’ (Brake 1). Ramaekers and Suissa maintain, by contrast, that while parenting has much been theorized of late, it has been theorized in the wrong way, and that more helpful and appropriate ways of thinking about the parent-child relationship are urgently needed before these distorting perspectives do yet more damage.

Following in the footsteps of Mary Wollstonecraft, Harriet Taylor, and John Stuart Mill, Elizabeth Brake subjects the institution of marriage to careful scrutiny and stern criticism without concluding that it should be abolished. She explores what liberals should make of contemporary marriage and inquires as to what sort of institution, if any, they should defend. Brake recommends a revised version of marriage, in which the state protects the freely chosen and just caring relationships of its adult citizens.

Even if marriage has freed itself of much of the racism and sexism that historically has accompanied it, and even if it is in the process of throwing off the shackles of heterosexism, Brake finds much to condemn about marriage in contemporary liberal societies. It is, in her coinage, amatonormative, which means that it protects, privileges, and promotes, both morally and legally, an image of dyadic romantic relationships as the most fulfilling form of intimate adult association. Yet the liberal state should be neutral about what types of intimate association its adult citizens engage in and who they choose to share rights and responsibilities with, insofar as their choices are compatible with justice, liberty, and equality. According to Brake a wide variety of such associations are compatible with these: friendships, urban tribes, care networks,

polyamory, and, under certain circumstances, polygyny and polygamy. Her proposal for ‘minimizing marriage’ means opening a more limited version of current marital relations to a variety of participants, letting them decide with whom to share a reduced menu of marital rights and responsibilities. Increasing access to marriage in this way takes the next logical step in the movement for marriage equality beyond same-sex marriage, for it requires only caring relations, rather than monogamy, sexual involvement, or cohabitation between its members (142–5, 156, 168). So despite the terminology, Brake’s proposal to minimize marriage diversifies marriage and expands its availability (167–9).

As this suggests, Brake defends the liberal state’s continued involvement in the institution of marriage. In so doing, she pits herself against the disestablishment advocated from a liberal perspective by Tamara Metz in *Untying the Knot: Marriage, the State, and the Case for their Divorce* (2010). (Brake’s review of Metz’s book appears in *Philosophy in Review* 30.6 [2010], 418–21). Brake responds that if the state withdrew from marriage now, it would cede this practice to private institutions, such as religious groups, who are unlikely to widen access. As I understand it, Brake does not actually insist that they should (157): the liberal commitment to freedom of association and liberty of conscience would leave religions free to decide which marriages they wished to recognize. Brake contends that the liberal state is uniquely able and—in the service of its liberal values—ethically compelled to expand access to marriage (123, 187–8). She also portrays adult caring relations as primary goods, and this too justifies the state’s involvement in their protection and distribution (177). She argues furthermore that only the state is powerful enough to provide countervailing pressures against the market’s disregard for caring relationships between individuals (182–3). She also provides an argument for why we should continue to speak about the institution of marriage (186), rather than civil unions for example, claiming that retaining the traditional terminology shows that past versions of marriage were unjust and discriminatory forms of an institution that ‘is not essentially unjust; it can be restructured in ways that address such injustices rather than perpetuating them.’ (6; cf. also 111–12, 118–19, 129–30)

Part I of this book provides a lengthy attack on the idea that amatonormative marriage is necessarily a morally good relationship. Brake reviews the arguments that this form of marriage makes people better by fostering commitment, requiring them to keep promises, and encouraging them to care for others. She responds that insofar as these things are good, marriage is neither a necessary nor sufficient condition for their realization. Indeed, marriage offers false promises of everlasting love, because our emotions and affections are not the kinds of things concerning which we can make meaningful promises and commitments. Although Brake does not cite him, she would agree with Nietzsche’s ‘What once can promise’ from *Human, All too Human*:

One can promise actions, but not feelings, for the latter are involuntary. He who promises to love forever or hate forever or be forever faithful to someone is promising something that is not in his power. He can, however, promise those actions that are usually the consequence of love, hatred, or faithfulness ... A promise to love someone forever, then, means, “As long as I love you I will render unto you the actions of love; if I no longer love you, you will continue to receive the same actions from me, if for other motives.” Thus the illusion remains in the minds of one’s fellow men that the love is unchanged and still the same. One is promising that the semblance of love will endure, then, when

without self-deception one vows everlasting love. (English translation online at http://nietzsche.holtorf.com/Nietzsche_human_all_too_human Section II, 58)

But even if marriage did succeed in improving some of its participants morally, Brake can be read as extending the Rawlsian ‘fact of pluralism’ to marriage and adult caring relationships. This is so in two ways. Firstly, in modern liberal and multicultural societies there is no social consensus when it comes to what marriage means (5, 41, 132, 134-5, 143, 170, 188). Secondly, people live their key caring relationships in a multitude of ways, be this within or outside marriage. In the interests of justice, neutrality, equal opportunity, and equal respect, the liberal state should not continue to privilege amatonormativity and thereby marginalize other forms of adult caring relationships.

This is an engaging, stimulating and provoking work of political and ethical philosophy that approaches its central issue from a number of angles. There is a brief survey of the treatment of marriage in canonical western thought; references are made to the history of marriage law in western societies; and Brake mentions its representation in popular culture and place in the modern social imaginary. Chapter 8’s attempts to apply the book’s normative ideas to current conditions—to confront ideal theory with non-ideal reality—are refreshing in a work of philosophy. Brake’s efforts to spell out the logistics of her proposal (163–5) are also welcome.

At the metalevel, Brake’s book attempts to demonstrate the value of a liberal feminist approach to ethics and politics. Brake repeatedly stipulates that hers is a political form of liberalism, in contrast to comprehensive doctrines that situate marriage as part of the good life or invest it with religious or ontological significance. In the interests of justice, neutrality, and equal respect, the liberal state cannot rely on comprehensive doctrines when designing the institutions of the basic structure. While Brake is not the only contemporary feminist to follow Rawls in taking this political turn, she does not engage the literature either about the potential pitfalls for feminists of this turn, nor how cogent the political/comprehensive distinction is in the first place. Ever since Rawls began to distinguish between political and comprehensive liberalisms in 1985, both sets of issues have been debated. Yet Brake repeatedly invokes political liberalism without exploring any of the questions associated with this development in Rawls’s theory of justice.

Brake is adamant throughout that her recommendations for minimizing marriage apply only to relationships among consenting adults and not to parenting. She defends their separation on the grounds that not all marriages issue in children; not all children are born to or grow up with married parents; marriages can outlive children’s dependency period, and so on. Because the ethics and politics of marriage are different from those of parenting, different frameworks are required for thinking normatively about each (6, 54, 62, 137, 140, 145–51, 168). Christine Overall’s book, *Why Have Children? The Ethical Debate*, complements Brake’s approach by looking at the ethics and politics of parenting, irrespective of marriage. And just as Brake contends that the value of marriage is something that our culture takes for granted, so Overall maintains that the value of becoming a parent has not been philosophically scrutinized either. Because ‘the choice to procreate is not regarded as needing any thought or justification’ (2; cf. 3, 12), she sets out to interrogate the default position that parenting is valuable, choiceworthy, or natural. Against this backdrop, Overall depicts the choice to become a parent as a profoundly ethical issue and considers when and why it is valuable (14). She aims to shift the burden of

justification to those who choose to have children and away from those who choose not to (146, 219).

Overall describes her goal as being ‘to explore some ways in which we might think systematically and deeply about a fundamental aspect of human life.’ (8) Unlike Brake, she does not apply a single, consistent ethos to the question of whether to become a parent: instead, she weighs the pros and cons of this decision from a number of angles, examining a variety of ways in which one might reason about becoming a parent. These include a rights-based approach (Chapter 2); a deontological approach (Chapter 4); a consequentialist approach (Chapter 5); and a global environmental approach (Chapter 9). Ultimately, Overall suggests that the best way to think about the choice to become a parent is that one should think of oneself as entering into a long-term relationship with a person as yet unknown and as re-making one’s own identity in that process (17, 218–19).

Yet across this wide terrain of moral reasoning, Overall presents the choice to become a parent as an individual prerogative, rather than a duty, accident, or expression of a biological drive (11–14). In this sense her analysis does tacitly intersect with Brake’s liberal framework. Overall’s individualist lens is apparent in her claim that reproductive rights should not depend upon the marital status or sexual orientation of the woman in question (23–4), so again like Brake, she believes that society should adopt a neutral, equal opportunity approach regarding which prospective parents it lends medical support to, at least when it comes to issues of marriage and sexuality (26, 147). Age, by contrast, might be a relevant criterion as a person contemplates parenthood (147). Overall’s insistence on the primacy of the negative right not to reproduce over any positive right to reproduce, also applies a classically liberal approach to this area (29–31). Conversely, her review of deontological arguments for parenting leaves none standing: childbearing is not intrinsically valuable; there is no duty to transmit family name, genes, or property; there is no political or religious obligation to reproduce (70). This demolition of arguments from duty has the effect of making her emphasis on individual choice appear more plausible.

Yet along with this accent on parenting as an individual choice, Overall insists that child bearing and rearing ‘are social goods, not merely individual enterprises’ (48). Society should provide support for the bearing and raising of its future adult members and a social safety net should guarantee the welfare of children in poor or otherwise disadvantaged families. Overall makes no attempt to reconcile the possible tensions between these two positions: if society at large has a responsibility for the children born into it, why is becoming a parent a pre-eminently individual choice? These positions could be reconciled, and the work of Charles Taylor might provide some guidance as to how to go about synthesizing individual goods with social obligations—but Overall does none of this work, nor does she show any sign that it is needed.

Notwithstanding her emphasis on parenting as an individual choice, Overall remains attentive to the fact that choosing whether to become a parent entails different considerations for women than for men (9). This is in part a consequence of the physical demands of pregnancy and labor and in part because the burden of caring for dependent children currently falls more heavily on women than men (123). Gender is also relevant, as Chapter 3 explores some of the issues involved when prospective parents disagree about whether to continue a pregnancy. It engages

the debate about procreative asymmetry, whereby a woman can unilaterally continue or terminate a pregnancy whereas the biological father cannot do either. Biological fathers might, moreover, be required to assume responsibility for a child they have not chosen. Overall responds by saying that in this situation, equality cannot mean sameness, because the positions of men and women vis-à-vis biological reproduction are so different (41–2). She goes on to argue that the child has an interest in its biological father's involvement in its life, and that this interest trumps the man's preference not to be involved. Overall hopes that her position on this will raise men's reproductive consciousness so that they become more chronically aware, in the way that women of child-bearing age are or should be, of the risks associated with penetrative heterosexual sex (47). So while becoming a parent is depicted throughout as an individual choice, the freedom of that choice varies according to gender.

I found some of the book's chapters more engaging than others. Even though I disagree with Overall's conclusion, her discussion of procreative asymmetry was thought-provoking. Much of Chapter 9's examination of the issues of childbearing in the global context of overpopulation was exciting and pertinent. Overall believes that people in the west have an obligation to limit the number of children they have, and proposes that every individual be entitled to one child. She does not advance this as public policy nor legally enforceable, but as a moral maxim for those contemplating reproduction (184). She addresses the interesting dilemma that this sort of self-denying ordinance could create, for if those who worry about overpopulation have fewer children while those who do not procreate accordingly, those raised in households indifferent to overpopulation will eventually dominate, numerically at least (189). This would make acting according to her maxim counter-productive. (This scenario of unintended consequences assumes, of course, that the effects of upbringing cannot be countered by formal education or other attitude-forming techniques.) However, this chapter takes a somewhat bizarre turn towards the end, with Overall reflecting on the pros and cons of human extinction. It concludes with her hope that if humans become extinct, 'we will be replaced by a species with considerably greater intellectual, psychological, and moral capacities than those that human beings possess now.' (202) Chapter 6 on whether it is better not to have come into existence struck me as abstruse. It takes the long way round to arrive at the fairly obvious conclusion that 'whether being alive is a benefit or a harm *depends on the content of the life that is lived.*' (107, emphasis original) The ordering of the chapters was confusing at times—Chapters 7 and 8, on whether there is ever an obligation not to procreate, would seem to follow logically from Chapter 4's examination of deontological reasons for having children.

Stefan Ramaekers and Judith Suissa effectively pick up where Overall left off, for just as she analyzes the range of reasons an individual might entertain for having a child, so they explore the experience of being a parent in contemporary western societies. The authors of *The Claims of Parenting: Reasons, Responsibility and Society* complain that the practice of parenting has become dominated by a (pseudo-)scientific vocabulary drawn primarily from developmental psychology. Through a variety of media such as newspapers, magazines, TV, schools, child-care centers, government reports, (and no doubt the Internet), parents are encouraged to see parenting as a skill to be mastered and whose effectiveness can be measured according to specific, preordained outcomes. Within this discourse there is much talk of things such as clear boundaries, consistent messages, consistent authority, attachment issues, needs, developmental stages, and so on. Ramaekers and Suissa do not go so far as to say that developmental

psychology offers no insights into the parent-child relationship, but object that this discourse has become hegemonic, squeezing other possible ways of thinking about this relationship. Using Wittgenstenian language, they seek to reveal how a certain picture of parenting holds us captive and to draw attention to other richer, more nuanced registers for understanding this relationship (xv, 3, 5, 121–2, 125, 147). They also insist that scientific discourse about parenting is freighted with ethical judgments and assumptions about what successful parenting and human flourishing are, but these are concealed or denied, making it difficult to identify and then to reflect upon and possibly contest these suppressed but influential conceptions of the good (11–12, 14, 95).

For Ramaekers and Suissa, as for Overall, parenting is primarily a relationship, and they emphasize its ethical nature, complexity, and attendant ‘deliberations, judgements, and dilemmas’ (viii, cf. xi, 16). In place of the dominant scientific discourse with its implications of disengaged expertise deriving from a neutral, objective, scientifically informed standpoint, they underscore the first person nature of parenting and the power of context, experience, and particularity. This requires them to adopt ‘a radical pluralism’ (xiii, cf. 99): because parenting is a unique ethical relationship involving determinate individuals who relate to one another in specific ways in particular contexts, it is hard to apply the external perspectives of uninvolved outsiders to this relationship (42–6).

In developing their preferred approach, Ramaekers and Suissa draw on the wider philosophical critiques of technical, instrumental rationality advanced by thinkers like Alasdair MacIntyre and Martha Nussbaum (36–9, 87) and the tradition of care ethics, with particular reference to Sara Ruddick’s and Nel Noddings’s writings on motherhood. But as Chapters 2 and 3 indicate, their appropriation of these thinkers is selective. They are unsure, for example, as to whether parenting really qualifies as a practice in the way that teaching does (44–5), and they find some of Ruddick’s and Noddings’s accounts of mothering to exaggerate the innate and intuitive aspects of being a parent (57, 64–5). They also support some of the insights about being a parent in the work of psychoanalyst Donald Winnicott, and in particular his emphasis on this as a relationship between unique agents (91–2). Even though a baby’s agency differs in many ways from its parent’s, the key insight here is that parenting means interacting with another individual in ways that are unpredictable and open-ended. The scientific approach, by contrast, tends to treat the child as an object to be molded in predictable ways using measurable and replicable techniques, based on cause and effect connections (93, 114).

Chapter 5 considers accounts of children by political philosophers which focus on children’s rights and needs, parental freedoms, parental duties, and the obligations of the state to protect children. While not wholly critical of this literature, Ramaekers and Suissa note that the abstraction and universalism of this approach neglects the first person perspective that they insist is essential to proper thinking about being a parent (111–12, 116, 120–1). They also fear that the necessary moral underpinnings of rights discourse or of any assertion of what a child needs are occluded because invocations of rights or needs are, like the approach of psychology, freighted with unarticulated assumptions and beliefs about the good life (108–10). They want to avoid privileging one narrow and scientific way of construing this relationship and to allow that there can be many ways to be a good parent (99). Yet the radical pluralism they adopt when it comes to parenting does not mean that they think all parenting is equally good. They also concede that some parenting can be harmful to vulnerable children, and in such instances, state intervention is

warranted (96–7). What they encourage is that public discussions of what characteristics and behaviors make someone a good or bad parent be inserted into a wider ethical discussion about the nature of the good life and human flourishing: these judgments cannot be persuasively made without reference to the wider ethical-cum-philosophical view. Nor do they go all the way with sociologist Frank Furedi who, although a fellow critic of scientific parenting styles that promise to induct the parent into a type of expertise, wants to keep the state out of parenting as much as possible. Attempts to de-politicize the family in this way ignore the extent to which it is already an institution with a ‘public orientation’ (146–7) nested within a wider social, political, and economic environment that affects its dynamics and possibilities.

Ramaekers and Suissa see themselves as ‘articulating and discussing’ the complexities of parenthood, ‘their significance and the myriad ways in which they are manifested in the day-to-day experiences of parents raising their children.’ (x) Consistent with underscoring parenting as a rich, nuanced, morally ambiguous, relational, and quotidian experience that unfolds and changes over time, Ramaekers and Suissa pepper their discussion with concrete examples, drawn from novels (by George Eliot and Ian McEwan, among others), parenting manuals (*The terrible teens*); first person ‘confessions’ (*Battle hymn of the tiger mother*); and TV shows (*Supernanny*). Just as I welcomed this use of concrete examples, much of what the authors say is hard to fault. I found, however, the final chapter’s discussion of parenting as an existential condition—one that is fraught with inevitable uncertainty and doubt—to be strangely located. It remains unclear why this crucial point didn’t appear earlier in their discussion. This depiction of the anxiety of parenting helps to explain the meretricious appeal of the more confident, technical scientific discourses which promise that applying a certain technique properly will yield a certain result. Nor could I see how this discussion meshed with their portrait of the family’s political role in the later half of the chapter. The authors make heavy use of Hannah Arendt in this second half of Chapter 6, which struck me as an odd choice: the feminist liberal tradition that Brake draws on and develops is a more obvious source of insights into how the family straddles the public/private divide and prepares children for their role as citizens. The authors’ failure to engage the work of Charles Taylor also deprives Ramaekers and Suissa of a philosophical ally who is critical of the application of scientific discourse to human affairs; who emphasizes the underlying conceptions of the good that remain stifled and suppressed by modern discourses not just of science but also of morality; and who expresses reservations about the extension of rights discourse to all areas of life. Taylor also joins them in insisting upon phenomenological accounts of human experience, and his emphasis on humans as self-interpreting agents would have complemented their adumbration about the indispensable first person perspective on parenting.

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