

Outsourcing Love

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Love is a matter of feeling, not of willing, and I cannot love because I will to, still less because I ought to (I cannot be constrained to love); so a duty to love is an absurdity. (Kant, 1996: 161)

Abstract

This paper responds to recent arguments for the outsourcing of parental obligations and shows why such proposals are morally problematic. After outlining why it is impermissible for the parent–child attachment to be outsourced, and prior to section 1, I explain the meaning of the duty *of* love. In section 1 I note the primary motivating intuitions that lead parents to shift their moral obligations. I then discuss the intuition that the decision to shift an obligation of this sort cannot be criticized on moral grounds if children are, in fact, better and more content with their lives. In section 2, I claim that the duty *of* love is conditioned by vulnerability and attention, both of which give rise to moral obligations of attachment. In section 3, I argue that such duties cannot be shifted onto more capable adults because doing so would undermine the parent–child relationship and render it significantly *less* valuable. In section 4, I discuss the permissibility of outsourcing certain duties relating to the child’s *welfare* in order to maximize the child’s wellbeing and argue that the responsibility to maximize the child’s wellbeing is only outsourceable in terms of extrinsic goods. In section 5, I remark on a related duty to *promise* to foster an intimate, affectionate attachment with one’s child.

Introduction

Imagine that a parent could outsource her intimate relationship with her child to a stranger who would be a better parent to her child. For my purposes here, “outsourcing” refers to shifting the duty to perform some action or activity to a competent agent who must be able to discharge that duty successfully, and I use the terms “parent–child attachment” and “parent–child [intimate] relationship” interchangeably to refer to the relationship of affection, attention, intimacy, protection, kindness, and so on between parent and child. For my purposes here, a parent is defined as any individual holding parental rights. A procreator, often referred to as a “biological parent,” or “birth parent,” may be legally responsible for financial support, but this alone does not make her a parent, in the sense I am interested in, viz. that according to which a parent has both a right to form an intimate relationship with her child and a duty to rear them.¹ Is it permissible for a parent to outsource their parent–child attachment?² I argue that while it may be permissible to outsource one’s obligation to perform certain actions that promote the child’s welfare, when it comes to what I term the “*duty of love*”—i.e. a parent’s obligation to foster a parent–child attachment—parents may not

¹ A biological parent can lose, or voluntarily give away, such rights and duties, though we would think a parent remiss were they to choose to relieve themselves of them without good cause. In the case of “open adoption” (in which a biological parent is permitted to spend time with her offspring), this parent may retain a caring relationship with her child (spending time with her, sharing her wisdom, etc.). She is not, however, legally responsible for the child’s actions, needs, and wellbeing, and so would cease to qualify as a parent in the sense stipulated. I thank [anon.] for emphasizing this line of thought in correspondence. I thank an anonymous referee for this comment.

² Throughout this paper, I shall use the terms “duty” and “obligation” as synonyms, unless I specifically indicate otherwise. On what makes right acts specifically “right,” see Ross (2002: 16–22).

outsource this duty, even if another agent could execute this duty more effectively than the parent.³ This does not rule out members of the child’s family and broader community from caring for the child in a variety of ways, so long as this care has not been solicited as a *de facto* replacement for the parental duty of love (see my discussion of Jessica Benjamin below).⁴

In this paper, I aim to give an account of why it is wrong to outsource this duty of love. We could say that the problem with outsourcing isn’t anything specific to the parent–child relationship. Instead, this is just one example of a more general duty not to cut oneself off from a relationship with a history of attachment.⁵ The latter seems reasonable, but the former is wrong. The parent–child attachment is incommensurable; it is not “egalitarian” insofar as it is unequal and unfair. The relationship could be unrequited, unilateral, and involuntary. It is not limited to young children, i.e., a parent’s *duty of love* never ends, even when the child reaches adulthood—because it responds to vulnerability.⁶ To speak about love in the way Kant did, he distinguished between practical love, which is a matter of rational actions,

³ This paper’s task is to defend the (parental) duty of love and to argue that it is impermissible to outsource said duty. The duty is *for the parents* to provide this relationship – that is, the duty is that the parents themselves must stand in this relationship to their child, because she is their child. The claim that a parent could fulfil this duty by ensuring that another person (e.g., an adoptive parent or foster carer) provides this relationship is an instance of ‘outsourcing love’, in my sense. I show how this is a legitimate concern and not a mere thought experiment. I thank an anonymous referee for this observation.

⁴ Many thanks to an anonymous referee for pressing me to address the role of a broader community of care.

⁵ I thank [anon.] for this comment. See also Callard’s (2021) discussion about unilateral breakups and the damage of “cutting yourself off” from a relationship.

⁶ For which I thank an anonymous referee.

and love as a matter of feeling. Parents, more so than others, are obligated (as much as possible) by both, but the duty *of* love relates to the former, and the duty *to* love (to the extent that such duty exists⁷) relates to the latter.⁸ The reason why some parents are motivated to outsource the duty *of* love is a combination of an “emotional burden” and a belief that they are benefiting the child.

Before giving more details, let me first clarify the distinction that I make between a duty *of* love and a duty *to* love, in the relevant sense. The former is a practical duty, an action, this is the duty parents, or so I shall argue (see section 2.3 below). A duty *to* love, conversely, is related to feelings; and although love of children is, in point of fact, desired, it is not a matter of willing. So a duty *to* love is an absurdity, in the words of Kant.⁹

I rely on the background assumption that the parent–child intimate relationship is of intrinsic value, and I argue that it is wrong to outsource the duty of love because doing so depreciates this value.¹⁰ I argue that the parent’s duty of love is not grounded in the consequences of that love in terms of the child’s wellbeing. But I also claim that the duty of love affects the quality of the parent–child relationship. Since on at least some plausible theories of wellbeing, the quality of the parent–child relationship constitutes part of the child’s

⁷ Carlsson (2018) discusses unrequited love.

⁸ For a discussion of a duty to love or a child’s right to be loved, see Liao (2006a; 2015).

⁹ I thank an anonymous referee for pressing me on these points.

¹⁰ It is my view that outsourcing love wrongs the child. However, I wish to also observe how love is central to the value of the parent–child relationship in this discussion.

wellbeing, I postulate that this duty is independent of *other* consequences in terms of wellbeing, or at least that the truth is not grounded in such consequences.¹¹

The Thesis

It would be wrong of you not to love your daughter, or at least not to seek to forge an intimate relationship with her. But why is it wrong? Many people believe that you have this obligation (i.e. to foster an attachment)—what I am calling the duty *of* love—because of something to do with the effects of your (loving or unloving) actions on your daughter’s welfare. A daughter who is loved is likely to flourish, while an unloved daughter will likely struggle (Miller, 1981a; 2006).¹²

This view seems plausible on the face of it, but it cannot be the right answer. This kind of moral reasoning cannot explain why I should not discharge my obligation to my daughter by simply getting someone else to love and forge an intimate relationship with her, or for instance why the state should not redistribute children at birth to the most competent parents.¹³ If what matters morally is just the welfare of the child, then it seems that, if there were another person more capable of fostering an intimate, affectionate attachment to my child, I would be not only permitted but perhaps even obliged to outsource my parental obligations to that person. Still, even if this gives rise to a related doubt,¹⁴ it should be noted

¹¹ I am indebted to [anon.] for prompting me to explicate this point.

¹² Note that every attachment is a source of sadness, not merely of strength.

¹³ There may be other reasons for ruling out the redistribution of children. But I think that handing over a child to a “better parent” captures the idea behind redistributing children (to the extent that it is an option). See, for example, Olsaretti (2017).

¹⁴ For which I thank an anonymous referee.

that shifting the duty of love is impermissible to anyone, even if, they presumed to be ‘better’ at forging an intimate relationship with one’s child.¹⁵ Think, for instance, of a parent who gets someone else (perhaps someone who is more empathetic) to comfort her child after she has just had her heart broken, a parent who does not go to watch her child in a school play but sends someone else in her stead, or a divorced parent who does not maintain an intimate relationship with her child after the separation but has her new spouse perform these duties instead. These are just a few examples of practices in which parents outsource the duty of love to another adult. In these cases, the parent’s actions or omissions are not necessarily examples of irrational or unreasonable behaviour, but they can be said to be examples of bad behaviour; that is, these are instances of a parent failing in a moral way.¹⁶ The flaw is the failure to live up to the duty to take responsibility.¹⁷ Jessica Benjamin describes maternal care as being vital for

¹⁵ It should be made clear that I do not refer to a duty *to* love at any point. Feelings towards another person (including one’s child) cannot be compelled or chosen. I shall only discuss the duty *of* love, which is embodied in action. For a good analysis of this distinction in Kant’s work, see Ebels-Duggan, K., 2008. Against beneficence: A normative account of love. *Ethics*, 119(1), pp.142-170. I thank an anonymous referee for pressing me on this point.

¹⁶ The question of whether the child’s other parent is the “shiftee” is morally significant. I maintain that forming an intimate attachment is *not* a joint task shared by two parents, where one can stand in for the other.

¹⁷ There are cases in which a failure to take responsibility is *not* morally problematic, e.g., post-partum depression, rape, abuse, severe illness and other terrible circumstances, see Friedman’s M (2014: 222-242) discussion about the coerced wrongdoing of abused woman. Cases of coercion, e.g., child arranged marriages, are also beyond the pale. However, as a general principle of parenthood, I assume

young children. Its values, she states, are nearly irrelevant for life outside of the nursery, but restricting maternal care means depriving the child of her only shot at intimacy, protection, and warmth. The thought of losing this protection, she argues, stimulates an intense fear in the child. Benjamin (2013) cites Selma Fraiberg, who claims, with regard to the use of babysitters and day care for small children, that children cannot “switch partners and bestow [their] love upon a stranger.” Benjamin rejects Fraiberg’s claim and argues that the problem is not day care or babysitters; rather, it is rooted in the ideal of *motherhood*: “the vision of a self-sufficient family guarded by an omnicompetent angel of the house” (Benjamin, 2013: 208–11; Fraiberg, 1977: 94; 1996). No parent should be made to feel that it is wrong to reach for outside help, be it from friends, family, or professionals. On the contrary, some situations may even call for proxy parenting (in which a person has been authorised to take over parental duties for a specified period of time), so long as this help is not been sought as a *substitute* for the parental duty of love.

The task of this paper is to defend the (parental) duty of love and to argue that it is impermissible to outsource said duty. I shall also explore some of the implications of outsourcing practices. I argue that parents should not outsource parental obligations related to intimacy, attachment, affection, and so on. This is because the obligation of the parent–child relationship is such that intimacy and affection are necessary conditions for attachment.¹⁸

parents should take responsibility, and if they do not, hence the moral failure. (See Enoch, 2012:126–27). I thank an anonymous referee for pressing me on this point.

¹⁸ It may be objected here that, according to my view, a migrant parent working to provide for her child, thereby sacrificing in-person interactions, is in breach of the duty of love. But this is not the case. For one, the obligation to cultivate an intimate relationship with one’s child is but a *pro tanto* duty which,

Wonderly (2016) offers a view of a “security-based attachment.” She tailors her argument to four kinds of attachment. All four “vignettes,” as she calls them, are typically one-sided: a desire to engage with *A*, a will to do *B*, a need to have *C*, and an obsession to be close to *D*. Wonderly (2016) differentiates between caring and attachment, and the latter, she explains, is “largely self-focused.” This, I think, is the crux of the matter: attachment (for me), unlike caring, is *reciprocal*; it is a mutual interaction that requires participation or at least an ongoing response.¹⁹ We usually say: “I care about *Q*,” i.e. I can care about *or* for *Q*, regardless of *Q*’s contribution. Attachment, by contrast, is a shared project that, if successful, provides a sense of belonging (both in general and with one another), and to that end, it demands participation and cooperation. There are, however, many other things that are morally acceptable for a parent to outsource, e.g. the duty to feed their kids. I believe that the responsibility to maximize a child’s wellbeing might be outsourceable only in terms of extrinsic goods such as food, clothes, shelter, material objects, etc. Outsourcing love, however, can be described as morally wrong. If I am right in making this claim, then a parent’s obligation to her child must be grounded in something other than considerations about the child’s welfare. My intuition is

while significant, is not overriding. Moreover, far from being a violation of this duty, working to provide for one’s child is consistent with a loving, caring attitude, and at times even required for it. The duty to form an attachment cannot supersede the responsibility to provide essentials such as food and shelter (which is not to say that one cannot err on the side of material provision when the child would have benefitted more from time with her parent). I thank an anonymous referee for raising this example and observation.

¹⁹ Nevertheless, it is perhaps worth noting that if an individual is no longer attached to her partner, friend, spouse and so on, then in my view, there is no attachment to consider in the sense I describe (see next). I thank [anon.] for suggesting an argument in the opposite direction.

that I ought to share an intimate attachment with my child—i.e. I have a moral duty to forge such an attachment—because if I do not, this relationship will be significantly *less* valuable. Perhaps it would be good to clarify here that when I talk about outsourcing the *relationship*, the “outsourcing” metaphor is not meant to suggest that responsibility for the relationship *as a whole* is being transferred, but rather some of the particular actions or activities in which that relationship consists. In other words, irrespective of the consequences of my actions, I have a duty to make this relationship work.²⁰

After providing a concise overview of why it is impermissible for a parent to outsource the parent–child attachment, I explain the meaning of the duty of love. In section 1 I briefly mention the primary motivating intuitions that, I believe, lead parents to shift their moral obligations. I then consider the intuition that the decision to shift an obligation of this sort cannot be criticized on moral grounds if children are, in fact, better and more content (even if only on balance) with their lives. Before turning to my positive proposal, I discuss Gheaus’s recent paper “The Best Available Parent” (2021), which is a version of the child-centered view. Gheaus argues that “when a potentially better parent is willing to assume the parental role, procreators’ duty to parent towards their offspring cannot ground a right to parent.” The right

²⁰ I do not believe that merely by virtue of being a parent, my morality is flawed if, subject to exceptional circumstances, I do not follow my own conception of parental moral responsibility. We need only think of a very violent child who repeatedly attacks her parent. This parent has a right not to foster an intimate physical attachment with her child (at least to some extent and some of the time). That is, the parent has a right to avoid direct physical contact. But this intuition is not a counterexample or an objection to the duty of attachment. Rather, I can accommodate this intuition and say that in this case, this particular parent *has a right to violate her duty*, but it does not follow that *there is no* duty (the value being promoted is not wellbeing but the value of a relationship) (Enoch, 2002: 355–84).

to parent, she claims, tracks the child's interest as well as third parties' interests *but not* the potential (even if adequate) parents' interests. And thus, "the procreator's demand of custody in cases where another prospective willing parent would better further the child's interests, represents a lack of respect for the child." I discuss her account in section 1.2. In section 2, I claim that the duty of love is conditioned by vulnerability and attention, both of which, I maintain, give rise to moral obligations of attachment. In section 3, I argue that such duties cannot be shifted onto more capable adults because doing so would undermine the parent-child relationship and render it significantly *less* valuable.²¹ In section 4, I discuss the permissibility of outsourcing certain duties related to the child's *welfare* in order to maximize the child's wellbeing. The responsibility to maximize the child's wellbeing, I argue, is outsourceable only in terms of extrinsic goods such as food, clothes, shelter, material objects, and so on. In section 5, I provide some tentative remarks about another duty to which the duty of love is related, the duty to *promise* to foster an intimate, affectionate attachment with one's child.²²

Introduction to A Duty of Love

Intimate attachments matter. But why this emphasis on moral duty? And where is *love* in all of this? I said at the outset that parents have a duty of love: the responsibility to foster an intimate

²¹ The duty to maintain a valuable relationship is owed *to* the child *by* her parent. The parent must "take- responsibility-and-then-live-up-to-being-responsible" (Enoch, 2012: 111). In this case, the parent should foster (in practice) and then keep the intimate parent-child relationship.

²² For personal relationship goods and the value of attachment, see Bowlby (1951: 355-533; 1958; 1973a; 1973b; 1980). See also Wonderly (2016; 2017).

parent–child attachment. But we can assume that (most) parents love their children, that they have a deep concern for their wellbeing that is grounded not in moral considerations but in love—in their particular concern for their children. So why does this give rise to a *moral* duty on top of that? Is the parents’ love for their child not enough? What is the basis of this duty? In the context of the debate over parents’ moral obligations,²³ I draw on Frankfurt’s (1998: 4–5) claim that “(a) the lover is devoted, in some degree non-voluntarily to the flourishing of his beloved; and (b) he desires the wellbeing of his beloved for its own sake rather than only for the sake of ways in which it might support or promote other interests.” Frankfurt explains that my love for my child does not derive from her importance to me or my understanding that she is valuable to me. Recognizing that my child is important to me may improve my life and may do something to strengthen my love for her, but it is not because I recognize how important she is to me that I love her. Rather, it is because I love her that she is so important to me and that I have the reasons I do to promote her flourishing. For Frankfurt, all normative reasons for action are grounded ultimately in what I care about or love. There are no reasons to love; rather, the fact that we love a particular person *is the source* of the reasons we have to promote their flourishing. Frankfurt (2004: 48) writes: “The origins of normativity do not lie, then, either in the transient excitements of personal feeling and desire, or in the severely

²³ I identify as “parents” individuals who are under an obligation to rear their children, regardless of genetic connection. Contemporary legal arrangements define non-biological parenting by way of surrogacy, adoption, legal recognition of same-sex couples, in vitro fertilization, and so on.

anonymous requirements of eternal reason. They lie in the contingent necessities of love.”²⁴
On this point, I concur.

1 Consequentialist Intuition and the Argument from Imperfect Duty

1.1 The (Arguably) *Consequentialist* Parent’s Point of View

The normative perspective of this parent is that right actions are those that maximize good consequences. Although a non-consequentialist may perfectly consistently think that some specific duty is grounded in the relevant consequences, the consequentialist parent thinks that all duties are grounded in the consequences. That is, she believes that the right action is the one that produces the best outcome.²⁵ Thus, it seems that there are no constraints on the means that she may use to promote that good, even though one can be a consequentialist and still think that there are so-called “side-constraints” on what one may do in pursuit of the consequences. As Nagel puts it, “Ethics is concerned not only with what should happen, but also independently with what people should or may *do*.” Agent-neutral reasons, he then explains, emphasize the former, but agent-relative reasons can affect the latter (Nagel, 1986: 165).²⁶

²⁴ In this paper, I draw especially on Frankfurt’s (1998; 2004: 48) view of the requirements of love and how they differ from other obligations. I thank [anon.] for relevant discussion.

²⁵ Assume, for the purpose of this argument, that such outcome is whatever makes the world best in the future. I thank [anon.] for posing the relevant objection.

²⁶ For a distinction between agent-relative and agent-neutral reasons and its role in distinguishing deontology from consequentialism, see Scheffler (1984: 27); Darwall (1986); Pettit (1987).

There are different reasons to outsource a parent–child attachment here, some agent-neutral and some agent-relative. Agent-relative reasons are those that relate to the personal ties of an individual agent; agent-neutral reasons are those that promote intimate attachment as an impersonal value. Perhaps in this case, it is an agent-relative reason to take or refrain from taking some action. And, because it is agent-relative, the obligation does not *necessarily* give anyone else a reason to support this action. When we look at intimate attachments, we can objectively acknowledge the validity of the reasons they provide without having to provide an agent-neutral reason. That is, according to Nagel (1986: 168), when we move to the objective standpoint, we leave behind the perspective from which the values must be accepted.

Consider the following example. A woman had a rough childhood and received very little attention and affection growing up. Later in life she desires a child, chooses a partner who she believes will be a good parent, and consciously shifts the duty of love onto her partner. She believes that the partner will better supply their child with affection and attention and therefore leaves the parent–child attachment and intimacy to them. As indicated above, *this* parent holds that actions should be morally judged solely by their consequences, and thus, if her partner is better equipped to forge an intimate parent–child relationship, she will leave it up to her partner. Whether an action is good depends on whether the effects it brings about are good (and this, in turn, implies that the deontologist must justify any constraints on the maximization of the good) (Korsgaard, 2009: 8–9). Korsgaard (2009) (restating Aristotle) claims that a good action is carried out at the right time, in the right way, to the right object, and with the right aim. And most importantly—to my mind—the aim is included in the description of the action, and it is the action as a whole, including the aim, that the agent chooses (Korsgaard, 2009: 220–21). This parent chose to outsource the intimate attachment

in order to promote a particular end (the child's welfare).²⁷ I argue that an intimate attachment must be fostered for its own sake, not in order to promote the end of maximizing the child's welfare. Outsourcing the duty to foster the parent–child relationship lessens the value of the relationship. This duty is owed to the child, it is the action of love that counts, not the consequence of improving her wellbeing or that of the parent. The value is in the task, fostering an attachment (i.e. by the parent) as self-performing duty of love.²⁸

For Kant, every duty is a constraint, and whatever is done from constraint, is not done from love. (1996: 161). This may be true, but unhelpful. I distinguish between two closely related values that are often associated with the word “love”—that of feeling and that of

²⁷ I referred to “the intimate attachment” as an “act,” only for the sake of this explanation. I do not consider an “attachment” an act, even if having an attachment to someone consists (in part) in performing various actions. What I consider an action is seeking to forge an intimate relationship, fostering an attachment, and so on. I thank [anon.] for the former point and an anonymous referee for the latter observation.

²⁸ Not everyone should pursue a parent-child attachment—some relationships are not *worthy of* or *worthwhile* pursuing, but in the majority of cases, parents ought to undertake a duty to foster an intimate attachment with their child because for one, this is what makes the relationship intrinsically valuable, two, it is the child's desire to be pursued in this way by her parent, and three, it is *to do good* in the Kantian sense (Kant, 1996: 161–62). I thank [anon.] for pressing me on this point. The duty *of* love could be regarded as an imperfect duty in the language of Kant, who states that “the wider the duty, therefore, there more imperfect is a man's obligation to action” (1996: 153). An imperfect duty leaves room for free choice in the performance of the duty; it is not precisely specified in what way the parent is to act and how much she is to do through the action (Kant, 1996: 152–53)—a point made by an anonymous referee, for which I thank them.

action. You love in the sense of feeling if you have the desire for affection, attachment, or intimacy with a particular person; it is a matter of strong emotions. You love in the sense of conduct by forming an attachment, thereby fostering a relationship or a decision that concerns the happiness of the beloved. The latter means taking loving action, and this is, to my mind, the essence of the duty *of* love.

1.2

In her recent paper “The Best Available Parent” (2021), Anca Gheaus argues that “when a potentially better parent is willing to assume the parental role, procreators’ duty to parent towards their offspring cannot ground a right to parent.”²⁹ The right to parent, she claims, tracks the child’s interest as well as third parties’ interests *but not* the potential (even if adequate) parents’ interests. And thus, “the procreator’s demand of custody in cases where another prospective willing parent would better further the child’s interests, represents a lack of respect for the child.”³⁰ Before turning to my positive proposal, it is worth discussing Gheaus’s account, which is a version of the child-centered view. Gheaus claims that procreators do not have the right to rear their children if they are not the “best available parents.” Importantly

²⁹ I thank [anon.] for relevant discussion and careful and precise comments.

³⁰ Moreover, she states that “the view is deeply revisionary: it implies that neither procreators, nor merely adequate parents, can acquire the right if somebody who would make a better parent is willing to parent instead of them” (Gheaus, 2021: 431–42). As Gheaus claims, Peter Vallentyne, who defended the best available parent view in the past, claims that “one does not acquire the right to parent a child by dint of being the procreator or gene provider.” Gheaus’s version offers two additional qualifications that moderate the proposed version of the view (see Gheaus, 2021: 436, and references therein).

for my argument, she asserts that adequate but *less-than-optimal* parents should not rear their biological children “if somebody who would make a better parent is willing to parent instead of them”—unless, she stipulates, an intimate parent–child relationship has already been formed. Gheaus clarifies that to “parent” refers to rearing children rather than to procreation and that procreation is, under certain circumstances, permissible.³¹ My objection to Gheaus’s view will proceed in two stages. In the first, I argue against the child-centered version of her best available parent view and claim that she disregards the foreseeable suffering of the adequate biological parent and the importance of her interests. In the second stage, I argue that a child has a moral right to be reared by her (adequate) procreator. A violation of this right cannot be remedied by supplying a *better* parent.³²

To justify her conclusion, Gheaus draws an analogy between a patient’s right to the best available medical care and a child’s right to the best available parent. The doctor has no particular interest in her patient, at least not of a kind similar to that in the case of the parent,

³¹ And thus, according to Gheaus’s claim, if an intimate parent–child attachment has been formed (i.e. between the birth parent and the child), this will *very likely* mean that the birth parent *is* going to be the best available parent.

³² If we follow Raz and Gopnik, then the grounds for the parents’ right to care for her child (i.e. to rear her), to the extent that such right exists, is her interest in being able to foster an intimate relationship with her, which is valued because it enables the child to be reared by her biological adequate parent. That is, the parents’ interest is valued because of its usefulness to the child. This is true only in part—the right of a parent to rear her child, if it exists, is not grounded (only) in the welfare of the child, rather the intrinsic value of the relationship and the welfare of the parent. I thank [anon.] for suggesting this analogy to me. Raz (1984: 206–07).

nor does the doctor have a corresponding right concerning her patient³³. The justifications for childrearing—that is, who ought to rear a particular baby—should be personal. They cannot be reduced to impersonal justifications, namely who might do the job best. Let us take Williams’s case of the drowning wife: in this case, a particular justification is justification enough. That is, some things cannot be reduced to “something” universal—something that requires universal justification.³⁴ Not every morally good action can (or should) be justified from an impartial point of view, particularly in personal relationships. The requirements of impartial moral principles that commit agents to always weigh the lives of strangers and loved ones equally is, I think, unreasonable. According to Gheaus, arguments about who should rear a child trade in agent-neutral reasons; the primary criterion is who will best perform the actions of which childrearing consists. The wellbeing of the child is, according to Gheaus, the only thing that matters.³⁵ The special relationship between a parent and her child (all moral implications considered) does not require an agent-neutral justification (in terms of the best parent).³⁶ The idea that we ought to replace good enough biological parents with the *best available* parents is rooted, to my mind, in a misconception about the value of a (biological)

³³ Gheaus also denies the existence of this right in the case of the parent.

³⁴ Moreover, Williams (1981: 15–19) talks about individuals who are not inter-substitutable, that a friend cannot be equivalently replaced by another.

³⁵ The child’s wellbeing, Gheaus claims, matters as a justification for exercising authority over the child. I thank [anon.] for this clarification.

³⁶ For prompting me to address the matters of particular justification and irreducible partiality here, I thank [anon.].

parent–child attachment and the foreseeable suffering of the intended parent, and for this reason it is morally wrong.³⁷

The notion of the inherent unstitutability of the beloved is a well-known and recurrent theme in the philosophy of love. I have chosen the following example almost at random to illustrate my point: In his paper “Loving Someone in Particular,” Benjamin Bagley (2015: 477) discusses a scene from *Wuthering Heights* to account for the irreplaceability of the beloved: “People loved for their beauty and cheerfulness are not loved as irreplaceable, yet people loved for ‘what their souls are made of’ are.” The fact that when we love, we love *someone in particular* means that our love cannot be understood as grounded in a list of desirable traits exhibited by the beloved. Intimate relationships are valued for something other than the desirable traits of the individuals involved, and the beloved cannot be replaced with an agent who exhibits these desirable traits to a similar or greater extent.³⁸ This does not mean that children with abusive or negligent parents ought not to be adopted or fostered. But if we want children’s interests to be protected, we can choose to set as our end the aim of becoming

³⁷ Gheaus clarifies that her account only denies *authority* to suboptimal attached biological parents, but it does not deny them a *relationship* with the child. But suggestions along these lines, to my mind, are missing the point of parenthood. An adequate parent is someone who has a special “access” to making important decisions concerning her child’s life, she can shape her environment (to an extent), expect certain things (e.g. a type of behavior, effort, understanding, even some undertakings, and so on). These are things that can only be achieved with a certain amount of power, the parental power which, I think, is very important to the value of rearing. There is, I believe, no parenthood by association. I thank [anon.] for relevant discussion.

³⁸ Perhaps when we think about the “unstitutability of the beloved,” we have a relationship or an object of love in mind.

better parents and incorporate that end into a maxim of action, instead of outsourcing our duty of love. I believe that what lies at the basis of the parent–child intimate relationship is attachment, and this attachment is part of the overall duty of childrearing.³⁹ (In section 1.2.1, I describe the explicit value of attachment, and why this cannot be realized if it is outsourced.)

Gheaus insists that the best available parent is not relevant to the “reallocating” of children, only to the first acquisition (i.e. the first acquisition of the right to parent). But she nevertheless insists that this criterion *is* relevant in custody battles. A custody battle is a legal matter pertaining to who will take care of a particular child, and it is often associated with parental separation or some sort of controversy. The custody battle does not involve the theoretical question of who has *a* right to parent, but rather the question of who has *the* right to parent *this* particular child. This, I think, is a contradiction of the non-relationship reservation (that is, Gheaus’s exclusion of “an already existing relationship”). Gheaus claims that her argument has some direct bearing on existing childrearing practices such as custody decisions.⁴⁰ Gheaus recognizes that children come into the world through their relationship

³⁹ In this paper I do not argue for the general moral duty of procreators to rear their children, but it is the objective of my claim. That is, other things being equal, adequate parents have a moral duty to rear their biological children, and to do it well. However, I focus on the *duty of love*, which is a derivative of the moral duty to rear.

⁴⁰ According to Gheaus, the parent “losing the battle of custody” (an idea I find fundamentally flawed) may have the right—and, possibly, a duty—to continue the relationship with her child even if she is no longer the custodian. To this point, I completely agree: a parent, whether she is the custodian or not (unless of course she poses a genuine risk to her child), should persist in a relationship with her child. Gheaus, however, argues that this duty is subject to what she calls “a relationship detrimental to

with their gestational mother, and that this relationship is worthy of protection. But she asks, how is it possible for A's interests to ground A's authority over B? According to her view: (1) authority over an individual has to be grounded in either (i) their consent or (ii) their legitimate interests (if (i) is not possible)—it cannot be grounded in the interests of the authority figure. (2) in the case of children, (i) is not possible so there is a presumption in favour of (ii). (3) children have a legitimate interest in being parented by those best able to do so. So (4) the right to parent falls to those who are best able to parent the child. But the (biological adequate) parents' interests play a role in establishing the relationship (i.e. the interest in the intimate attachment) and then the relationship itself and the child's interests (which are already partly shaped by the relationship) ground the parents' authority (or perhaps the ability to parent).

Note that I reject Gheaus's child-centered premise. I think that the moral right to parent is grounded in the interest of the child and in the interest of the parent. The interest of the child to be reared and cared for by her parents, in addition to her right to not be separated from them, is protected by The United Nations Convention on the Rights of the Child 1989, Articles 7–9. Children (and then adults) stand in need of parental love (not just any love). They are desperate to know that their parents want them. And yet, this *moral fact*⁴¹ is sometimes

the child" and this, I think, is open to interpretation. For example, is "detrimental" a fact, a risk, a plausibility, a claim of the other parent? And more importantly, who determines whether it is "detrimental to the child," and what kind of test is (if at all) applied in this case? I argue (elsewhere) that in cases of divorce, only a risk reaching a certain level justifies state intervention in childrearing. I thank [anon.] for emphasizing the line of thought in correspondence. See Gheaus (2021: 3, 4, 32). For a discussion of the issue of state interference in childrearing, see also [blinded for review].

⁴¹ I claim that this is a "moral fact" at least in principle, though I will not defend moral realism here, or even claim to be a moral realist.

ignored. This thought is expressed in the claim that the relationship has intrinsic value in itself, independent of its relation to other things, for example, parents' personal traits, desires or any particular benefit to the child (at least to an extent). The love of parents has unconditioned value, as Kant (1997: 8 [4:395]) stated: "usefulness or fruitlessness can neither add anything to this worth nor take anything away from it." Consistent with the dual account, the parent's interest in rearing her own child and forming an intimate attachment with her is of great significance to her own wellbeing, thus her charge over her children is sometimes a necessity. Gheaus claims that love can be given outside a custodial relationship (I agree), and that the parent-child relationship ought not to be restricted to custody. I am not sure I can accept this. Love given outside a custodian relationship is closer to grandparents' love, or perhaps other caring agents. I believe that children can benefit from being loved by many people, but the parent-child attachment is not about that, it is about responsibility⁴². A custodian parent-child

⁴² My premise is that being a parent means being responsible for your child. Having a child, other things being equal, comes with a kind of "custodianship" or a legal guardianship that is not granted by anyone. In order for a parent not to be the custodian or a legal guardian of her biological child, that is, having authority over her, the guardianship should (actively) be taken away. And thus, the kind of responsibility recognized or acknowledged by the custodian parent is "not there" for the parents who are *not* the custodians but loving their child. (I will not go into the content of the responsibilities here). Think for example about an "open adoption," that is, an adoption in which the biological parent is still in the picture and thus permitted to spend time with her biological child. This parent may love this child (assume that she is spending time with her, sharing her wisdom, and teaching her whatever it is she thinks is important for the child's wellbeing, and also assume for now that these are all good things for the child). However, she is not responsible for the child's actions, needs, and wellbeing. She cannot

relationship allows for hard decisions to be made vis-à-vis one's child. The authority to make such decisions has a bearing on how the life of this particular child will go. The custodian parent is responsible for her child; she must take responsibility for her actions (behaviour, etc.) and be responsible.⁴³ Her responsibility has an element of power, for example, if I ask my daughter to be home at a certain time, take a bus instead of a ride or pick up her brother from school, then my requests should be answered. That is, my daughter ought to do as I asked because I ask it, and not because she agrees with its logic (hopefully she does that as well).⁴⁴ There are other *special powers* reserved to parents, for example when the child is confronted with hard choices or important decisions, and I am not referring to merely giving advice or pointing out reasons.⁴⁵ To be a parent is to be in charge, to take action and be responsible for the consequences (to an extent at least). A parent is not simply an agent in a relationship; she is an agent in a relationship with her child, hopefully a loving relationship but even if not, the parent holds a *special power* with regard to her child. If you take away this *power*, you undermine the responsibility and the role of the parent as a guardian in her child's life.

However, the parent did make a promise, whether by conception, adoption or whatever was voluntarily incurred, and her duty is owed to her child who has rights. Love and

take responsibility either. Loving a child can be meaningful and contributive in many ways, it does not make the lover responsible for that child in the relevant ways. I thank [anon.] for emphasizing the line of thought in correspondence.

⁴³ I mean taking responsibility and being responsible in David Enoch's sense of responsibility, I discuss this later in this text. See Enoch (2012).

⁴⁴ I thank [anon.] for relevant discussion.

⁴⁵ I thank [anon.] for the relevant objection. For the incommensurability of values and hard choices that I think parents face as custodians, see Chang (2017: 11).

attachment cannot always serve as strict universal moral principles. Sometimes it is important to be meticulously partial, especially when it comes to rearing our children, as opposed to looking for a principle from which we could infer that it is permissible to do so.⁴⁶

1.2.1

The reason for the impermissibility of shifting a duty of love is the same as the basic reason for the duty: it is grounded in the value of the intimate relationship between a parent and her

⁴⁶ For the purposes of my argument here, I consider parents to be people who have adopted a child, have voluntarily brought a child into existence, have a gestational agreement, and so on. That is, a parent is an individual whose parental rights or responsibilities are *not* in question. I also accept Brighthouse and Swift's (2006) dual-interest and flourishing-based views regarding adequate parents' right to rear their children and to maintain an intimate relationship with them (Gheaus, 2021: 438–59, and references therein; Frankfurt, 2004: 35–37). A plausible reply to my objection to Gheaus's argument concerns the impermissibility claim of outsourcing *love* in cases when a relationship already exists. Given this premise, one might ask: how is there still any disagreement?⁴⁶ Participants in the debate about the *best available parent* have largely stipulated that such considerations must occur *before* a special relationship is present. But if the prospective parent combines both a desire to love and a normative behavior, how can we determine if or when an attachment has been formed? Does it happen at the moment of conception, birth, the age of three, or perhaps it strikes when a parent suddenly takes an interest (for whatever reason) in her child? And what about children with a health condition that prevents them from communicating? Or a mother with postnatal depression? Do such conditions revoke relationships?

child.⁴⁷ A parent is under a moral obligation to form an attachment with her child, for the purpose of fostering an *end* relationship. Outsourcing attachment—that is, shifting intimate actions, behaviors, affections, kindness, and more—to more capable others revokes any chance there might be to have an intrinsically valuable relationship. There are reasons why we love particular individuals and not others, for instance, because “she is my child” (even before a special relationship is present).⁴⁸ Individuals with whom we share intimate relationships ought not to feel substitutable. The concept of an intimate relationship, it seems to me, is based on the idea that one cannot be wholly replaced by another, and shifting a *duty of love* is, in fact, an act of substitution. To love someone is, among other things, to value the relationship we have with them. Parental love, I think, is closer to the Nozickian view: “Your own wellbeing is tied up with that of someone (or something) you love...When something bad happens to one you love...something bad also happens to you...If a loved one is hurt or

⁴⁷ In this paper I do not discuss the child’s wellbeing or her best interest. My premise is, however, that it is in the child’s interest that her (adequate) parent will not outsource her particular obligations of love to her. Keller (2006) is explicit about the “special goods” of the parent–child relationship and distinguishes it from other types of intimate relationships. I share Keller’s intuition that the parent–child relationship also matters because this is *my* child, or this is *my* parent that I brought up or spent my childhood with.

⁴⁸ This is clearly the case with the literature on the “unsubstitutability” of the beloved (i.e. that my beloved is not fungible, and no one could simply take her place without loss). See Helm (2021). The literature on love is substantial. I will only mention the work relevant to my point. Bagley (2015); Frankfurt (1999: 155–80); Kolodny (2003). For an overview, see also Smuts (2014).

disgraced, you are hurt; if something wonderful happens to her, you feel better off.”⁴⁹ The parent–child attachment is not grounded in—or valued for—the “inherent value” of the child, *if* such value is determined by the personal traits, character or any other virtues she might have. Love does not happen for a reason; there is no reason for love, between lovers, friends, etc., but the relationship itself is valued for a reason.⁵⁰ It could make the person happier, more fulfilled, desirable, protected, safe, and so on. Yet, the parent–child relationship is different; it is not valued for the above reasons, but rather is valued *despite* all of that. That is, it could be valued even if the parent is suffering, hurting or anxious; if the child is acting out and the parent is her main (or only) focus, more often than not, the relationship is still intrinsically valued.⁵¹ The *reasons view* (or quality theory), on the other hand, argues that love can be justified

⁴⁹ This is of course *pro tanto*. If your child is an adolescent, for example, it is easy enough to love her deeply and at the same time struggle to even be around her. According to Monica Roland’s analysis of Velleman’s response to Williams’s case of the drowning wife, “the basic reason for benevolent acts on behalf of any person—loved ones or strangers—derives from their inherent moral value. The inherent value of others provides us with basic reasons for acting well toward them, in particular when such acts are needed” (Roland, 2021: 219). If we ask what counts as “inherent moral value,” the answer I think is that when people use such locutions, what they have in mind is at least that the value is non-instrumental. But it is not the person loving them that gives them this value, or it is the value placed on them by the one loving (Velleman). I thank [anon.] for relevant discussion. Nozick (1989: 68); see also Velleman (1999: 373).

⁵⁰ I share the view of Frankfurt (and some others) on [non-]reasons of love, and I think, like Kant, that love cannot be forced. The shared history of lovers or partners, however, can be an exception for the non-reason view—I write about this elsewhere. Frankfurt (2004); Kant (1996: 161).

⁵¹ Parental love is intrinsically unequal, it is impartial, and it is independent of the character of the child.

by the valuable qualities of the beloved, or in response to her value, or reasons.⁵² I want to acknowledge that this alternative account is not without plausibility, but as Troy Jollimore describes it: “to say that love ought to be supported by reasons, and that its justification depends on these reasons, seems to be just another way of saying that love is justified only under certain conditions and therefore ought to be offered only conditionally.”

When we consider an attachment between a biological parent and her new-born child, even if we disregard the intuition that *less-than-optimal* parents should be permitted (if not obliged) to rear their own children (for reasons such as moral duty, individual flourishing, and so on), it is perhaps more difficult to pinpoint the answer to the question of why a better parent should not be chosen—especially if we consider that the parent–child attachment is not grounded in the quality of the individuals or the relationship that they share. But there is, I believe, a universal moral principle missing, which we apply impartially in all situations: to avoid (unnecessary) pain and suffering. Gheaus argues that it is impermissible to sacrifice children’s interests for the sake of advancing adults’ interests in childrearing; she explicitly rejects the claim that we should consider the *potential* parent’s pain and suffering. This is the claim that I am arguing against.

A potential parent, I believe, can love her child before the child exists and the identity of the child is known, and she will suffer tremendously if this love is taken away.⁵³ One could argue that to say that you feel love towards something cannot really be equated with having

⁵² Velleman (1999: 362) describes love “as an arresting awareness of value in a person,” i.e. a response to the value that a person possesses. I think that it is the other way around, that because you love the person, you see her qualities. For different “reasons,” see Kolodny (2003).

⁵³ I thank [anon.] for suggesting this discussion.

love for a particular individual, and since love is directed at particular individuals, in order to be so directed, the lover must at least know who the individual is. And if someone at this point were to say “well, you cannot know who an individual is before they come into existence, and you cannot love a not-yet-existent person,” I would reply: why not? Perhaps we need to distinguish between love *de re* and love *de dicto*, and to do so let us make use of David Enoch’s excellent example:⁵⁴

Imagine that I am late to the birth of my child. I walk straight to the nursery and the doctor is pointing at a new-born baby, saying “this is your daughter.” I immediately fall in love. At this moment it is clear that I am in love with this baby because she is “my child” (love *de dicto*). If the nurse were to enter two minutes later and say, very apologetically, “I am so sorry, this is not your child, the baby next to her is yours,” it is likely that my love for the first baby will quickly fade away. And thus, my life has not been hugely affected. However, if today I were to find out that my 19-year-old daughter is not my biological child, this would, indeed, be a significant and tragic life event. Nevertheless, my love for her will not suffer. This is because my love for her is a love *for* her, and she is also my child (love *de re*). But my love for her is not subject to her being my daughter. In Enoch’s (2011: 255) words: “what starts as a *de dicto* interest in my child as such, naturally develops into a *de re* interest in this child.”⁵⁵ But love is not the only reason for potential parents’ pain and suffering. There are other things that can be sources of severe pain: an absence of fulfilment, flourishing, happiness, hope, desire, or a sense of purpose.

⁵⁴ I thank [anon.] for this kind of example and relevant discussion. For this example (in so many words) and the *de re*–*de dicto* distinction, see Enoch (2011: 255).

⁵⁵ I thank [anon.] for relevant discussion.

Gheaus is almost completely agnostic about the possibility of a biological parent experiencing pain and suffering after the reallocation of children, and I think this is the crux of our disagreement. But not only that: she says that children have a legitimate interest in having the best available parenting; I say that they have a legitimate interest in having good enough parenting.⁵⁶ Research has shown that parents who have either willingly given up their children or been forced to give them up suffer from similar emotional difficulties, such as loss, grief, guilt, regret, and other forms of emotional distress.⁵⁷ The key point here is that parents' interests matter, and because of that, children are entitled to adequate but not the best care. According to Gheaus, assigning a better parent to a child should not be understood as taking away the original parent's parental duties, nor does it indicate a "lack of respect for the child." Rather, she suggests that a good biological parent ought to want a *better* parent to take over her childrearing duties. I argue the opposite: unless a parent is unfit to rear her child—that is to say, unless she poses a threat to her child's wellbeing—surrendering her parental duties is morally wrong. Gheaus, however, settles for what she calls "associational rights": on her proposal, the parent has a right to associate with the child in a long-term and caring relationship, but she does not have the right to exclude others from seeking, and maintaining, close relationships with them. The *associational parent* also has no power to make general

⁵⁶ I thank [anon.] for this observation.

⁵⁷ In East Germany (still under the communist regime), children were forcibly kidnapped from their dissident parents. I thank [anon.] for this example. <https://apnews.com/article/ff6f938e72fb4fcfe0d73844c4f44793>; see also Hofman (1996). For postadoption regret and suffering, see Winkler and Van Keppel (1984); Simone (1996); Clapton (2001).

decisions of great consequence for the child's life.⁵⁸ Gheaus says that she wants to accommodate the intuition behind the Brighthouse/Swift account, which is that people (including those who are not the best available parents) have a legitimate interest in having intimate, caring relationships with children. These people, she says, must be allowed opportunities to satisfy this interest through relationships with children that are "intimate and caring, although not globally authoritative" (Gheaus, 2021: 455). So perhaps what Gheaus means is that the relationship between the best available parents and their children is not an "associational" one (or at least it is not *only* that). But if you are not the "best," the best you can hope for is an associative relationship with your child.

In the context of the "best parent" debate, a "Parental Capability Test" must be mentioned. These are psychological evaluations of parental capacity, (supposedly) carried out when parental competency is at stake. They are *only* undertaken in relation to a particular child and her particular legal parent who stands in (some kind of) a relationship with her. Hence, the examination of competency is not a general proceeding; it is an explicit and directed examination of a particular, present child and her practicing parent. Typically, such evaluations happen in the context of a custody battle, adoption proceedings or an explicit complaint against a parent (excluding severe cases of drug abuse, alcohol, violence, etc. that compel prospective child protection). My view might be summarized as follows: the "Parental Capability Test" ought to be used *only* in cases of adoption or fostering (that is, in cases that involve shifting the right to rear from the state to a particular agent) or when a parent has

⁵⁸ That is, "to have a loving and lasting relationship with the child, one which can develop between a child and someone who has no say in the general rules that govern her life" (Gheaus, 2021: 455–56).

failed to fulfil her parental obligations.⁵⁹ The use of such tests, in my view, should not be compelled by courts when overseeing the separation of adequate parents.⁶⁰ Thus, the idea of the (re)distribution of custody,⁶¹ based on the availability of a better parent—prior to the child’s birth—that is, a “pre-determined competency test,” seems morally wrong to me. Gheaus claims that most biological parents will be the best available parents purely in virtue of the existing attachment between parent and child—even if they might not have been the best available parents in the absence of that attachment.⁶² Let us put aside the matter of parental authority over children and instead focus on the fact that a parent should associate with her child in an intimate relationship. In that case, it would certainly be bizarre for a parent to rear her child if she cannot make important decisions about her child’s life. I think that as a parent, it is within your power to take responsibility for your child’s actions (and not just to be responsible for her) (Enoch, 2021). It is, I think, your moral duty to take responsibility for her actions (some actions and some of the time). But if you take away the parent’s ability (or permissibility) to make important decisions about her child’s life, to shape her environment,

⁵⁹ Whether or not the state should require all parents to be licensed is a separate question that goes beyond the purpose of my argument here. But if that were the case, then at least *all* parents would be licensed, the punitive feature decreases, and the decision will not be at the discretion of the courts. For a view against procreative rights, see Vallentyne (2002). And for the pro licensing view, see LaFollette (1980).

⁶⁰ You may think that there is justification for this test: see [blinded for review].

⁶¹ I thank [anon.] for correcting my characterization of this kind of distribution, i.e. “distribution of custody” rather than “distribution of children.”

⁶² These are the “associational” relationships. I thank [anon.] for articulating this issue so clearly to me and for pressing me on this point. For relevant discussion, see Mass (2018: 272 and ch. I).

you take away the parent's power. This is a normative power stemming from an implicit promise that the parent makes to her child when she becomes her parent.⁶³ It is the promise to take responsibility for the child's actions (when needed), and not merely to be responsible for her, that constitutes the value of the relationship. By taking responsibility I mean acknowledging a duty that is already there, but also, as Enoch (2021: 104–05) argues, that taking responsibility is “undertaking a duty (or obligation or a commitment) that was not already there but rather that—in making of the promise—the obligation is made.” The parent's moral duty to take responsibility is grounded in her (parental) promise, and I think that making important decisions about your child's life (shaping them to some extent and setting the conditions in which she lives) is in conjunction with taking responsibility for her actions. Let me suggest in more detail how I think that the central concept of parenthood is that of responsibility, citing Enoch (2021: 20):

For it seems that the power to take responsibility for things that lie outside the scope of one's core agency is a constitutive part of valuable relationships and ways of thinking of ourselves. As Gary Watson (2009, 162)—following Joseph Raz—puts the point: normative powers “can only be justified if the creation of such special relationships between people is held to be valuable.” Thus, without the power—and sometimes also the duty—to take responsibility for one's children's actions, the nature

⁶³ A parent, I believe, is morally required to make a promise to her child to take care of her. This, even though she is in fact morally required to care for her child, not in virtue of having made a promise, is her obligation. As Enoch (2021: 106) notes: “It is one thing to have a duty to *Q*, quite another to have a duty to promise to *Q*.” I write about a parent's duty to promise elsewhere (forthcoming).

of parenthood would have been significantly different, and not, it seems to me, for the better.

The parent has an interest in creating a safe environment for her child, so that the child may express her anger and frustration as well as her happiness and satisfaction. But if the parent is unable to set rules or boundaries or has no power to act to mitigate the child's distress, she cannot produce the conditions required for the child to change and develop. The child's need for parental responsibility provides the parent with a reason without the parent having to think of any additional considerations. Otherwise, a child is simply left without care. A parent is first and foremost a carer; she is not just her child's friend (though she certainly can be), but her child's protector. Exercising parental responsibility is not the purpose of childrearing, but it is nevertheless a necessary element of the parent-child relationship. There is no such thing as "parenthood by association." Think of Mill's locution "Freedom of Association," which is the freedom to form, join, and exit different kinds of associations. The very phrase "freedom to associate" speaks of liberty. Parenthood is of a contrary kind of association; it consists in the obligation to form and join, and certainly not to exit.⁶⁴ Moreover, members of associations typically have the right to exclude others who hold a conflicting belief. Gheaus's parenthood by association, if I understand her correctly, is a twofold concept: 1) it suggests no authority, insofar as parents are not permitted to make important decisions concerning their child; and 2) it suggests that parents who have authority ought not to exclude others from associating with their children, so long as it benefits the child, or something along these lines.

⁶⁴ For relevant discussion, see White (2013; 1997); see also Gutmann (1998).

1.2.2

Mili Mass investigates the connection between a procreator and her child while also describing the destruction that can be caused by intervening in this relationship. She refers to this connection as an “inborn affinity.” Mass discusses the harm that a child suffers with the disappearance of her *birth parent*, primarily the mother.⁶⁵ One of the distinguishing features of the parent–child relationship is the impossibility of exiting the relationship.⁶⁶ Returning to Gheaus’s account, even if she considers that it is in the child’s best interest not to be reared by her procreator, she does not consider that the child’s separation from her procreator constitutes a serious harm.⁶⁷ Mass argues that by not acknowledging the existence of this

⁶⁵ For Mili Mass’s (2017) paper in Hebrew, see: <http://mafteakh.tau.ac.il/wp-content/uploads/2017/03/11-2017-06.pdf> 127 עמ 2017 מפתח 11 גיליון, “זיקה מולדת”, and the references therein.

⁶⁶ Obviously, people can give up their child, ignore their needs, cease to care, abandon them, and by doing so exit the relationship. But this is not what I mean. I assume that the common sense, mainstream view is that adequate parents do not leave, either physically or metaphorically, their children. They cannot go in-and-out of the relationship, because being a parent requires consistency and reliability. The parent–child relationship is unique among intimate relationships as it is distinguished by the impossibility of exit. See O’Neill (1979: 27); Alstott (2004); Schoeman (1980); Brighouse and Swift (2006).

⁶⁷

There are two separate issues here: (1) Gheaus’s philosophical argument about the moral basis of parental rights; and (2) how this argument would apply in practice. My arguments are directed at both. Gheaus grounds parental rights in the legitimate interests of the child, and this view entails that the

inherited (inborn) affinity—and hence ignoring children’s rights and needs—we also silence its loss (children need *their* parents, not just *any* parents). Gheaus talks about a plausible or justified compensation for the biological parent, but as a matter of fact the child is the one “compensated” for the loss of her procreator and her original parental attachment, with an alternative parent (i.e. the “best available parent”). Neglecting the harm done to children by the disappearance of their *procreators*, Mass continues, associates them with a minority group defined by the compensation they received—for instance, an *adoption* group or some such. The testimonies of many children (young and older) who have grown up under the shadow of absence indicate the significance of biological attachment.

2

2.1 Attachment

Attachment is an absolute human need, which is not solely associated with children. For my purposes here, however, I maintain that children must be emotionally attached to their parents until they are capable of standing on their own two feet. As many have argued, any disruption to this attachment can result in the child developing physical ailments or psychological problems later in life (Maté & Neufeld, 2011). Dan Siegel’s clinical studies have shown that a “secure attachment” between a parent and her child is necessary for children to become resilient adults, prepared for life’s struggles. Intimate relationships, it is scientifically proven,

procreator is not necessarily the one with legitimate parental authority. And she accepts that, in practice, the procreator will normally be the one with legitimate parental authority—that is, that *just in virtue* of being the procreator, you are extremely likely to be the best available parent. I thank [anon.] for relevant discussion.

change the structure of the brain (in general and particularly during childhood⁶⁸) and as such, affect all the properties of life (qualities, features, etc.). Children, according to Siegel, must be *Seen, Soothed, Safe, and Secure*. That is, the child's inner life is being identified by her parent, she (the parent) "*sees*" her (the child's) feelings, thoughts, intentions, and more. She is the one able to *soothe* her child, keep her *safe* from a) harm and b) herself if she is the source of fear for her child, and thus *Secure*.⁶⁹ A child whose parent is *present*, who is aware of what is happening, when it is happening, and who does not simply observe the behavior from afar, will foster a secure attachment (Siegel, 2020; 2001; Siegel & Hartzell, 2013; see also Blaffer Hrdy, 2011). A good intimate parent–child relationship consists of this sort of attachment, and it must not be outsourced.

2.2 What is a duty of love?

I take it to be rather obvious that parents have moral duties pertaining to childrearing. But when I say that parents have a duty of love, I mean that they have a duty to foster the parent–child relationship, through intimacy, devotion, a desire to promote the happiness of the beloved, and so on. These are things that parents must not merely feel, but do.⁷⁰ Although I

⁶⁸ Studies on this subject are too numerous to mention, but for a few leading studies, see Siegel and Solomon (2003); Maté (2011); Miller (1981b).

⁶⁹ A child is intimidated not only if their parent is abusive or neglectful, but also if she is unpredictable, yelling, drinking or in a constant state of distress, even if she is in a separate room and the behavior is not aimed at her child.

⁷⁰ Keller (2006) discusses filial or special duties that he calls "special goods." These are goods that children owe their parents and not others on account of being their children. I agree that parents or

believe that children are in need of authentic (i.e. as something I choose as my own) parental love, there is no moral obligation to supply love or to continue loving. As Kant said, “Love is a matter of feeling, not of willing, and I cannot love because I will to, still less because I ought to (I cannot be constrained to love); so a duty to love is an absurdity.” One cannot be commanded to feel an emotion. For instance, Raz argues that while being filled with love is an emotion, *love* is not actually an emotion but rather an attitude. Parents, he writes, have a duty to love their children, and this is the kind of duty “which touch[es] the core of our existence” (Raz, 1994: 11). I accept Raz’s claim that parental duties include the duty to sacrifice one’s life for the sake of one’s child, but love-related actions are not just emotions but also actions (although the former may certainly indicate the presence of the latter). Likewise, Richard Taylor says that *emotional duties* such as love and compassion are not really actions but passions (which, I think, is much closer to Raz’s position). My focus is on love-related or intimacy-related actions, rather than on mere emotions (Frankfurt, 1998: 4–6; see also Liao, 2006b; Taylor, 1970; Kant, 1996: 67; Raz, 1994: 11; Badhwar Kapur, 1991: 486).

2.3 What is the content of this duty of love?

children are “uniquely placed to provide” these goods and that these goods are special in context, that is, that it is coming from their children and not others. But I do not believe that the parent–child relationship is reciprocal in any way. I thank [anon.] for suggestions along these lines.

Parents' primary responsibility is to devote attention⁷¹ to their child in response to their child's vulnerability.⁷² To be vulnerable is to be fragile, to be susceptible to being wounded, and to have the capacity to suffer. By responding to vulnerability, I do not mean merely acknowledging it but taking action in response to it. Parents are responsible both for their child's immediate wellbeing and for the development of her physical, cognitive, emotional, and moral capabilities. To love your child is to act gracefully and to be equally vulnerable, fragile, susceptible to being wounded, and to have the capacity to suffer. Kant said that love (benevolence), as conduct, can be subject to a law of duty. That is, to do good to another human being is a duty, whether you love them or not. And then he continues: "only the love that is delight is direct. But to have a duty to this...that is, to have to be constrained to take pleasure in something, is a contradiction" (Kant, 1996: 161–62).⁷³ I say that love is a central concept in parenthood, and parents "better" love their children with their heart, Page: 37 but as I said, I agree with Kant that, insofar as we consider love as an emotion, we cannot be

⁷¹ Emotions are also relevant to this relationship as they influence attention. For more on the connection between emotions and attention, see Faucher and Tappolet (2002); see also De Sousa (1990; 2004).

⁷² For a reflection on the nature of vulnerability, see Mackenzie, Rogers, and Dodds (2014).

⁷³ See also Velleman's (1999) analysis of this matter. Delight is indeed what children need, but they need it from their parents (among other things and from other agents). Substitution of parental love with the love of others will not comply with children's desire to be loved *by* their parents. However, the question of how much love a child needs from her parent is an empirical or perhaps psychological question that goes beyond my purposes here. I thank [anon.] for pressing me on this point.

under a duty *to* love. We *can*, however, have a duty to take loving *actions*. Julia Driver (2020) talks about overlooking your child’s flaws. She says that slightly overestimating your child’s talent is a good, nurturing thing to do. Susan Wolf (2015: 171), by contrast, says that one loves someone despite their flaws; one is aware of their flaws and loves them nonetheless. I agree with both Driver and Wolf, and claim that both overestimating one’s child and loving them despite their flaws are constitutive of the *duty of love*. Moreover, I think that the primary feature of parenting is the intimate parent–child relationship. This relationship is fostered by attachment.⁷⁴ Attachment with respect to persons is the pursuit and preservation of proximity, closeness, and connection—physically, behaviourally, emotionally, and psychologically. A successful parent–child relationship also entails children’s “approval” of parental responsibility.⁷⁵ Although children do not strictly grant parental responsibility to adults, the child’s role in an attachment relationship is important for substantiating the parent’s responsibility and is thus crucial for childrearing and parenting to succeed. Of course, children’s *willingness* to participate in this relationship is influenced by their parents’ behaviour: Does the parent listen to her child? Does she talk to her? Is she interested in her? Is she considerate? And does she praise, or even scold, her child when necessary? A child has a need for intimacy and love, and a child’s compliance depends on how her parent demonstrates her

⁷⁴ For the view that parents have a right to the special goods of intimacy that are uniquely available in good parent–child relationships, see Brighouse and Swift (2006). Likewise, for an interesting examination of the necessary competencies that ground one’s moral right to parent, see Macleod (2015).

⁷⁵ Responsibility here is similar to the old phrase of “parental authority.” But I do not consider authority to be a part of an intimate attachment or love, and therefore I refrain from using this noun in relation to this topic.

love; in that sense, a child *does* grant the adult the authority to parent.⁷⁶ This intimate attachment should be the basis of a *duty of love* and the parent–child relationship.⁷⁷

Let’s say that Anna does not feel love for her daughter. That is, she does not care about her any more than she does any other person and does not favour her in any particular way. Should Anna shift her obligation to form an intimate attachment with her daughter to a more considerate and more affectionate potential parent? If she were to transfer this obligation, we might think that her “motherhood” is morally flawed. But emotions and feelings are very hard to control, and they should be distinguished from actions. Of course, a person is not morally responsible for what is not under her control. Nevertheless, we would unfavourably judge a parent who, say, outsourced her obligation to comfort her child over a broken heart, who did not accompany her child to her first leading role in a school play, or who sent another person to meet her for lunch when a special intimate time together was promised—and so on.

3 Outsourcing

⁷⁶ Rachels discusses impartialism and luck in parent–child relationships from a moral point of view and suggests that a *partial bias* approach is the better one, that is, that a parent should provide “loving, day-to-day care” for her own children, but that she must also provide the necessities for other children before providing luxuries for her own. Rachels (1997); Frankfurt (2004: 8–9).

⁷⁷ Love is *not* an attachment. There could be loveless attachment and intense love without an attachment. The duty of love that I ascribe to parents is the interaction with their child, the intimacy, closeness, trust, attentiveness, kindness, and care, and the actions through which these are expressed. It requires perpetual devotion and meaningful deeds, intimacy, confidentiality, and kindness. I thank [anon.] for pressing me to clarify this point.

R. Jay Wallace (2012) discusses two views about duties of love: reductionist and non-reductionist. The reductionist view holds that duties towards those whom we love are derived from general moral obligations, where these moral duties are “determined by general principles that potentially apply to cases that don’t involve loving relationships at all”—that is, things that we owe to others simply as persons and not specifically to people we care about (Wallace, 2012: 176). The non-reductionist approach, on the other hand, considers loving relationships to be *sui generis* and does not maintain that the duties of love are moral in character. Rather, love cannot be reduced to (more generic) duties that apply outside the interpersonal contexts of love. This approach requires an additional set of duties that are constitutive of loving relationships and cannot be derived from general moral principles. The relationships of love, Wallace (2012: 184) contends, are themselves the basis of the obligations that I have to those whom I love. This makes sense, but how are we to account for these obligations if we assume that *love* is not always founded on the basis of a relationship, or at least not the pure, unselfish love that we consider valuable? *Loving* one’s child can certainly make it easier for a parent to fulfil her obligations (at least in some cases and some of the time), but as an emotion, love is not the purpose of the action, unless of course what we aim for is *love*.⁷⁸ But Wallace does have a point: a relationship is a source of an obligation that is not derivable from general moral principles. A parent’s duty to foster an intimate attachment is not based on gratitude or reciprocity, as the reductionist position that Wallace outlines would have it. Rather, parents have a *special* duty (of *love*, according to Wallace), and parents violate that duty if they fail to live up to it.

⁷⁸ I think that loving one’s child is a desirable aim. I even think that without it, the parent–child attachment is rather weak. But this paper is not concerned with finding ways to increase parental love.

3.1 Significantly less valuable

If a parent outsources her *duty of love*, for example if she shifts her duty to console her broken-hearted daughter to a more competent agent, as decent as this agent may be, this act of outsourcing will render her relationship with her daughter significantly *less* valuable. Love in general cannot be shifted, and not because of the immediate outcome (although this too will be gravely affected), but rather because of the overall effect.⁷⁹ The value of the attachment between a parent and her child comes from their interaction with each other, the intimacy, closeness, trust, attentiveness, kindness, and care, and the actions through which these are expressed. Intimate attachment is a *kind* of love that requires perpetual devotion and meaningful deeds; without these, the attachment is significantly *less* valuable. If you give away the intimacy, confidentiality, attentiveness, and kindness at key moments, the value of the attachment is depreciated. *It is impossible to love by proxy*. There is, I think, something morally wrong with becoming a parent⁸⁰ while feeling that one can outsource (or overlook) one's duty of *intimate attachment*.

4

⁷⁹ I think of love as a central moral concept, much like Murdoch (1970: 100) in this regard, but only to an extent, since I do not think that love can be commanded. I do, however, believe that the overall effect of shifting love is blindness regarding the features of persons. See also Driver (2020).

⁸⁰ With the term “parent” here, I am following Miller’s (1981a) usage, which refers to the person who is closest to the child during the first years of her life. This need not be a biological parent.

My final observation concerns the scope of permissible outsourcing. If the parent cannot resist outsourcing moral obligations in particular cases, she must have a reason. Outsourcing must do no harm and perhaps also even accomplish something good. If we can establish that it makes sense for a parent to obtain some extrinsic goods from another agent, then we can consider the permissibility of this instance of outsourcing. In what follows, I will argue that it is permissible to outsource the acquisition of *some* extrinsic goods.⁸¹

Typically, when we say that parents ought to care *for* their children, all we mean is that parents are (or should be) responsible for securing the goods of childrearing. In the previous sections, I expressed blame, moral blame, at those who would outsource the intimate parent–child attachment. I explained that some things must come from the parent specifically. In this section, I want to discuss the duties that may be outsourced. These are duties related to the child’s *welfare*, the outsourcing of which would maximize the child’s wellbeing. The duty to maximize the child’s wellbeing, I argue, might be outsourceable only in relation to extrinsic goods such as food, clothes, shelter, material objects, and so on.

4.1

Outsourcing extrinsic goods falls under Kagan’s definition of permissibility, i.e. that “it is not the presence of a morally adequate reason which grounds permission, rather it is the absence of a reason sufficient to ground a prohibition.”⁸² The identity of the agent performing the duty

⁸¹ To make it more precise, we can contrast “extrinsic” goods with “special” goods the way Keller (2006) captures them.

⁸² For Kagan (1989: 65–66), this is equivalent to there being no requirement that it not be performed. This can be understood to be an *oppositional stance* to outsourcing love. See also Montague (1996: 38).

is not critical; the agent is, rather, replaceable. For instance, think about a duty to ensure that one's child is educated. You could hire a tutor, send your child to a public school, send them to a private school, or provide home schooling. The person who, for instance, teaches your child history must know history and be a good teacher, but she does not need to be you. You could take your child to a restaurant rather than cooking for her yourself, and you could ask your friend to purchase clothes for your daughter when she is shopping. You can send our child to school in a carpool, and even transfer your "volunteering" duties at school (if you can get away with it), but you cannot, for example, outsource to an outsider a meeting with your child's schoolteacher to talk about her progress in school. Given children's perpetual vulnerability to their parents, a parent's *duty of love* never ends, even when the child reaches adulthood. Parents motivated by the value of forming an intimate relationship with their child (and those not so motivated) ought not to surrender to a consequentialist view of childrearing but rather embrace certain (utility) constraints.

5

In this last section, I briefly sketch another duty that accompanies the moral prohibition on outsourcing love, namely the duty to *promise* to foster an intimate, affectionate attachment with one's child. While a parent is morally required to take good care of her child independently of and prior to this promise, she is also subject to a moral duty to promise to foster this attachment. A promise is a kind of assurance that an obligation will be discharged. A parent can thus violate this duty—the duty to promise—even if she proceeds to foster the parent–child attachment. "The damage done to us during our childhood cannot be undone, since we cannot change anything in our past," states Alice Miller (1981a: 2). Even though the same is true of personal trauma experienced at any point in life, the unique position of children is

crucial here. In harmful environments, children are compelled to suppress their feelings, to repress their memories, and to idealize their parents. Later in life, they will have little memory of what happened, even though they will still endure the consequences of their earlier years. The kind of damage done to children during childhood can manifest as both mental and physical diseases in adulthood. For some years now, says Miller, we have known that repressed traumatic experiences in childhood are stored up in the body and exert an influence on a person once they reach maturity. People whose integrity has been damaged in childhood, who were not protected, respected, and treated with honesty by their parents, are at high risk of developing life-threatening conditions or severe mental disorders later in life.⁸³

In this paper, I have not discussed cases of negligence, abuse, or intentional harm, but I do think that parents have a reason to have *knowledge-how* and *knowledge-that* when becoming a parent. Miller (1981a: 28) explains that even a mother who lacks a warm-hearted sentiment for an infant can facilitate the child's healthy development if she allows others to facilitate the necessary emotional climate and understanding. Through her promise and her actions, and by fulfilling the child's basic needs for affection and warmth, the parent prevents the trauma of rejection, which can persist for the rest of the child's life. This is *not* outsourcing—because the mother must be present; rather, it is a form of protection and consideration (in extreme cases) and is thus permissible.

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⁸³ This conclusion has been drawn from many interdisciplinary investigations, which included meta-analysis studies, interviews, and years of therapy. See for instance Maté (2011); Miller (2006; 1981a: 129–31).

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