

# Family Law Notes

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## Week 1

James M White and David M Klein *Family Theories* ( SAGE, 3rd edn, 2008) pp 33-43

- Concept of thinking the head of the family is the father
  - having a mum and dad is preferable, that it is the best and complete structure
  - If there is no father, the mother will take the father's place as head of the household
  - mothers are thought to be the emotional and expressive glue that holds a family together
  - does this mean single parent families do not function as well?
  - family is like a social organisation with a hierarchical structure
  - the longevity of the family function is based on confirming to society's preconceived roles
- structural functionalism
- Requisite functionalism
- Darwin spoke of adaptation and selection
- Spencer and Durkheim realized how organic functionalism might be used to explain various social institutions and behaviours
- biological sciences were one of the first to adopt functionalist explanations
- Radcliffe-Brown's contribution to functionalism was to make it relative to the environment in which society must adapt
- Parson's system and action theory: divided the world up into the social, cultural and personality systems
  - family had 2 functions: socialization of children so they can become members of society and stabilization of adult personalities in the population of society
  - basic role structure of family: father is instrumental superior, brother instrumental inferior, mother expressive superior and daughter expressive inferior
  - this was seen as a normal family, where there were gender specific roles
  - child socialisation being a mother-child identity: moving from dependency to autonomy
  - Merton's empirical middle range: cast doubt on Parson's grand theory, as there was more work to be done on gathering data and doing research as he found examples that were not normal of families
  - Goode's Conjugal family: expanded Parson's; notion that the American family was losing its extended kinship as a result of the effects of industrialization and urbanization and also made an extension on the middle range theory (convergence/social development theory)
- Swenson's Neofunctional theory of family
  - Attempts to unite the diverse family theoretical frameworks
  - Neofunctionalists were also called nonfunctionalists
  - There is still some doubt as to the statements of Swenson and their basis to be believed

Michael Bittman and Jocelyn Pixley *The Double Life of the Family: Myth, Hope and Experience* (Allen and Unwin, 1997) pp 1-15

- Bittman and Pixley say there are 2 conceptualisations of the nuclear family:
  - Nuclear: husband, wife, children, and each has their own traditional roles.
    - Sexual division of labour: mum looking after daughter, man looking after son?
  - More specifically: breadwinner husband, housewife, children → traditional gender roles (functionalism). → sexual division of labour.
  - Nuclear family is heteronuclear – ie based on heterosexual relationship.
  - Private – idea that family relationships are private.
  - Structural functionalist – each person has their own role to play in the family, most likely based on their gender. Family exists to provide for the needs of those who live within it.
    - White: parents are there to provide for needs of children and socialise them into society; parents are provided with stability as adults.
  - Why is government fond of this idea? Less responsibility for the state to say that parents are responsible for children, not government.

- But in other cultures, whole communities are responsible for children. So the idea that parents are responsible for children is actually just an artificial idea.
- Lots of things in society is packaged in 4s. It's based on the 'golden/efficient' number. Family tickets, food packs. It is heavily entrenched in society.
- Is the myth of the nuclear family dead?
  - we get things in family packs
  - soap operas have romance with discusses kinship ties between two separate families
  - home: associated with security and cordiality
- Not everything is what it seems
  - more people are murdered by family members than actual strangers
  - dangers for sexual abuse now even exist inside the home
  - transgression of normal (Durkheim) and the repair that goes into fixing it
  - the normative and actual life of the family, where it occurs on a behavioural and normative level
- Opposition between myth and reality:
  - sociologists treat the normative family as chiefly a misconception
  - whether the myth has been indeed treated as a myth: preconceived narrow roles of the bread winning father, non employed mother and two dependent children
  - The spurious myth of the disappearing nuclear family – statistics misinterpreted
  - where 49% were normal nuclear families and 51% were couple families
  - Of these majority, half were going to remain childless and the other were transitioning to have kids soon
  - Why the numerical decline of the nuclear family?: increasing longevity and changes in fertility; not because the form of the nuclear family has become unpopular
- Historical patterns of fertility: the baby boom
  - A result of increasing rate of marriage, earlier marriage and low rates of childlessness
  - Longevity and the effects of an ageing population: many 'empty nest' households. Offspring of those born in the baby booms will have lower fertility
- Rising divorce rates and increased proportion of people who will never marry:
  - Number of single parent families have doubled since the 1970s
  - Issues that may arise out of this: anxiety about the moral disintegration of contemporary society and the rising cost of government benefits paid to this group
  - In the future it is thought that 1 in 3 marriages will end in divorce
  - In WA it was common for men to just be living away from their wives
  - This is not the decay of marriage, but as a result of importance placed on a marriage relationship, where the choice is for love not economic advantage
  - Growth in de facto relationships and blended families
  - Same sex couples do not usually co-habit
- The double life – the social efficacy of the myth:
  - Myth: nuclear family is in decline.
  - In reality, it is not, and the decline is only due to other factors.
  - The decline of a nuclear family is not always supported by the right numbers
  - The shift from a traditional family unit is viable where men become one of the providers of the family and women also work.
- Luhmann and the normative family:
  - Cognitive (waiting for the bus timetable example) and normative expectations (personal experience about incest)