

# Axiological Perspectives and Dimensions on the Evolution of the Family in Postmodernity

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**Abstract:** In this paper we will consider the supposed changes of postmodernity in the family. In this respect, we will focus on a few moral-legal perspectives, but to the extent that they will reveal the new dimensions regarding family life and what the current life dominated by technology and excessive somatization implies. The family thus based on the traditional marriage has evolved into a modern form, now reaching what we call the postmodern family. Under the influence of human rights, the specific legal framework of each country and other related laws, at present, each member of the family can be in control of his body and his social and even intimate relations, etc. The equality thus enshrined between the members of the family has led to the situation in which the biological differences have lost their consistency. At the same time, in the family field, the common morality and the religious conscience were outdated and even replaced with the secular values. What was decades ago completely forbidden (adultery, same-sex sexual intercourse, prostitution) is no longer necessarily sanctioned or promiscuous. In this regard, the intimate life knows a kind of relaxation. About all the dimensions reported here, we will discuss further in detail.

**Keywords:** *family; postmodernity; RUAM; morals; norms; fundamental; legal.*

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## 1. Introduction

The present paper addresses the issue of the mutations suffered by the family institution. What we want to highlight is the functional dynamics and the new types of family in post-modern society (Apostu, 2016), the way in which the roles are distributed, under the conditions of Human Rights, the increasingly accelerated development of technique and technology and the possibility of couples (heterosexuals or homosexuals) to be parents.

There are, as is better than known, three types of sexual orientation: heterosexual, bisexual and homosexual. The latter represents the attraction felt by one person to the same sex. Viewed from a human rights perspective, every individual has the right to do what he considers to be best for his happiness as long as he does not violate the rights and freedoms of others.

Forming a couple is a decision that two partners make, whether it's about two people of the opposite sex, or of the same sex. In the context of globalization, the spiritualization of borders and the virtualization of social space, we consider that such unions can no longer be considered isolated or accidental, they are a new form of union, present, current and which in our opinion is a reality that cannot be denied. The denial of fundamental rights (such as marriage or family formation, adoption, etc) implies only a postponement, as more and more countries have allowed, through their legal framework, that same-sex persons who form a couple have the right to form a family, to have children, to have the right to inheritance in the event of the death of one of the partners.

Regarding gender identity, this is defined from the moment of the birth of a person according to the physical and genetic qualities that allow the identification as a man or as a woman. Identity involves gender roles: men - throughout history have been assigned qualities such as strength or vigor, they are considered active and rational individuals and women, who have been identified as the weak sex, being sentimental, responsible for the marital home.

Sexual behavior involves that set of actions that a person performs in the sexual sphere. Sexual orientation is defined according to the person of whom an individual falls in love, has sexual relations with, etc.

The directions of analysis of the research will try to compare two directions: on the one hand, that of the human rights, and on the other, the one that comes on the axiological chain.

## 2. Bioethical and legal challenges in the field of family

The increasingly accelerated development of technology and technique has had a great impact not only in the social or individual sphere, but also in terms of reproduction (Huidu, 2017; Vlad, 2017). Currently, people wishing to bring a child into the world can apply for in vitro insemination without the need for a procreation partner. Assisted reproductive technologies have attracted the attention of the scientific community, so experiments have been carried out, but new bioethical dilemmas have emerged. We consider, then, that the legal sphere must take into account the challenges of the medically assisted human reproduction technologies, but also the evolution of consumerist ideologies in order to avoid the illicit or immoral acts regarding the creation of life.

Julian Savulescu mentions in his works the principle of procreative beneficence (Sandu, 2016a; Săvulescu, 2001). According to this principle, individuals have a moral obligation to provide the best opportunities for children through new human improvement technologies and consider that it would be wrong not to give them the chance to be better, more competitive or more moral. In addition, in the article *Deaf lesbians "Designer Disability" and the Future of Medicine* (Sandu, 2012; Săvulescu, 2002) it raises the issue of two deaf lesbians who want to bring into the world a child with the same disability. The article drew attention through controversy, but in a closed community of deaf lesbians, deafness is not considered a disability because it is the socio-cultural context they know. In this respect, it should be seen whether the particular set of values can be extrapolated and universalized from concrete examples of life. In this way, it would be useful to think about the truthfulness of the principles and their axiological foundation.

However, post-modernity no longer takes into account universal norms, but aims to develop moral norms precisely from a symbolic-technical amphibology. On this logic, anything will be possible, even more, epistemically and morally grounded. In *Dimensions and ethical perspectives on current barbarism*, we have even shown that postmodern relativism does not turn into perspective, but rather into *will to power*, and further into self-love, greed and even tyranny (Colang, 2018). Here being the personal, micro, individual perspective of the postmodern subject, but at the macro level, as Lyotard shows us, postmodernity cannot be complete without the call for technique: "It is the rewriting of some characteristics claimed by the modernity and especially of its claim to base its legitimacy on the project of emancipation of the whole humanity through science and technology." (Lyotard, 2002)

### **3. Assisted human reproduction and the influence of new technologies**

New technologies allow individuals to improve on some unwanted issues, and they also allow individuals to procreate without a partner, using sperm banks. At the same time, a variety of epithelial cells from two male mice, through various technologies, have created another baby mouse (Deng et al., 2011). Cutaş and Smajdor bring to the fore the possibility of solo-reproduction: solo-reproduction is described as the creation of eggs from men's non-reproductive cells and sperm from women's (Cutaş & Smajdor, 2017); on the other hand, one of the technologies of obtaining artificial gametes allows the transformation of the epithelial cells into totipotent stem cells, thereby obtaining gametes (Sandu, 2016b). All these postmodern approaches merely confirm the rule that at the micro, subject level, all current actions begin to be driven by a kind of selfishness, self-love; and at the macro level, ideology, social symbolism - there can be no relationships without technology and technical advancement. It may sound as normal as possible, but if we put selfishness with technique in the same key, things may no longer be as wonderful, futuristic, revealing.

In this respect, the use of the new technologies of medically assisted human reproduction raises question marks both from the bioethical point of view and from the moral and legal point of view. A series of actions, such as the creation of individuals with a slave morality or a Nietzschean (Nietzsche, 2006, 2016) master's morality, raise the issue of a new form of slavery called soft slavery (Vlad, 2019). As rational individuals, we are accountable to future generations and have the obligation to ensure the survival of the human species. The legal framework must then ensure the respect of the fundamental rights and dignity of the human individual, so that acts such as the creation of hybrid individuals or raising of consciousness of animals should occupy the agenda of the main institutions dealing with human rights. Perhaps it was not by chance that the Parliament of Romania has not so far adopted the Law on medically assisted human reproduction to which it was obliged according to art. 441-447 of the Civil Code, in force since 2011.

The obligation to future generations does not refer to rights, but to value: given that we consider the survival of the human species a good thing, and we enjoy the increase of the quality of our lives, we have the obligation to maintain these good things for the representatives of future generations (Cutaş, 2007).

#### **4. Family from the Perspective of the Philosophy of Law**

From the perspective of law, the family is based on marriage, a term which, in Romanian law has two meanings: on the one hand it is a legal act concluded by the persons who wish to marry, and on the other it is a legal situation. In Article 259 of the New Civil Code, marriage is "the freely agreed union between a man and a woman, which takes place according to the legal provisions, with the purpose of establishing a family".

Depending on the legal framework in place, young people can get married, thus establishing a family, but there have often been cases when marriages were only arrangements in order to obtain a number of benefits. In this case, the term fictitious marriage is mentioned in the literature (Tomescu, 2005). The most common reasons for the conclusion of such marriages are the right to a visa or stay permit, thus obtaining citizenship, etc.

However, as emphasized in the scientific literature in the field of sociology or law, within the family there have been many changes that have had to do especially with the evolution of the society, the national and international legislation adapting to the new tendencies in the family field. If until recently, the marriage consisted of a man and a woman, at this moment the sensitivity towards the members of the LGBT community, especially outside our country, has increased. International law allows marriages to people of the same gender, but in our country the Orthodox tradition and belief still remain, to some extent, according to which: God created man and woman and sent them to earth to give birth to babies, to be born to multiply and to rule the earth (Genesis, Chapter I, 27.28)

As regards international marriage law, the countries that have adopted measures to allow the possibility of marriage of the same people are: Holland, Begia, South Africa, Iceland, Argentina, Denmark, Luxembourg, etc.

#### **5. Conclusions**

The family institution is not a fixed element, neither in the historical plan, nor in the sociological or the legal plan. Under the impact of legal rules, the family has become more of a kind of cold partnership that fails to take into account the In-Sein/In-Der-Welt-Sein (Heidegger, 2002). If before the family was a self-contained entity, now the law protects each member. Thus, a departure from the moral of the law is obvious: the first focuses on the couple, the other on the individual in the couple.

Each individual in the couple has an inter-marital legal status: the woman has the same rights as the man, the woman has the freedom to build a career, the child himself has rights, both partners equally share the obligations and duties towards the children. Currently, women and men have the right to choose their life partner independently and without constraints. In privacy, everyone has the right to choose to build their family life with a same-sex partner, to look at and taste life according to its ontological accumulations. However, there is a cost for every action and not just benefits. At the same time, they can fully exercise their right to bodily freedom (the person's right to dispose of himself): only the person concerned can decide whether to undergo tests, surveys, experiments; to have intimate relationships; to use contraceptive means, to interrupt a pregnancy; to change their sex, to donate organs, to carry someone else's baby - so many perspectives and behaviors that often conflict, not only because life imposes this, but also because the moral norms are different from the legal norms.

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