CHAPTER ONE

The Family Association

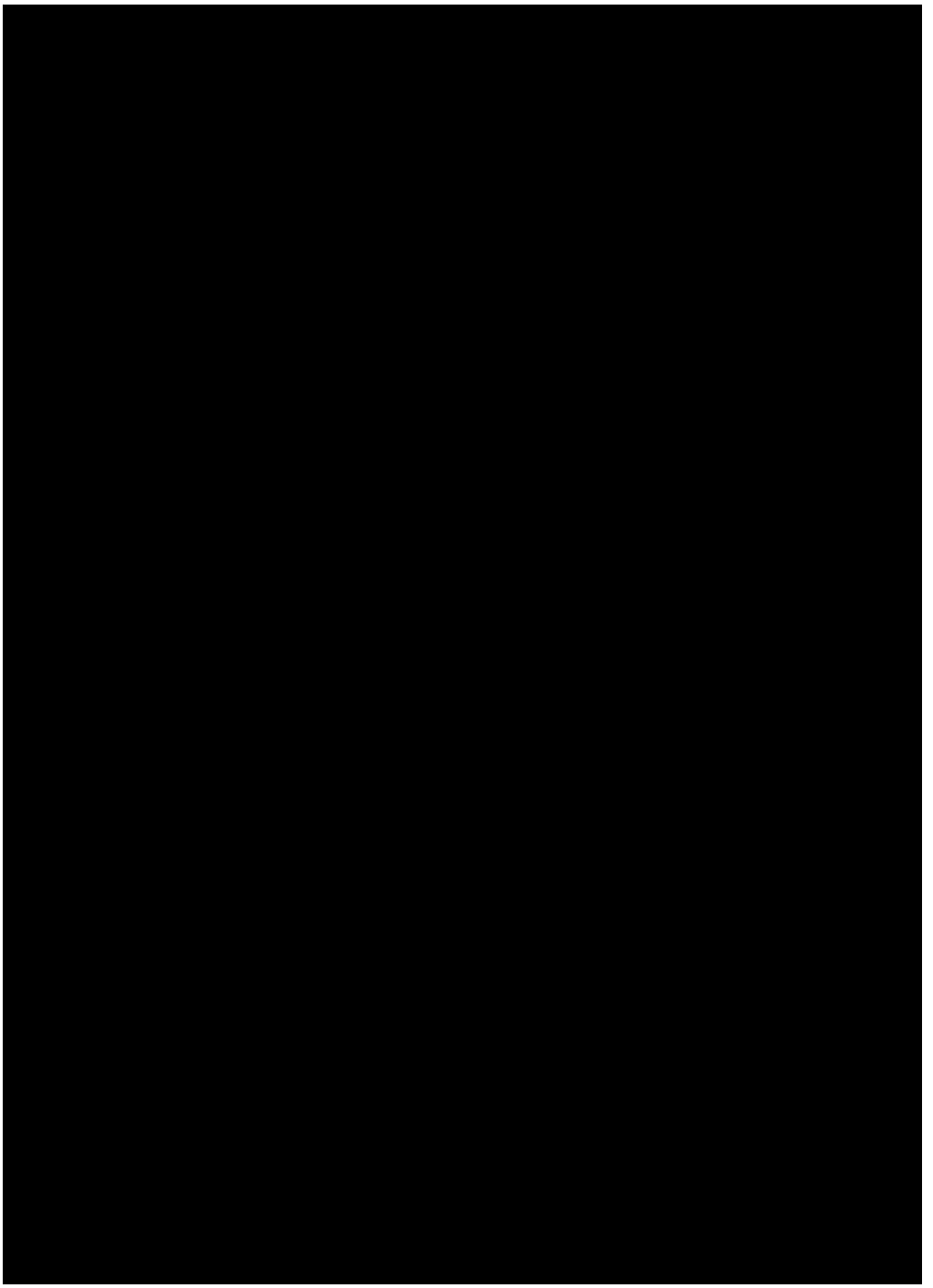
Public Policy Parameters

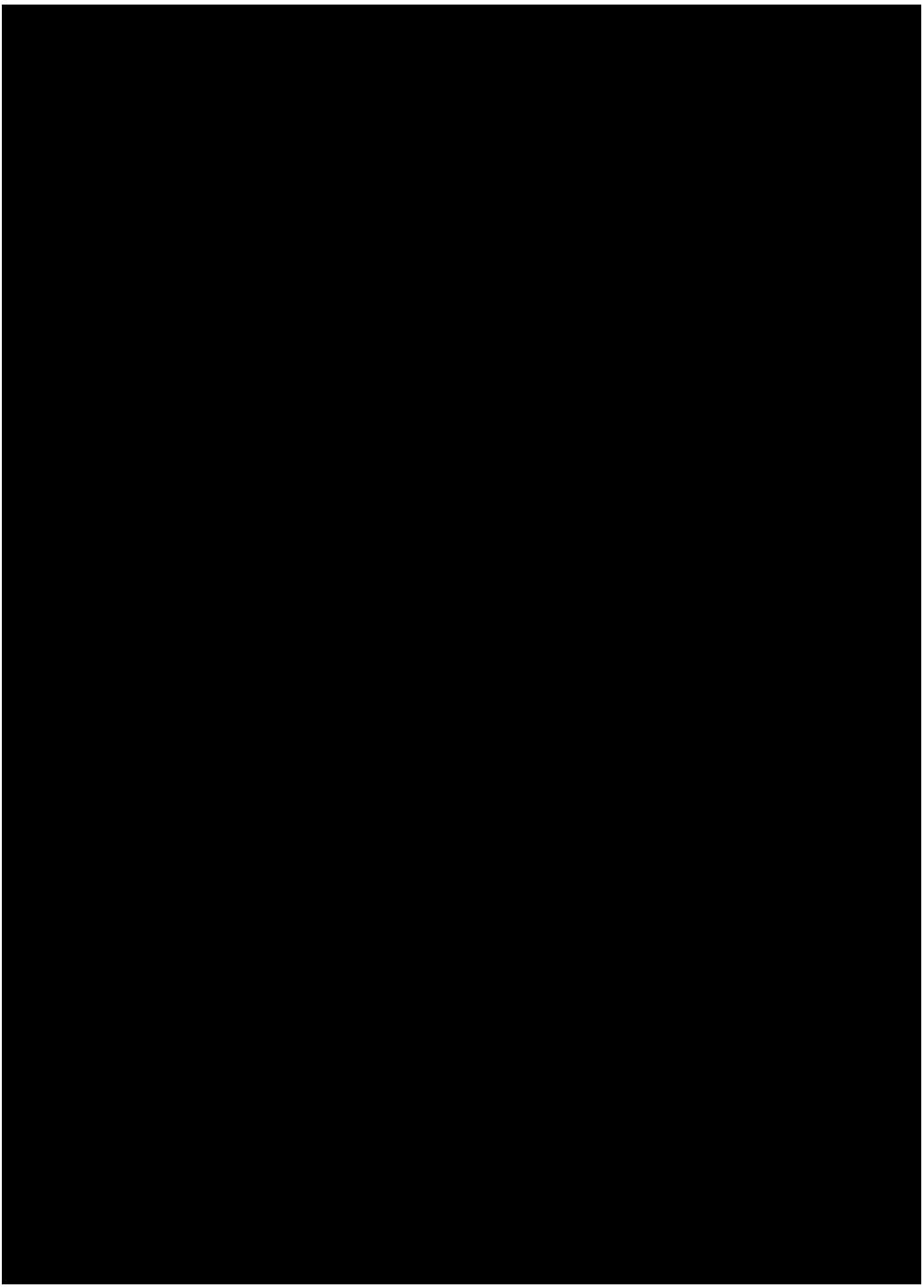
Commentators putting forth the public theory of the family assert that the "private" family has traditionally served a public or political role.[1] They explicitly recognize that the family has always been subject to public regulation and control in its definition, formation, and structure. In addition, they acknowledge that the family has served political functions both to facilitate and to constrain governmental power.[2]

The public theory of the family recognizes that the degree to which the family is insulated from public control and regulation is a public policy choice, and that nearly everything concerning the definition, formation, and structuring of the family is on the public policy table.[3] In fact, it is conceivable to make a rational argument that literally all issues related to the family are matters for public determination.

However, we should have very serious reservations about acting on this extreme position because such action could result in incredibly high social costs. Human nature, as understood through concepts from the fields of sociology and evolutionary psychology, likely places some very real limits on the parameters of public policy in relation to the family association. Specifically, the concepts of parental investment and reciprocal altruism would appear to place some real limits on what individuals will accept in terms of public family policy. Based on these concepts, it appears that public policies that attempt to destroy the biological family or to isolate the biological family association from other persons and associations would be strongly rejected and would actually undermine public and governmental authority.[4]

This chapter explores and defines the "pragmatic limits"[5] on public policy in regard to the family association.[6] The primary thesis is that a society,





> to reduce her to the necessity of creeping out of his reach, and mingling the groan of bodily suffering with the sob of a breaking heart? As she crawled away from the brutal man I heard her sob out, "Oh, Lord Jesus, how long, how long shall I suffer this way!" I must have been then between five and six years old. I seem to see and hear my poor weeping mother now. This was one of my earliest observations of men; an experience which I only shared with thousands of my race, the bitterness of which to any individual who suffers it cannot be diminished by the frequency of its recurrence, while it is dark enough to overshadow the whole afterlife with something blacker than a funeral pall.[9]

The impact of these forced separations extended well beyond the specific family association that experienced the forced separations. Neighbors of the affected families and those who came to know members of the affected families following the forced dissolution also learned of, and vicariously experienced, this traumatic occurrence.[10] This geometric expansion of the impact of forcible family separations was even greater if children were members of the affected families, and because slave owners were just as likely to forcibly separate families that included children, this was not an uncommon occurrence.[11] The result was a widespread fear of forcible family separation throughout the slave population. A slave owner's threat to split up a slave's family was one of the most powerful disciplinary tools, with an impact perceived to exceed that of a threat of severe physical punishment.[12]

These conditions of slavery threatened to destroy the slave family. The treatment of these families was one extremely vivid illustration of how American society defined enslaved people as moral, intellectual, political, and spiritual nonentities.[13] As Orlando Patterson has noted, these conditions were not unique to American slavery. Patterson labeled his second of three constituent elements of slavery "natal alienation," and he described it as follows:

> This brings us to the second constituent element of the slave relation: the slave's natal alienation. Here we move to the cultural aspect of the relation, to that aspect of it which rests on authority, on the control of symbolic instruments. This is achieved in a unique way in the relation of slavery: the definition of the slave, however recruited, as a socially dead person. Alienated from all "rights" or claims of birth, he ceased to belong in his own right to any legitimate social order. All slaves experienced, at the very least, a secular excommunication.
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> Not only was the slave denied all claims on, and obligations to, his parents and living blood relations but, by extension, all such claims and obliga-

> tions on his more remote ancestors and on his descendants. He was truly a genealogical isolate. Formally isolated in his social relations with those who lived, he also was culturally isolated from the social heritage of his ancestors. He had a past, to be sure. But a past is not a heritage. Everything has a history, including sticks and stones. Slaves differed from other human beings in that they were not allowed freely to integrate the experience of their ancestors into their lives, to inform their understanding of social reality with the inherited meanings of their natural forebears, or to anchor the living present in any conscious community of memory.[14]

As Patterson makes clear through his concept of natal alienation, a primary effect of the condition of slavery was the destruction of the fully functioning family association.

The conditions of slavery and their antipathy to the family association led scholars to presume that the subsequent high rate of father-absent families and general family dysfunction experienced in the black population in urban America were a result of the slave experience.[15] E. Franklin Frazier, a leading African-American family scholar, found two streams of historic African-American family life. The most important stream flowed out of the experience of slavery and was represented by the father-absent, matriarchal family. The subordinate stream was represented by the two-parent, male-headed household. This latter family structure depended on property ownership and labor skills that could not exist under the conditions of slavery. Based on the assumed implications of living under the conditions of slavery, scholars viewed slave families as father-absent, almost completely lacking in stability and continuity.[16]

Since the early 1970s, however, scholars have questioned Frazier's theories and speculations concerning the instability of slave families. Orlando Patterson, after noting that throughout the modern Americas the unions of slaves and the integrity of their households rarely received legal sanction, observed that the stability of slave families varied widely depending on the local economic conditions.[17] In certain situations (e.g., plantation system dominant, demand for slaves high, and limited external supplies of slaves; or plantation system not dominant and adequate supply of slaves), slave unions and households were more stable and the risk of forcible separation was lower.[18] Thus, there appeared to be hope for family stability even within the repressive slave system.

The works of Herbert Gutman and Susan Toliver transform this hope into an observation of reality concerning slave families. Gutman conducted empirical studies of materials related to the lives of slaves and ex-slaves during

and just after the Civil War. These studies revealed how black American slaves actively adapted to enslavement by developing distinctive arrangements and kin networks. Gutman found that despite a high rate of involuntary marital breakup in their past, large numbers of slave couples lived in long marriages, and most slaves lived in households headed by both an adult man and an adult woman. He also found evidence of strong and extensive kinship networks that linked slaves cross-generationally.[19]

Toliver provides detailed and compelling data that reinforces Gutman's work. She draws this data from the *Slave Narrative Collection* of the Federal Writer's Project of the Works Project Administration.[20] Through a review of 210 narratives, she details various aspects of slave life and history that indicate the strength of slave families.[21] At a general level, the data she examines indicate the importance of family associations to slaves. Slave marriage was prevalent despite the dominant society's failure to recognize marriage as a legal institution for slaves. In addition, slave families were highly stable, experiencing relatively low rates of divorce and infidelity.[22]

More specifically, Toliver discovered evidence of a link between a slave's pursuit of freedom and loyalty to the family association.

> The desire to be with family and the desire for freedom posed a serious dilemma for slaves. In many instances the family prohibited slaves from "running." However, in other cases, once separated from family slaves no longer felt tied to the plantation and thus escaped in pursuit of freedom. (Slave masters knew this and sometimes did not separate families by sale for this very reason.) On the other hand, sometimes slaves escaped to be with family. Thus, we see that freedom and family were very closely and intricately linked.
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> It was easier for men to escape than for women and children, however, men often opted to remain with family over freedom.
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> The fact that men in many cases could successfully escape by themselves and didn't because they could not get their families away is a strong statement indicative of the high degree of importance of family to slaves even over the value of liberty, the most basic of human rights. Many men would rather remain in slavery than seek freedom if it meant being able to stay with their families.[23]

Toliver also discovered evidence of slaves' willingness to maintain marriages despite the fact that husband and wife resided at separate plantations. The husband would often walk long distances to visit his wife and risk being caught without a travel pass—an offense that resulted in severe punishment. Toliver relates an excerpt from one narrative that brings this point to life:

> "Well, my pa b'longin' to one man and my mammy b'longin' to another, four or five miles apart, caused some confusion, mix-up, and heartaches. My pa have to git a pass to come to see my mammy. He come sometimes widout de pass. Patrollers catch him way up de chimney hidin' one night, they stripped him right befo' mammy and gave him thirty-nine lashes, wid her cryin' and a hollerin' louder than he did."[24]
>
> *Millie Barber, South Carolina*

Despite these difficulties, slaves persisted in maintaining family ties.

The slave family also was primarily responsible for the socialization of children within the slave community. Slave parents disciplined children and instilled moral values.[25] Toliver documents the high degree of male involvement in the slave family association. Fathers played an important role in childrearing and in family life in general.[26] Toliver's examination of slave families reveals that despite the strong, seemingly insurmountable barriers presented by the conditions of slavery, American slaves actively and heroically worked around, surmounted, and/or overcame these barriers in order to live within family associations.

Kibbutz Families

Kibbutzim are collective rural communities in Israel. Young Jewish pioneers established the first kvutsa in Palestine in 1910.[27] These settlers found themselves in a barren and desolate land, facing harsh and primitive living conditions. In addition, the local Arab population was hostile to the settlers, leaving them socially isolated. For these settlers, two goals were "clear and compelling—adaptation to hard physical labor and the opening of large areas of wasteland, previously inaccessible, to Jewish settlements."[28]

The settlers began their communities with an unclear policy concerning childrearing and education. Because of the harsh environment, the settlers discouraged childbearing.[29] In addition to the pressures of the harsh environment, the first kibbutzim required members to devote themselves to group solidarity and values. Groups that require such devotion have difficulty incorporating family associations because the associational ties formed within the family compete with group solidarity.[30]

Eventually, the kibbutzim had to address the existence of family associations because during the 1930's and 1940's most members married and had children. Even as early as the 1920's, children of all ages lived in special children's houses. They were supported by the kibbutz community and were not economically dependent on their parents. In addition, parents had almost no authority over their children's education. The kibbutz education commit-

tee, the metaplet (the caretaker and primary educational nurse for children from infancy to approximately age four), and the teachers set standards with which parents had to comply.[31] In fact, by the time children reached eighteen months, the metaplet carried out all the duties of child care. The parental tie with children had an almost exclusively emotional character.[32]

Until the early 1950's, this communal housing, child care, and educational system prevailed throughout the three kibbutz federations.[33] But even within this communal system no attempt was made to completely sever the ties between parent and child. The kibbutzniks realized that to renounce the parental bond would be to initiate a conception of human relationships that is alien to the human spirit.[34] They understood the vital importance of parental love for the children's mental health. Although a tension existed between commitment to the kibbutz community and to the family association, the kibbutzniks recognized the value of the family. As Menachem Gerson has stated,

> a negative approach to the family such as is found in various communes could not be sustained in the kibbutz. As a voluntary socialist cell, dependent for its very existence on the identification of its members with its aims, the kibbutz could not disregard so vital a human need as the desire for family affiliation. However strong the antifamilial tendencies of the early enthusiasts, it soon became apparent to every one of them that relations among members even of a small-size kibbutz could not substitute for family ties.[35]

Despite the early recognition of and respect for the family association within the communal kibbutz system, and despite the lack of economic necessity for the family association, strong familistic tendencies that challenged kibbutz family policy began to emerge in the 1950's.[36] The issue of the children's house and whether to allow private sleeping arrangements for children within their parents' homes aroused heated debates. Opponents of private sleeping arrangements viewed this movement as the implementation of broad familistic changes in the kibbutz that directly challenged communal values. Many kibbutzniks feared that members would focus their concerns on the individual and the family as opposed to the kibbutz community. These opponents of private sleeping arrangements also feared that this movement would threaten gender equality in the kibbutz community because women supported familistic tendencies much more than the men did. Specifically, opponents predicted a significant decline in the active participation of women members in the communal life of the kibbutz because women didn't mind the added work within the home that this sleeping arrangement and

other familistic tendencies would make for them. Thus, these familistic tendencies were perceived by some as a significant, threatening, and regressive movement within the kibbutz community.[37] Supporters of private sleeping arrangements pointed to the natural tie between children and parents. They also stressed the natural role of women in raising their children and the natural superiority of parental influence in contrast to professional child care providers and educators.[38]

These familistic tendencies led to the establishment of several new practices within the kibbutz. For example, as the resources of the kibbutz community increased, housing that provided sufficient space for a family became possible. Many parents seized this opportunity and ended their separation from their children during the night. As Lionel Tiger describes, "Families rose from a subordinate position to a salient one. Young mothers' participation in preschool socialization was also extended considerably. And the family now had a say in its children's higher education outside the kibbutz."[39]

The emergence of the "hour of love" provides a concrete example of a familistic practice that developed during the mid-1960s. The hour of love was a period in the morning when mothers take their children out of the children's houses to play or walk with them.[40] This practice, which began as a threatening intrusion to collective education, was legitimized and made compulsory in many kibbutzim. At about the same time, a trend toward private sleeping arrangements emerged. Women willingly accepted the increased work of caring for their children in the mornings and of maintaining a larger, better equipped apartment.[41]

This latter trend continued through the '70s, '80s, and '90s. Increasingly, the family became the primary associational sphere for the development of personal relationships and a sense of self.[42] During the '70s and '80s parents became less willing to let their children sleep away from home. As of 1993, there was only one kibbutz out of 270 that had a children's house. Even in Bar-Am, the one kibbutz with a children's house where infants once went to live in the baby house after six weeks, the move now comes after nine months of living in the parents' home.[43] In October 1994 Bar-Am's 240 members voted to retain the children's house, but the vote was close and divisive. Following the vote, some parents talked about leaving the kibbutz despite their deep attachment to the community.[44]

These tensions within the kibbutzim and the negative reactions of some parents have been common throughout the history of the kibbutz movement. As David Shipler wrote in 1984:

> The [increased] attention from parents is a change from the practices of the pioneering kibbutzim of the 1920s and 1930s. "In the beginning, parents couldn't see their children," said Ofer Avni of Nachshon. "The father couldn't see his son because the son belonged to the kibbutz."
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> "It was inhuman," said Dorit Friedman, who was taking a break from her work in the laundry. She had come to the babies' house for "love time," had fed her ten-month-old daughter, Roni, and now was giving her a bath, rubbing and poking and smiling as the little girl giggled and splashed. "With her it's great," Mrs. Friedman said of the dormitory living. "She sleeps well, she feels good."
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> But Mrs. Friedman recalled with pain her own growing up in a kibbutz children's house. "I had a lot of problems with it," she said. "I ran away in the middle of the night. My mother had problems with it, and she poured them onto me." She said that her family finally left the kibbutz over the issue.[45]

The parents who have not left the kibbutzim have transformed these communities by dismantling the collectivist customs one piece at a time. As familistic tendencies emerged, communal dining halls were transformed into restaurants, members began making their own spending decisions, differentiated employment and salary systems popped up, and private sleeping arrangements were accepted.[46] Thus, despite philosophical tension and conflict, familistic tendencies have prevailed and transformed the kibbutzim. Even though the kibbutz community did not attempt to destroy family relationships as some communes had attempted, familism emerged as a powerful and relentless transforming force.

Pioneer Families

During the mid-1800s many families in the eastern United States decided to resettle in the American west. The federal government encouraged this resettlement through the purchase and annexation of the vast western territories. The government then sold this land to private individuals at a considerable financial loss. The Preemption Act of 1841 allowed settlers to buy land at $125 an acre, and if the land remained unsold for a lengthy period of time, the Graduation Act allowed settlers to purchase the land for even a lesser amount. In addition, the Homestead Act of 1862 allowed settlers to buy 160 acres for $10 if the homesteader lived on the land for five years and improved the land.[47]

Through these federal laws and public policies, the United States government encouraged many American families to settle on isolated, lonely tracts

of land. Elliott West, in his book "Growing Up with the Country," describes one family's situation:

> Anyone who grew up along Duck Creek knew about water, land, and the spaces between people. The stream ran along the west slope of the Shell Creek Range in far eastern Nevada. By standards of the Great Basin, its valley was lush with natural forage, though eastern farmers likely would have called it a desert. A cow had to move over a lot of range to find enough to eat, so ranchers like W. C. and Ella Rowe Gallagher lived on spreads that were, by the standards of most of the world, enormous. You can stay, the country told its families, but you cannot have much company.
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> One of nine children, Charles Gallagher was born on his parents' ranch in 1884. His nearest friends, the McGills, lived six miles away, and the next closest were twice as far. To buy the few necessities not provided by the ranch, his father rode to Ely, about twenty miles south. The closest doctor was in Cherry Creek, more than thirty miles in the other direction. In an emergency a messenger galloped in relays, changing horses at ranches along the valley, and the doctor returned the same way. "By then the patient was either better or dead," Gallagher remembered.
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> The family had to find their own amusements. Children all had horses, and when not working they rode, hiked, and climbed the hills. On winter evenings Charles's father read aloud from the family library—Dickens was a favorite—and from volumes that continuously circulated among the valley settlers.[48]

From the time a family decided to move west, the isolation affected every aspect of life. Elliott West provides a vivid description of the disruption of a familiar family setting, a well-established family home and a supportive kinship network:

> Understandably, the most anguished departures often were of mothers in their twenties, some of them pregnant, with toddlers clinging to their skirts as they tearfully gave their goodbyes to weeping kin and companions. They had an idea of what was before them. Not all these women bore their burden gladly. Several hundred miles down the overland trail, one mother refused to take another step toward Oregon, and when her husband insisted, she set fire to their wagon.[49]

For many the move never really stopped. Many settlers were extremely transient. The west's expanding economy, its booms and busts, and its rapidly developing transportation system kept many families from settling in for many years. The transient nature of family life in the vast west only added to the condition of isolation and loneliness. The pioneering movement resulted

in a natural fragmentation of extended family and social relationships, and the placement of the nuclear family association in a cultural void.[50] Some areas were especially isolated:

> In recently settled country and in the drylands, where one household might need a few sections or more to survive, "to encounter a human being of any description assumed the proportions of an adventure," one mother remembered. A family might spend weeks without seeing outsiders. "Oh! I am going to meet a lady!" cried a young mother when a visitor called at her Arizona ranch, and others called their long days without company unbearable and suffocating. Children, especially teenagers, sometimes agreed. "It is so miserably lonesome here," a girl of fifteen wrote from her west Texas ranch: "I feel burried alive in this slow vally."[51]

The history of the American west provides one example of a de facto public policy of family isolation. But despite this de facto policy that resulted from the encouragement of the settlement of a vast, largely unpopulated land, the families that settled the west did not remain isolated. In fact, they often did not start out on a lone journey. Many settlers traveled west with relatives and friends that extended well beyond the nuclear family unit. And many settlers valued the cooperative networks that they developed beyond their immediate families. West describes one group that moved out west:

> This was a family reunion on wheels, and children on such a trip probably were in more frequent and intimate contact with relatives than ever before. Young travelers at least had plenty of playmates. An Englishwoman in the California diggings met four mothers, as sisters or sisters-in-law, who had crossed the plains together with thirty-six of their children: "They could, of themselves, form quite a respectable village," she wrote.[52]

Once these settlers arrived at their destination, they would often settle among clusters of relatives or established friends in order to help each other in a very difficult environment.[53]

Beyond this network of relatives and established friends, neighboring settlers were acutely aware of each other. Self-sufficiency was a community experience, not an isolated family experience. Neighboring settlers shared work such as cabin raising, harvesting, and threshing. They also joined each other for holiday celebrations. In addition, religious gatherings and instruction provided a mechanism for frequent, close contact. Settlers worshiped and learned together, creating and reaffirming communities. Furthermore, settlers came together to create and listen to music, and to dance. Musical

entertainment provided an environment for rich social education.[54] As Stephanie Coontz has summarized, "'mutuality' and 'suppression of self-centered behavior,' not rugged individualism or the carving out of a family 'oasis,' were what created successful settlements as America moved west."[55]

Not only were settlers not isolated from their extended families, friends, and neighbors, they were also not isolated from the rest of the American nation. For example, modern attitudes toward children and the family were taken westward and practiced on the frontier. As in the eastern United States, parents recognized an infant's need to develop a sense of security and protection. They also viewed children as individuals with their own particular needs, and worked to create homes with an atmosphere of affection and sympathy. In addition, parents and children viewed the family association as the center for comfort and enjoyment.[56] The settlers also reached out beyond their immediate families in order to make claims on federal resources. As Coontz has documented, the settlers were largely dependent on the largess of the federal government.[57]

A return to Elliott West's story describing the life of Charles Gallagher brings to life the true nature of the situation of the family association in the frontier:

> It would have been easy to exaggerate the Gallaghers' isolation from neighbors and the outside world, however. Despite the distances, friends and passing travelers visited overnight, and then there would be evenings of hymns and folk tunes sung around the organ. They sang current tunes, too, though it took a year at least for a song to be passed along from Boston to Duck Creek. A couple of times a year the family loaded their wagon with food and drove thirty miles for a dance that usually lasted three days. Through the mails came the *San Francisco Chronicle, London Illustrated News, Youth's Companion,* and the *Delineator,* from which Charles' mother took patterns for the latest eastern styles. With the outbreak of the Spanish-American War, the curious could pay a dime a day to receive telegraphic summaries of the action. . . .
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> Education also lifted Charles beyond the valley's confines. Half of each year, after the hay was cut, he attended classes in a one-room schoolhouse built by the Gallaghers and McGills. Besides basic instruction there were lessons in physics, geometry, algebra, shorthand, and bookkeeping, all taught by recitation and work on small chalkboards. Charles enjoyed it, and at sixteen, after earning a primary certificate, he began teaching at the Gallagher home. To prepare for his grammar grade exam, he rose at three each morning to study geometry, chemistry, accounting, geography, and

> English history. After breakfast and milking, he taught from seven until four, and then did his evening chores before more study. The class of three—his sister, cousin, and a Goshute named Albert—thought he did fine.[58]

In his chapter entitled "Family and Community," West describes how children and the family association flourished within the communal setting that existed in the American frontier:

> The values taught in social gatherings, from casual visits to camp meetings, helped keep children's behavior within reasonably acceptable bounds. Surrogate parents reinforced those lessons and strengthened bonds between the generations. Above all, the modern companionate family flourished on the frontier. While some families fell apart, the ties of sympathy, love, and friendship in many others held children and parents together, whatever their other differences. These ways of treating one another were not fragile implants, like peonies and elms, kept alive by great effort in hostile soil. The loving, affectionate family took root and survived for the most obvious of reasons—it worked.[59]

The family "worked" not as an isolated associational unit, but only as an association whose members reached out and enmeshed themselves in a network made up of extended kin, close friends, neighbors, communities, and the nation as a whole. The idea of the isolated family surviving on the American frontier, if it ever was a reality, quickly became sustainable only as a romantic myth.[60]

Evolutionary Principles and Human Nature

Evolutionary theories are useful in understanding human behavior and the stories of human families. These theories are supported by extensive scientific research and are applicable to the human species. Evolution and law scholar Owen Jones has stated:

> The general, evolutionary processes ordering the existence and persistence of heritable traits, and their increasing or decreasing prominence among successive populations, are not subject to significant debate within the scientific community. Because all available evidence indicates that these various evolutionary processes have affected all species that ever lived, and because *Homo sapiens* is descended from pre-existing species, it is currently *at least* clear that these processes affected the physical form and behavior of human ancestors at some time.[61]

An understanding of evolutionary processes provides useful insights into the formation and the functioning of human families. In gaining this understanding, it is important to begin with a sense of human evolutionary history. The human species began to emerge four to five million years ago. By 1.6 million years ago, *Homo erectus* was living in Africa.[62] For well over one million years, humans lived in a way that did not change much. They inhabited grasslands and woodland savannas.[63] They differed from other primates in two respects: they ranged away from the forest habitats of their ancestors, and they hunted game. The game they hunted was much larger than an individual human (e.g., antelopes, elephants), and thus they could succeed only by relying on tools and sophisticated cooperative behavior.[64]

This longstanding human condition has been characterized as the environment of evolutionary adaptiveness, or EEA, for the many important social traits possessed by humans.[65] Within this EEA, people "probably lived in small bands; they were perhaps nomadic; they ate both meat and vegetable matter; they presumably shared the features that are universal among modern humans of all cultures: a pair bond as an institution in which to rear children, romantic love, jealousy and sexually induced male-male violence, a female preference for men of high status, a male preference for young females, warfare between bands, and so on."[66]

Pursuant to neo-Darwinian evolutionary theory, basic traits of contemporary human nature emerged and proliferated within this environment. Specifically, those genetically inheritable traits that proved "adaptive" in this ancient environment spread through the populations of subsequent generations. Adaptive traits are those that, on average, increase the reproductive success of the individual organism manifesting them. If a person exhibits an adaptive trait, he or she has a greater chance of having his or her genes represented in the next generation than a person who does not possess the trait. Owen Jones has summarized this evolutionary process:

> Organisms that are not genetically identical often will differ in their physical and behavioral traits (resulting in within-species "variation"). Each genetically influenced (and thus "heritable") trait will prove "adaptive" (that is, advantageous), "maladaptive" (that is, disadvantageous), or "neutral" with respect to its effect on the reproductive success of the organism bearing it. When an adaptive and heritable trait increases an individual's reproductive success relative to the reproductive success of the individual's contemporaries (resulting in "differential reproduction"), then that trait will correspondingly increase in prevalence in successive generations of a population. Conversely, when a maladaptive and heritable trait decreases the reproductive

> success of the organism bearing it relative to the reproductive success of the organism's contemporaries, then that trait, on average, will decrease in prevalence in successive generations. This phenomenon, which the term "natural selection" captures, therefore can be understood as one of the principal mechanisms governing the relative proportions of the various physical and behavioral traits that are observable in any particular generation of a species.[67]

One of the basic human traits that proliferated through this evolutionary process is the tendency to seek and form a sexual bond with a reproductive-aged member of the opposite sex. Functionally, this provides an association within which to raise offspring, which in the human species are very care-intensive. The cooperation among individuals required in the human EEA likely rewarded individuals in terms of reproductive success if they possessed this trait. As Martin Daly and Margo Wilson have stated,

> Human mateships are predominantly monogamous in virtually all cultures (although a minority of wealthy, powerful men are polygamists in most societies). Women are primarily responsible for the direct care of infants in every society, but some form of male investment in children is also universal. Men are generally breadwinners and also usually confer status and resources on offspring, especially sons. In one sample of 23 societies, men shared in direct infant-care activities in 13. In our society, men make various contributions as material providers, protectors, participants in education, discipline and play, and less often feed, clothe and bathe children. Biparental care in *Homo sapiens* appears to be a fundamental adaptive attribute, as indicated by its cross-cultural universality, and by the social and intellectual disadvantages and the greater postnatal mortality suffered by fatherless children.[68]

The form that this biparental care takes can vary considerably, with the "traditional" nuclear family serving as only one example. Humans, as with other larger, more intelligent and more social animals, are generally flexible in the possible forms of their mating systems, with adjustments made depending on the specific environment. For example, polygyny can be predicted to exist in resource rich environments by a straightforward deduction from the general theory of evolution.[69]

However, although this flexibility in mating systems exists, the basic human trait of family formation anchored by a pair bond appears to have developed in the human EEA. The human family likely originated as an adaptation to peculiar environmental conditions that predate the development of modern human culture during the past 10,000 years. Thus, the human trait

of family formation is more than a cultural construct (although it is consistently supported by modern human cultures) and appears to be a basic behavioral expression of the human species.[70]

It is important to note that such evolved, species-typical behavior does not require or imply conscious intent. In order to behave in a way that is consistent with predictions drawn from evolutionary concepts, an individual does not have to consciously think about strategies for reproductive success or fitness maximization. Natural selection has internalized within the human animal these strategic calculations that are then manifested in typical human behavior.[71]

But even though this species-typical behavior is not the result of conscious intent, it does exist and it is very resistant to change. This is true of the human trait concerning family formation. E. O. Wilson points this out in his discussion of the human family:

> The family, defined broadly as a set of closely related adults with their children, remains one of the universals of human social organization. Even the societies that seem to break the rule, the Nayar of India and the Israeli kibbutzniks, are not really autonomous social groups but special subgroups that live within larger communities. The family, taking either a nuclear or extended form has rebounded from countless episodes of stress in many societies throughout history.[72]

He concludes by recounting how the family association endured slavery in the United States, the American commune movement of the '60s and '70s, and even within a federal prison for women. In all these stressful settings the family association has survived and even flourished. Thus, the family association appears to be an institution that is a basic expression of human nature—an expression elicited by conditions prevalent within the human EEA.

But just how strong or inevitable is this expression in terms of human behavior? In other words, would the costs of eliminating or substantially altering this form of human behavior be relatively high or low? In order to address these questions, more detailed evolutionary principles must be utilized in order to explain the human characteristic of living within kinship groups that themselves exist within social settings that include other unrelated individuals. Several evolutionary principles help to define the source, the nature, and the strength of this behavioral characteristic. Specifically, the principles of inclusive fitness and reciprocal altruism provide useful insights.

The principle of inclusive fitness arises from the fact that kinship groups share a significant amount of differential genetic material. In fact, this shar-

ing of genetic material can be measured in terms of "degrees of relatedness" (r).[73] For example, a biological parent shares approximately half of her genetic material with her child.[74] Thus, the degree of relatedness between a parent and a child is .5 ($r = .5$). To illustrate further, full siblings also share approximately one-half of their genetic material, sharing on average one-quarter of their mother's genes and one-quarter of their father's genes ($r = .25 + .25 = .5$). Half siblings, on the other hand, share only about one-quarter of their genetic material; half of those received from their common parent ($r = .25$). By similar reasoning, grandparents share approximately one-quarter of their genetic material with their grandchildren ($r = .25$) and cousins share approximately one-eighth of their genes ($r = .125$).

The highest degrees of relatedness in the human species ($r = .5$) exist between parent and child and between full siblings.[75] This high degree of relatedness provides a significant motivation for altruistic behavior among these related individuals. After noting that an altruistic act is one that confers a benefit on someone else (in terms of reproductive success) at a cost to the actor (also in terms of reproductive success) and that altruistic acts are opposed by natural selection working on the actor, Robert Trivers explains:

> The best way to understand the importance of kinship is to take a gene's eye view of social interactions. Under what conditions will a gene enjoy a net benefit after an interaction between two individuals? Consider an altruistic interaction in which an actor, at a cost of C, confers on a recipient a benefit of B. Imagine, for simplicity, that there is a single gene in an altruist directing the altruistic action. The gene suffers a cost in reduced copies in offspring of magnitude C. If the recipient is unrelated to the altruist, the altruistic gene only suffers a cost, and decreases in frequency, but if the recipient is related to the actor, then there is some probability that the recipient also has a copy of the altruistic gene, by direct descent from a common ancestor. We call this probability the degree of relatedness, and symbolize it by r. For only a fraction of the time, equal to r, is the altruistic gene found in the recipient and enjoying there a benefit. . . . The altruistic gene enjoys a *net* benefit when the benefit to the recipient times the degree of relatedness to the recipient is greater than the cost suffered by the altruist, or when $Br > C$.[76]

In the setting of the parent-child relationship, the altruistic acts are predominantly one-sided, with the parent conferring significant benefits on the child while incurring significant costs. For example, the mother nurses the infant and thereby incurs a cost in terms of reproductive success—she is less able to provide support to the infant's siblings and/or to invest in the repro-

duction of additional children. But the mother also receives a benefit in terms of inclusive fitness.

> From the parent's standpoint we can dissolve parental investment into associated benefit and cost. The benefit is the degree to which the investment increases the survival of the offspring at hand, while the cost is the degree to which the investment decreases the parent's ability to invest in other offspring (including those still unborn).[77]

By conferring benefits on her child, she increases the likelihood that her child will survive to reproductive age, will in fact reproduce, and will pass on a significant portion of her genetic material to the next generation.

Of course, the child only has the ability to pass on half of the mother's genetic material ($r = .5$). Thus, the mother will incur a cost to her reproductive success only to the extent that one-half of the benefit to her child's reproductive success exceeds the cost incurred. But, especially early in a child's life, the benefits of parental care to the child's capacity to survive and eventually reproduce are substantial in comparison to the cost incurred by the parent in terms of her own reproductive success. Thus, a human parent has a substantial interest in being able to incur costs that benefit a child's reproductive success and the parent's inclusive fitness. This parental interest in providing care for the child is quite strong. It certainly existed in the human EEA and informed the process of natural selection. The parent has been selected (through natural selection) to invest in its offspring in such a way as to maximize the number eventually surviving and reproducing.[78]

The child also has a significant interest in the parent-child relationship. The child demands and receives substantial benefits within this relationship. In fact, the offspring is selected (through natural selection) to demand benefits in excess of the costs incurred by the parent. Whereas the parent views each child as an equal in terms of parental investment, the child views herself as twice as worthy as a full sibling (including still unborn siblings). This is a result of the degree of relatedness between the child and a full sibling ($r = .5$). Thus, from the perspective of the parent, the parent is selected to stop incurring costs in terms of investing in a specific child as soon as the cost exceeds the benefit, while the child is selected to stop asking for investment only when the cost of investment is more than twice the benefit the parent receives.[79]

This difference between the parent's willingness to incur costs and the child's demand for benefits gives rise to parent-child conflict. This conflict can be significant at certain stages of development (e.g., weaning).[80] How-

ever, despite this potential conflict, both the parent and the child have a substantial interest in the parent-child relationship. The human organism is selected to invest in offspring as an adult and to demand investment as a child. Based on the principle of inclusive fitness, the human species is characterized by a tight parent-child bond that requires an associational setting that allows the expression of this bond.

It should also be noted that not only are there relevant differences between parental willingness to incur costs and child demand for benefits, but there are also differences between the two biological parents in terms of parental investment. In strict biological terms, the minimum female investment required for the production of a child is greater than the minimum necessary investment by males. Females supply the relatively large egg that not only includes a strand of genetic information, but also the nutrients necessary for development of the embryo. In contrast, males merely supply a strand of genetic information. Due to the high investment required for the production of an egg, and the necessity of providing the womb in which the fetus develops over a nine-month period, women are only able to produce several hundred eggs during a lifetime, whereas men produce millions of sperm.[81]

As a result of this dichotomy in the minimum required investment in reproduction, women have a higher biological stake in each individual reproductive episode. Although both women and men share one-half of their genes with their offspring, women enter a physical relationship with the future child for an extensive period during pregnancy, while men (rightly or wrongly) are physically capable of immediately making additional reproductive investments. Thus, human reproduction is characterized by an extremely high degree of parental investment on the part of females.

Human males also have a significant genetic stake in the survival and reproductive success of their children. Therefore, a substantial percentage of men have been selected to invest in their offspring to a significant degree.[82] This is especially true in the human species where women employ a sexual strategy by which they select mates based on the specific man's ability and inclination to invest in their children.[83] Thus, although men are not required to invest as heavily in their offspring as women are, they do invest.[84] Generally, to a somewhat lesser degree than women, men also have a tendency to establish and maintain an associational setting that allows them to make this parental investment.

To summarize, children have an extremely high interest in the parent-child relationship since they demand substantial benefits that in the human EEA were met within this relationship. Parents also have a high interest in

incurring costs that benefit their children in ways likely to contribute to their own reproductive success. They have been selected to incur fewer costs than the benefits demanded by a single child (given the opportunity to invest in additional children), but they do have a general interest in and, therefore, predisposition toward making a parental investment. The human family association allows parents to express their strong behavioral tendency to invest in their children and allows children to express their even stronger behavioral tendency to demand parental investment.

Of course, individuals share genetic material with other kin such as siblings ($r = .5$); nephews, nieces, and grandchildren ($r = .25$); and cousins ($r = .125$). This sharing of genetic material leads to altruistic behavior among members of a kinship group that extends well beyond the nuclear parent-child family association. In light of the concept of inclusive fitness, natural selection will have favored heritable traits for incurring costs (in terms of reproductive success) in order to confer benefits (in terms of reproductive success) on other members of the kinship group, and modern behavior is likely to reflect such predispositions. Thus, individuals will likely behave in a way that is consistent with a tendency to incur a personal cost (C) as long as C is less than the benefit conferred (B) multiplied by the applicable degree of relatedness (r): $Br > C$.[85]

This tendency to engage in altruistic behavior for the benefit of kin is a strong force in mammals,[86] and humans share this strong tendency with other mammals. Thus, not only is there a strong drive in humans to express parental investment and child demands, there is also a strong drive to express kinship altruism. An associational setting that incorporates extended biological family relationships provides an opportunity for an individual to act altruistically for the benefit of kin and thus to enhance her or his inclusive fitness. As a result, the maintenance of an extended family association was likely an adaptation to the human EEA and likely continues as a basic component of human behavior.

In addition to the principle of inclusive fitness and its ramifications, the principle of reciprocal altruism provides insights into how persons situated within family associations have an interest in interacting and associating with unrelated persons. Reciprocal altruism is the behavioral tendency of an individual to confer benefits on others that affect their reproductive success because the individual can expect to receive benefits from the recipients in the future. Such reciprocal behavior was a likely condition in the human EEA, with its small groups of individuals, who were not all related as kin, acting cooperatively for mutual survival. In such a setting, humans could recognize

and remember whom they had conferred benefits upon and they could keep track of whether a specific individual conferred benefits upon them in return. Under these conditions individuals who possessed the basic trait that allowed for reciprocal exchanges would be selected through natural selection.[87] Certainly, contemporary humans engage in such behavior and this component of human nature may provide the foundation for the trend of defining relationships, even kinship relationships, in terms of contract.[88] And as with other human behavior explained by evolutionary principles, it may be present and powerful in settings where such behavior fails to make sense. For example, the depth and force of reciprocal altruism may explain why individuals tip service providers (e.g., waitstaff) when they travel out of town with no expectation of returning.

In light of the strong behavioral trait of humans to act altruistically in relation to unrelated individuals, people tend to live within social environments that allow for reciprocal behavior between themselves and unrelated individuals. These environments allow individuals to cooperate, and thus to confer and receive benefits that historically have correlated with increased reproductive success. For example, they can confer and receive such tangible benefits as food and housing, and such intangible benefits as social recognition and status. An environment that isolates individuals or kinship groups from other individuals would appear to frustrate a powerful component of human nature.[89]

Implications for Public Policy

The insights provided by the evolutionary principle of inclusive fitness reveal strong behavioral forces in humans that lead to the formation and maintenance of kinship groups. The insights provided by the evolutionary principle of reciprocal altruism reveal strong behavioral forces in humans that lead to the formation of social settings that allow for interactions among individuals who do not share a kinship relationship. Based on these strong behavioral forces, humans appear to have a deep-seated, strong preference for an associational setting that allows for the expression of altruistic tendencies among members of a kinship group, and for the expression of less intense, but still significant, altruistic tendencies among members of a kinship group and individuals outside the kinship group. The core of this preferred associational setting is a kinship group that shares a high degree of genetic relatedness—the family association.

Although every family association does not have to take a specific biologi-

cally based form,[90] human nature manifests a strong tendency to require that there be room for the development and maintenance of a kinship-type association within a social setting that allows interaction with individuals outside the kinship-type association. This element of human nature places certain, albeit wide, limits on public policy in relation to the family association. As Robert Wright has explained in a broader context, the human genotype defines the ends of the spectrum of possible human behavioral outcomes within a specific environment. Wright analogizes these ends of the spectrum to the ends of a radio dial, with knobs being adjusted by the specific environment in which the genotype finds itself in order to fine-tune the specific human outcome along the available spectrum.[91] The spectrum of human behavioral outcomes may be quite wide and variable, but there are limits—the ends of the spectrum imposed by the human genotype.

In the case of the kinship association and its social setting, human behavioral outcomes appear to be quite flexible, ranging from polygamy to polyandry to monogamy to single-parent settings and even to kinlike associations that do not include a biological relationship (e.g., adoption, foster care). All of these family associations appear to lie along the spectrum of realistically achievable behavioral outcomes for the human genotype. However, some possible behavioral outcomes appear to lie outside this spectrum or, at least, bump into the ends of the spectrum and thus are only achievable at a significant, probably unacceptable enforcement cost.

In order to illustrate this point, recall the family associations presented at the beginning of this chapter. The experience of slave families in nineteenth-century America provides an example of the dominant society creating extremely hostile and severe conditions for the family associations within a specific subgroup. The dominant society incurred a significant cost to create these hostile conditions. A broad market for forced slave labor was considered necessary. In addition, an extensive system of monitoring and disciplining slave activity was considered necessary.

The dominant society was quite willing and able to incur the high costs necessary to create the hostile conditions for slave family associations. Scholars in the early twentieth century, even with the benefit of hindsight, expected the slave families to be extremely dysfunctional due to the dominant society's successful creation of these hostile conditions. However, evidence discovered and examined since the early 1970s indicates that slave families survived these conditions. Slaves demonstrated a high degree of adaptiveness and courage in creating and maintaining a wide variety of family associations. The two-parent nuclear family predominated, but extended kinship

networks and surrogate family relationships were also quite common and remarkably strong. The survival and value of the family association were most vividly demonstrated by the choice of individual slaves to remain living in slavery with their family members rather than to seek personal freedom.

Despite the dominant society's willingness to incur high costs in order to create a hostile environment for slave family associations, that environment failed to destroy the family association. These slave family stories provide evidence of the strength of the basic human tendency to form and live within a family associational setting, a behavioral manifestation of the concepts of inclusive fitness and kinship altruism. These stories also indicate the price a society would have to pay in order to thwart this strong behavioral tendency. A society would have to incur incredibly high costs (e.g., life within an all-knowing, all-intrusive totalitarian regime) in order to overcome this basic human behavioral trait, if it is even feasible at all.

In comparison to the conditions confronted by slave families, the situation of kibbutz families in the '30s, '40s, and '50s was much less extreme. Most importantly, the affected community itself created and maintained the conditions confronted by kibbutz families. The conditions were not imposed by a dominant group who were living apart from and not experiencing the conditions that they had created and maintained.

In such a situation, we would expect that the community members would not impose unduly harsh conditions such as a complete separation of family members by force or a complete lack of decision-making authority concerning family members. This is what we find in the kibbutz situation. A system of communal child care did result in some separation of family members, but to a much less severe degree than the forced separations experienced by slave families (e.g., separate sleeping arrangements with defined opportunities for visitation and interaction). The kibbutz system of communal child care also resulted in a reduction of decision-making authority concerning family members, but again to a lesser degree than in the situation of slavery (e.g., decisions concerning the education of children being left to the community as a whole).

But even under these less harsh conditions for family life, we observe a slow erosion of community policies and practices that redefine family relationships and authority. The original family policy of the kibbutz communities required kibbutzniks to pay a high cost in terms of human fulfillment and happiness. This is evidenced by the failure to maintain the original family policy. Since the 1960s, the family association has gained enormous strength within the kibbutz communities, leading to the widespread termi-

nation of the children's houses and the family association's assertion of decision-making power concerning family members.

It appears that the kibbutz communities' "soft" version of disassociation among family members bumps up against one end of the spectrum of acceptable human family associational relationships. As was evidenced through the stories of slave families, the stories of kibbutz families provide evidence of the human preference for a relatively distinct family associational setting. Again, humans have a strong tendency to create and maintain an associational setting that allows for the expression of behavior powered by the principle of inclusive fitness. Family policy that disallows this type of associational setting to any significant degree appears to require a society to incur substantial costs in terms of enforcement and the happiness and fulfillment of its citizens.[92]

The condition of pioneer families in the nineteenth-century American west provides a separate example of a practical limit on family policy. Public policies created conditions that led to geographic and social isolation for pioneer families. Although this may not have been an intentional result of public policies designed to encourage settlement of the vast American west, it was the *de facto* result. Pioneer families often found themselves in living situations characterized by severe isolation.

The condition of severe isolation appears to have quickly eroded, however. From the beginning of their trek west, many, although not a majority of settlers traveled with extensive kinship networks in place. Extended families often traveled and settled together. For the majority of settlers who did not travel and settle within an extended kinship group, their connections to fellow unrelated settlers and neighbors formed quickly and extensively. The settlers, often living within nuclear family associations, reached out both to other members of their extended kinship group and to unrelated settlers in order to create communities. The stories of pioneer families provide evidence of the basic human trait for interaction beyond immediate, closely related family members. Humans have a strong tendency to seek out social conditions that allow members of small family associations to engage in behavior that is powered by concepts of kinship altruism and reciprocal altruism. Complete isolation of the nuclear family association appears to contradict this basic human tendency and also appears to quickly erode absent society's willingness and ability to incur substantial monitoring and enforcement costs.

As with a public policy imposing harsh conditions on the very survival of

a close family association, a policy of isolation of discrete family associations seems to approach an end of the spectrum of acceptable public policy regarding the family.[93] Thus, public policies that seek either to destroy or significantly undermine discrete family associations or to isolate discrete family associations from interaction with other members of society would appear to require a society to incur extremely high social costs. These limits on family policy that arise from an understanding of basic human nature as illuminated by principles of evolutionary psychology are important to recognize. Specifically, they are important to the discussion of the political functions of the family within American society, the subject of this book. The recognition of these limits allows for the exploration of the political functions of the family within relevant, realistic, pragmatic limits. For example, the possibility that the family association can serve a political role that would place it in the vanguard of a communal, communistic movement can be readily rejected. In addition, the possibility that the family association can serve a political role as the guiding force in a movement aimed at achieving isolated, atomistic individualism can also be rejected.

The rejection of these political roles for the family still leaves a large area of debate concerning the appropriate political functions of the family and, thus, the appropriateness of specific family policies. For example, family associations that allow for the expression of human behavior powered by concepts of inclusive fitness, kinship altruism, and reciprocal altruism can be composed of individuals who are not biologically related (e.g., society can allow and even promote adoptive families). More broadly, society could utilize the family association to produce its vision of good citizens, with varying degrees of public regulation that would not approach the ends of the spectrum as defined by strong tendencies in human behavior. The remainder of this book focuses on the area between the ends of the realistic, pragmatic human behavioral spectrum. It defines the field of play for a realistic and pragmatic exploration of the political functions of the family in American society.

But before we move on, it is important that the basic point is clear. An examination of evolutionary principles and stories of family resiliency reveals that any human society must address and incorporate family associations whose members will interact with other individuals and associations. A society that attempts to destroy or isolate family associations will pay a very high price for such a policy. This cost will never go away because such a policy would have to continually combat the strong human preference to

form and live within family associations. Such a high, on-going cost renders drastic policies infeasible and makes it necessary for a society's political system to address the family. In addition, the family will necessarily play a role in any political system. This book explores the role played by the family association in American society and more broadly in a large pluralistic democracy.