

Preferring a Genetically-Related Child

Tina Rulli

Assistant Professor, University of California, Davis

trulli@ucdavis.edu

Abstract

Millions of children worldwide could benefit from adoption. One could argue that prospective parents have a *pro tanto* duty to adopt rather than create children. For the sake of argument, I assume there is such a duty and focus on a pressing objection to it. Prospective parents may prefer that their children are genetically related to them. I examine eight reasons prospective parents have for preferring genetic children: for parent-child physical resemblance, for family resemblance, for psychological similarity, for the sake of love, to achieve a kind of immortality, for the genetic connection itself, to be a procreator, and to experience pregnancy. I argue that, with the possible exception of the pregnancy desire, these reasons fail to defeat a duty to adopt a child rather than create one, even assuming that we do have some leeway to favor our own interests.

Keywords

adoption – biological – genetic – parenthood – rescue – procreative ethics

Imagine that you have just decided to become a parent. You learn that the local fire station, a *safe haven*, has received a newborn in need of a family.¹ You are aware of the research showing that early infant adoptions pose little risk regarding the infant's psychological health and potential for emotional

Tina Rulli is an Assistant Professor of Philosophy at the University of California, Davis. Previously, she was an Assistant Professor of Philosophy at Purdue University (2013-2014). Prior to that she was a postdoctoral fellow at the National Institutes of Health Clinical Center Bioethics Department (2011-2013). She received her PhD from Yale University in 2011.

- 1 In the United States, safe havens are locations where parents can abandon unharmed infants without criminal penalty.

attachment.² The urgent need for placement and the lack of administrative costs allow for the baby's adoption with few additional hurdles or financial burdens. You can adopt this child, who will otherwise face a life of uncertainty in various institutions or foster homes. Or you can decline and bring a new child into the world instead. What does morality have to say about the choice in this *Safe Haven* case? Is there a duty to adopt rather than create a child?

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- 2 Linda van den Dries, Femmie Juffer, Marinus H. van IJzendoorn, Marian J. Bakerman-Kranenburg, 'Fostering Security? A Meta-Analysis of Attachment in Adopted Children,' *Children and Youth Services Review* 31 (2009), pp. 410–421. This meta-analysis of 39 studies of attachment in adopted children showed no difference in secure attachments between nonadopted children and children adopted before the age of 12 months. Adoptees, of all ages, show no increase in disorganized attachment compared to nonadopted children when self-report measures are included. See Marinus H. van IJzendoorn, Femmie Juffer, and Caroline W. Klein Poelhuis, 'Adoption and Cognitive Development: A Meta-Analytic Comparison of Adopted and Nonadopted Children's IQ and School Performance,' *Psychological Bulletin* 131 (2005), pp. 301–316. This meta-analysis of 62 studies showed no difference between adopted children and nonadopted environmental peers in IQ. For children adopted before 1 year old, there were no delays in school achievement, p. 312. Likewise, there is no difference between adopted and nonadopted infants in infant temperament; see W.B. Carey, W.L. Lipton, & R.A. Myers, 'Temperament in adopted and foster babies,' *Child Welfare* 53 (1975), pp. 352–350; for mental and motor functioning, see R. Plomin & J. DeFries, *Origins of individual differences in infancy: The Colorado Adoption Project* (Orlando, FL: Academic Press, 1985); for communication development, see L.A. Thompson, & R. Plomin, 'The sequenced inventory of communication development: An adoption study of two- and three-year-olds,' *International Journal of Behavioral Development* 11 (1985), pp. 219–231.

Studies showing differences have received a disproportionate amount of attention. Van den Dries, et al., 'Fostering Security,' p. 417, suggest a publication bias for adoption studies showing difference. Some studies show a possible higher incidence of behavioral problems of adoptees in the middle childhood and adolescent years. For a thorough discussion of these studies, see D.M. Brodzinsky, D.W. Smith & A.B. Brodzinsky, 'Chapter Four: Infant-Placed Adopted Children,' *Children's Adjustment to Adoption: developmental and clinical issues* (Thousand Oaks, CA: Sage Publications, 1998), pp. 34–50. The significant but small variance revealed in such studies, especially given a variety of methodological concerns, must not be overemphasized, p. 40. It is likely that "group differences between adopted and nonadopted children are accounted for by a small percentage of adoptees whose adjustment is much more deviant than the majority in the sample," p. 44. Most importantly, these differences are temporary, disappearing by age 15, p. 42. Finally, "... virtually all studies reported suggest that the majority of adoptees are well within the normal range of functioning," p. 44. See also J.J. Haugaard, 'Is Adoption a Risk Factor for Development of Adjustment Problems?' *Clinical Psychology Review* 18 (1998), pp. 47–69. Haugaard, critiquing the above-mentioned literature, concludes that current scientific research does not support the notion that adoption is a risk factor for adjustment problems.

The real world is rarely like *Safe Haven*.³ Adoptions take time and they cost money. But even if these costs were not at issue, many people would prefer not to adopt. They prefer to have a genetically-related child (*genetic child*).

What moral significance does this preference have? The stakes for this question are high, for there is a strong case for a *pro tanto* duty to adopt.⁴ A *pro tanto* duty is a genuine duty, but one that can be defeated by other considerations. In what follows, I often drop the *pro tanto* qualifier, though it is implied; the defeasibility of the duty to adopt is the main concern of this paper, for many people believe that a deeply held preference for genetic children could defeat the duty to adopt. This objection is so important that I think arguments for the duty to adopt cannot get off the ground without first considering it.

I will show that the reasons people have for preferring a genetic child generally fail to defeat a putative duty to adopt children. In Section One, I motivate the existence of a duty to adopt. I describe the plight of children in need of adoption; their situation is similar in many ways to familiar cases in which a duty to rescue is generated. Despite a strong case for a duty to adopt, I concede that we have *moral options*, i.e. permissions to favor our own interests to some extent in determining what we ought to do. Our interests may defeat a duty to rescue, and likewise, the duty to adopt, when they rise to the level of a *project*: when they have non-trivial, non-negative value and concern interests that have central significance in our lives. With the projects standard in place, I focus on my main question: is the preference for a genetic child sufficient to defeat a duty to adopt?⁵ In Section Two, I examine common reasons for preferring a genetic child over an adopted child. I conclude that, with one possible exception, these reasons are either too trivial, presuppose the value of the

3 Although, see Peter Mercurio, 'We Found Our Son in the Subway,' *New York Times: Opinionator*, February 28, 2013. <<http://opinionator.blogs.nytimes.com/2013/02/28/we-found-our-son-in-the-subway/>> Last accessed June 12, 2014.

4 Thomas Søbirk Petersen defends a variation of the duty to adopt, which narrowly targets prospective parents using assisted reproductive technologies to create children, in 'The Claim From Adoption,' *Bioethics* 16 (2002), pp. 353–375; Daniel Friedrich, 'A Duty to Adopt?' *Journal of Applied Philosophy* 30 (2013), pp. 25–39. Arguing against, see Travis Rieder, 'Procreation, Adoption, and the Contours of Obligation,' *Journal of Applied Philosophy*, forthcoming.

5 My focus is solely on *unrelated adoptions*—adoption of children who are not previously a part of one's family. Unrelated adoptions contrast with intrafamilial adoption, where one might adopt a child who is already a member of the extended family (and potentially genetically related to oneself). I focus on unrelated adoptions, in part, because this is the more challenging case. If there is a duty to adopt unrelated children, an argument for a duty to adopt related children will be easier.

genetic connection in question, are constrained by plausible, normative parental requirements, or fail to distinguish adopted children from genetic ones. I concede that some women's desire to experience pregnancy may defeat the duty to adopt. This potential exception is recognized in saying that *generally* reasons to prefer a genetic child fail to defeat a duty to adopt.

This finding is important. There are many other obstacles to adopting a child that could defeat a duty to adopt. Adoptions are oftentimes expensive and logistically complicated. Many adoptions may involve older children who have been neglected or abused, presenting special needs for their adoptive families. Yet most people do not think they would be morally required to adopt *but for* these costs—they believe they have a protected interest in having genetic children.⁶ I argue that, generally, this belief is false. I conclude by emphasizing that the remaining objections to a duty to adopt are based on socially contingent and eliminable factors. For these reasons, the duty to adopt is pressing and relevant.

Section One: A Duty to Adopt

Worldwide, there are at least 16.2 million documented orphans—children who have lost or been relinquished by both parents.⁷ Eight million children are in orphanages or institutions. Possibly 100 million others live on the street and

6 For example, more than 85,000 women undergo in vitro fertilization each year despite its time and cost burdens often comparable to or even greater than those of adoption. See Bedford Stem Cell Research Foundation, <http://www.bedfordresearch.org/politics/humanembryo.php?item=womenivf_overview>, last accessed June 13, 2014.

7 USAID, UNICEF, and UNAIDS, *Children on the Brink 2004: A Joint Report on Orphan Estimates and A Framework for Action*, 2004, p. 4. <http://www.unicef.org/publications/index_22212.html>. Determination of an *adoptability statistic* is fraught with controversy. See Elizabeth Bartholet, 'International Adoption: Thoughts on the Human Rights Issues,' *Buffalo Human Rights Law Review* 13 (2007), pp. 151–203; see Johanna Oreskovic and Trish Maskew, 'Red Thread or Slender Reed: Deconstructing Prof. Bartholet's Mythology of International Adoption,' *Buffalo Human Rights Law Review* 14 (2008), pp. 71–128. The problem is part empirical: 45 million births go undocumented each year in the developing world. A child's legal status is in some countries unclear. For a critique of this debate, see Richard Carlson, 'Seeking the Better Interests of Children with a New International Law of Adoption,' *New York Law School Law Review* 55 (2011), pp. 1–67. Carlson summarizes: "... the argument seems mainly one of splitting hairs about how many millions of 'orphans' there are in the world. ... the number of children who might be well served by the opportunity for adoption greatly exceeds the number of adoptions that are being processed," p. 52–53.

are unaccounted for.⁸ An umbrella term for these children in need of parental care is elusive. Not all of them are technically orphans, as some have living parents who have relinquished, abandoned, or neglected them.⁹ Despite the problematic terminology, for ease of exposition, I will refer to them all as “orphans” or “children in need of parents.”

The desperate need of children without stable parental care is undeniable. Many lack basic nutrition and medical care. They are the helpless victims of neglect and abuse. In the worst cases, children lose their lives in these conditions; confined to cribs and beds, they perish without proper medical treatment or the loving touch of a caretaker.¹⁰ Yet even in “better” institutions and foster care in developed nations, children suffer emotional and psychological harm. Institutions and foster care fail to provide the stability necessary for healthy psychological development. Children in such situations are at a significant disadvantage in regard to forming secure personal attachments.¹¹

8 Elizabeth Bartholet, ‘International Adoption: The Human Rights Position,’ *Global Policy* 1 (January 2010), pp. 91–100, at p. 95.

9 Ibid. The latter children are *unparented*; but not all of the children fit this description either. Some children are currently parented, though their parents desire or are compelled to relinquish them. They are children *in need of new parents*. Yet not all of the children in question need new parents, for some children, though they have biological parents, have never been *parented* by them or anyone else. My selection of terminology reflects the fact that these children do not have parents in any adequate normative sense.

10 See Elizabeth Bartholet, ‘International Adoption: The Child’s Story,’ *Georgia State University Law Review* 24 (2008), pp. 333–79, at p. 15; *Mental Disability Rights International, Hidden Suffering: Romania’s Segregations and Abuse of Infants and Children with Disabilities* (2006). Available at: <<http://www.mdri.org/mdri-reports-publications.html>> (hereafter, MDRI Report); *Human Rights Watch Death by Default: A Policy of Fatal Neglect in China’s State Orphanages* (1996), available at <<http://www.hrw.org/en/reports/1996/01/01/death-default>>; *The Dying Rooms*, Kate Blewett and Brian Woods (Lauderdale Productions, 1995), a documentary film for television about Chinese state orphanages. ABC News reported on the “concentration camp like conditions” of Romanian orphanages in early 1990. This caused widespread outcry and concern. Since then, it has been claimed that Romania has improved the situation for orphans. See C.H. Zeanah, C.A. Nelson, N.A. Fox, A.T. Smyke, P. Marshall, S.W. Parker & S. Koga, ‘Designing research to study the effects of institutionalization on brain and behavioral development: The Bucharest Early Intervention Project,’ *Development and Psychopathology* 15 (2003), pp. 885–907, at p. 895. Other accounts raise doubts. ABC wrote a brief follow-up article. See ‘Inhumane Conditions For Romania’s Lost Generation,’ June 8, 2010 <<http://abcnews.go.com/2020/story?id=124078&page=1>> Last accessed June 13, 2014.

11 See Barbara Tizard & Jill Hodges, ‘The Effect of Institutional Rearing on the Development of Eight Year Old Children,’ *Journal of Child Psychology & Psychiatry* 19 (1978), pp. 99–119, at p. 99; Barbara Tizard & Judith Rees, ‘The Effect of Early Institutional Rearing on the

Often, they do not learn the life-skills necessary to care for themselves as adults. Up to 20 percent of young adults who are too old for the foster care system in the U.S. will become homeless.¹²

In short, we face a problem of great *magnitude*—there are millions upon millions of children in need of parents—and *severity*—they lack the parental care essential for healthy development and well-being. Yet, many of us are capable of providing for these children through adoption. The situation echoes a structurally similar case.

*Railroad:*¹³ Your route to work takes you across the railroad tracks. Today, as you approach the tracks, you notice a small child who has gotten her foot caught in them. A train will be coming by any moment now. The child risks losing her leg (possibly even her life) if you do not get out of your car and pull her from the tracks.

Surely, you are morally required to rescue her! A moral innocent is in need of a critical benefit—the saving of her leg—which you can provide for her. We believe that there is a duty to rescue when we can provide critical benefits to others who stand to lose them, especially (though not exclusively) when the cost to us is minimal. Cases involving children are especially compelling. They are uniquely vulnerable in their inability to advocate for themselves and in their dependence upon others to improve their life prospects.

A child in need of parents poses a situation similar in most morally relevant aspects to *Railroad*. In addition to the material hardship many children without parents endure, the psychological harms severely impact their long-term well-being. Most importantly, many people who could adopt them might provide them with exactly what they so critically lack—a stable, loving family.

Behavior Problems and Affectional Relationships of Four-Year-Old Children,' *Journal of Child Psychology & Psychiatry* 16 (1975), pp. 61–73; MDRI Report, which asserts that even the newer, improved institutions pose grave threats to children's well-being; Susan W. Parker and Charles A. Nelson, 'The Impact of Early Institutional Rearing on the Ability to Discriminate Facial Expressions of Emotion: An Event-Related Potential Study,' *Child Development* 76, no. 1 (Jan/Feb, 2005), pp. 54–72. For a discussion of the harms to children in foster care in the United States, see Elizabeth Bartholet, *Nobody's Children: Abuse and Neglect, Foster Drift and the Adoption Alternative* (Boston: Beacon Press, 2000).

12 Human Rights Watch, *My So-Called Emancipation: From Foster-Care to Homelessness for California Youth*, 2010, p. 1. Available at < <http://www.hrw.org/reports/2010/05/12/my-so-called-emancipation>>.

13 This example is a modification of Peter Singer's Shallow Pond in 'Famine, Affluence and Morality,' *Philosophy and Public Affairs* 1 (Spring 1972), pp. 229–243 [revised edition].

Though the various costs in adopting children are not always minimal, they are surely nothing close to the costs a child without a family bears.

If there is a duty to rescue in *Railroad*, then there is a strong case for a duty to adopt. The crucial question is whether the higher costs of adoption undermine the analogy between the orphan problem and *Railroad*. The *Safe Haven* case minimizes the contingent costs of adoption.¹⁴ The rest of this paper investigates a putative remaining cost. Before proceeding, however, I pause to recognize some other important differences between the two cases. They do not undermine a duty to adopt.

For example, *Railroad* has one victim and one rescuer whereas there are many children in need of parents and many prospective adopters. These *many numbers* cases typically indicate a social or institutional problem. Then perhaps the difference between the cases is not just that of numbers but of *kind*: the orphan problem is a large-scale social problem that we all face, not a unique emergency encounter of one individual. Some may argue that social problems require institutional solutions and not remediation through individuals' duty to rescue.

Yet, if in *Railroad* the child's peril was the result of a social-institutional failure—say, inadequate public safety protocols caused the child's predicament—this fact would not justify a bystander's failure to provide rescue. Likewise, though poverty and lack of reproductive autonomy for women may be a root cause of child relinquishment or abandonment worldwide, crucial improvements in these areas are no substitutes for the rescue of children. There are children *now* who need parents. They cannot wait for these social or institutional improvements. Acknowledging that there are institutional obligations to address a problem does not entail the absence of an individual's duty to rescue in *Railroad* or to adopt a child.

The duty to adopt may be threatened in another way. Some *many numbers* cases allow people to fairly distribute the burdens of rescue among themselves. Liam Murphy defends a Cooperative Principle for obligations of beneficence involving many rescuers.¹⁵ One is morally required to do a fair share, and no

14 Though adoption is not intuitively a case of "easy" rescue, adoption is a one-time rescue. Adoptive parents are not rescuing their children each time they benefit them. See Tina Rulli, 'The Unique Value of Adoption,' in F. Baylis and C. McLeod, (eds.), *Family-Making: Contemporary Ethical Challenges* (Oxford: Oxford University Press, 2014), pp. 109–28, at pp. 122–23. Further, for those who want to become parents, adoption in a case like *Safe Haven* poses minimal additional morally relevant costs.

15 Liam Murphy, 'The Demands of Beneficence,' *Philosophy & Public Affairs* 27 (1999), pp. 251–91.

more, of what would be required of each person if everyone complied with his or her duties. Presumably, there are more prospective adopters than children in need of adoption. If everyone did what they ought to, a fair share of each duty would fall far short of adoption.

Murphy's principle faces several challenges.¹⁶ But foremost, the Cooperative Principle is inapplicable to the orphan problem; it is not sensitive to important features of the situation. Though, traditionally, parenting is shared between two people, the parental resource is not otherwise easily divisible among a large number of people. Children need familiar, stable, and dedicated caretakers, not a loose association of people sharing the duties. The documented inadequacies of institutional care support this claim.¹⁷ In this way, the orphan problem is unlike other collective social problems—such as famine or global poverty—where the critically needed resources are divisible. This is in part because those resources are liquid; they are easily converted into cash. Thus, the burdens can be distributed among a large group of agents. In contrast, the parental resource—a bundled resource of long-term commitment, time, effort, and emotional care, in addition to financial resources—is nonliquid. We cannot purchase the parental resource and we cannot evenly divide it among society's members. Some individuals will have to parent orphaned children. The Cooperative Principle, which assumes the possibility for fair shares, is ill-equipped to address the orphan problem.

This is not to deny the relevance of social obligations to address the orphan problem.¹⁸ I will touch on such obligations at the end of the paper. The point is

16 Murphy concedes that the principle does not apply when the many rescuers and victims are spatially proximate. See 'The Demands of Beneficence,' p. 291. This concession challenges the plausibility of his principle altogether; he must explain why the spatial proximity between rescuer and rescuee is morally relevant to the Cooperative Principle. See Singer, 'Famine, Affluence and Morality,' and Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (Oxford: Oxford University Press, 1996). Further, Michael Ridge argues that it is unfair to would-be beneficiaries that they should shoulder the burdens of noncompliance alone. Everyone has a duty to pick up a fair share of the slack of noncompliance, which will demand that each do more than Murphy concedes. See 'Fairness and Non-Compliance,' in B. Feltham and J. Cottingham (eds.), *Impartiality and Partiality: Morality, Special Relationships and the Wider World* (Oxford: Oxford University Press), pp. 194–223.

17 See footnotes 10, 11, and 12.

18 Those who are not obligated to adopt children may have obligations to support adoptive families. They may help shoulder some of the financial burden of adoption and parenting. Such social obligations might be grounded in general obligations of beneficence,

that the social nature of the orphan problem, and the fact that it involves great numbers of people, does not undermine its analogy to the *Railroad* case. It does not undermine a *pro tanto* duty to adopt.

Many believe that even if there is a duty to adopt, it will be defeated by the important preference for genetic children anyway. My primary aim in this paper is to explore this particular putative cost of adoption—the sacrifice of the genetic relationship. To make this exploration possible, I assume there is a *pro tanto* duty to adopt children.

It is commonly agreed that the cost to agents that would defeat the duty to rescue need not equal the value of the good that could be provided by rescue. We have some leeway to favor our own personal interests against what would otherwise be required of us by morality. That is, we have *moral options*.¹⁹ We have a moral option when a personal interest is capable of defeating a *pro tanto* duty to adopt. I will assume we have moral options, for it would greatly stack the deck in favor of the duty to adopt to deny them.

For all that, not just any personally valued project or interest will defeat the duty to adopt. The interests capable of defeating what I'll call "high-stakes duties," like the duty to rescue, where a critical life good is at stake, must have positive, nontrivial value independent of an agent's subjective valuation of them. We don't think that I, being the sole witness to a horrible car accident, have the option to play an engrossing video game on my cell phone instead of calling 911. Even though I'd rather not ruin my beloved designer shoes, I am

though a duty to provide financial support to orphans and adoptive families would need to be balanced against a duty to provide financial support to other people in desperate need. I am not claiming that they take priority over other people whose needs might generate duties to rescue requiring financial support.

Alternatively, the social obligations might be generated by children's human right to be loved. See S. Matthew Liao, 'The Right of Children to Be Loved,' *The Journal of Political Philosophy* 14 (2006), pp. 420–440, for a defense of children's right to be loved and the correlative obligations of all people to support them. Liao advocates a multi-parent, co-adoption scheme, p. 438. Such a scheme is compatible with, and perhaps supported by, the arguments offered here; were it to prove successful in providing children with the physical and emotional resources they need, then it would be one way in which people (especially those who cannot or will not raise a child on their own) could discharge a duty to adopt.

- 19 "Moral options" were coined (though not advocated for) by Shelly Kagan in *The Limits of Morality* (Oxford: Clarendon Press, 1989). For Kagan, an option is a permission to fail to promote the good. Samuel Scheffler calls options "agent-centered prerogatives." See *The Rejection of Consequentialism*, revised ed. 2003 (Oxford: Clarendon Press, 1982).

required to trudge into a wading pool to pluck a drowning toddler out of the water. The trivial agent interests in these cases cannot compete with the good of rescue. This is true no matter how much the agent may value the trivial good in question.²⁰ We are often required to help people even if it goes against our own preferences or interests to do so.

It is thought that the interests that could defeat high stakes duties are those tied to our important life projects, plans, and pursuits.²¹ The interests must have “some central significance in the agent’s life.”²² Projects have lasting experiential impact on a person that colors her perspective or alters the quality or character of her future experiences.²³ In short, the interests that might support an option in high-stakes cases must meet a significance standard, rising to the level of a project.²⁴

Acceptance of the moral options framework just outlined is a favorable concession to the opponent of a duty to adopt. However, if moral options exist in order to protect one’s own life projects and goals from the demands of morality, then many people who do not want to have children at all might have the option to not adopt. After all, having a child is an expensive, long-term commitment to a needy person that could presumably hinder the projects of many agents who do not desire to become parents. Given the acceptance of moral options, the adoption duty may fall primarily on the shoulders of *prospective parents*. For them the comparative baseline for assessing the burden in adopting is having and raising an adopted child as compared to having and raising a genetic child.

My opponent will argue that sacrificing a preference for genetic children is also too costly. This constitutes the primary question of my inquiry: does the preference to have a genetic child defeat a duty to adopt instead?

20 For a similar discussion, see Kagan, *The Limits of Morality*, p. 231.

21 See Kagan, *The Limits of Morality*, or Samuel Scheffler, *The Rejection of Consequentialism*. Yet, it is debatable whether even projects can ground options in rescue cases. See for instance Peter Unger’s Bob’s Bugatti case in *Living High and Letting Die*, p. 136–39.

22 Kagan, *The Limits of Morality*, p. 241.

23 For more on *projects*, see Bernard Williams, ‘Persons, Character and Morality,’ in *Moral Luck* (Cambridge University Press, 1982), pp. 1–19, at pp. 12–14.

24 Projects are not only a standard for option-grounding interests; the appeal to the importance of agent projects grounds the argument for the existence of moral options in the first place. Options-advocates argue that a defensible conception of morality must provide some protection for agent projects against the demands of morality. Note that a defensible conception of morality that allows for such valuable projects need not sanction projects of trivial or negative value.

Section Two: Reasons for Preferring a Genetic Child

In what follows, I survey the reasons prospective parents may offer as grounding an option to procreate rather than adopt.²⁵ With one possible exception, I argue that these reasons fail to ground an option against a duty to adopt. The reasons are either too trivial, presuppose the value of the genetic connection in question, are inappropriate in a normative parental context, or fail to make a relevant distinction between genetic and adopted children.

To have a Child Who Looks Like me—Physical Resemblance

Children tend to look like their parents. People commonly treat this parent-child physical similarity as having normative value. “Why don’t you look like your parents?” as any adopted child knows, is not an innocent question but a challenge to one’s “real” family membership. As such, prospective adoptive parents are often asked “But don’t you want your children to look like you?” or “Aren’t you curious about what *your own* children would like?”²⁶ On the other side, new genetic parents are frequently complimented with the observation that the child looks like them.²⁷ If one doubts the normative status given to

25 Recent philosophical work on the moral significance of the genetic relationship has focused primarily on the significance of this relationship *for children*. David Velleman argues that knowing one’s biological origins and being intimately familiar with one’s genetic parents is essential to self-knowledge and a healthy self-identity. See ‘Persons in Prospect II: The Gift of Life,’ *Philosophy & Public Affairs* 36 (2008), pp. 245–266; ‘Family History,’ *Philosophical Papers* 34 (2005), pp. 357–78. Sally Haslanger has taken Velleman to task on this matter, appealing to evidence that self-knowledge and self-identity have a variety of sources in addition to knowledge of biological kin. See ‘Family, Ancestry and Self: What is the Moral Significance of Biological Ties?’ *Adoption and Culture* 2 (2009), pp. 107–108. As to the value of procreation for parents: Christine Overall briefly discusses and dismisses putative reasons to procreate that arise out of the concern for preserving the genetic link between parent and child. Indeed, she remarks that emphasis on the genetic link has problematic “eugenicist” overtures. See *Why Have Children?: The Ethical Debate* (Cambridge: MIT Press, 2012), pp. 61–63.

26 See, for example, this handout ‘Smart Comments to Stupid Adoption Comments,’ for adoptive families, prepared by Adoptive Families of the Capital Region, Inc. Available at http://adoptivefamilies.homestead.com/smart_reponses_1-09_handout.pdf, Last Accessed June 13, 2014. This is one of many such examples of the “why don’t you look alike” microaggression that adoptive families frequently experience.

27 Indeed, adoptive parents who “pass” as genetic parents are often “complimented” in the same way. See, for example, ‘Your Son Looks Just Like You!’ Adoptive Families Circle, available at http://www.adoptivefamiliescircle.com/blogs/post/adopted_children_look_like_parents/, Last Accessed June 13, 2014.

physical resemblance, one need only imagine the case of a single, new mother, estranged from the biological father. Would anyone dare to tell her that her newborn child looks like the father?

For all that, the desire for a child who shares my physical traits is too trivial to ground the permission to procreate rather than to adopt. The parenting experience is not significantly impacted by parent-child physical resemblance. Fulfillment of a desire for resemblance does not arise to the level of a project. To insist that this preference could compete with the moral good achievable through adoption is to value mere physical appearance well beyond its worth. The dismissal of this preference is justifiably quick, but it is worth mentioning for all the attention people give to parent-child physical similarity.

There is another way to understand the desire for a child who looks like oneself. A person P might want a child who has the features possessed by P, or P might want the child to stand in the “looks like” relation to P. Here’s an analogy: I might want my child to live where I live, viz. in *Washington D.C.* I’d want her to live in D.C. even though I’m moving to Denver. Or I might want my child to live where I live, to stand in the “lives near me” relation. So if I move to Denver, I would desire for her to live in Denver too. Likewise, I may want a child to have my look—this specific look. Or I may want to stand in the “looks like” relationship with her—to share family resemblance—regardless of what my specific look is. While, as I’ve argued, a desire for one’s child to have one’s look is too trivial to ground an option, perhaps this disambiguation offers us a charitable interpretation of a preference for parent-child physical similarity. What one really desires is *family resemblance*.²⁸

To have a Child who Shares a Family Resemblance

In an illuminating exploration of family resemblance, Charlotte Witt writes:

Family resemblances are part of a family’s mythology, and they serve various purposes: bonding family members, explaining behavior, assigning blame. ... Family resemblances are used liberally and inexactly to refer to appearance, mannerisms, character traits, and habits—both positive and

28 This example is simplified for clarity. Sharing family resemblance is more complex than merely standing in the “looks like” relation. A family resemblance might skip a generation: so one’s genetic child might bear a family resemblance, though she doesn’t look in particular like oneself, but rather like her genetic grandmother. Or one might get a facial scar; but this doesn’t mean she then desires her child also to have such a scar. Only certain traits, as I will elaborate on below, count as family resemblances. Thanks to Steve Campbell for these examples.

negative. Family resemblances are relational properties which are biological/social hybrids; they exist only as part of a family mythology and hence are social, but the myth tells a story of genetic inheritance, and hence they are biological.²⁹

Our notion of family resemblance includes physical resemblance as an important component because, as Witt importantly observes, the dominant conception of family resemblance is as biologically, genetically grounded. Physical similarity signifies this connection. Perhaps, then, a desire for a child who looks like oneself is really a desire for family resemblance. Construed this way, the desire is not so obviously trivial, for there is symbolic power in looking like a family. Can the desire for family resemblance justify the genetic preference?

The answer lies in a deeper interrogation of the family resemblance concept. As Witt remarks, judgments of family resemblance "... are not straightforwardly descriptive or observational. They are complex judgments made within a community, and they reflect community norms."³⁰ This observation is critical. We should not assume our conception of family resemblance is natural or fixed.³¹ Our concept of family resemblance, and thereby the importance of physical resemblance fitting the concept, is a cultural, social product.

As such, the degree of predictability in physical resemblance between family members, as well as the import placed on resemblance, varies across ethnicities and cultures. Dorothy Roberts, critiquing White America's emphasis on the genetic tie, states that such reproductive reliability is not expected in the Black American community because of the hybrid of genetic backgrounds that constitute the Black "race."³² Roberts illustrates: "We are used to 'throwbacks'—a pale, blond child born into a dark-skinned family, who inherited stray genes from a distant white ancestor. ... We cannot expect our children to look just like us."³³ Roberts claims that Black Americans place less importance on genetically-based resemblance. Ethnic and racial resemblance among group members supersedes family resemblance.

29 Charlotte Witt, 'Family Resemblances: Adoption, Personal Identity, and Genetic Essentialism,' in S. Haslanger and C. Witt (eds.), *Adoption Matters: Philosophical and Feminist Essays* (Ithaca: Cornell University Press, 2005), pp. 135–44, at pp. 141–42.

30 Ibid.

31 In contrast, Velleman treats the value placed on family resemblance as grounded in a deep human need. See 'The Gift of Life,' p. 259.

32 Dorothy Roberts, 'The Genetic Tie,' *University of Chicago Law Review* 62 (Winter 1995), pp. 209–73, at p. 237.

33 Ibid.

This example highlights two important points: first, *how much* we value family resemblance is culturally contingent, and second, *what counts* as family resemblance is culturally specified. But the critical point is not that these are socially contingent facts—for that alone does not undermine their putative moral importance—rather, conceptions of family resemblance are *normative*. We will count as family resemblances only those fitting our own normative conception of *family*. Sally Haslanger, writing on the significance of the biological relationship, explains, “... what similarities are salient is largely a matter of context, and some socially significant similarities are allowed to eclipse others that may be more deeply important.”³⁴ So for instance, our conception of family resemblance can accommodate differences in gender (a girl can resemble her father) but not differences in race (a black child does not so easily resemble her white mom in the relevant way, even though there may be physical similarities).³⁵ The discrepancy is evidence of our presupposition that there is a way in which a family *should* be formed.³⁶ In the latter case the genetic conception of family blocks the possibility for family resemblance when it appears that a genetic connection is lacking. And so the genetic bias in the socially constructed family resemblance schema is apparent.

But here’s the worry: if a bias toward a genetic conception of family informs our normative notion of family resemblance, then one cannot appeal to the desire for family resemblance to justify our interest in the parent-child genetic relationship. This gets the order of explanation the wrong way. We value family resemblance just because it is a physical marker of the “deeper” genetic connection between parent and child, for suppose we could predict a stronger physical, familial resemblance between some parents and some adopted child than with a potential genetic child.³⁷ It’s hard to imagine that the prospective parents, with the family resemblance preference, would then choose the adopted child. What they really prefer is the deeper grounds through which this physical similarity is achieved, i.e. the genetic basis. As such, an appeal to family resemblance presupposes a genetic conception of family, and thus the genetic connection, as normative. We cannot presuppose the value of the genetic connection in our argument for why it is valuable. This begs the question.

34 ‘Family, Ancestry and Self,’ p. 103

35 Ibid. This point is a generalization of Haslanger’s own compelling personal example.

36 Ibid. Haslanger argues that family resemblance is one social schema among many. Social schemas “tell us, among other things: Who you are allowed to look like? Who are you allowed to *be* like?”

37 This could be achieved by comparing an existing child’s physical traits to those expected in a genetically, pre-screened embryo.

It is worth noting, as a social construct, our notion of family resemblance could be adapted to include more broadly the kind of resemblance that adopted children bear to their adoptive families. It may already include certain traits that are not exclusively genetically explained, such as mannerisms, body language, facial expressions, behavior, speech patterns, accents, interests, hobbies, and so on. If we reorder the implicit norms informing our conception of family resemblance, we can make space for the way in which adopted children share the symbolic bond that resemblance, *a family way*, signifies.

For Psychological Similarity with my Child

I've been focusing on physical traits, but the more compelling reason to favor a genetic child may be out of hope for parent-child similarity in personality, temperament, and talents—a psychological similarity. As Brenda Almond explains, parents may want a genetic child like themselves in order to share their "... attitudes, appraisals, interests, tendencies, common qualities of character, a common *Weltanschauung* – a characteristic way of looking at the world."³⁸ Similarly, Michael Tooley, discussing an advantage of genetic cloning, claims that psychological similarity between a parent and clone child would allow the parent to better assume the child's point of view. "So it would seem that there is a good chance both that such a couple will find childbearing a more rewarding experience, and that the child will have a happier childhood through [being] better understood."³⁹ Psychological similarity between parents and cloned children may facilitate mutual understanding. For the same reasons, one might argue in favor of genetic parenthood over adoption as offering a better chance of parent-child psychological similarity and, thus, of a shared point of view and mutual understanding.

Some of these claims made on behalf of genetic heritability easily over-stretch the bounds of common sense. As Neil Levy and Mianna Lotz note, it is highly doubtful that genes play a significant role in determining one's *Weltanschauung*.⁴⁰ Nor does parent-child psychological similarity obviously increase mutual understanding, as Tooley claims. Sally Haslanger keenly notes: "... people with certain biological predispositions are actually not well-suited to parent others with

38 This discussion is in Neil Levy and Mianna Lotz, 'Reproductive Cloning and a (Kind of) Genetic Fallacy,' *Bioethics* 19 (2005), pp. 232–50, citing Brenda Almond, 'Family Relationships and Reproductive Technology,' in U. Narayan & J.J. Bartkowiak (eds.), *Having and Raising Children: Unconventional Families, Hard Choices, and the Social Good* (University Park, Penn: Pennsylvania State University Press, 1999), pp. 103–118.

39 Discussed in Levy and Lotz, 'Reproductive Cloning,' p. 237; see Michael Tooley, 'The Moral Status of the Cloning of Humans,' *Monash Bioethics Review* 18 (1999), pp. 27–49.

40 Levy and Lotz, 'Reproductive Cloning,' p. 237.

those same dispositions but actually create powerfully dysfunctional family systems.”⁴¹ The claims made in favor of parent-child psychological similarity must be reasonably tempered.

Even so, Almond and Tooley describe, generally, the kinds of reasons why people may desire psychological similarity with their child. Genetic relatedness should increase the probability of parent-child psychological similarity over adoption, on the whole.⁴² Given this is desirable to some people, could it ground an option to favor genetic procreation over adoption?

An option-grounding interest or preference against a duty to adopt must rise to the level of a project; it must impact one’s important life plans or goals. The preference must not only be strong, for, as discussed above, subjective importance alone is not enough to ground an option. The preference must be centrally related to one’s projects. In the context of parenthood, specifically, we seek an interest that would be centrally important to aspects of one’s parenting experience. How does the preference for psychological similarity fare?

The difficulty in establishing an option to favor psychological similarity is in describing a preference central enough to meet the projects threshold, but flexible enough to meet a plausible normative requirement for parental preferences.⁴³ Parental preferences for traits children might have (within an acceptable range) must be flexible.⁴⁴ Genetic reproduction merely provides an increased probability of parent-child commonalities over adoption. Genetic children may turn out to not share one’s “attitudes, appraisals, interests, tendencies, common qualities of character ...”⁴⁵ Thus, parental preferences about such things must be held with an attitude of acceptance or accommodation; the good parent should not be frustrated or disappointed if the preference goes unsatisfied. A preference may be flexible in this way because it is not strongly held or because the preference can be satisfied in a variety of ways.

Consider the alternative. A set of prospective parents deeply desire a child who is musically talented, as they are. This desire is strong and important to them; they would experience significant disappointment in having a child who had no musical inclinations or talent. They imagine going to their child’s music

41 Haslanger, ‘Family, Ancestry and Self,’ p. 108.

42 Though this is not necessarily the case. One could imagine an adoption scheme that matched adoptive parents to children based on probability of, as well as already developed, shared psychological traits.

43 This concern applies to the desire for physical resemblance, as well. But given that preference’s triviality, it is not necessary to raise this further argument there.

44 By “acceptable range” of traits, I mean to indicate that parents may permissibly have inflexible preferences about their children having morally bad traits, for instance.

45 Almond, ‘Family Relationships and Reproductive Technology,’ fn. 38.

recitals, starting a family ensemble, and funding their child's education on a prestigious music scholarship. Now, imagine that their genetic child turns out to be musically ungifted. Their central preference for a musical child is frustrated. Even if they shield their child from this disappointment (which is increasingly doubtful the more central the preference is), they allow it to impact their enjoyment of the parenting experience. Of course, they still love their child. But there is a deep part of them that wishes the parenting experience had been different. They wanted a child who could share their musical gifts, and this child cannot. In the worst case, the child is the knowing victim of their disappointment.

Such a case reminds us that strong preferences about our children's personality and talents must be held with flexibility. Becoming a parent is, in part, about raising an independent, autonomous person who may defy our expectations and have his own interests. We must allow our children to become and to be their own people. Though parents play a crucial role in shaping their children's values and interests, they must be able to find parental satisfaction in the variety of ways their children may turn out.

One might object: we need not have flexible preferences to be unconditionally accepting of our children. We all strongly desire that our children are healthy, that they not suffer from debilitating diseases. But despite this strong, central desire, we would fiercely love our child should she have a debilitating disease. Our parental love can be unconditional and accepting even when strong central preferences are subverted. Perhaps, then, our strong preferences about our children's personality traits and talents can be appropriately accepting.

However, there are important differences between wanting our child to be healthy and wanting our child to have some subjectively-valued psychological trait or talent, e.g. to be musical. A lack of musical talent, for instance, is not an objective badness in a person's life. Though it might be nice to have (i.e. it *is* valuable), lacking it is not dis-valuable in the way illness is. However, suffering from disease is objectively bad for a person. Disappointment that one's child is unhealthy can be grounded in recognition of this objective badness for her, whereas disappointment that one's child is not musically talented is a matter of one's own subjective dis-valuation. As such, the grounds for disappointment in the health case are in part *for the sake* of the child who suffers. It is aimed at the illness, at misfortune, not at the child. Moreover, illness is a condition to be supported and compensated for by an attitude of protection, extra care, and empathy.

In the musicality case, the grounds for disappointment are directed at the child. Even when this "deprivation" is viewed impersonally—e.g. one says

“well, it’s not *your* fault! You just didn’t get your father’s musical genes!”—one expresses disappointment *in the child*. Being musically run-of-the-mill isn’t seen as grounds for extra love and care. The child is simply different in an undesired way. Strong preferences about our children’s personality traits are importantly different from strong preferences about our children’s health; the object of disappointment in the case that the preferences are frustrated differs. Disappointment, grounded in rigid parental preferences, toward a child for a non-objectively dis-valuable “lack” or difference is not compatible with the accepting attitude of a good parent.

We should doubt the claim that one can both hold a preference for parent-child psychological similarity as central to one’s life, while also maintaining a properly flexible attitude with this preference. If a central value or project in one’s life is not attainable, it’s hard to imagine one will not suffer disappointment. For if it is central, then one cares deeply that this preference is satisfied. What could it mean to have a central preference that one will not feel disappointment in not satisfying? The requirement that this preference also be flexible, however, is in deep tension with the centrality of the preference, for flexibility requires that one not be disappointed if the preference goes unsatisfied. Therefore, it is empirically, if not also conceptually, difficult to imagine a preference for psychological similarity that could be both central and meet a plausible normative requirement of flexibility. This is reason enough to doubt there is a moral option to favor procreation in the face of a duty to adopt for the sake of increased parent-child psychological similarity.

But there is further reason to doubt that there is a moral option in the case, even granting for the moment that there can be a central but flexible psychological similarity preference. Take a standard example of when there is a moral option. There is some *pro tanto* duty to act in a certain way, but there is a moral permission not to because performing the duty threatens a central interest. In the standard case, with regard to this central interest, performing the duty and exercising the option are opposed: performing the duty will make protecting the central interest difficult or nearly impossible, whereas exercising the option to not perform the duty will protect the interest.

But in the case of satisfying the preference for parent-child psychological similarity, the duty to adopt and the putative option to procreate are not opposed in this way. This weakens the case for a moral option. Adopting a child gives rise to a non-negligible probability of having a child who is psychologically similar to oneself. Procreating increases that probability, generally, though it leaves a non-negligible probability of a child who is psychologically dissimilar to oneself. That is, performing the duty does not result in near certain frustration of the interest in psychological similarity; and exercising the option

to procreate does not result in near certain satisfaction of the preference. Thus, the agent-reasons in favor of the option (procreation in this case), against strong moral reasons favoring a *pro tanto* duty (to adopt), are weakened by the less than certain likelihood of bringing about the preference. This provides further doubt in the already dubious argument for a permission to favor procreation over adoption for the sake of psychological similarity.

I have given two arguments that support skepticism about the psychological similarity preference defeating a duty to adopt. First, the flexibility of an appropriate parental preference for psychological similarity undermines the centrality of the preference, thus undermining an option. Second, even with such a preference, the mere probable nature of the options available to the agent undermines the strength of reasons favoring a moral option to not adopt.

For Love and Immortality

Two other potential reasons for valuing procreation arise in Plato's *Symposium*. Socrates recounts the words of the wise woman Diotima:

In a word, then, love is wanting to possess the good forever. ... In view of that, how do people pursue it if they are truly in love?⁴⁶

Answering her own question, Diotima:

It is giving birth in beauty, whether in body or in soul. ... Now, why reproduction? It's because reproduction goes on forever; it is what mortals have in place of immortality. ...⁴⁷

The themes of love and immortality are intertwined in Diotima's account. They represent distinct desires, and so I will address each of them in turn.

For two people in love, having a child may be the most natural expression of their commitment to one another. To many, it feels as though a love so abundant should inevitably give rise to another being intimately connected to the relationship with whom to share the surfeit of love. A child is a natural product of their love, the literal product of their coming together. But she is also a powerful symbol of their romantic relationship and commitment to one another, physically manifesting the new life they have made together.

46 Plato, *Symposium*, in *Complete Works*, ed. J.M. Cooper & D.S. Hutchinson, trans. Alexander Nehamas & Paul Woodruff (Indianapolis: Hackett Publishing Company, 1997), pp. 457–505, 206–206b.

47 Plato, *Symposium*, 207–207d.

A child, as a symbol of her parents' love, reflects what is valuable about that love: what is deep, real, and important. Romantic love is grounded in two people's mutual commitment to moral values, shared love of pastimes, common memories, compassion, and commitment to one another. A child is the product and reflection of this love when she is nurtured in the couple's shared values and common commitments. Of course, adopted children are wonderful candidates for this role. Orphaned children are literally waiting for this overflowing resource of romantic love turned parental. Adoptive parents consider their children *their own* because they are the people who will grow and flourish in their shared commitment based on love and common values.

Indeed, it would be uncharitable to interpret the symbolic union argument as placing ultimate importance in actual physical union—where the child must be the physical product of two merging bodies. For, arguably, what is most valuable and enduring about the romantic relationship is shared values and commitments, which do not depend on biological connectedness.⁴⁸ Relatedly, though it is striking when a child looks like the perfect mix of her parents, with mom's blue eyes and dad's brown skin, insisting on this mix of physical traits as the ultimate symbol of romantic union reduces the otherwise rich romantic union account to a desire for physical resemblance. For a child to be a physical symbol of their union, she need not literally come from them; rather she embodies their union because she is some *body* who is the beneficiary of this surfeit of romantic love. The romantic love objection, when most favorably interpreted as a concern for enduring values and not for literal physical connectedness or for replication of physical traits, does not favor a genetic child over an adopted one.

Diotima exclaims that reproduction is the way to immortality for mortals—that through reproduction, we can live on forever. Many people see children as extensions of themselves, as a way of transcending their own finite lives. The desire for immortality through reproduction is recast at the collective, cultural level. Having children may fulfill a promise to one's ancestors, paying respect to one's cultural, religious, and ethnic heritage. We may believe we have a duty, not just a permission, to carry on our lineage.⁴⁹ Much like the argument from romantic love, the immortality argument in favor of procreation appeals to the desire to transcend the confines of an individual life, i.e. to

48 This is not a claim about what constitutes the romantic relationship; rather it is a claim about what is valuable about it, which could be shared by different accounts of the relationship. However, not all accounts may agree with my claim.

49 Overall also discusses the immortality reason for procreation in *Why Have Children*, p. 61.

extend what is good about love or life beyond a natural lifespan. It purports to achieve these aims symbolically, in a child.

We may transcend our own individual finitude by parenting a person of the next generation as heir to our projects, values, commitments, traditions, and customs. Similarly, familial and cultural legacies endure *via* knowledge, values, and customs. *If* one owes it to one's ancestors to continue the family, one owes them a bearer of their particular customs, beliefs, language, and so forth. But if this is the way to vicarious immortality (for individuals, families, or cultures), it fails to favor creation over adoption. Adopted children are no less inclined than are non-adopted children to assume, celebrate, and carry on their families' customs, speak their families' language, and endorse their families' beliefs.

In fact, if the desire is interpreted as one for actual genetic immortality, procreation is quite a disappointment. For each successive generation of my genetic offspring will share an exponentially smaller portion of my genetic make-up: my children will share half my genes, their children will share a quarter of them, and their children only one-eighth, and so on.⁵⁰ Genetic procreation is no means to genetic immortality at all.

Interpreting the desire for immortality as a desire for an ongoing lineage of culture, values, and traditions is a more charitable account of this desire. But much like the romantic love argument, this does not favor a genetic child over an adopted one.

The Genetic Connection is Valuable for its Own Sake

I've investigated instrumental reasons for which parents might prefer the genetic connection with their child (*genetic connection*, for short). But might they just prefer the genetic connection for its own sake? If this connection has important moral significance, then it might ground a moral option against the duty to adopt.

The challenge is to motivate the claim that the genetic connection is valuable for its own sake without simply begging the question against one who would deny it (and vice versa). Niko Kolodny's novel account of partiality principles through the *resonance* relationship may explain the basis for this putative intimate connection arising from genetic similarity and identity.⁵¹

⁵⁰ I thank an anonymous reviewer for this point.

⁵¹ Niko Kolodny, 'Which Relationships Justify Partiality?: The Case of Parents and Children,' *Philosophy & Public Affairs* 38 (2010), pp. 37–76. Kolodny's goal is to explain partiality principles through resonance between the reasons one has toward another person in discrete encounters and the reasons one has in a history of encounters with that person, p. 50.

Kolodny states that resonance is the relationship that holds between our responses when one has “reason to respond to some X in a way that is similar to the way that one has reason to respond to its counterpart in another dimension of importance, but that reflects the distinctive importance of the dimension to which X belongs.”⁵² To illustrate, Kolodny claims that there is a resonance relationship between the natural and moral emotions. His feeling of anxiety (natural emotion) over his child’s poor health resonates with his feeling of resentment (moral emotion) toward her negligent doctor. Resentment shares the same valence as anxiety but reflects what is distinctive about the moral domain; namely, it is an agent-directed emotion.⁵³ Kolodny thinks resonance may explain the *Genetic Claim*: the claim that a child, as the product of two adults’ gametes, provides the adults with reasons of parental partiality toward it.⁵⁴

Kolodny aims to explain *genetic partiality*—the grounds for special concern and responsibilities between genetic parent and child. Yet we are seeking an explanation and justification for the *genetic preference*—the permission to favor bringing about a genetic child to parent rather than adopting. A case for genetic partiality alone won’t get us everything we need, for it only explains partiality between parent and child *given that both exist*. But the account may be helpful for our purposes insofar as it explains why the genetic connection is valuable for its own sake. If we can establish its value, then we can assess whether a preference for this good defeats a duty to adopt.

Kolodny begins with the kind of special concern individuals have for their selves over time.⁵⁵ Personal identity for Kolodny is at least partially based on a continual biological process between a self at one time and at another. This continuous biological process is the basis for special self-concern.

Next Kolodny rehearses the fact that a genetic child is the result of biological processes that have their origin in the parent (*viz.* the mother), and these processes are governed by both parents’ genetic codes. Kolodny speculates there is enough similarity between my concern for myself based on biological

52 Ibid. p. 47.

53 Ibid. p. 43.

54 Kolodny, pp. 55 and 61, does not believe that the Genetic Claim can provide a full account of parental (and filial) responsibilities because it fails to explain the parental obligations adoptive parents have to their children. Rather, it might be *part* of a full explanation for reasons of partiality between parents and children. He treats the Genetic Claim as an important limit case for testing his theory of partiality, p. 62. Though the claim is strong, investigation of the claim is warranted given the persistent intuition that genetic ties matter.

55 Ibid. p. 70.

continuity and my concern for a person who is or was biologically connected to me in a similar way to establish resonance between the attitudes in each. That is, “I have reason to respond to my relationship to my genetic child in a way that is similar to the way in which I have reason to respond to my relationship to myself at other times, but which reflects the distinctive dimension of importance to which the latter belongs.”⁵⁶ In valuing my own genetic, biologically-based identity, one can infer my special valuing of those people who are similarly connected to me.

Kolodny provides a novel account of genetic partiality that captures what is at the heart of the claim that the genetic connection is valuable for its own sake. Moreover, some degree of genetic partiality is plausible and intuitive. Consider, for instance, the case of two sets of parents on their way home from the delivery room at the hospital. Their genetic children have been accidentally swapped. Both sets of parents are equally wonderful candidates for raising children. Yet, most people would think the parents have gone home with the *wrong* child. Further, we think they are justified in preferring their genetic child. They have reasons of partiality toward their genetic child, and Kolodny’s account can explain this. The *Baby Swap* case pulls in favor of genetic partiality.⁵⁷ This should make my opponent happy: for in accepting genetic partiality and Kolodny’s account, we can identify the value in the genetic connection, and from here we might establish an option-grounding preference for this connection.

But now a major concern arises. If the genetic connection is grounds for partial concern, without further qualification, this has problematic implications for families with both biological and adopted children (from hereon, *mixed families*).⁵⁸ Simply put: if genetic partiality is justified, may someone

56 Ibid. p. 71. Kolodny characterizes his account as tentative, as “doubly speculative conjecture” given that it assumes egoistic concern in the base case and an extreme form of the resonance relationship.

57 There are alternative explanations of the dominant intuition in the *Baby Swap* case, including one that identifies the gestational relationship between mother and child as the grounds for partiality. Thanks to an anonymous reviewer for this suggestion. The case could be modified to involve a surrogate pregnancy, however, and I imagine that many would still hold that there are grounds for partiality to one’s genetically-related child. Agreement on this point is not central to my argument; the above is a concession I make to Kolodny’s view, showing that even if a genetic partiality account is granted, this does not entail a significant genetic preference.

58 Kolodny recognizes but does not resolve the tension here (p. 68, fn. 41). He claims the genetic relationship does not give us reasons of partiality beyond those generated by a historical relationship between parent and child. But he recognizes that prior to having a

favor her genetic children over her adopted children? Might she bestow them with extra benefits?

I will assume an affirmative answer to these questions is both unintuitive and reprehensible. We do not think there is good reason for differential treatment of one's biological and adopted children. Then someone who asserts a claim to genetic partiality will want to block this conclusion. More specifically for our purposes, someone who advocates the value of the genetic connection, in order to ground a genetic preference, will want to block this conclusion.

My opponent might claim the following: while the value of the genetic connection may allow us to prefer to create a new child rather than adopt a stranger's child, once we have children, they are equally *our children* regardless of whether they are genetically connected to us or not. We have reasons for partiality to all of our children—equally held—based on some other distinct grounds. This more inclusive account of the parent-child relationship is stronger than and outweighs any genetic connection. But that doesn't mean that the genetic connection isn't valuable. In the *Baby Swap* case it is grounds for partiality, and this shows that it has value. Likewise, my opponent may say, *prior* to having children, it can be grounds for a strong genetic preference.

Getting out of my concern this way, however, trivializes the value of the genetic connection to a significant degree. My opponent will need the genetic connection to have strong, non-trivial value in order for a preference for this connection to ground an option in the face of the duty to adopt. But this is highly doubtful for the value of the genetic connection cannot ground partiality within a mixed family. It does not differentiate the reasons, rights, responsibilities, or preferences someone has *vis-à-vis* his genetic child from those held *vis-à-vis* his adopted child. But then the preference for the genetic connection at best rises to the level of an interest rather than a project, for though it may have non-trivial value, it falls short of having any wider impact on or importance regarding the parental experience. But recall: an option-grounding interest must meet the project's standard to defeat a high-stakes duty, such as the duty to adopt. The preference for a genetic connection with one's child, though perhaps non-trivial, fails this standard.

The Value of Creating a Child

Perhaps what people value in having a genetic child is partaking in the creation of another human being. This does not involve a preference for a genetic

relationship many think there is some reason to favor the genetic relationship. Thus, it seems, on his account, that the genetic relationship *does* give us reasons that cannot be explained by the historical relationship.

relationship with the child, but rather for the usually associated activity of procreation. Typically, a parent who adopts a child does not partake in this activity.⁵⁹ Might the desire to participate in the creation of a child ground an option to do so?

The candidate desire must not be solely to create a child but to raise a child of one's creation because the desire to be a mere creator of human beings does not permit a person to procreate, even setting aside the possibility to adopt instead. People are not morally permitted to merely create children; if they desire to create a child, they must also intend to responsibly raise that child (or at least, to ensure reasonably that the child is responsibly raised by someone else).⁶⁰

Likewise, absent parents' lives are not more valuable for having merely participated in the creation of another human being. We would not give the slightest praise to the father who bragged about having many offspring if he had never actually met or cared for any of them. It is raising the child, being a parent to the child, that has value for a person.

But the desire to raise a child will not distinguish between procreation and adoption. My opponent must argue that the desire to create a child, which has no option-grounding value on its own, takes on option-grounding significance when combined with the desire to raise a child. I've argued extensively that neither a preference for genetic relatedness nor for being a procreator can do the requisite work. The burden is on one who would push this argument.

The Value of Pregnancy

Alternatively, some people may desire a biological, bodily connection to a child through procreation. Specifically, a woman may have a strong preference to carry her child in her body. Again, this is not a preference for a genetic relationship with the child *per se*, but for the usually attendant gestational connection or experience. If a preference to experience pregnancy can defeat

59 There is an important exception: in some states in the U.S., if a same sex couple uses ART to create a child, the partner who does not contribute a gamete to the creation of the child must adopt the child. This parent is both a procreative and adoptive parent. See Julie Crawford, 'On Non-Biological Maternity, or "My Daughter is Going to Be a Father!";' in F. Baylis and C. McLeod, pp. 168–81.

60 See Onora O'Neill, 'Begetting, Bearing and Rearing,' in O. O'Neill and W. Ruddick (eds.), *Having Children: Philosophical and Legal Reflections on Parenthood* (New York: Oxford University Press, 1979), pp. 25–40; Rivka Weinberg argues that the parental responsibilities are not easily transferred from creators, i.e. gamete donors, to others, because gametes are morally hazardous materials. See 'The Moral Complexity of Sperm Donation,' *Bioethics* 22 (2008), pp. 166–78.

a duty to adopt, then it will still count as a reason to have a genetic child insofar as genetic procreation is the easiest way for most women to experience pregnancy.⁶¹ Is the experience of being pregnant with one's child significant enough to ground an option to procreate rather than adopt? Advantages of pregnancy may include a gestational bond between mother and child and the unique experience of pregnancy for its own sake.

The gestational bond, however, though unique, is not the only means for forming a close mother-child bond. Mother-child attachment in infant adoptions occurs readily, and there is no difference in the quality of attachment.⁶² Adoptive parents do not sacrifice an emotional connection with their children.

Another possibility is that pregnancy allows one to experience parenthood from the beginning of the child's life. Adoptive parents typically miss out on the birth of the child and oftentimes greater portions of the child's infancy or childhood. Clearly, it can be very important for a parent to wish to be present for those moments of her child's life and to desire to experience those stages of parenthood.

This preference does not favor procreation *per se* over adoption. Early infant adoption allows parents to experience all but the first moments of the child's life. In this case, the parent misses out on a very small portion of the child's life. This loss must be put into context. A parent of a child has a lifetime of moments for which to be present.⁶³ A parent is no less a parent to a child because she was not present for certain moments of that child's life. Put in the proper context, the desire to be present for certain moments of a child's life could hardly favor procreation over infant adoption.

Then perhaps the desire is to experience pregnancy itself. The experience of carrying and nurturing nascent human life inside one's body is profound. A woman may desire to know what this feels like, and to experience quickening and the process of giving birth. Adoptive mothers miss out on this experience, which appears to some to be a great sacrifice.

A balanced portrait of the value of the pregnancy experience must include mention of the comparative advantages of adoption, as well as pregnancy's

61 It would also, presumably, justify an option to carry a child from a donor egg, against a duty to adopt, other things being equal.

62 See Van den Dries, et al., 'Fostering Security?' pp. 410–421. In infant adoptions, there is no difference in "psychological adjustment and coping behavior" between first-time adoptive parents and first-time biological parents. See R. Levy-Shiff, O. Bar, & D. Har-Even, 'Psychological adjustment of adoptive parents-to-be,' *American Journal of Orthopsychiatry* 60 (1990): 258–267. There is no significant difference with regard to mother-child attachment. See L. Singer, D.M. Brodzinsky, D. Ramsay, M. Steir, & E. Waters, 'Mother-infant attachment in adoptive families,' *Child Development* 56 (1985): 1543–1551.

63 Friedrich makes this point in 'A Duty to Adopt?' p. 31.

significant drawbacks. There are advantages of adoption over pregnancy: “during the pre-adoptive or expectant period, adoptive parents expressed more satisfaction with their marriages and social support. Adoptive mothers were less depressed and had a greater sense of moral and familial self.”⁶⁴ On the whole, adoptive parents adjust well to the pre-adoption period, while biological parents have more problems related to pregnancy, self-image, and depression.⁶⁵ Adoptive parents adjust well, if not better, than biological parents to the period leading up to a child’s homecoming.

Furthermore, pregnancy brings with it many, often serious risks. At the least, pregnancies can be uncomfortable for women, inducing nausea, fatigue, headaches, and a host of other discomforts. Worse yet, they can be harmful: pregnancy-related illnesses include gestational diabetes, pre-eclampsia, and a possible link to the onset of autoimmune disorders.⁶⁶ Pregnancy causes permanent, often undesired changes to a woman’s body (including to her feet, ribcage, breasts, and stomach). In some cases, a woman may be bed-ridden for several months to protect her pregnancy. In the most severe cases, delivery of the child can prove life-threatening.⁶⁷ All pregnancies are at risk of miscarriage, which involves lasting emotional costs to the prospective parents.⁶⁸ There are post-pregnancy complications as well. Many women endure physical trauma during delivery, which requires follow-up care or surgery. Post-partum depression occurs in up to 19 percent of women.⁶⁹ For many women, pregnancy is not a pleasant experience at all, and for some, it is a dangerous prospect. Not all women desire to experience pregnancy for these very reasons.⁷⁰

Consideration of the true costs of pregnancy should temper the interest for many. I imagine, however, even with full recognition of the burdens inherent

64 R. Levy-Schiff, O. Bar and D. Har-Even, ‘Psychological Adjustment of Adoptive Parents To-be,’ pp. 258–267.

65 Ibid.

66 Ali S. Khasan, Louise C. Kenny, Thomas M. Laursen, Uzma Mahmood, Preben B. Mortensen, Tine B. Henriksen, Keelin O’Donoghue, ‘Pregnancy and the Risk of Autoimmune Disease,’ *PLoS ONE* 6 (2011). doi:10.1371/journal.pone.0019658.

67 For maternal mortality rates by nation, see: < <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2223rank.html> >. Last accessed June 12, 2014.

68 10–25 percent of clinically recognized pregnancies end in miscarriage. <<http://www.americanpregnancy.org/pregnancycomplications/miscarriage.html>>. Last accessed June 12, 2014.

69 ‘Depression Among Women of Reproductive Age,’ *Center for Disease Control and Prevention*, <<http://www.cdc.gov/reproductivehealth/Depression/>>. Last accessed June 12, 2014.

70 Due to the many costs involved in pregnancy, Anca Gheaus argues pregnancy is not an intrinsically desirable experience. Though pregnant women do receive the benefits of

in pregnancy, some women may still strongly desire to have this experience. Many of the most deeply meaningful activities involve considerable risk or are net costly. For some women, the experience of pregnancy might fit the conception of a project. To deny someone this experience may be to deny (what she takes to be) a foundational experience of being a *woman*.⁷¹ That is, pregnancy could greatly impact her conception of her life, its purpose, and the distinct character or shape of her life experiences. A desire for the pregnancy experience is not trivial and is not easily substitutable.⁷² The interest in pregnancy may arise to the level of a project. Thus, for some women, there may be an option to create rather than to adopt the child she will parent.⁷³

A woman who strongly desires the pregnancy experience may have moral permission to create a child rather than adopt *for one of the children* she would bring into her family. This exemption would allow her to partake in the particular and un-substitutable experience of pregnancy. Once she has had this experience, the grounds for this moral exemption from a duty to adopt disappear, for she has now had the pregnancy experience.⁷⁴ The pregnancy exception is recognized by stating that the preference for a genetic child *generally* fails to defeat a *pro tanto* duty to adopt.

increased attention and care, these are direct responses to offset pregnancy's costs. Pregnancy is similar to illness or disability and is net costly. See 'The Right to Parent One's Biological Baby,' *The Journal of Political Philosophy* 20 (2012), pp. 432–455, at p. 448.

- 71 The claim is not that all women would agree to this conception nor conform to it, but that some particular woman may permissibly view herself in this way. For examples of narratives in which women conceive of pregnancy as important to their self-conception as women, see Amy Mullin, *Reconceiving Pregnancy and Childcare: Ethics, Experience, and Reproductive Labor* (New York: Cambridge University Press, 2005), p. 31.
- 72 Mullin cautions against over-emphasizing the uniqueness of pregnancy. She compares chosen pregnancies with other consciously undertaken projects, both intellectual and physical. Her arguments simultaneously serve to defend the status of chosen pregnancy as a project (in the sense of a chosen undertaking). See *Reconceiving Pregnancy*, pp. 46–55.
- 73 This does not entail that one has a moral permission to experience pregnancy even if she does not intend to parent the child (she will give it up for adoption by suitable parents). For one, Gheaus says that the beneficial aspects of pregnancy are contingent upon the assumption one will raise the child. It is doubtful that pregnancy itself is intrinsically valuable, given that it is net costly without the desire to be a parent. See 'The Right to Parent One's Biological Baby,' p. 448. Further, there is a plausible *prima facie* responsibility to raise the child one creates; see fn. 60. Regardless, these concerns fall outside the scope of this paper, which focuses on permissions to procreate rather than adopt for prospective parents, not permission to merely procreate.
- 74 Does this gestational exclusion apply to men? Some men may have the strong desire to experience pregnancy with their partner. Heterosexual men may inherit the exemption

Conclusion

The reasons for wanting a genetic child do not defeat a *pro tanto* duty to adopt children instead, with a possible exception. These reasons are too trivial, presuppose the value of the genetic connection, are inappropriate in a normative parental context, or fail to make a relevant distinction between genetic and adopted children. A promising candidate for a one-time exception may be grounded in a woman's strong desire to experience pregnancy.

I have focused on the *essential* differences between procreation and adoption, as isolated by the *Safe Haven* case. The real world is more complicated than the *Safe Haven* scenario. Full argument for a duty to adopt must take into account these additional complexities and other potential costs in adoption. Adoptions in the real world are often financially expensive and logistically difficult. Further, *Safe Haven* involves infant adoption, yet the majority of adoptions may involve older children.⁷⁵ Prospective adopters interested in infant children often face a lengthy waiting time. Additionally, childhood adjustment issues correlate with increased exposure of a child to pre-adoption

from the duty to adopt if their female partners have an option-grounding reason to experience pregnancy. But some men with this strong desire do not have female partners who feel the intense desire for pregnancy. Could the male interest alone ground an option? (Of course, the female partner would have to be *open* to experiencing pregnancy. The male interest alone couldn't require her to experience it.)

The option for men to experience pregnancy through their partner will depend upon whether men's vicarious experience of pregnancy is sufficiently unique, intimate, and un-substitutable. This is because the force of the pregnancy interest is grounded in the deeply personal nature of the experience of carrying a life inside one's body. Men are excluded from this exact experience—though they may still experience their partner's pregnancy as deeply personal. Is this vicarious experience sufficiently unique, intense, and life-changing? Does this experience have a counterpart in adoption-expectancy that can adequately provide a substitute? These are, in part, empirical questions, which I leave open for further investigation.

75 In 2007, domestic adoptions in the U.S. of children under the age of two comprised 24 percent of all unrelated, domestic adoptions. See National Council for Adoption, 'Adoption Factbook V,' E.A. Rosman, C.E. Johnson, and N.M. Callahan (eds.) (2011), p. 4. Approximately 40 percent of international adoptions involve children under the age of one, p. 29. Of course, the percentage of children available for adoption who are infants may not be the same as the percentage of adopted children who are infants; we lack concrete adoptability statistics. See fn. 7. Possibly, younger-aged children are overrepresented in the pool of children who are actually adopted.

trauma, which in turn correlates with age.⁷⁶ These facts about adoption practices may constitute the most promising challenges to a duty to adopt. They warrant closer empirical and philosophical examination.

Yet, these costs in adopting are the result of socially-contingent barriers to adoption. They are features of our particular institutional structures and social norms. Though no less real, many, if not most, of them can be changed. We could provide financial support through generous tax credits and low-interest loans to adoptive families struggling with adoption. We could reduce the time to adopt children so that children are placed at an earlier age in adoptive families—both benefiting prospective parents anxious to start their families and children who are increasingly endangered the longer they are without a stable home. This would increase the number of currently adoptable infants.⁷⁷ We do not have to accept these nonessential burdens in adoption as permanent features of our world. We could—and one might argue *we should*—remove these costly obstacles to adoption.⁷⁸

Many people may have a duty to adopt rather than procreate, and many more may acquire such a duty with changes to our child welfare institutions and practices. I've shown that this duty to adopt children is not generally defeated by a preference for genetic children. In fact, many of the deep interests people have in wanting a genetic child can be wholly satisfied by adopted children.⁷⁹

76 M.H. van IJzendoorn and Femmie Juffer, 'The Emanuel Miller Memorial Lecture 2006: Adoption as Intervention. Meta-Analytic Evidence for Massive Catch-up and Plasticity in Physical, Socio-emotional, and Cognitive Development,' *Journal of Child Psychology and Psychiatry* 47 (2006), pp. 1228–45.

77 For instance, in Russia, children must be available for domestic adoption for six to eight months prior to international adoption. Since the early months of a child's life are critical to healthy development, there is strong reason to reconsider this policy.

78 Liao's arguments, in 'The Right of Children to be Loved,' support the idea that each of us has obligations to promote policies and institutional arrangements that make it easier for those who have the duty to adopt to do so. See p. 435.

79 This paper has had a long gestation period, and I have received feedback from many people, some of whom I have surely, though unintentionally, failed to mention. My gratitude goes to the following people for their comments or support for the paper by assigning it in their classes: Melina Bell, Steve Campbell, Ben Chan, Richard Yetter Chappell, Stephen Darwall, Michael Della Rocca, Luke Gelinis, Sally Haslanger, Rob Hughes, Shelly Kagan, Shen-yi Liao, Carolyn McLeod, Joe Millum, Thomas Pogge, Travis Rieder, Sun-Joo Shin, Zoltan Szabo, Gilad Tanay, Candace Upton, as well as the participants at the Alliance for the Study of Adoption and Culture 2010, the Mountain-Plains Philosophy Conference 2010, the Virginia Philosophical Association Conference 2010, and the Yale Working Group in Moral Philosophy 2010.