Homophobes, Racists and the Child’s Right to be Loved Unconditionally

Riccardo Spotorno

Department of Social and Political Studies, University of Pavia.

ABSTRACT

This article examines the nature of the child’s right to be loved. In particular, it argues that besides reasons for ensuring that children are affectively cared for by their parents, we have strong reasons for why children should be loved unconditionally -that is, loved independently of their morally irrelevant features. The article defends this claim by engaging closely with an argument recently formulated by Samantha Brennan and Colin Macleod, according to which the child’s right to be loved would be violated by strongly homophobic parents. I argue that Brennan's and Macleod's argument needs to be revised because, while it generates a convincing conclusion in the case of homophobic parents, it fails to do so in other cases. This problem calls for a reconsideration of the nature of the right to be loved. Drawing on Philip Pettit’s analysis of robust goods, I argue that this right is a right to be loved unconditionally and an appeal to unconditional love allows us to accommodate the conviction that strongly racist as well as homophobic parents wrong their children by failing to love them (unconditionally).

KEYWORDS: Children; the right to be loved; love; the right to parent

1 Introduction

The view that children have an interest in being loved by their carers (normally, their parents), and that this interest is weighty enough to ground a right, is intuitively compelling and has been recently defended at length by Matthew Liao (2006, 2012, 2015). This claim has recently generated an intense debate among scholars working in the philosophy of childhood and the

1 Contact: riccardomaria.spotorno@gmail.com
ethics of the family (Cowden 2012, 2016, Brighouse and Swift 2014, Ferracioli 2014, Cabezas 2016, Gheaus 2016, Pallikkathayil 2017, Wenar 2017). The question this article examines is whether the child’s right to be loved implies that certain persons are not morally permitted to parent children, or - since the answer to this question is surely affirmative - which individuals are not morally permitted to parent children. The answer to this question depends, of course, on how should we interpret the child’s right to be loved.

A natural way of interpreting this right is to characterise it as a right to affective care. Relying on this characterisation, Samantha Brennan and Colin Macleod, in their recent co-authored piece Fundamentally Incompetent: Homophobia, Religion, and the Right to Parent, provocatively argue that the child’s right to be loved morally prohibits strongly homophobic individuals from becoming parents. This is so because there is a sufficiently high probability that such individuals will fail to provide affective care for their children, given that their children might be gay. Brennan’s and Macleod’s argument is interesting for two related reasons. The first is that it yields controversial conclusions about the ethics of parenting (and potentially, about some public policies concerning parenting) starting from some relatively uncontroversial premises. The second is that, by teasing out some implications of children’s right to be loved in particular cases, Brennan’s and Macleod’s argument invites us to explore some important aspects of that right that we may otherwise miss. In this article, I am interested in Brennan’s and Macleod’s argument mainly for this second reason. In particular, taking Brennan’s and Macleod’s conclusion as a starting point, in what follows I argue that the provision of affective care does not fully encompass the content of the child’s right to be loved, which amounts to a right to be loved unconditionally in a specific sense that will be explained.

The article proceeds as follows: the next section summarises what I call the precautionary argument by Brennan and Macleod and it considers its implications in the case of adoption. Section 3 presents a case involving racist parents and shows how Brennan’s and Macleod’s argument generates implausible conclusions about this case. Sections 4 and 5, relying on Philip Pettit’s analysis of robust goods, provide an account of unconditional parental love. I show the merits of such an account and I explain how an appeal to unconditional love can improve Brennan’s and Macleod’s argument and avoid the problems related to the racist prospective parents’ case. Section 6 presents some implications of my account of the child’s right to unconditional love.
The Right to Affective Care and the Precautionary Case against Homophobic Parents.

Brennan's and Macleod's argument is based on three different sets of normative assumptions. These are: the claim that children have a right to be loved; the claim that parents have a duty to love their children; and finally, an account of parental rights and parental competence, according to which individuals have a moral right to parent a child only if they are able to fulfil their parental duties towards her, and in particular the duty to love her.

Brennan and Macleod define love towards children as consisting in affective care, i.e. in ‘manifesting [...] emotional support to children; being attentive to their emotions, concerns, and enthusiasms; and being moved and concerned by threats to their well-being in ways that are transparent to children themselves’ (2017, p. 236). They argue that children have a right to be loved because the provision of affective care is necessary to meet different especially important interests of children. First, affective care contributes to present and future children’s happiness, physical and psychological health, and the development of cognitive, emotive and social abilities. Second, the provision of affective care is necessary to guarantee the appropriate moral development of the child: if children are loved, valued and cherished, they naturally learn to value and respect themselves, i.e. to realize the sense of their own worth, and to see themselves as worthy of respect by others. Third, love constitutes an intrinsic good of childhood, i.e. a good that is particularly important during childhood, and facilitates the enjoyment of other intrinsic childhood goods, such as innocence, trust, and intimacy (Brennan and Macleod, 2017, pp. 236-237).

Note that, given the characterization of affective care that Brennan and Macleod provide, children’s right to be loved determines only the type of treatment parents owe their children and does not imply anything specific about the motivations parents should be animated by in loving their children. Their discussion thus by-passes the debate over whether parents can be under a duty to love their children, as opposed to a duty merely to facilitate their coming to love their children. In his extensive defence of the child’s right to be loved, Liao argues that parents should love their children spontaneously, not only as a matter of duty, and primarily for the child’s sake (2015, pp. 123-129). Against Liao’s claims, some authors have raised objections based on the consideration that, since we cannot fully control the motivations of our actions, parents cannot have a duty to control and determine the motivations out of which they give

Because Brennan and Macleod only focus on the type of treatment that the child’s right to be loved requires from parents (namely, affective care), not the motivations from which parents should provide that treatment, they circumvent the thorny question faced by Liao’s account. In this article, I follow Brennan’s and Macleod’s approach.

A further point worth bringing out about Brennan’s and Macleod’s argument is that they assume that the right to parent is both the right to establish a close, authoritative and affective relationship with a particular child, and to exclude others from developing similar relations with that child (2017, pp. 230-231). Such a right thus includes both a specific liberty –i.e. the right-holder does not have a moral duty not to parent- and a specific claim-right –i.e. others may not prevent the right-holder to parent a child. Accordingly, when they say that an individual lacks a moral right to parent, Brennan and Macleod mean both that she has a duty not to parent and that others may prevent her from parenting.

Finally, Brennan and Macleod maintain that an individual has a right to parent only if she is able to fulfil her parental duties, and there is a sufficiently high likelihood that she will be able to do so in the future. In particular, an individual has a moral right to parent a child only if she is able to love her child and she will be able to do so in the future. ‘Being able to love’ means having the necessary psychological resources, in terms of attitudes and self-control, to ensure the provision of the affective care that constitutes parental love (2016, pp. 234-235).

Armed with these relatively uncontroversial assumptions, Brennan and Macleod turn their attention to the particular case of homophobes. ‘Strongly homophobic’ parents are those individuals who have such a negative view of homosexuality that, if they had gay children, they would be unable to love them. ‘Strong homophobia views homosexuality as deeply shameful and gives rise to attitudes of deep moral reprobation, contempt, disgust, and disrespect towards gay people’, which are clearly incompatible with parental love for gay children (2017, p. 237). I want to spell out two further facts about strongly homophobic parents that, although they are only partially described by Brennan and Macleod, seem to be crucial to explain why they are unable to love gay children.
First, for such parents, the knowledge that their children are gay, together with their feelings for their children, would not be transformative experiences resulting in a change of their extremely negative views of homosexuality. Strong homophobes, therefore, are by definition individuals who will certainly not love their child if she turns to be gay; from now on, when I refer to 'homophobic parents', I have strongly homophobic parents in mind.

Second, homophobic parents fail to fulfil their duty to love and respect their gay children in two different ways. First, by actual and direct mistreatment, such as withdrawal of affection, violent attitudes, open strong criticism, expression of disgust or indifference towards one’s child life, and so on. Brennan and Macleod present substantive empirical evidence about the negative effects that withdrawal of affection have on gay children parented by homophobic parents: they face a significantly higher risk of non-completion of high school, homelessness, drugs and alcohol abuse, and suicide (2017, pp. 238-239). Second, parents who systematically express homophobic considerations to, or in the presence of, gay children, even if their children have not come out, are also failing to love them in the sense at issue here. To see this, it is important to recall that parental love is particularly important for children because it promotes the development of child's capacity for self-respect. Homophobic parents, by systematically expressing their strongly negative views on homosexuality, expose their secretly gay children to an atmosphere that impairs the healthy development of their capacity for self-respect: these children constantly experience that their parents, who are their main references to form evaluative standards about themselves, treat an important element of their identity as something shameful, deeply morally wrong, or even disgusting, and such judgements are very likely to be interiorized by the children. It is, therefore, extremely unlikely that a gay child can appropriately develop self-respect in such a scenario. The evidence of the specific effects in terms of the impairment of the capacity for self-respect on secretly gay children raised by homophobic parents is more difficult to obtain by social studies, but we can assume that they are rather severe.

It is important also to identify three factual claims about homosexuality on which Brennan’s and Macleod’s argument implicitly relies, and which are important for my arguments below. These are: i) homosexuality cannot be detected before the establishment of a parent-child relationship because new-borns and young children have not yet developed a sexual orientation and many children and adolescents do not express their homosexuality, ii) sexual orientation can be known only when the parent-child relationship is already solidly
established, and iii) parents cannot determine or reliably influence their children's sexual orientation.

These considerations play an important role in the argument because the fact that there is always a non-trivial probability that a child of a homophobic parent will be gay translates into the fact that there is always a non-trivial probability that a homophobic parent will not be able to love his child. The possible negative effects on the child of this non-trivial probability are severe enough to ground, on the view under consideration, what we could call a precautionary argument according to which homophobes lack a moral right to parent any child.

This precautionary argument can be helpfully reconstructed as follows:

1) Children have a right to be loved and parents have a corresponding duty to love their children;
2) Individuals have a moral right to parent a child only if they are able to love her and they are likely to be able to love her in the future;
3) Homophobic parents are unable to love gay children;
4) There is a non-trivial probability that any child will be gay, and, therefore, there is a non-trivial probability that homophobic parents will be unable to love any child of theirs;

Therefore,
5) Homophobes lack a moral right to parent any child.

It is useful to notice here that the various harms that homophobic parents impose on children do not commonly materialize at the moment in which the parent-child relationship is established but later, normally during adolescence, when the child fully develops her sexual orientation and is exposed to her parents' homophobia. Therefore, the likelihood that the different harms caused by the violation of the child’s right to be loved materialize at T2 makes homophobes incompetent parents at T1, i.e. when they aim to start a parental relationship with a child, and explains why they do not have a right to parent any child at T1.6

This explains why we should understand the argument at stake as a precautionary argument: the likely violation of the child’s right to be loved in the future, normally during adolescence, makes morally impermissible for homophobes to parent any child.7
Brennan and Macleod intend their conclusion to be about the moral right to parent, and not to directly justify policies by which homophobes are barred from having children and from parenting (2017, p. 239). However, their argument does seem to commit us to certain policy implications in particular in the case of adoption. More precisely, it would seem to imply that homophobes should be barred from adoption because there is always a non-trivial probability that the child whom they adopt will be gay and, therefore, will not be loved by them. Interestingly, some adoption agencies do indeed seem to put in practice the spirit of the precautionary argument. In a recent decision by the Alberta Children’s Service (which later was reversed), the agency rejected the adoption application by an Evangelical Christian couple, claiming that ‘they would be unable to help a child with sexual identity issues’ and ‘their religious beliefs about sexuality constitute ‘a rejection of children with LGBT identities’ (Huncar, 2018).

In this article, I focus specifically on the right to adopt a child for two reasons. First, because focusing on adoption cases permits us to consider clear, direct, and practical implications of this account of the moral right to parent and to test its plausibility, and it does not involve all the morally problematic considerations about the permissibility of barring people from reproducing and the right to parent one’s biological child. Second, adoption cases, as I will show, clearly reveal specific wrongs that parents can do to their children. However, I argue that we can generalize the same type of normative considerations we express about adoption cases, to the moral right to parent more generally.8

Let me conclude by highlighting what I take to be the two main merits of Brennan’s and Macleod’s argument. First, the argument establishes a normative conclusion that seems intuitively plausible and convincing: homophobes should not parent any child (and they should be barred from adopting any child). Second, it grounds these conclusions on the appeal to the rights of children rather than third parties’ interests and claims: it is specifically the child’s right to be loved that disqualifies homophobes as incompetent parents who do lack a moral right to parent.9 However, as I show in the next section, construing the right to be loved as a right to affective care generates implausible conclusion in other cases.

3 A Troubling Asymmetry: The Case of Racist Parents
There are cases in which certain prospective parents are unable to love children who have certain morally irrelevant features, but in which one of the conditions of the precautionary argument does not obtain, namely condition 4. Consider prospective parents who are white racists and who, for this reason, would be unable to provide affective care for a black child. Such parents would be unable to provide a black child with physical and emotional closeness, attentiveness to her emotions and concerns, and enthusiasm for her welfare. They would also likely expose her to strong stigmatisation, criticism or disdain her race, which is incompatible with affectively caring for her.

These prospective parents seem to be in a morally equivalent position to prospective homophobic parents. Like prospective homophobic parents, they should be morally prohibited from having children as well. Yet the precautionary argument does not allow reaching that conclusion. To see why not, notice that racist parents can avoid the possibility of having a child for whom they will be unable to affectively care, i.e. a black child. Condition (4) of the precautionary argument- i.e. that there is a non-trivial probability that they will have a child who is black- does not apply in the case of racist prospective parents. White racists can avoid the probability of parenting a black child in different ways that seem to be prima facie morally permissible, or morally permissible but for the fact in question i.e. because these ways of coming to parent are chosen for racist reasons: by parenting exclusively their own biological children, by refusing gamete donation from black donors, or by selective adoption of white children.

While the precautionary argument rules out a moral right for homophobes to parent because there is always a non-trivial probability that their children will be gay, it fails to rule out a moral right for racists to parent because they can ensure that they have white children and it is virtually impossible that white children will become black. Again, to clearly see the implications of the argument in this case, we can consider the right to adopt a child. Racist prospective adoptive parents might claim that they should be allowed to adopt white children because they can guarantee that they will provide these children with affective care in the future, they will not withdraw their affection from them, nor will they impair the development of their capacity for self-respect, by systematically exposing them to negative judgements about their racial identity. According to the precautionary argument, it would be wrong, then, to prevent a racist from adopting a white child because it would constitute a violation of his right to parent, i.e. to establish a parental relationship with a child whom he is and will be able to love.
This asymmetry seems both morally unacceptable and incompatible with a sound account of the right to parent for two reasons.

First, homophobes and racists are equally wrong about the basic consideration of the equal moral worth of all human beings. We commonly think that individuals who are morally responsible for comparably serious moral wrongs, such as homophobia and racism, should face comparable consequences in terms of their claims and liberties. It is difficult, then, to understand why individuals who share comparably wrong moral views should be treated differently when it comes to the moral right to parent and the right to adopt: racists may parent some children, homophobes may not parent any child. If we subscribed to this conclusion, we would inevitably treat racism as not being as serious a wrong as homophobia.

Second, Brennan and Macleod could reply that they are not committed to embrace this implication because their precautionary argument is not a complete account of the grounds of the right to parent; and some other principle can explain why racist parents should not be allowed to adopt a white child. Nonetheless, intuitively it seems that the request to adopt a child by homophobic and racist prospective parents both entail the very same type of moral wrong to the child. In other words, it seems to be true not only that both homophobes and racists should be barred from adopting any child, but also that both of them lack a right to parent for the same reason, i.e. because they commit the same moral wrong to the child. A convincing account of the right to parent should be able to indicate the common ground for why both homophobic and racist parents wrong their children, and should not point to different reasons to explain our intuitions about the two cases.13

The asymmetry between what the precautionary argument implies about homophobes and racist parents, then, should lead us to look beyond the precautionary argument. In the remainder of the article, I develop a different approach to working out implications of the child’s right to be loved for who may parent children.

4 A Right to Unconditional Love
Consider again the case of racially selective adoption, i.e. the case in which a racist asks to adopt a white child. I claim that we intuitively think that there is something morally wrong about such a request and that it would be morally wrong to satisfy it, i.e. to assign a white child to the racist couple. In this section, I want to begin by providing a basis for this intuitive conviction. I need to specify that claiming that racists lack a moral right to adopt any child does not necessarily entail that under any circumstances it would be impermissible to assign a white child in need of adoption to a racist prospective parent. In a case in which the two only available alternatives are letting the child live in extremely bad foster care or assigning her to the custody of a racist adult who would give her a decent upbringing, we may and should indeed choose the second option. Nonetheless, we hold such a conclusion only in extreme circumstances, like bad foster care and lack of non-racist applicants for adoption, and we do not ground it on a claim-right of the racist parent; in other words, while in the case of non-racist applicant we think that barring her from adopting a child would be wrong to the prospective parent, we do not hold the same conviction in the case of a racist applicant.

In justifying the claim that racists do not have a right to adopt a white child, we cannot appeal to the need to avoid the type of future harms to the adoptee that animates the precautionary argument. This is because racist parents are not likely to expose their white children to the negative effects of the withdrawal of affection, nor are they likely to impair the development of their children’s self-respect by sharing their racist opinions and attitudes with them. The wrongness of racially selective adoption thus does not lie in a present or likely future harm done to the adoptee.

Another possible explanation for its wrongness appeals to the claims and interests of third parties, namely, black people who can feel wronged by racially selective adoption. By demanding exclusively white adoptees, racist parents are expressing an extremely negative opinion about black people in general and black children in need of adoption in particular. One might adduce this as a reason for why racist prospective parents should be barred from making such a request and, therefore, should be barred from adoption. This argument, however, has two important weaknesses.

First, it cannot be plausibly expanded to other possible ways in which racists can come to parent a child, and therefore to the right to parent in general. In fact, while it can be argued that racially selective adoption is clearly disrespectful towards the black community, and probably
the same could be said about refusing gametes from black donors, I think that the decision by white racist of parenting exclusively their own biological children for racist reasons cannot be plausibly defined as disrespectful towards the black community. I need to clarify that I am not claiming that the racists’ choice to parent exclusively their biological children for racist reasons is all-things-considered morally permissible, but only that the respect which racists parents owe to black people does not make such a choice impermissible.

Second, and more importantly, this argument, unlike the precautionary argument refers to the claim of third parties not to be disrespected and it is not based on the interests and claims of the child. However, our moral objection to racially selective adoption cannot be reduced to the expressive wrongs that racist prospective adoptive parents commit against black people. There is a surely also a specific wrong done to the adopted child in the case of racially selective adoption. Racist prospective adoptive parents, by requesting exclusively white adoptees, are effectively saying to the white child they adopt: ‘We chose, and we love you because you are not black’. As I explain in the remainder of this section, I think that by acting in a way that conveys this sort of message, racist adoptive parents are wronging the white child they adopt and, specifically, they are violating her right to be loved.

To show this, I will draw on Philip Pettit’s claim that love is an unconditional, or robust, good:

Love is a robustly demanding good. It requires the actual provision of care in response to the need of the beloved. But it also requires that this care should not depend on the beloved having certain contingent features [...]. The care provided should not be forthcoming just so long as those contingencies obtain; it should be fit to survive over possibilities, however improbable, in which they vary. Love makes robust demands, requiring the provision of care in response to relevant prompts or stimuli, not just in actual circumstances, but in a range of merely possible scenarios (2015, p. 12).

To fully understand Pettit’s claim, we need to distinguish between the thin good of care and the robust good of love. While to explain why we appreciate the good of care we can simply refer to the type of actual beneficial actions that and agent (the carer) performs towards another individual (the cared-for), in order to explain why we appreciate the good of love, Pettit claims, we need to consider the different scenarios, no matter how unlikely to obtain, in which an agent (the lover) provides care to another individual (the beloved). More precisely, while X cares for Y if X is responsive to the specific needs of Y, X loves Y if X cares for Y not only under current circumstances, but also in those possible scenarios in which Y has different features.
Pettit claims that his model fits with our common use and understanding of the term 'love': if a girlfriend does care about his boyfriend and is particularly responsive to his needs, but would stop to do so if he turned out to have a different name, we think that she clearly does not count as a loving partner (2015, p. 11). Moreover, Pettit himself claims that his model can well-capture the specific phenomenon of parental love: parents do not love their children if they give them affective care only under current circumstances, but also if they would do the same under different circumstances, and especially if their children had different features (2015, p. 34). It is important to notice that this characterization of parental love is crucially different from a characterization of it as affective care. Pettit argues that parental love can be defined only in reference to parents' behaviour in possible, non-actual scenarios.19

We can now ask how the unconditional, or robust, conception of parental love proposed by Pettit helps us in identifying the wrong to the adopted child in racially selective adoption. Racist parents, who have asked to adopt exclusively a white child, are effectively saying to this child: ‘We would not give you affective care if you were black’. Such a message clearly shows that racist parents are conveying that they do not love the child they are adopting unconditionally. Therefore, if children have a weighty interest, and a right, in being loved unconditionally by their parents, the wrong to the adoptee that we face in racially selective adoption is clear: the adopted child is effectively deprived of the unconditional parental love to which she, like all children, has a right. I defer the defence of the child’s right to be loved unconditionally to the next subsection; for the moment I simply assume that children have a right to be loved unconditionally to show how this assumption solves the problems with Brennan’s and Macleod’s argument which I brought out in the previous section.

Fully spelled out, the robust good argument, which appeals to the unconditional nature of love, runs as follows:

1) Children have a right to be loved unconditionally and parents have a correlative duty to love their children unconditionally;

2) An individual has a right to parent a child only if he is able to fulfil his parental duties towards her, and specifically the duty to unconditionally love her;

3) Racist parents are incapable of unconditionally loving any child because they pose the condition that their child is not black on the provision of parental affective care;
Therefore,

4) Racists lack a moral right to parent any child.

Consider now how the above argument applies to the original case of homophobic parents. Homophobes who establish a parental relationship with a child not only expose her to the possible future harms described by Brennan and Macleod, but they are presently wronging her by depriving her of unconditional parental love. Homophobic parents are effectively saying to their child: 'We will not give you affective care if you are gay': the fact that they pose a condition, which could obtain or not obtain in the future, on the provision of affective care to their child demonstrates that they are failing to love her unconditionally. The robustness argument thus avoids the troubling asymmetry implied by the precautionary argument. Furthermore, unlike an argument that appeals to the interests of the black community in general, the robustness argument explains why the wrong of racist adoption is a wrong done to the adoptee.²⁰

Someone might object that while the robust good argument succeeds in showing a specific wrong to the child that the precautionary argument fails to identify, it does not provide a convincing argument for the conclusion that racists lack a moral right to parent any child. The wrong of depriving a child of unconditional love does not seem sufficiently serious to deny an individual the right to parent any child, while the likely wrong of depriving a child with affective care does. Therefore, since racist parents wrong white children in the first way, but not in the second, they would have a right to parent, and adopt, white children. In reply to this line of argument, I claim that while the deprivation of affective care is certainly more a serious wrong to the child than deprivation of unconditional love, both the wrongs are sufficiently serious to conclude that adults who will likely, or certainly, wrong children in both ways lack a moral right to parent any child (again, recall that this is compatible with saying that they may be allowed to parent a child if she is in need of affective care that cannot be provided by others). Otherwise, again, we should accept the asymmetry between homophobes and racists in adoption cases, which I have shown to be deeply mistaken.

Moreover, I do not deny that we should be particularly careful about the serious harms that gay children raised by homophobic parents suffered and that animate the precautionary argument by Brennan and Macleod. Actually their argument identifies a set of harms and wrongs to children, which we can now say that they are caused by lack of affective care, that the robust
goods argument fail to address. Nonetheless, I have showed that these harms do not exhaust the wrong of not being loved unconditionally which is suffered also by children who are likely to receive affective care by their parents, like white children of racist parents. In other words, while Brennan’s and Macleod’s argument plays an essential role in building a sound account of parent’s duties and children’s rights, it is not completely convincing as a specific account of the child’s right to be loved and of the grounds of the right to parent, because of the problems I have presented in the last two sections.21

5 An Elusive Right?

Someone might now object that the interests that underpin the right to unconditional love are elusive at best. While it is clear that children who have not yet developed their sexual orientation have a weighty interest in receiving the kind of parental affective care that Brennan and Macleod describe, it is rather unclear what the bad consequences that racist parents expose their white children to are. I reply to this question in two steps: first, I draw on Pettit’s analysis of the distinctive value of the robust good of love. Second, I argue that unconditional parental love is so important for the appropriate development of children’s self-respect to ground the child’s right to be loved unconditionally.

Pettit claims that the value of the robust good of love cannot be entirely captured by what he calls ‘debunking explanations’, i.e. explanations that deny the distinctive value of love and reduce its value to the value of its contingent effects (2015, p. 111). The first debunking explanation he considers argues that love is valuable because it is the best means for maximizing the expected realization of the thin good of care. This answer suggests, counter-intuitively, that we value love only instrumentally (2015, pp. 111-115). To test our intuitions about this explanation we can consider a child-parent version of a case presented by Pettit. Anne is a white adult who discovers that her late parents were strongly racist and would have not given her affective care if she had been black. It is natural to think that Anne has reasons to regret the way in which her parents raised her because they merely gave her affective care, but they failed to unconditionally love her. If we subscribed to the debunking, instrumentalist explanation I have just presented, we should conclude that Anne does not have any reason to regret her childhood, since she enjoyed the same amount of the thin good of parental care as a child who has been unconditionally loved by her parents.22
The second debunking explanation claims that we value love because it promotes ‘assurance and peace of mind’. If a person A knows that she is unconditionally loved by B, A enjoys a greater peace of mind than if she were simply given conditional affective care; in fact she knows that whatever features she had, B would still provide her with affective care. This answer suggests that the fact that we enjoy the feeling of being assured that we will receive the thin good of care fully explains why we value the robust good of love (Pettit 2015, pp. 115-120). To see how this explanation fails to capture the entire value of unconditional parental love I propose that we consider the following case. Consider the lives of two white adults who have passed away: Beth and Claire. Beth was raised by a couple of parents who genuinely loved her unconditionally, while Claire was raised by a couple of racists who would not have given her affective care if she had been black, but she did not know that. If we just cared about Beth’s and Claire’s peace of mind, we should conclude that their lives were equally good, since Claire never knew that her parents were racist and her peace of mind was not affected. However, it is more intuitive, I submit, to believe that Beth’s life, thanks to her enjoying genuine unconditional love, went better than Claire’s.

I do not take a stance here on whether unconditional parental love constitutes a distinctive component of people’s wellbeing, in line with objective-list theories of wellbeing, or whether it has value over and above considerations of personal wellbeing; accordingly, we might interpret the loss suffered by Claire either as a harm, i.e. the set-back of a wellbeing interest objectively understood, or as a form of harmless wrong. My claim is that, as illustrated by the case of Beth and Claire, the value of unconditional parental love cannot be reduced to consideration of their levels of subjective, or experienced, wellbeing, which, given their ignorance about their parents’ views on race, we assume are the same. Notice, nonetheless, that even those who subscribe to subjectivist accounts of wellbeing or to the so-called ‘experience requirement’, can agree that unconditional love contributes value to a person’s life, even if not to her well-being. To sum up, unconditional love is an important good for people’s lives and its value cannot be reduced either to the value of the affective care it produces nor to the subjectively positive feeling of being assured to be affectively cared for.

By rejecting the two debunking explanations of the value of love, we can conclude that parental love has irreducible, distinctive value over and above the value of parental affective care. Having clarified this, I can now consider a more specific argument for why children have an
important interest in, and a right to, unconditional parental love. We should recall that one of the reasons for the claim that children have a weighty interest to be loved is that parental love promotes the appropriate development of child’s self-respect (Rosati, 2006, Liao, 2015, pp. 79-82, Brennan and Macleod, 2017, pp. 233). Genuine self-respect requires i) the recognition that each person, independently of her contingent features, has intrinsic value and deserves respect, ii) the recognition than oneself is a person and, as such, has intrinsic value and deserves respect by oneself and by others and iii) the knowledge that the respectful treatment one receives should not depend on her specific features. This account of genuine self-respect is clearly related to the concept of recognition respect famously described by Darwall (1977): to respect someone, in this case oneself, means to give appropriate weight to his features that are relevant for one’s deliberation and to act accordingly. Put it differently, genuine self-respect requires not giving weight to one’s own irrelevant features like one’s own race.

I argue that unconditional love promotes the development of a child’s genuine self-respect, which coincides with the appropriate development of self-respect, while conditional parental affective care fails to do so. A parent who unconditionally loves his child teaches his child that she has value qua person and her fundamental value does not depend on her contingent features: her race, her sexual orientation, etc. In virtue of this, the kind of self-respect this child develops fulfils the three conditions for genuine self-respect I have just spelled out. By contrast, a parent who provides his child with conditional affective care - for instance a racist parent of a white child - impairs his child’s development of genuine self-respect: when such a child comes to realize that she has value, she is likely to do so for the wrong reasons. This is because these two interrelated phenomena are likely to obtain: first, she will value herself because she thinks that certain contingent features of hers, like being straight or white, confers value on her, and therefore, secondly, she will value herself without fully recognizing that other persons, including persons different from her, have intrinsic value like he does. I do not claim that conditional affective care necessarily causes these two phenomena, but that it is very likely to do so. Consider again the case previously described: while Beth is likely to have appropriately developed self-respect, Claire is likely to have developed self-respect in at least one of the two wrong ways just presented because she has never been exposed to parental unconditional love and to the equal consideration of all persons’ fundamental value it involves. Genuine self-respect is certainly important for the child’s life, and since parental unconditional love, not mere affective care, is crucial to guarantee the appropriate development of child’s self-respect,
we have an explanation of why parental love is distinctively valuable and of our intuition about Beth’s and Claire’s case.

I would now like to spell out the differences between the argument I have just presented, the precautionary argument and the debunking explanations of the value of love. First, while Brennan and Macleod focus on the fact that a homophobic parent necessarily impairs the capacity of self-respect of their gay children, I argue that both homophobes and racists, by failing to love their children unconditionally, are very likely to impair the capacity of genuine self-respect of any child of theirs; children of racists and homophobic parents are not necessarily deemed to lack genuine self-respect, but we should conclude that parents who obstacle their children to develop genuine self-respect wrong them, even if they do not completely impede it. Second, while the debunking explanations reduce the value of parental love to its instrumental contribution to the child’s subjective wellbeing, my argument claims that it plays a fundamental role for the appropriate development of the child’s self-respect.

This account of the rationale of the child’s right to be loved unconditionally also differs from standard accounts of the value of unconditional parental love in some important ways.

First, authors who defend the importance of unconditional parental love commonly refer exclusively to the positive effects that parents’ provision of affective care, emotive support and physical closeness have on children’s wellbeing (Gheaus, 2014, pp. 156-157; Liao, 2015, pp. 77-99). In doing so, they cannot explain the distinctive contribution made by unconditional love to children’s lives *vis-à-vis* affective care which is conditional on certain features of children that cannot change during their lives, like race.

Second, different authors focus on the bad effects that the experience of *knowing* that one’s parents took certain morally irrelevant features as relevant for their decisions either to conceive them or to parent them (Harris 2007, p. 156; Gheaus, 2015, pp. 159-160). This consideration resembles the ‘peace of mind’ explanation of the value of love presented by Pettit: knowing that a child’s parents provide her with affective care on the basis of some morally irrelevant features of hers may negatively impact on her wellbeing. This consideration is certainly true, but it fails to account for the wrong done to Claire who did not know that her parents were racist. However, while the wrongness of the deprivation of parental love obtains
even if the child does not know that her parents are conditionally caring for her, the positive contribution of parental love requires the child knowing that she is unconditionally loved.

Third, and more importantly, the fundamental idea that animates standard accounts of unconditional parental love is that parents should love their children ‘as they are’: parents should accept and cherish their children’s actual specific features. My account, on the contrary, argues that parents should love their children 'independently of how they are': morally irrelevant features should not play any role in parents’ caring attitude towards their children. Consider again Brennan’s and Macleod’s claim that the provision of parental affective care promotes the development of child’s self-respect and self-esteem. While they think that is important for the child not to have parental care withdrawn if she happens to have certain features, I argue that children’s development of self-respect is impaired by the provision of affective care that is conditional on certain morally irrelevant features regardless of whether the child happens to have them. Again, while the first type of accounts, allow parents to relate their caring attitudes towards their children to certain morally irrelevant features, like race, that constitute how their children are and will certainly be, my account does not.

6 Some Implications of the Account

Let me conclude with a few further remarks on the child’s right to be loved unconditionally, both about what it excludes and what it implies.

A complete theory of this right to be loved unconditionally should provide a clear account of which type of children’s features parents have to consider as irrelevant for the provision of parental affective care. For the purposes of this article, I think it is sufficient to say that parents should love their children independently of the morally irrelevant features of the latter, such as their race, gender, sexual orientation, and health conditions. I cannot provide here an account of the features that can, instead, be morally relevant for parental love and I simply present two plausible candidates.

First, parental love seems compatible with its being conditional on some aspects of the moral character of the child, in the sense that a parent who will not love her child if he commits some extremely serious moral wrong does not seem to fail to love her child: parents who would not
give their child affective care if he were a cruel criminal, are not failing to fulfil their duty to love her. I am not claiming that parental love towards a child who is a cruel criminal is impossible, inappropriate, blameworthy, or morally impermissible, but that a parent who is giving affective care to her child but would stop doing so, if her child knowingly committed very cruel crimes, is not failing to love her child.  

Second, taking a child’s age as a condition for the provision of parental care seems compatible with parental love. If a parent stopped to give his child affective care when she becomes an adult, he does not seem to fail to provide her with genuine parental love. We should recall that parental love plays a fundamentally important role during people’s childhood because it makes a positive contribution to many aspects of children’s lives. We can doubt that parental love is equally or significantly important for adults: while the love that old parents feel for their adult children is surely valuable, it is not the object of a fundamental interest of adults. In other words, while adults benefit from the love they receive by their parents, they do not have a right to be loved by their parents. Let me clarify that I am not claiming that parents do not have a duty to affectively care for their adult children, but that, if such a duty exists, it is not correlative to a right of adult children.

With regard to some further possible implications of the child’s right to be loved unconditionally I have so far described, it is worth mentioning four possibilities here.

First, as originally suggested by Brennan and Macleod, since the state has a legitimate interest in safeguarding the rights of children, it may mount advertising campaigns directed at parents on the importance of unconditionally loving one’s child both by presenting positive and negative models of parenting (2017, p. 240).

Second, the child’s right to be loved unconditionally can provide an argument in favour of the racial randomization in the adoption system, which has been proposed by Hawley Fogg-Davis (2005). On the basis of the arguments I have put forward, we could say that not only society would benefit from an adoption system that encouraged the formation of transracial families, for instance by reducing societal racism, but also that the adopted children themselves would get the benefit of knowing that their race is not a condition for their parents’ love.
Third, the child’s right to be loved unconditionally seems to have implications for procreative ethics. Prospective parents who decide to parent exclusively their biological children because they would be unable to provide a child who has certain features, for instance a race different from theirs, with affective care, prove themselves of being unable to love their children, and therefore lack a moral right to parent. We can formulate a similar judgement about parents who actively try to avoid to have biological children with certain features because they would be unable to love them, for instance by selective abortion, pre-implantation screening, or genetic engineering. (Davis 2008, Gheaus, 2014). I do not have space to develop these considerations here; I should emphasise, however, that I have argued that the lack of a moral right to parent may have direct policy implications only in the case of adoption and, therefore, I am not proposing to interfere with the procreative choices of the parents I have just described, nor to regulate their right to parent their biological child. The argument I have presented, instead, simply claims that these parents are wronging their children by failing to unconditionally love them.

Finally, and probably most controversially, the account of the child’s right to be loved unconditionally I have provided seems to qualify many current parents as unloving. Consider, for instance, how many biological parents provide their children with conditional affective care, i.e. they would not provide them with affective care if they were not their biological ones. Although this is hard to establish, it seems plausible that many biological parents do pose this type of condition on the affective care they provide their children with. I do not think that concluding that parents of which this is true are failing to genuinely love their children is too harsh to them; instead, it teaches an important lesson to biological parents: you should love your child independently of her being your biological offspring.

7 Conclusion

The child’s right to be loved has implications for the scope of individuals who may parent children. I have argued that the best account for working out what those implications are is an account that construes the child’s right to be loved as a right to unconditional love. Such a right is correlative to a parents’ duty to provide their children with affective care independently of their morally irrelevant features. In developing this account, I have drawn on Pettit’s analysis of robust goods in order to describe the love that parents owe their children as unconditional. This account fits well with our ordinary understanding of parental love and avoids certain problems with Brennan’s and Macleod’s affective care-based account of the scope of
permissible parenting. While Brennan and Macleod convincingly argue that homophobes lack a right to parent any child because they are unable to give affective care to gay children, an affective care-based argument commits us to conclude that the same is not true of racists. My argument avoids this asymmetry by identifying a common moral wrong that both homophobes and racists do to their children: they both provide their children with only conditional affective care and thus fail to love them unconditionally. For this reason, both homophobes and racists are insufficiently competent as parents and lack a moral right to parent any child. Finally, I have claimed that children have a right to be loved unconditionally because unconditional love makes a unique contribution to the appropriate development of a child’s self-respect.

Notes

1 For empirical research on the positive effects of parental love on the child’s development, see: Raja et al. (1992), Tamis-Lemonda and Bornstein (1992), Carlson and Sroufe (1995), Luby et al. (2012).

2 On the intrinsic goods of childhood, see: Macleod (2010), and Gheaus (2015).


4 This consideration interestingly shows that respecting a child is necessary but not sufficient for loving her: while open criticism and indifference might be compatible with the general form of respect we owe to other individuals, they are not compatible with the love parents owe their children.
Someone could argue that a gay child might develop self-respect, and even pride about her sexual orientation, out of a rejection of, and revolt against, her parents’ homophobia. However, I claim that, although such a child effectively respects herself, this phenomenon is not an instance of the appropriate development of child’s self-respect for three reasons. First, many children do not develop this responsive attitude and do interiorize their parents’ homophobia. Second, children can develop such a responsive attitude only when they have a sufficiently clear identity and not before: therefore even those children who later develop self-respect by rejecting their parents’ homophobia will have suffered an impairment of their development of self-respect during a significant part of their childhood. Third, we can say that even those children who do develop this responsive attitude have not enjoyed an appropriate, or healthy, development of self-respect: they develop self-respect out of a clear rejection of their parents’ negative judgements on their identity, and not out of a natural response to their parents’ appreciation of their identity. In section 5, I characterize better the idea of appropriate self-respect.

I stress the temporal relationship that Brennan and Macleod draw between the violation of the child’s right to be loved and the acquisition of the right to parent and adopt because in section three I present a different diagnosis.

The ‘child’s right to an open future’ famously described by Joel Feinberg has a very similar structure: while children are non-autonomous, the need to avoid curtailments of future adults’ autonomy at T2 grounds autonomy-protecting children’s rights at T1, see Feinberg (1980).

Claiming that we can generalize our considerations about the right to adopt a child to the moral right to parent, and specifically to right to parent one’s biological child, does not mean that we should, or may, impose, through the law, the same criteria to grant the right to adopt a child and the right to raise one’s biological child. As argued by Botterell and McLeod (2014, 2015), we have good reasons to impose different assessment criteria for adoptive and biological parents. My argument focuses on the case of adoption to test our beliefs about the moral right to parent, and it does not entail that we should legally regulate the right to parent one’s own biological child in the very same way as we should regulate the right to adopt a child.

We could deny homophobes a right to parent, for instance, by claiming that granting them a right to parent constitute an offence to the LGBT community in general and not a harm to gay children in particular. Alternatively, we could say that, by transmitting homophobic views to their children, homophobes are threatening gay people’s rights.

I defer the discussion of which child’s features are morally irrelevant to section 6. For the moment I refer to gender, race, and sexual orientation as paradigmatic examples of morally irrelevant personal features.

I take racists as the clearest case of prospective parents who are unable to affectively care for children with certain features, but who can avoid having such children. However, the considerations I raise in what follows apply also to other cases: strongly sexist parents and parents who would not love a genetically ill child, for instance.

I put the point this way to accommodate for the possibility of transracialism, i.e. the non-identification with the race one is assigned at birth and the desire to change one’s own racial traits. I assume, however, that the probability that a child will change race in this way is very low, and accordingly, that it will not be relevant for Brennan’s and Macleod’s argument.
13 I come back to this issue at pag. 14.

14 In the scenario just described, we should conclude that the racist adoption applicant is merely at liberty to adopt a white child.

15 In section 5, I raise some doubts about this last claim.

16 In section 6, I come back to this issue.

17 For a theory of expressive wrongs, see Khaitan (2012).

18 By ‘saying’, I mean ‘acting in a way that means’.

19 Davis (2008) and Gheaus (2014) present a similar counterfactual description of parental love, but since they are interested in the morality of genes selection, they only consider cases in which a child could have had different traits among those which are genetically compatible with her procreators’. In what follows I show that we have good reasons to extend this analysis to any possible morally irrelevant features of the children, even those that could not be passed on by their procreators, for instance a different race.

20 I am not assuming here the controversial view according to which children can be wronged before conception; I only assume that once these children exist they are wronged by their unloving parents who conceived them in a way that is clearly incompatible with unconditional parental love. In section 6, I spell out some possible implications of the child’s right to be loved unconditionally for procreative ethics.

21 I thank an anonymous reviewer for her comments on this point.

22 Pettit (2015, p. 118) presents a similar case involving a person who discovers she has never been considered as a friend by another person she always considered a friend.

23 A comparison with accounts of the value of autonomy can shed some light to the possible positions on the value of unconditional love I have sketched. Instrumentalist accounts, in line with first debunking explanation, claim that autonomy is valuable only because it promotes some other value, like happiness. Subjectivist account, in line with the second explanation, claim that autonomy is valuable because agents feel well when they act autonomously. The two hypothetical cases I have presented show that these accounts are unsatisfactory to explain the value of love. Objectivist accounts claim that autonomy is an objective component of individual wellbeing, which does not depend on people’s experiences. Finally, we can have accounts claiming that the autonomy is not related to individual wellbeing, but is nonetheless important to people’s lives. I claim that only these last two accounts can capture our intuitions about the value of unconditional love but I do not take a stance on which of the two is the correct view.

24 It is important to note that according to the account of appropriate development of self-respect I have sketched, racists and homophobes actually fail to appropriately respect themselves: in fact, they both fail to realize that the ground of their own intrinsic value is shared with all other people, including gay and black people. I cannot analyse this controversial claim further, but I claim that independently of our stance on homophobes’ and racists’ capacity for
appropriate self-respect, parents who fail to love their children wrongly jeopardize their children's development of appropriate self-respect.

25 Unfortunately given the qualified nature of the concept of self-respect I have presented, it is difficult to measure and get empirical evidence about the effects of the impairment of the development of genuine self-respect on the lives of children raised by homophobic and racist parents. Nonetheless several studies conclude that both homophobic and racist parents are likely to pass their discriminatory views to their children, Castelli (2009), O'Bryan (2004), Sinclair (2005). This evidence strongly suggests that children of racist and homophobic parents are quite unlikely to have appropriately developed the type of genuine self-respect I have described.

26 Even a child who has committed extremely serious moral wrongs may deserve the form of ‘recognition respect’ I have described; nonetheless, I claim, his parents do not owe him the special attention, emotional support, and concern about his wellbeing that constitute affective care. As I have explained in footnote 7, affective care entails a special consideration of a particular person that goes beyond the ‘recognition respect’ we owe to all the persons.

27 For an account of the loving relationship between parents and adult children, see Richards (2010, pp. 216-227).

28 In societies such ours characterized by pervasive forms of racism, the picture is actually more complicated. In these contexts we have strong child-based reasons to prefer placing adopted children with parents of the same race: children can integrate more easily in the adoptive family, they are not object of special social stigma for having parents of a different race, etc. The child’s right to unconditional love, therefore, is only a pro-tanto argument in favour of racial randomization in adoption that needs to be weighed against the reasons against transracial adoptions that I have cited. For an account of the challenges of transracial adoption, see: Patton (2000), Briggs (2012), Treitler (2014, part II). I thank an anonymous reviewer for pressing on this point.

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**Notes on Contributor**

Riccardo Spotorno is a post-doc researcher in the Department of Social and Political Studies at University of Pavia. He previously was a PhD student in the Department of Law at the University Pompeu Fabra in Barcelona where he was a member of the Family Justice Research Group, funded by the European Research Council (ERC). His research interests include children’s rights, the ethics of parent-child relationships, licensing parents and procreative ethics.

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