



## PHILOSOPHY AND THEOLOGY

Scholars have recently turned their attention to the subject of children, specifically our duties toward them, including questions about their adoption. Mhairi Cowden's article "What's Love Got to Do with It? Why a Child Does Not Have a Right to Be Loved" critiques the view of Matthew Liao that children have a right to be loved.<sup>1</sup> Liao's justification for his view draws on empirical research about what is necessary for the flourishing of children; flourishing understood in terms of physical, emotional, and social well-being. After reviewing the empirical literature, Liao concludes that children have a right to be loved since children have a right to what is necessary for their flourishing, and it is necessary for the flourishing of children that they be loved by a parent or guardian. Cowden calls into question Liao's conclusion by questioning both the empirical justification for the claim that love is necessary for the flourishing of children and also the very idea that love (at least as it involves emotions) can be commanded.

One aspect of Cowden's strategy admits that children need sufficient human interaction, physical and psychological proximity to adults, and experiential stimulation to mature into well-adjusted adults. What she denies is that these things are simply the same as "love." That is, one could imagine cases where a child received sufficient human interaction, physical and psychological proximity to adults, and experiential stimulation but was not loved, and the empirical question would be, Would such treatment undermine the well-being of the child?

This objection raises one of the most ancient and important questions in philosophy: what is love? In the *Symposium*, the Platonic Socrates explored this question (at least as it relates to *eros*), and the exploration has continued to the present day. One

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<sup>1</sup> Mhairi Cowden, "What's Love Got to Do with It? Why a Child Does Not Have a Right to Be Loved," *Critical Review of International Social and Political Philosophy* 15.3 (June 2011): 325–345.

response to Cowden's objection is to claim "love" is just (positive) human interaction, proximity, and experiential stimulation of the proper kind. Indeed, today not just philosophers but also psychologists explore the nature of love. In her book *Love 2.0: How Our Supreme Emotion Affects Everything We Feel, Think, Do, and Become*, the positive psychologist Barbara Fredrickson defined love as "the momentary upwelling of three tightly interwoven events: first, a sharing of one or more positive emotions between you and another; second, a synchrony between your and the other person's biochemistry and behaviors; and third, a reflected motive to invest in each other's well being that brings mutual care."<sup>2</sup> According to this definition, love necessarily includes some aspects of what Liao was talking about, specifically the emphasis on proximity and care. And yet, this definition is obviously not the only possible understanding of love. For Christians, in fact, Fredrickson's definition is somewhat problematic insofar as it assumes that love, to be *really* love, must always be mutual. But in the view of Jesus, we can love those who do not love us in return. We can and should love our enemies (Matt. 5:43–48).

As so many Socratic dialogues make clear, to define something is difficult, and at least part of the dispute between Cowden and Liao is about how to define love. When disagreeing about a definition, one strategy is to show that a rival definition is too narrow: it excludes an instance that clearly should count within the definition. Another strategy is to try to show that a definition is too broad, including things that clearly do not fall under the definition.

Cowden does not offer a rival definition of love. She focuses rather on ways in which Liao's definition fails insofar as it is too broad in some respects and too narrow in others. It is too broad because many things, such as beneficial treatment, that are typically connected to love, may not in every instance include love. Imagine a racist criminal forced to serve people of color at their lunchtime meal who hates those he serves but nevertheless provides a beneficial service. Here the benefit is present, but love is absent. Cowden objects that Liao's definition may also be too narrow because love may also lead to adverse treatment when combined with ignorance of specifics or because the emotions involved lead to distortions in treatment. A mother inspired by love gives her child aspirin to relieve his pain, not realizing that aspirin may cause potentially fatal Reye's syndrome. A loving father becomes overly protective of his daughter, hindering her social growth, precisely because of his deep love for her. In these cases, love is present, but benefit is absent.

Liao responds to Cowden's article directly and to my mind convincingly.<sup>3</sup> Part of his response is to challenge Cowden's empirical claims in part by suggesting that the best available empirical research does suggest that children need to experience loving actions from caring adults in order to fully flourish as adults. One response to the claim of Liao's definition of love being over-inclusive and under-inclusive is to distinguish between what love intends, proximately and remotely, and what

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<sup>2</sup> Barbara L. Fredrickson, *Love 2.0: How Our Supreme Emotion Affects Everything We Feel, Think, Do, and Become* (New York: Hudson Street Press, 2013), 17.

<sup>3</sup> S. Matthew Liao, "Why Children Need to Be Loved," *Critical Review of International Social and Political Philosophy* 15.3 (January 2012): 347–358.

actually results from love. The mother who mistakenly gives her child aspirin may truly be inspired by love, despite the fact that rather than benefiting the child, she in fact harms her child. Love always *aims at* securing the good of the beloved, but the benevolent aims of love can and do fail for a variety of reasons.

This brings us back to the question of how to define love. The best understanding of love of which I am aware is provided by Alexander Pruss in his brilliant book *One Body: An Essay on Christian Sexual Ethics*.<sup>4</sup> On Pruss's view, love is not just doing good things, but includes appreciation of the one we love and seeking unity in appropriate ways with the one we love. The racist criminal mentioned earlier is lacking both these elements. He does not appreciate the good in those he serves, he does not want to be united with them, and he is united with them only under compulsion, hence his will is not freely united with them. The criminal is not really loving despite having one of the elements of love—beneficial action. If we adopt Pruss's definition, then the problem suggested by Cowden disappears.

That parents should love their children is not as controversial an assertion as that people who wish to become parents have a duty to pursue this desire only by adoption rather than by procreation. In their article "The Bad Habit of Bearing Children," Heleena Theixos and S. B. Jamil scrutinize the choice to procreate and raise biological children and argue that adults who desire children should adopt children rather than have their own biological children.<sup>5</sup> Many premises of Theixos and Jamil's argument are well established, such as that orphans (defined by them as children without a primary caregiver) characteristically suffer mental, social, and physical problems both in the short term and in the long term to a much greater degree than non-orphans. The second premise of their argument is that we also have a serious (but defeasible) obligation to care for those who are in need. They appeal to Peter Singer's formulation of this obligation: "If it is in our power to prevent something bad from happening, without thereby sacrificing something of comparable moral importance, we ought, morally, to do it. . . . [This principle] requires us only to prevent what is bad, and not to promote what is good, and it requires this of us only when we can do it without sacrificing anything that is, from the moral point of view, comparably important."<sup>6</sup> The conclusion they draw is that those who desire to be parents have a serious obligation to adopt existing orphans rather than have their own biological children. The authors criticize what they call "bionormativity": the presumption that the biological bonds created by procreation are superior to other ways to form families, such as via adoption.

A key but relatively unexplored aspect of their argument is the relationship between duty and desire. On the one hand, the desire to be a biological parent, to experience pregnancy and childbirth, and to nurse one's own biological offspring

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<sup>4</sup> Alexander Pruss, "Love and Its Forms," in *One Body: An Essay in Christian Sexual Ethics* (Notre Dame, IN: University of Notre Dame Press, 2012), 8–48.

<sup>5</sup> Heleena Theixos and S. B. Jamil, "The Bad Habit of Bearing Children," *International Journal of Feminist Approaches to Bioethics* 7.1 (Spring 2014): 35–45.

<sup>6</sup> Peter Singer, "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1.3 (Spring 1972): 241.

is, on Theixos and Jamil's view, said to be not so important as to justify forgoing adopting an orphan in favor of natural procreation. On the other hand, a person who does not desire to become a parent has no obligation to adopt an orphan precisely because of a lack of desire to be a parent. Now, for some people, the desire not to be a parent might be quite weak. Such persons may have no positive desire to be parents, but if it "happened," they would not be very upset at all. On the other hand, other people have extremely strong desires not just to be parents, but to be biological parents. These intense desires to be biological parents lead some people to spend thousands and thousands of dollars on in vitro fertilization, to undergo painful and intrusive medical procedures, and to seek out the challenges of pregnancy. What is unclear about Theixos and Jamil's view is why very weak desires not to be a parent defeat the general obligation to adopt orphans, but very strong desires to become a biological parent do not defeat this general obligation.

Why are some desires, even weak ones, so decisive in shaping our ethical duties while other, perhaps much stronger, desires are not? One answer is that becoming a parent is such a momentous change in one's identity that even a weak desire not to be a parent is morally decisive. But this argument depends upon how one conceives of one's identity. In some cases, particularly cases when one is already a parent, adding an additional child may do little to change one's fundamental identity. When considering the desire to be biological parents, Theixos and Jamil write, "We think that proposed defeaters that are based in the agent's desire cannot carry more moral weight than the moral duty of rescuing these children."<sup>7</sup> But this same principle, if applied to the desire not to be a parent, leads to the conclusion that all adults who are able to care for orphans have an obligation to become parents.

Theixos and Jamil's view also holds that the onerous paperwork, time, financial cost, and hassles of adoption defeat the obligation to rescue orphans. Unfortunately, they are correct that adoption often involves a troublesomely difficult process. But surely the difficulties of the process of adoption, given its lamentable expenses and hassles, are not morally comparable to the sufferings of unadopted orphans. Given the choice between allowing a child to remain an orphan and going through the hassles of adoption, no reasonable person behind a Rawlsian veil of ignorance would choose to let a child remain an orphan, since the short-term and long-term difficulties of a child with no caregiver vastly overmaster those of going through an adoption.

In a response to Theixos and Jamil's article, Karey Horwood, in "Bad Habit or Considered Decision," considers whether perhaps Theixos and Jamil have underestimated the importance of "bionormativity." She writes,

No doubt all of us absorb messages about the "superiority" of biological procreation, just as we absorb heteronormative messages about the necessity of having one mother and one father, and just as we absorb messages that children must be raised in a family with two parents rather than in a communal setting. All of these normative ideals could be equally arbitrary and indefensible. Or maybe some of them, upon closer examination, might hold up to scrutiny. The point is that without digging deeply into the particulars to ferret out the

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<sup>7</sup> Theixos and Jamil, "The Bad Habit of Bearing Children," 40.

difference between mere habit (or even prejudice) and a well-considered conviction about the basis of human flourishing, there is no place from which to stand and judge with confidence that “all preferences that can be formulated as based on conceptions of parenting rooted in bionormative values cannot override the orphan’s claim to rescue.”<sup>8</sup>

What differences, if any, exist on average between children raised by their own biological parents and children raised by parents who adopted them? This is an interesting empirical question.<sup>9</sup> Often, adoption is the best response to troubled circumstances, but perhaps even better is procreation in advantageous circumstances.

Another aspect of the subject of adoption is embryo adoption.<sup>10</sup> Thomas Nelson’s article “Personhood and Embryo Adoption” defends the thesis that heterologous embryo transfer for rescue (HETr), the transfer of a human embryo to a woman who is not biologically the mother of the embryo, is morally impermissible. He notes that opponents of HETr often argue that the procreative good includes not just conception of a human being but also the nurturance of a human being in utero. Nelson takes a different route to the conclusion that HETr is wrong in arguing that it violates the proper bodily relationship between persons.

Nelson does not oppose all embryo transfer. He holds that for a biological mother to accept into her womb her own biological child in his or her embryonic stage of development does not seem intrinsically wrong. So, on his view, it is not the transferring of an embryo into a uterus that makes the action wrong, but rather something else, namely, the lack of relationship between the embryo and the potential gestational mother.

Drawing on the work of Karol Wojtyła, Richard of St. Victor, and others, Nelson points out that to be a person is not an isolated monad, but exists in actual and potential relationship with other persons who share incommunicability, a kind of uniqueness. “Recall that incommunicability is the premier attribute of persons and refers to that which cannot be shared. An incommunicable being has a certain metaphysical absoluteness and so cannot just instantiate a type.”<sup>11</sup> So, even though all of us share in human nature and instantiate the kind “human being,” there is also something about each one of us that is utterly unique and unrepeatable. Nelson continues, “In general as incommunicability increases, so does relational exclusivity. There are certain relationships that are incommunicable and exclusive as relationships.”<sup>12</sup> The spousal relationship is one such kind of exclusive relationship. It is impermissible to

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<sup>8</sup> Karey Harwood, “Bad Habit or Considered Decision: The Need for a Closer Examination of Prospective Parents’ Views,” *International Journal of Feminist Approaches to Bioethics* 7.1 (Spring 2014): 50.

<sup>9</sup> For some information on the differences, see “Adopted Children,” *Child Trends DataBank*, August 2012, <http://www.childtrends.org/?indicators=adopted-children>.

<sup>10</sup> Michel Accad, “Heterologous Embryo Transfer: Magisterial Answers and Metaphysical Questions,” *Linacre Quarterly* 81.1 (February 2014): 38–46.

<sup>11</sup> Thomas K. Nelson, “Personhood and Embryo Adoption,” *Linacre Quarterly* 79.3 (August 2012): 267.

<sup>12</sup> *Ibid.*

“swap” spouses because a person’s spouse, unlike the person’s car battery, stands in unique relationship to the person. In a similar way, Nelson argues, the relationship between biological mother and biological child involves a “total bodily union” such that it is impermissible for a woman who is not biologically related to an embryo to gestate this embryo. “In pregnancy, the embryo who is ‘of’ the mother is incorporated ‘in’ the mother, who gives her body and person totally. As such, pregnancy invokes the incommunicable exclusivity of interpersonal bodily relationships. The rescuer, despite the best of intentions, enters into a bodily relationship with an embryo that is meant only for its mother, who can never be reduced to just the ‘genetic’ mother.”<sup>13</sup>

Although Nelsom’s conclusion—that HETr is ethically impermissible—may be correct, I do not find Nelson’s argument for this conclusion persuasive. First, incommunicability as a characteristic of persons is like evenness (or oddness) as characteristic of numbers. These characteristics are binary. For this reason, it would be improper to speak of the evenness of a number increasing, since evenness is a characteristic that does not admit of degrees. A number is either even or it is not, but no number is more even than another. So too it is improper to claim that “as incommunicability increases, so too the exclusivity of the relationship increases.” Incommunicability is a binary characteristic that does not admit of increasing degrees.

In addition, pregnancy is not like a spousal relationship in terms of totality and therefore exclusivity. There is nothing whatsoever wrong with a wife carrying more than one child during a pregnancy, but there would be something very wrong with a wife having more than one husband during a marriage. Marriage involves a total gift of self because marriage always involves a free voluntary choice to create a marital union on the part of the husband and on the part of the wife at their wedding. By contrast, pregnancy does not involve a total gift of self because sometimes a mother does not consent to being pregnant (e.g., unwanted pregnancies) and the human embryo obviously never consents to conception and implantation.

Finally, it is unclear why Nelson’s argument would not apply equally well to breast-feeding a baby that is not one’s own biological child. If HETr violates the relatedness of persons, would nursing a child (an activity of great intimacy and connection) also be improper? If not, why not? Adoptive parents raise their non-biological children from infancy to adulthood, (an activity of great intimacy and connection), yet clearly this is permissible. It is unclear why the bonds of embodied persons exclude the permissibility of HETr but allow nursing and post-birth adoption. Nelson may be correct that HETr is ethically wrong, but the arguments he offers do not justify his conclusion.

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<sup>13</sup> *Ibid.*, 269.