

# family-making

*Edited by* Françoise Baylis and Carolyn McLeod

contemporary ethical challenges



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issues in **biomedical ethics**

## Family-Making

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# Family-Making

## *Contemporary Ethical Challenges*

EDITED BY

Françoise Baylis  
and Carolyn McLeod

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# Introduction

*Françoise Baylis and Carolyn McLeod*

Many people want children but cannot have them through sexual intercourse, because they and/or their partner are infertile or they are not heterosexual. Other people want children and could have them through sexual intercourse, but choose not to because they do not have a sexual partner, they are at risk of having a child with a serious genetic condition, or they believe that there is a moral obligation not to create more children when there are existing children who are in need of families. In the not-so-distant past, these people had limited options in terms of how or whether they had children; for example, *in vitro* fertilization was not available to those who wanted to reproduce, and those who could not create a “wholesome” environment for a child (based on socioeconomic status, marital status, sexual orientation, age, and so on) were denied the ability to adopt children. Now, particularly in Western democratic states, many people who cannot, or do not want to, have children through sexual intercourse—including heterosexual or homosexual couples and single people—have more options available to them than would have been the case in the past.

This book is about the ethics of having children by adoption and technologically assisted reproduction (or “assisted reproduction” for short). For many people, these methods are separate and distinct from one another; they can choose *either* adoption *or* assisted reproduction. By contrast, for others these options blend together. Consider, for example, same-sex female couples for whom, in some jurisdictions, the path of assisted reproduction is complicated by the need for the partner who is not genetically related to the resulting child to adopt this child, if she wants to become the child’s legal parent (see Crawford, Chapter 9). The situation is similar (again in some jurisdictions) for same-sex male couples and heterosexual couples using contract pregnancy where neither, or only one, partner is genetically related to the offspring. These couples do not choose between adoption and assisted reproduction (see Baylis, Chapter 14). Rather, they choose between adoption *without* assisted reproduction and assisted reproduction *with* adoption. (For simplicity’s sake, we—and the authors in



this collection—sometimes refer to choosing between adoption and assisted reproduction, accepting that, in some cases, the option of assisted reproduction is coupled with adoption.)

Some people confronted with the alternatives of adoption or assisted reproduction struggle between them. Others do not agonize in this way. In the latter group are people who have a profound desire for a genetic link to the child(ren) they will parent or a substantial interest in experiencing pregnancy and childbirth. For these people, assisted reproduction is the preferred alternative. Also in this latter group are people who have a profound desire to adopt a child (or children) and thus see adoption as the best alternative. For them, adoption might be the only morally decent choice in a world that is already overcrowded or in which some children simply do not have parents (see Rulli, Chapter 6).

This book critically examines moral choice situations that involve adoption and assisted reproduction as ways of making families with children, and highlights the social norms that can distort decision-making. Examples of such norms are those that favour people having biologically related children (“bionormativity”) or those that privilege a traditional understanding of family as a heterosexual unit with one or more children where both parents are the genetic, biological, legal, and social parents of these children (see Witt, Chapter 3). Factors that could legitimately tip the balance in favour of adoption or assisted reproduction are also discussed, such as cost, genetics, scrutiny of prospective parents by the state, and discrimination against certain types of families.

As a whole, the book looks at how adoption and assisted reproduction are morally distinct from one another, but also emphasizes how the two are morally similar. Choosing one, the other, or both of these approaches to family-making can be complex in some respects, but ought to be simple in others, provided one’s main goal is to become a responsible, caring, and loving parent who willingly takes on the moral obligations of parenting—obligations that involve both protecting and promoting the rights and interests of one’s children (see Brennan, Chapter 2).

## Context

The title of the book, *Family-Making*, speaks to the fact that people use assisted reproduction and adoption to make, and sometimes expand, families that include children. Families are composed of relationships in which people have moral responsibilities for each other. In creating a family with children, one is acquiring responsibilities, serious ones that go along with being a parent, rather than simply getting a baby or a child.

The fact that assisted reproduction is a form of family-making, not just baby-making, is barely evident, however, from the literature in reproductive ethics and indeed from the experience of being a fertility-treatment patient. Few people who write about ethics and assisted reproduction focus on the moral dimensions of becoming a parent

using assisted reproductive technologies. Instead, many focus on whether people have a right to children or a right to procreate. In addition, the state does no screening of prospective parents who choose to attempt assisted reproduction. Moreover, insofar as there is mandatory counselling before fertility treatment, it has little if anything to do with the moral responsibilities that one incurs in becoming a parent. Rather, the counselling focuses on what one can expect during treatment.

In sharp contrast, one can neither read the ethics literature on adoption nor be someone who is in the process of becoming an adoptive parent without realizing that adoption is a family-making enterprise that comes with considerable moral responsibilities. For example, the adoption process routinely includes mandatory screening and counselling that focuses on whether one is morally competent to be a parent, especially, though not exclusively, to an adopted child.

The different approaches to mandatory screening and counselling for assisted reproduction and adoption suggest different background assumptions about the role of the state in constraining family-making in the best interest of children. One of these assumptions has been that children who are adopted experience significantly more problems (psychological or otherwise) than children who are created using assisted reproduction: hence the need for increased scrutiny of prospective adoptive parents. The thought here—that families created using assisted reproduction as opposed to adoption are more likely to function well and therefore would not benefit from mandatory screening or counselling—is empirically questionable, however (see Blake, Richards, and Golombok, Chapter 4). Another assumption that could explain differences in the processes of becoming a parent through assisted reproduction and adoption is that the state has different moral and legal obligations towards its dependent members (e.g. live-born children in need of parents through adoption or foster care) than it does towards children who are but a twinkle in their parents' eye. However, it is not obvious that the state has any less of a moral obligation towards children born of assisted (or unassisted) reproduction, compared to children who are available for adoption, to ensure that these children have good or good enough parents (see McLeod and Botterell, Chapter 8).

This book challenges a number of morally questionable ideas, held by individuals and states, about how families formed through assisted reproduction or adoption differ from one another. At the same time, the book confirms that moral differences do exist between these families; in particular, differences that concern the kinds of responsibilities that parents have towards their children. Indeed, some chapters emphasize that, in choosing adoption or assisted reproduction, one incurs special responsibilities as a parent (Chapters 10, 11, and 12).

## Overview

The book begins with two chapters that address basic moral questions about all families, with no particular attention to the means of family-making. In the opening

chapter, Harry Brighouse and Adam Swift explain why it is worthwhile for most, though not all, adults to have children. In their view, parent–child relationships are not interchangeable with other intimate relationships that adults might have; being a parent makes a unique and important contribution to many people’s flourishing; and whether the parenting is biological or adoptive is irrelevant to the kinds of benefits that it can provide. Brighouse and Swift argue that the goods of parenting exist, in part, because of the moral role that parents play in the lives of their child(ren). In Chapter 2, Samantha Brennan discusses the moral obligations attached to this role of promoting and protecting a child’s well-being. She focuses on what parents are obligated to do to ensure the well-being not just of the future adult that their child will become, but also of the child herself. She presents a theory of children’s well-being that is part of a theory of what rights they hold.

The next section of the book takes a critical look at the concept of “bionormativity” from both a philosophical and an empirical perspective. According to the bionormative conception of the family, families formed through biological reproduction are superior to other families. In her chapter, Charlotte Witt argues that because philosophical arguments supporting this vision of the family fail and the vision itself is stigmatizing, we ought to get rid of it. In the next chapter, Lucy Blake, Martin Richards, and Susan Golombok discuss empirical evidence about family functioning and child well-being in adoptive families, as well as families formed through assisted reproduction. They conclude that the results are good for the majority of families in both of these categories. Hence, their chapter represents a significant challenge to bionormativity.

Next, the focus is on the value of procreation and adoption, with particular attention to moral and pragmatic reasons for choosing one or the other family-making strategy. Christine Overall argues that, generally speaking, prospective parents do not have good moral or pragmatic reasons to prefer procreation, while Tina Rulli argues that they have strong moral reasons to choose adoption. According to Rulli, adoption has unique moral value for all prospective parents, not just for those who cannot have children without assistance from others.

The choices people make in becoming parents through assisted reproduction, adoption, or both are, in important respects, shaped by state policies and practices. The next few chapters question the legitimacy of specific state-sanctioned or imposed restrictions on family-making. Jurgen De Wispelaere and Daniel Weinstock discuss the legitimacy of financial barriers to assisted reproduction in jurisdictions where relevant technologies are not publicly funded. Arguably, such barriers are unjustified if people have a positive right to reproduce. De Wispelaere and Weinstock do not argue in favour of a positive right to reproduce. They do, however, defend the claim that people have a right to become parents. Further, since this right can be satisfied through adoption, they argue that financial barriers to assisted reproduction are justified in circumstances where there are many children available for adoption and where the obstacles to becoming an adoptive parent are not severe. An example they give of such

an obstacle is onerous state-imposed licensing of adoptive parents. The next chapter, by Carolyn McLeod and Andrew Botterell, focuses squarely on parental licensing and what they call the “status quo” of requiring that only adoptive parents undergo licensing (i.e. by having to have a home study and possibly also having to take parental classes). By analyzing the arguments one might give in favour of the status quo and showing how they fail, McLeod and Botterell argue that the status quo is morally objectionable. In making their argument, they reflect briefly on their personal experience in being licensed to adopt children. Likewise, Julie Crawford, who has the last chapter in this section, discusses her personal experience of using assisted reproduction and adoption to become a non-genetic, in some ways biological, adoptive legal mother to a child born by her same-sex partner. A social background of heteronormativity profoundly shaped this experience, as the subtitle of her chapter suggests (“My Daughter is Going to be a Father!”). Crawford is appropriately critical of regulatory regimes for assisted reproductive technologies that automatically extend legal parenthood to non-genetic fathers, but withhold it from non-biological mothers until they go through (and pay for) an adoption.

The next three chapters look at the special responsibilities of parents incurred both in becoming and being a parent through assisted reproduction or adoption. In his chapter, James Lindemann Nelson explains that all parental responsibilities are special or unique; however, these responsibilities can be “extra special” for some people who engage or participate in assisted reproduction. Included within this group, for Lindemann Nelson, are people who reproduce using donor gametes and people who use assisted reproductive techniques that cause the birth of multiple children. The other two chapters on the special responsibilities of parents focus on adoptive parents. Mianna Lotz discusses the duties incurred by adoptive parents post-adoption. According to her, people who become parents through adoption have special obligations towards their children, who are likely to experience unique challenges given the prevailing bionormative conception of the family. The vulnerabilities identified by Lotz concern identity, development of a healthy sense of self and sense of belonging, and emotional independence. The main post-adoptive, parental obligation that she defends is that of initiating “communicative openness” with one’s children about their adoption. In his chapter, Heath Fogg Davis looks specifically at the challenges likely to be experienced by black children who are adopted into white families in the United States (a country plagued by a very particular history of slavery and racism). Existing residential segregation in the United States (and elsewhere) between black and white communities raises both challenges and responsibilities for racially integrated families. Fogg Davis contends that adoptive parents in these circumstances have an obligation to select a racially diverse community for their biracial family. But rather than being entirely special to them, this responsibility is—as Fogg Davis puts it—“a more magnified version of the general moral responsibility that we all have to make residential decisions that do not perpetuate longstanding patterns of racially segregated housing” (pp. 222).

The book ends with three chapters on contested practices: anonymous gamete donation, transnational commercial contract pregnancy in India, and advanced age parenting. Kimberley Leighton critically examines the view that children born of anonymous gamete donation are fundamentally harmed by not having access to information about their genetic heritage and that they therefore have a right to this information. Arguments in favour of this view typically draw an analogy with adoption; they insist that children in closed adoptions are harmed by not knowing their genetic origins, and that children born through anonymous gamete donation must therefore be similarly harmed. According to Leighton, such arguments are flawed insofar as they ignore important differences between what it means to be adopted as opposed to donor-conceived. Along the way, she is critical of claims in favour of donor-conceived people having a “right to know” their genetic origins. In the next chapter, on transnational commercial contract pregnancy in India, Françoise Baylis looks at the harms of this practice for gestating Indian women and Indian women as a group, with a particular focus on the harm of exploitation. She then turns her attention to the potential harms for children born of commercial contract pregnancy where neither, or only one, partner is genetically related to the offspring. Here the focus is on identity formation. Baylis is more sympathetic than Leighton to the experiences of donor-conceived persons who report harms to identity formation from the withholding of information about biological parentage and about kinship relations. For children born of commercial contract pregnancy in India, Baylis is concerned about this harm and about the stigma associated with not knowing biological relatives (including one’s birth mother), with being birthed by a woman who was exploited, and with being commodified. In the closing chapter of the book, Jennifer Parks discusses new fertility preservation technologies and the opportunity they provide for some women to become biological parents at an advanced age. She argues, from a feminist perspective, that the use of cryopreserved oocytes by older women (e.g. 60-year-old women) is morally permissible. However, she also counsels in favour of the removal of restrictions on older women or men becoming parents through other means, including adoption.

In summary, each chapter of this book contributes to our understanding of the moral and practical challenges of contemporary family-making practices. These challenges are considerable. They include whether people should rely on others’ reproductive labour in having children, whether they should ensure that they will have a genetic tie to their children or that their children will have some connection to genetic relatives, whether they should bring a new child into the world at all, whether they should agree to what the government would require of them for an adoption, where they should live if the family they make is multi-racial, at what age they should forgo having children, and the list goes on. Together, the chapters shed considerable light on how individuals or governments should respond to the many ethical challenges involved in making families through adoption or assisted reproduction.

## Addendum

This book explores morally relevant and irrelevant differences between families formed through adoption and assisted reproduction. In such a project, careful attention to the terminology used to describe these families or their members is essential. Terminology that supports or reifies differences that do not actually exist should be avoided, although that's easier said than done. Consider the terms commonly used to distinguish adoptive parents from other kinds of parents, all of which can be problematic:

- “Biological parents,” which can be ambiguous when applied to women, who can contribute gestationally, genetically, or both to the creation of a child, and which is troubling when applied to men and women at the same time, as though they necessarily contribute in the same way biologically to their offspring.
- “Genetic parents,” which, some argue, implies that genetic ties matter more than they actually do in being a parent; on this view, one is never *merely* a genetic parent.
- “Birth parents,” which, when applied to men, is inappropriate if they were not present during the gestation and birth of the child, and which arguably is morally loaded because of its connection to the birth mother movement.
- “Natural parents,” which is problematic in its suggestion that parents who have not adopted their children are naturally parents, while the same is not true of adoptive parents.

Contributors to this book have navigated as carefully as possible through the difficult terrain of naming in morally appropriate ways the parents, families, and children that result from adoption and assisted reproduction. They do not all use the same terms, because, as we have found, no terms are perfect. However, usually their use of specific terms is intentional and well thought out. There are some terms they have avoided or use only in a critical fashion, such as a “child of one’s own,” which does not refer just to biological or genetic children, although normally that is its intended meaning. Throughout, the goal has been to choose the best terms to distinguish among families that, morally speaking, have a lot in common with one another.



## PART I

# Families: Of Parents and Children





# 1

## The Goods of Parenting<sup>\*</sup>

*Harry Brighouse and Adam Swift*

### Introduction

This chapter aims to identify the distinctive contribution that parent–child relationships make to the well-being or flourishing of adults.<sup>1</sup> The claim that those relationships are very important for children—perhaps especially for their emotional development—is widely accepted; we subscribe to that consensus. But the idea that adults benefit from parenting children, while no less familiar, warrants more careful attention than it has generally received.<sup>2</sup> By giving it that attention, we hope to challenge some conventional ways—often so taken-for-granted as to be unstated—in which parents think about their children. In particular, we query the significance of the biological connection between parent and child.

Though rarely conceived in such terms, it is widely believed that adults who get to parent children enjoy goods in their lives that are not realizable through alternative relationships, however intimate or loving, such as those with lovers, friends, or pets. Certainly many adults who desire strongly to become parents would reject the view that these other relationships can be adequate substitutes. They could be wrong: people can want things that do not in fact make their lives go better. This is not just a matter of their discovering, with hindsight, that something they wanted turns out to be something they would rather not have had. People can spend their whole lives believing things in it were good for them when, in fact, those things made their lives worse. So some of those who want to be parents may be mistaken about what will be good for them—perhaps, for them, other relationships would be as good or better—and some who are parents and think that being a parent is good for them may be mistaken about that too. Also, and perhaps more interestingly, people can misunderstand what is good

<sup>\*</sup> This chapter draws on material in Brighouse and Swift (forthcoming).

<sup>1</sup> In this chapter we treat “well-being” and “flourishing” as synonymous, varying our usage only to avoid repetition. For us, anything that “benefits” a person makes her life better for her and should be understood as contributing to her well-being or flourishing.

<sup>2</sup> But, in addition to the works cited later, see Austin (2007) and Richards (2010).

about the things they are right to value. Parenting is indeed special, and especially valuable. But what makes it special is not necessarily what those who want to be parents think is special about it; some, we suggest, value parenting for the wrong reasons.

## Why Parents?

It's easy to see why children should be looked after by *adults*, but we could imagine a system in which different adults were in charge of them at different ages—specialists in dealing with young babies being replaced by experts on toddlers, who in turn would cede authority to those with advanced qualifications on the development of 4–5 year olds, and so on. Or if we thought continuity of care was important, new-born babies could be handed over to state-run childrearing institutions staffed by well-qualified professionals. Or perhaps groups of twenty or thirty adults living together in communes could share the tasks of childrearing between them, with no particular child being the particular responsibility of any particular adult. In none of these alternatives would children have *parents*, as we will understand that term, and societies that reared their children those ways would not have *families*.

How does one go about evaluating childrearing arrangements? Some philosophers think that there are things that societies must (or must not) do to or for people irrespective of whether doing (or not doing) those things will make people's lives better. But we focus on the well-being interests of the different parties who have a stake in the matter. First, and most obviously, there are children; their vulnerability, and the fact that, however they are raised, they cannot be thought to have had any say in the matter, are so glaring that it is hard to hold that their interests play no role. Second, there are adults; adults too may flourish less or more depending on their society's rules about how they may and may not be involved in the process of childrearing. Third, there are third parties; whether or not an individual is herself directly involved in raising children, she will surely be affected by the way her society goes about it, since childrearing arrangements are bound to have what economists call externalities.

Though useful for analytical purposes, this tripartite division doesn't identify distinct people. Not all children become adults, alas, but all adults were once children; and all people, both children and adults, suffer or enjoy the negative or positive externalities of other people's childrearing arrangements. This framework is an intellectual tool for thinking about the distinct ways in which we are all affected by decisions about how children should be raised. Any individual, thinking just about what is best for herself, will seek to combine these different perspectives and come up with an all things considered judgement about which childrearing practices would be, or would have been, best for her overall. We can approach the social decision in essentially the same way.

This chapter focuses on the value of parenting to parents because that is relatively unexplored territory, not because we think adults' interests are more important than children's, or because we think the interests of third parties are irrelevant. If the kind

of relationship we are going to describe were not also good for children, then it could not justify the practice of parenting. If childrearing arrangements that were valuable for parents and children were damaging to third parties, then that too would count importantly against them. But the idea that, generally speaking, children are better raised if they experience this kind of relationship is well established: basic attachment theory and other staples of child development all point in that direction (Waldfoegel, 2006). It is conventional also to regard parent–child relationships as crucial for turning children into law-abiding, cooperative fellow citizens. (Witness the popular concern that young people’s lack of discipline is due to parental failure: Morse, 1999.)

The fact that people want something doesn’t mean they should be allowed, or helped, to get it. Perhaps, instead, the activity of parenting should be distributed only to those who would do it best. Would there be anything wrong with a system that distributed children to adults in a way that maximized the realization of children’s interests, even if it left out some adults who would be willing, and adequately good, parents? We think there would. To be a parent is to have a certain kind of relationship with a child, and in our view many adults have a weighty interest in enjoying that kind of relationship. The relationship contributes extremely valuable and non-substitutable benefits to adults’ lives—goods that we call “familial relationship goods.” For many, parenting a child makes a distinctive and weighty contribution to their well-being as adults. It is distinctive in that it cannot be substituted by other forms of relationship, and, we claim, the goods in question are important enough to impose a duty on others to allow, and indeed to enable, adults to enjoy them.

## What’s Special about Parenting?

For most people, intimate relationships with others are essential if their lives are to have meaning for them. Rather than being alone in the world, seeking to fulfil their own pleasures, people thrive when they are connected to other human beings with whom they enjoy deep and close relationships. These relationships are challenging—in an intimate relationship one does not fully control the response of the other person; one has to discern her interests even when she does not necessarily articulate them well, and act to further those interests and come to share some of them as one’s own. The love and voluntary compliance of others in a relationship, when recognized, results in a sense of well-being and self-worth, as does successful attendance to the well-being of those others. A life without such relationships, or in which they all fail, is usually an unsuccessful life.

But our intimate relationships are not all the same—they are not substitutable one for another. People need more than one kind. Most need, usually, a romantic lover, someone to whom we can bare our raw emotions and whom we are confident will love us anyway, with whom we share sexual love. We need close friendships that last, if not a whole lifetime then some long part of it, with people on whom we can rely for support

when in need and who we know can rely on us, with whom we can share our joys and interests. We also need more casual relationships—relationships of trust with people whose lives we do not know intimately but with whom we form bonds around some particular shared interest, project, or adversity. A successful life is a life with a variety of successful relationships, including a variety of successful intimate relationships.

We believe that many, perhaps most, adults need to be involved in an intimate relationship of a very particular kind in order to have a fully flourishing life. The parent–child relationship is not, in our view, just another intimate relationship, valuable to both sides but substitutable for the adult by an additional relationship with a consenting adult. The relationship is, on the contrary, *sui generis*, a relationship that involves the adult in a quite unique combination of joys and challenge; experiencing and meeting these makes a distinctive set of demands, and produces a distinctive contribution to well-being. Other intimate relationships have their own value, but they are not substitutes for a parenting relationship with a child.<sup>3</sup>

The parent is charged with responsibility for both the immediate well-being of the child and the development of the child's capacities. The child has immediate interests in being kept safe, enjoying herself, being sheltered and well nourished, having loving relationships with others, etc. She has future interests in many of these same things, but also in becoming the kind of person who is not entirely dependent on others for having her interests met, and the kind of person who can make her own judgements about her interests, and act on them. The parent's fiduciary duties are to guarantee the child's immediate well-being, including assuring to her the intrinsic goods of childhood (see Brennan, in this volume), and to oversee her cognitive, emotional, physical, and moral development. Four broad features of this relationship combine to make the joys and challenges of parenting different from those that attend other kinds of relationship, including other kinds of fiduciary relationship.

First, obviously, parents and children cannot have equal power. Children are not in the relationship voluntarily and, unlike adults, they lack the power to exit the relationship at least until they reach sufficient age to escape (which age will be culturally sensitive, since different societies will monitor and enforce parental power with different levels of enthusiasm and effectiveness). Children are vulnerable to the decisions and choice-making of their primary caretakers, and, initially, wholly dependent on them for their well-being. An adult supervising a child has the power of life or death; and this is not, at least when the child is young, reciprocated. But, more importantly, and less spectacularly, they have the power to make the child's lives miserable or enjoyable (within limits, at least at the enjoyable end).

The second difference between this and most other fiduciary relationships concerns the paternalistic aspect. The parent–child relationship routinely involves coercing the

<sup>3</sup> Frederick Schoemann (1980) puts the interest in intimacy central but fails to recognize the distinctive features of the intimacy specific to parent–child relationships. An account that shares some of the features of ours can be found in MacLeod (2002).

child to act against her own will, or manipulating her will so that it accords with her interests. So, for example, we might lock away the bleach so that she cannot get at it, even though she has displayed great interest in it, or prevent her from having a third helping of ice cream, on the grounds that neither the bleach nor the ice cream will serve her interests. We might persistently serve whole-grain pasta in the face of her frequent (and accurate) complaints that it is tasteless, in order to habituate her to frequent intake of whole grains. We might engineer her social life in order to diminish the significance of a destructive friendship. Although in relationships with other adults we are obliged to take their interests into account, we do not have fiduciary responsibilities of this kind towards them. Indeed, if one saw one's relationship with, say, one's spouse, in this way, one could reasonably be accused of being overbearing, disrespectful, or unloving. In intimate relationships with other adults one might advise and even argue but one does not routinely coerce and manipulate, even in the other's interests. To do so would be to fail as a spouse or friend, just as to refrain from doing so with one's children would be to fail as a parent. And where we do have distinctively fiduciary relationships with other adults—even with ageing parents—coercing or manipulating them may sometimes be required but it is not itself a key part of the job.

A third difference concerns the relationship of the fiduciary (the parent) to the interests of the principal (the child). When the parent-child relationship begins, the child does not have specific beliefs about what is good for her. Later, when she *does* have beliefs, they have been formed in response to the environment structured by the parent and, if the parent has been caring for the child, by someone whose capacities have been shaped by the parent. The parent has a good deal of latitude in shaping the child's emerging values, values that will guide her in her own life. In other fiduciary relationships what the fiduciary should pursue on the principal's behalf is typically fixed by reference to the principal's own beliefs about what is good for her, sometimes expressed directly to the fiduciary, sometimes (as in the case of advanced directives) expressed previously. But the parent does not have and could not have such a standard to guide her. The parent should be guided, rather, by those interests of the child that it is the parent's fiduciary duty to respect and promote. Of course there will be differing accounts of what those interests are but, in our view, one important parental duty is to try to ensure that the child will become an autonomous agent, someone capable of judging, and acting on her judgements about, her own interests. This is a lengthy process, and one that does not just naturally occur but requires active support. It is, for most parents, emotionally as well as practically challenging to prepare a child who has been entirely dependent, and whom the parent loves deeply, to become her own person, capable of effectively challenging the parent and the parent's values; capable, ultimately, of rejecting the adult if she thinks it appropriate. Three natural inclinations are frequently at odds with trying to ensure the child's genuine independence: the inclination to be protective of the loved child, the inclination to promote her well-being according to one's own view of what that would amount to, and the inclination to hold on to her for one's own sake. To overcome these inclinations successfully, when one really loves one's

child, is emotionally demanding. Successful parenting is, in this respect, an exercise in maturation because, while the parent has the control that he needs in order to carry out his caring and fiduciary tasks for the child, he simultaneously learns that one *should not* control another person in the way he might like, and learns how not to exercise some of the control he does indeed have. For example, the parent must give the child opportunities for emotional and physical independence, putting the child in situations where she is at risk of failing, but in which the stakes of failure are sufficiently low that the child will be able to bear, and learn from, failure if it happens.

The fiduciary responsibilities of parenthood constitute a distinctive moral burden. But, of course, along with the moral burden come distinctive sources of satisfaction of a much less complicated kind. What children need from parents is not simply the judicious exercise of expertise and authority, of the kind one might hope for from a lawyer or doctor or teacher. What's needed is a *relationship*, and the kind of relationship children need from adults—a parent–child relationship—is also the kind that yields good things to the adults doing the parenting. There is the enjoyment of the love (both the child's for oneself and one's own for the child), but also the enjoyment of the observations the child makes about the world; the pleasure (and sometimes dismay) of seeing the world from the child's perspective; enjoyment of her satisfaction in her successes and of consoling her in her disappointments.

The final difference from other relationships, then, concerns the *quality of the intimacy* of the relationship. The love a parent normally receives from his children, again especially in the early years, is spontaneous and unconditional, and, in particular, outside the rational control of the young child. She shares herself unselfconsciously with the parent, revealing her enthusiasms and aversions, fears and anxieties, in an uncontrolled manner. She trusts the adult in charge until the trust is betrayed, and trust must be betrayed consistently and frequently for it to be completely undermined. Adults do not share themselves with each other in this way: intimacy requires a considerable act of will on the part of adults interacting together. But things are different between parents and children. The parent is bound by his fiduciary responsibilities for the child's emotional development to try to be spontaneous and authentic a good deal of the time, both because the child needs to see this modelled and because the child needs to be in a loving relationship with a real, emotionally available, person. And, of course, the parent will often be inclined to be spontaneously loving. But his fiduciary obligations also often require him to be less than wholly spontaneous and intimate (despite the child's unconditional intimacy with him). The good parent sometimes masks his disappointment with, sometimes his pride in, the child, and often his frustration with other aspects of his life. He may sometimes hide his amusement at some naughtiness of the child, preferring to chide her for the sake of instilling discipline; conversely, he may sometimes control his anger at similar behaviour, substituting inauthentic kindness for the sake of ensuring a better end to the child's day, or because he knows that his angry reaction is, though authentic, inappropriate. He does not inflict on the child, as the child does on him, all of his spontaneous reactions and all of his emotional responses.

These four features combine to make the relationship between parent and child unlike other intimate relationships, and unlike other fiduciary relationships. Children have a weighty interest in the kind of relationship that will meet their needs and promote their vital interests. Given what that involves—given how complex, interesting, and conducive to the adult's own emotional development it is to be the adult in that relationship—adults too have a weighty interest in being in a parenting relationship. The interest is distinctive because what the relationship requires of the adult, and allows the adult to experience, is unique. It cannot be substituted even by other intimate relationships where those are consensual on both sides and in which the parties are symmetrically situated. The relationship as a whole, with its particular intimate character, and the responsibility to play the specific fiduciary role for the person with whom one is intimate in that way, is what adults have an interest in.

The fiduciary aspect to the parental relationship with children has been widely acknowledged since Locke, and is given particular emphasis by so-called “child-centred” justifications of the family.<sup>4</sup> Our claim is adult-centred: many adults have an interest in being in a relationship of this sort. They have a non-fiduciary interest in being in a relationship in which they act as a child's fiduciary. That relationship enables them to exercise and develop capacities the development and exercise of which are crucial to their living fully flourishing lives. The parent comes to learn more about herself, she comes to change as a person, and she experiences pleasures and emotions that otherwise would be unavailable.

We need to tread carefully here. It should be clear that the adult's interest in playing the fiduciary role is not entirely independent of the content of that role. It's because of *what* children need from their parents that adults have such a weighty interest in giving it to them.

Imagine a world in which human children didn't need much more looking after than guinea pigs, or those Tamagotchi toys that were so popular a while back. Imagine that they could fully develop into autonomous, emotionally adjusted adults, and enjoy the intrinsic goods of childhood, with that kind and level of input from adults. We think that, even in that hypothetical world, there would be *some* value to being the person responsible for ensuring that children's interests were met. One would be responsible for the development of a human child, which is a weighty responsibility indeed, and it is good for people, it makes *their* lives go better, to take on that degree of responsibility. So when we say that, in our world, playing the fiduciary role contributes importantly to the flourishing of (most) adults, the sheer fact of being the person responsible for the child is part of the story.

<sup>4</sup> Locke (1988) says “parents were, by the Law of Nature, under an obligation to preserve, nourish, and educate the Children they had begotten; [though] not as their own Workmanship, but as the Workmanship of their own Maker, the Almighty to whom they were to be accountable for them” (p. 180, sec. 56). Contemporary theorists who emphasize the fiduciary interest, despite giving otherwise different accounts of the relationship, include Reich (2002: 148–51); Galston (2002: 101–6); Callan (1997: ch. 6); Dwyer (1999); Brennan and Nogge (1997); and Archard (2004).



But only part of it. Properly to see the weight of the adult interest in parenting, we need to keep our eye not on the plain fact of being the fiduciary but on the content of what children need from those who are their fiduciaries. Adults have an interest in being the fiduciary, and parents serving as fiduciaries affects the significance, and hence the value, of so much else that happens in the relationship. But what's really valuable here is not being the fiduciary *per se* but having the kind of relationship that, in fact, is in children's interests. It's that kind of relationship that presents a distinctive challenge, and that kind of challenge that gives adults unique opportunities for flourishing.

Adults can be involved in any number of fiduciary relationships. In our professional lives, as lawyers or social workers or doctors or teachers, we take on duties to serve the interests of our clients or patients or students. In our personal lives, too, we may find ourselves acting as fiduciaries for our ageing parents, for example, if they cease to be able adequately to protect and promote their own interests. If we think about the difference between these other kinds of fiduciary relationships, and the particular case of the parent-child relationship, we can see that some elements in what is special about being a fiduciary for a child concern the fact that what we're talking about here is a *child*. Relevant here is the moral standing of the person for whom one is acting as fiduciary: her possessing the capacity to develop into an autonomous adult, her degree of vulnerability to one's judgements, her involuntary dependence on one, and so on. Failing adequately to discharge one's fiduciary duties to a child would be different from failing to discharge those owed to a client or patient, or even to an ageing parent, even if what was involved in fulfilling the duties were the same. But of course they are not the same. Other elements in what is special about being a fiduciary for a child concern *what* it is that children need from their fiduciaries. They need a special kind of *relationship*—a relationship in which the adult offers love and authority, a complex and emotionally challenging combination of openness and restraint, of spontaneity and self-monitoring, of sharing and withholding. It's that kind of relationship that many adults have an interest in.<sup>5</sup>

To be sure, the fiduciary aspect remains central. Grandparents, uncles and aunts, parents' friends, or nannies, can have close relationships with children, and when they go well those relationships will be conducive to the child's interests and valuable to the adults too. Reading bedtime stories, providing meals, and so on will be contributing to the well-being of both. But there's something distinctively valuable about being the person who not only does those things oneself but has the responsibility to make sure they get done, sometimes by others, and the authority to decide quite how they get

<sup>5</sup> It's an interesting question how many parents a child can have consistent with this kind of relationship. Single-parent families clearly qualify, and we see no reason why three or four parents should not share the parenting of a child. More than that and we would start to worry about the dilution of intimacy and authority inherent in "parenting by committee." For discussion see Brennan and Cameron (n.d.).

done. The challenge is different, and the adult who meets that challenge enjoys a special, and especially valuable, kind of human flourishing.<sup>6</sup>

## Is our Picture of Parenting Too Rosy?

Our emphasis on the fiduciary aspect of parenting points to something paradoxical about the widespread desire to be a parent. That is a desire to take on burdens, voluntarily to put oneself in the position of owing things to others that severely limit one's capacity to pursue other goals.<sup>7</sup> We have tried to explain what adults get out of the relationship, as it were, in a way that helps to make sense of the paradox, but we suspect that some readers will find our account of the joys of family life somewhat naïve or complacent, and suspiciously optimistic in its neglect of the burdens that accompany parenthood.

For many, parenthood is indeed a source of deep anxiety and frustration. It is a vital source of flourishing only if it is carried out in a social environment that renders its challenges superable. So, for example, poverty and the multiple disadvantages that accompany it can easily create a micro-environment in which it is very difficult even to develop, let alone to exercise, the cognitive and emotional skills that successful parenting requires. Meanwhile, children raised in poverty are typically at much higher risk of very bad outcomes than more advantaged children, so that parents seeking conscientiously to protect their children from such outcomes require greater internal resources than are needed by the parents of more advantaged children. Adults have a weighty interest in parenting a child in circumstances that will indeed enable them to realize the goods we have identified. In another context, we might follow this thought through to explore the implications for social policy of our account of "family values."<sup>8</sup>

But parenting a child is not all-consuming. It's true that, done properly, raising a child severely limits one's opportunities to do other things. Some people choose not to be parents for precisely that reason. It's true also that raising a child is likely to be one of the most important things one does with one's life. As Eamonn Callan (1997: 142) says, "success or failure in the task, as measured by whatever standards we take to be relevant, is likely to affect profoundly our overall sense of how well or badly our lives have gone." But although the interest in the fiduciary aspect of the role is important, parents should not be slaves, entirely and continually subordinating their own interests to those of their children, or always putting their children first. We cannot here set out in any detail what rights parents should have with respect to

<sup>6</sup> Nannies sometimes experience an almost complete variant of the full package—effectively doing most of the parenting. In our view, one of the tragedies in that relationship is that its security is vulnerable to the arbitrary power of the child's official "parents."

<sup>7</sup> That is why Alstott (2004) argues her case for financial support for parents by appeal to the idea that they should be compensated for their loss of autonomy.

<sup>8</sup> For some thoughts in this direction, see Brighouse and Swift (2008).