

## Excerpts from:

Christopher Tollefsen, [To Whom Do Children Belong? Melissa Moschella's Defense of Parental Rights](#) (The Public Discourse, Sept 7, 2016) and

Christopher Tollefsen, [Couples Who Adopt are "Real Parents"](#) (The Public Discourse, Sept 8, 2016)

*Note to CanaVox Readers: In this more challenging essay, Tollefsen and Moschella weigh in on the importance of both sets of parents, the biological parents as well as the parents who adopt a child. In particular, Tollefsen affirms the important claim that adoptive parenting is real parenting. The biological parents are physically responsible for the biological identity of the child, and so play an important role in that child's existence and identity. However, adoptive parents take care of the psychological, moral and intellectual development of the child, and so are responsible for other key aspects of the child's identity and growth. While reading these essays, some questions to keep in the back of your mind are: What can biological and only biological parents give a child? What things do biological and adoptive parenthood have in common? Why is it so tricky to uphold the relevance of both sets of parents?*

### **To Whom Do Children Belong? Melissa Moschella Defense of Parental Rights (excerpts): The Parent-Child Bond**

Suppose that James, an infant born just yesterday, is orphaned at the very beginning of his life; his parents are both killed in a car accident a day after he is born. Thankfully, James is adopted by friends of his parents. They have recently lost a young child, so the mother can even nurse James. James is raised in a loving home, with siblings, and instructed in virtue and important life skills until he arrives at a mature adulthood. What, if anything, can James be said to lack? We cannot say that James lacks parental love, and this will be important to my subsequent essay. But we can say that James grows up lacking the love and care of his biological parents, a love that only those parents could have given him.

Now in one sense, it is trivially true that only his biological parents could have given him *their* love. For it is true of each person who could love you, that if he does not love you, then you are deprived of love that only that person could have given you. But Moschella wants to dig deeper here, to give a nontrivial account of the way in which loss of a biological parent's love is a harm to a child, no matter how that love is compensated for in the rest of his life by the love of others, including adoptive parents.

The nontrivial sense of irreplaceable love is the sort we associate with personal relationships: if Smith is my friend, then Smith's love and friendship are irreplaceable to me. There are goods for me that Smith's friendship provides that no other friendship can provide, and there are times when it is specifically *Smith's* friendship that I need and desire.

Moschella grounds the obligations of biological parents to their children in the special personal relationship that being a biological parent generates. Specifically, biological parenting inevitably brings with it the relationship of being biologically responsible for another's existence, and being biologically implicated in another's identity. And these in turn make it the case that there are goods that only biological parents can provide: the good of being loved by one who is biologically responsible for one's existence, and the good of being loved and raised by one who is uniquely and closely related to one's identity. Children raised by their biological parents, for example, can see in their parents' lives examples both good and bad of how traits to which they may be disposed can, should, or should not be allowed to grow and develop.

James, in my story above, is deprived of both goods. He will, it is to be hoped, grow up knowing that his biological parents loved him, but he is deprived of the good of being loved and cared for by the persons who are biologically responsible for his existence. And while he might learn quite a bit about who his parents were, and thus come to know much about himself, he is equally deprived of much in this regard. But because biological parents are uniquely situated to provide these goods as a result of their personal biological relationship to their children, those parents have obligations to provide those goods; and thus have authority, and thus have rights. This is a challenging account. I will say that it was only through reflecting on premature losses of biological parents in my own family, immediate and extended, that I came fully to appreciate its merit.

### **Parents, Marriage, and Family**

There is much else of interest and importance in Moschella's book. But here, in closing, I will make one further comment, less critical than amplificatory. This point will also establish the ground for tomorrow's reflections on adoption.

Moschella's book is about the authority of biological *parents*, as the title indicates; but it is also about the authority of *families*, and sometimes Moschella focuses on families rather than parents. Nevertheless, it seems to me that the bulk of her argument is in fact about parents in particular, not families more generally, although she indicates the direction that the more family-centered argument would go.

Let me explain what I mean. In speaking about the relationship of biological parentage to a child's identity, Moschella makes reference to the identity concerns of children conceived with donor gametes. Such children feel the lack of a connection to those who are biologically related. Elsewhere, Moschella has argued effectively that gamete donation involves a radical abandonment of precisely the obligations that she details in this book. It is an immoral practice that should be abandoned.

Nevertheless, gamete donors are biological parents, and the arguments about the immorality of gamete donation depend upon this truth. Similarly, we could speak of the obligations attendant upon biological parentage of a man who had a one-night stand, only to discover later that he had become a father; of single women deliberately seeking pregnancy in order to have

a child; or of fathers and mothers cohabiting but not married. And again, rightly so, for all these parents have obligations in virtue of their biological-personal relationship to their children. But the truly focal case of obligation, and hence authority and rights is, it seems to me, the case that Moschella briefly mentions in her discussion of Aquinas: the case of co-parenting by *spouses* that extends from the spouses' conjugal union in which the child comes to be as the fulfillment and fruit of that union.

As Moschella notes, children do not come into existence fully formed as persons: they must be cared for, and educated, not only in traditional "academic" subjects, but in virtue, to a point at which they are independent moral agents. *Spouses together* have authority to do this for their children, and this authority has a claim, I think, to be the paradigm case of authority where children are concerned.

Moschella notes that the argument from biological parenting and the argument from marriage, as we could call it, are complementary. I think this is right, and it suggests that there is yet more work to be done on the natural authority of parents and families. But Moschella has given us an excellent start. Her well-written and tightly argued book is an important intellectual achievement on an issue to which philosophers have not given adequate attention.

### ***Couples Who Adopt are "Real Parents" (excerpts)***

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#### **A Conjugal Conception of Parenthood**

Moschella holds that the:

difference between adoptive and biological parents is that the biological parents' biological relationship with their child is what initially grounds their obligation to further develop that relationship at the psychological, intellectual, and volitional dimensions through the love and care that they provide, whereas for adoptive parents it is their commitment to take on the parenting role that grounds the obligation.

Moreover, since they commit to take on that role permanently, adoptive parenting is distinguished from foster parenting, but similar to biological parenting. Thus, Moschella writes, "the emphasis on biological parenthood in the foregoing analysis should in no way be taken as a denigration of adoptive parenthood, for parenthood means engendering a new human being not only biologically, but also psychologically, morally, and intellectually." Adoptive parents commit themselves to care in all these dimensions, and thus "they are true parents."

Adoptive parenting was not the focus of Moschella's book, so it is no surprise that she did not address it further. What she does say is helpful and, I think, largely correct. But in one respect, I would quibble. In some other respects, her remarks can set the stage for further inquiry. What is the quibble? Moschella writes, as quoted above, that "parenthood means engendering a new human being *not only* biologically, but also..." To some, this might again suggest that biological parenting is foundational for parenting, and that parenting that occurs only at the psychological, moral, or intellectual levels has, as it were, only three of the four marks of

parenthood. But I think that if we look again at the conjugal conception of parenthood, we can better understand what parenthood in its biological and adoptive senses has in common.

Recall that marriage is, [as argued by Girgis, Anderson, and George](#), a commitment to a comprehensive union. This comprehensive union requires the very real biological union of spouses in conjugal intercourse, the act by which spouses are made “one flesh.” That act is both the realization and the expression of the spouses’ love for one another. Thus children, when they come into existence as the result of the marital act, are truly the fruit of the parents’ marriage and of their marital love.

How do spouses become parents? One way is biological: when the sperm of the husband penetrates the oocyte of the wife, then the life of a new member of the species homo sapiens is initiated. That new human being comes into existence in the biological-personal relationship of the sort Moschella discusses in her book.

But that new human being can also be understood to come into existence in consequence of the spouses’ life-giving love. That love of spouses is personal in three dimensions. It is interpersonal between spouses, involving their free gift of self to each other. If it is truly marital, it is open to the possibility of creating new life—new persons—in an overflowing of the creativity of spousal love and conjugal union. And it is personal in its relationship to the Divine, whose cooperation is essential in both the marriage and in the creation of new life. Spouses who acknowledge and welcome that cooperation act in partnership and friendship with God.

So children who come into being as the fruit of the marital act are, as I have said [here in \*Public Discourse before\*](#) (quoting Jennifer Roback Morse), *loved* into existence. This is, it seems, the appropriate way for *persons* to come into being. They should not be treated as things, to be created at will. Nor should they be treated as accidents, unwelcome by-products of less-than-fully-committed sexual union. They should rather be the subjects of spousal hope and, when that hope is rewarded, joy and welcome.

Of course, one might say, none of this gets off the ground without being accompanied by biological causality. After all, that’s necessary for children to come into existence in the first place.

That is true, as far as it goes. But it does not, I think, go all the way to the truth of adoption. For there too, we should see the emergence of a new personal reality—a child of *these* parents, a member of *this* family—as the fruit and fulfillment of marital love. Commitment on the part of each spouse does play the important role Moschella assigns to it; it marks the initiation of the adoptive relationship. But we should see that commitment as *a mutual commitment of spouses*, and one that emerges as an overflowing of marital love, just as it does when spouses physically conceive a child.

### **Adoption Should Spring from Love, Not Need**

Such an account can serve as a corrective to a potential misunderstanding of adoption. It is true that many couples who seek to adopt have suffered from difficulties with their fertility. Those difficulties are often the sign or symptom of some medical condition for which treatment is called. There is a problem that may be able to be rectified if the appropriate steps are taken. It can be tempting to extend this description of what is happening to the absence of children itself: *that* is seen as a problem, indeed, *the problem*, to be rectified by taking appropriate steps. That attitude can lead to the use of various assisted reproductive technologies that seek to make a child, thereby fixing what is wrong.

And it could equally lead to adoption of a child. Let's call that adoption out of need. The couple has a problem: they need a child, and adoption is one way to fix the problem at hand. But spouses should not adopt from what they do not have, but from what they do: an abundance of spousal love that seeks to be creative and life-giving. We could call that adoption-out-of-abundance.

Adoption on this model is, like spousal procreation from conjugal union, interpersonal in three dimensions. It involves the mutuality of spousal love and is not something that can or should be done unilaterally by one spouse without the other. It is personal in its openness to new life as something to which one must *give oneself*, but which one should not make or take *for* oneself.

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Adoption, seen through this lens, also parallels the reality noted by Moschella about biological parenting (as she herself indicates). Adoption is, in one sense, responsible for a child's existence: namely, her existence in this family, and as the child of this couple. And it is identity-forming. The adopted child does not become *less* the child of her biological parents, but her identity becomes newly shaped by the identity, culture, family, and world of her adoptive parents. As is the case for other children, to fully understand herself, the adopted child must begin to understand her parents.

As with sex and marriage, sound philosophical treatment of both family and adoption is needed now more than ever, as common ways of living and understanding these realities have shifted radically. Melissa Moschella's book [To Whom Do Children Belong?](#) serves as both an instance of, and a prompt to, precisely the sort of intellectual work whose *kairos* has come.

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