ABSTRACT. This paper asks whether adult children have a duty of justice to act as caregivers for their frail, elderly parents. I begin (Sections I. and II.) by locating the historical reasons why relationships within families were not thought to raise issues of justice. I argue that these reasons are misguided. The paper next presents specific examples showing the relevance of justice to family relationships. I point out that in the United States today, the burden of caregiving for dependent parents falls disproportionately on women (Sections III. and IV.). The paper goes on to use Rawls’ theoretical tool of the veil of ignorance to argue that caring for parents should not be linked to a person’s sex and more generally, that there is no duty of justice to assume the role of caregiver for dependent parents (Sections V.). Although justice does not provide the moral foundations for parent care, I show that it nonetheless places important limits on the instinct to care. I conclude that the voice of justice should be audible, and is intrinsically present, within families.

KEY WORDS: bioethics, caregiving, caring, elderly, family ethics, filial duty, gender, justice, Rawls

INTRODUCTION

What are the obligations of sisters and brothers to share in the responsibility of caring for frail, elderly parents? For example, may a loving daughter or son relinquish or refuse to assume caregiving responsibilities for a parent disabled by a stroke who is no longer able to speak, move, or swallow? If so, how should we understand the increased burden this creates for other siblings? For example, is burdening siblings unfair? Or is the decision to do less better described as a failure to meet expectations, a disappointment or inconvenience to others, rather than an injustice? Are there any parent care activities that cannot be let go? For example, must adult children come to the aid of a widowed parent with a chronic, progressive dementia, such as Alzheimer’s? Assuming the parent is no longer able to understand his situation or recognize family members, must adult offspring step in to protect the parent’s welfare? For example, must they assume such responsibilities as committing him to a nursing home, taking over medical decision making, managing financial affairs, and monitoring the situation over time? Or would it be morally permissible
to allow the situation to deteriorate until legal authorities intercede because the parent is a danger to self or others?

These questions are not only important for those who face them directly, they are important for the whole society because they arise on a massive scale. An estimated 6.4 million people aged 65 and over require assistance to carry out activities of daily living.\(^1\) Most people, nearly 79%, who need long term care do not live in institutions, but live at home or in the community.\(^2\) Of the older population with long-term care needs in the community, about 30 percent (1.5 million individuals) have substantial long-term care needs, requiring assistance with 3 or more activities of daily living.\(^3\) Yet questions about what we owe family members are difficult to resolve, in part because justice is unexplored in most discussions about the family. While I will not attempt to answer fully the questions raised here, I will sketch a direction to take in answering these questions. This paper assumes an American perspective throughout. Future research needs to take a careful look at cross-cultural differences, comparing the account of Western history and philosophy I give here with other Western and non-Western perspectives.

This paper asks whether adult children have a duty of justice to act as caregivers for frail, elderly parents. I begin (Sections I. and II.) by locating the historical reasons why relationships within families were not thought to raise justice issues. I argue that these reasons are misguided. The paper next presents specific examples showing the relevance of justice to family relationships. I point out that in the United States today, the burden of caregiving for dependent parents falls disproportionately on women (Sections III and IV). The paper goes on to use Rawls’ theoretical tool of the veil of ignorance to argue that caring for parents should not be linked to a person’s sex and more generally, that there is no duty of justice to assume the role of caregiver for dependent parents (Section V). Although justice does not provide the moral foundations for parent care, I show that it nonetheless places important limits on the instinct to care. I conclude that the voice of justice should be audible, and is intrinsically present, within families.

I. HISTORICAL BACKGROUND

Relationships within the family raise moral questions that touch our most intimate connections to others. Yet the moral dimensions of family life are generally neglected in the scholarly literature of ethics and philosophy. Historically, philosophers regarded morality as a branch of politics, with its primary focus on ethical problems that arise among strangers in public life. The family was contrasted with the public realm of action and agency,