

**I love my children: am I racist? On the wish to be biologically related to one's children.**

Ezio Di Nucci (University of Copenhagen)

*Abstract* Is the wish to be biologically related to your children legitimate? Here I respond to an argument in support of a negative answer to this question according to which a preference towards having children one is biologically related to is analogous to a preference towards associating with members of one's own race. I reject this analogy, mainly on the grounds that only the latter constitutes discrimination; still, I conclude that indeed a preference towards children one is biologically related to is morally illegitimate because, in the context of parental love, biological considerations are *normatively irrelevant*.

Debates about the value of being biologically related to one's family tend to run along a predictable divide: conservatives argue that biological ties are valuable and go on to criticize reproductive technologies such as for example IVF that enable non-biological families (1, 2).

Liberals defend reproductive technologies on grounds of allowing access to parenthood to a diverse group of people including single parents, couples with fertility problems, LGBTs and others (3).

Two complications ought to be added to this simple dichotomy: on the one hand, from a feminist point of view, IVF and other reproductive technologies could be seen themselves as instruments of patriarchy as those methods reinforce a bias in favour of biological ties which has arguably been used to oppress women (4, 5). This kind of feminist objection may not be enough to make reproductive technologies ethically impermissible but it would certainly see them as, at least, politically problematic.

There is, though, a second complication which may be enough to go full circle all the way back to the conservative moral prohibition against reproductive technologies: the idea that a wish to be biologically related to one's children is itself illegitimate.

An argument of this kind has been recently put forward by Rebecca Roache (6) against Ezio Di Nucci's feminist critique of reproductive technologies (5). According to Roache, the wish to be biologically tied to one's children could be seen as a form of discrimination:

But is this wish really legitimate, in the sense that ‘the state ought not to interfere with it’? Is it any more legitimate than, say, a wish to associate only with people to whom one is racially connected (however we might interpret ‘racially connected’)? Culturally, we tend to view the wish to be biologically related to one’s children as more benign than the wish to be racially related to one’s associates. But cultures can be wrong about things like this, as we can see by considering that in the past, and in some cultures presently, the wish to associate only with members of one’s race is also viewed as benign. Further, the wish to be biologically related to one’s children—like the wish to associate only within one’s racial group—can have harmful effects. The wish to associate only with members of one’s own race can (and does) result in people being denied important opportunities on account of their race. And the wish to be biologically related to one’s children means that the vast majority of aspiring parents create new babies, despite there being millions of existing children without families in need of adoption or foster care; as a result, aspiring parents’ preference for biological relatedness to their children leads to existing parentless children being denied the opportunity of a family (6).

Before assessing this argument against parents’ wish to be biologically related to their children, let us place it within the wider dialectic of the ethical debate about reproductive technologies. If the wish to be biologically related to one’s children is illegitimate, then an important motivation for using reproductive technologies would have been shown to be ethically problematic, but that in itself does not show that reproductive technologies are morally problematic.

There are a number of reasons for that: first, from a theoretical point of view, because we cannot assume that the value of motivation determines the value of action – because the truth of some form of consequentialism or some other alternative to a Kantian approach would have to be ruled out first. Secondly, the reason why one may want to use reproductive technologies need not have anything to do with wanting to be biologically related to one’s children: if you can’t qualify for adoption, for example, you may have no alternative to reproductive technologies even if you are truly indifferent to biological ties.

Thirdly – and more to the point – an argument could be offered for reproductive technologies even if we assume the truth of some form of Kantianism and we take a case in which someone’s motivation has to do with biological ties, which would set aside both of the previous worries. That argument could go something like this: even if the wish to be biologically related to one’s children is illegitimate, it is a widespread one that a lot of people can and do satisfy pretty easily without the assistance of reproductive technologies.

So that banning reproductive technologies on the ground that the wish to be biologically related to one’s children is illegitimate - if that is done without at the same time intervening to stop everyone else from satisfying that wish – would discriminate against those who need the assistance of reproductive technologies for the satisfaction of their illegitimate wish.

Here it could be objected that denying equal access to an illegitimate practice would not be discriminatory<sup>i</sup>: so that it is only real discrimination if the practice is not illegitimate. I am not sure about this: imagine that a certain group of people were to be suddenly denied access to cars able to do more than 200kmh. Say, everybody born on a Friday can from this day on only drive cars with less than 100hp. I am pretty confident that such legislation would lead to the downfall of any government.

A plausible argument from the point of view of equal opportunities along the lines of the one sketched above serves to show the way in which the question about the legitimacy of reproductive technologies has to be kept separate from the question about the legitimacy of the wish to be biologically related to one's children. But that obviously is still no answer to the question of whether the wish to be biologically tied to one's children is legitimate. It is to that question that we now turn.

Roache's analogy is, admittedly, a powerful one. Spelling it out, one could think – on the one hand - in terms of a preference towards associating with members of one's race over associating with members of other races and – on the other hand – in terms of a preference towards having children which are genetically similar to oneself over having children which are not (or less) genetically similar to oneself.

Let me first point out that the way I have just spelled out Roache's analogy is importantly different from the original, as it removes a potentially disanalogous element from Roache's original analogy, the stipulation that association is 'only' with members of one's race.

The wish to be biologically related to one's children need not be cashed out in terms of a wish to have only children with whom one is biologically related – one may have such wish despite (or even because? and anyway at the same time as) having children with whom one is not biologically related.<sup>ii</sup>

It's particularly important to reformulate the analogy by getting rid of the 'only' clause not just because, as above, the original analogy is in fact not analogous; but also because it may make a difference to the plausibility of the racial discrimination charge to which preferring children who are biologically related to oneself is supposed to be analogous.

After all, one may think that there is a moral difference between associating only with members of one's own race and preferring association with members of one's own race to association with members of other races (whatever, if anything, 'race' means); and that, namely, the former is morally worse than the latter. Still, at a minimum, I think we will all agree that both are morally objectionable.

Having removed this small distraction, let us look at the analogy between:

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<sup>i</sup> Many thanks to an anonymous referee for pressing me on this point.

<sup>ii</sup> Similarly, one may wish both children with whom one is biologically related and children with whom one is not, that is also consistent.

(A) a preference towards associating with members of one's race over associating with members of other races; and

(B) a preference towards having children which whom one is biologically related over having children with whom one is not biologically related.

The argument is supposed to run as follows:

- I. A is morally objectionable
- II. B is analogous to A
- III. B is morally objectionable

As (I) is true, here I am going to focus on (II). The power of the analogy between A and B consists, first of all, in the structural similarity between the two cases: in both A and B we have biological features as the grounds for a preference.<sup>iii</sup> Further, similarity (or at least *perceived* similarity) appears to play a role in both A and B, so that in both cases there seems to be a preference for those who are (more) similar to us.

Once we have analysed the analogy between A and B in terms of a structural similarity consisting of a preference based on biological features, we can also see what the problem with comparing a preference for biological children to racism is: preferences based on biological features are very widespread and it is far from clear that they are all discriminatory based on the above structural similarity.<sup>iv</sup>

We have preferences that are – in the relevant sense – based on biological features within most of our interactions: social, romantic, professional, even in terms of preferring some pets or other animals to others or indeed within our interaction with the natural environment, as when we prefer some kind of flower over others. A broad interpretation of 'preferences based on biological features', namely the one which is the basis for analogy (II), would have to count all of these interactions as discriminatory in some sense – even though some may not be morally relevant, as with flowers (while already animals would clearly be a more difficult case as they cannot be dismissed normatively).

Indeed, it is not even clear that it would be at all cognitively possible to avoid having these preferences at all, thereby violating 'ought implies can'. We need to be much more specific, then, about this talk of 'preferences based on biological features'. If we are not more specific than this broad idea that preferences based on biological features are discriminatory, we run the risk of

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<sup>iii</sup> Here things can get quite complicated pretty quickly, as 'biological' is a very broad adjective in debates about reproductive technologies, including both genetic and gestational, for example (5, 7). This is particularly relevant in the context of a comparison with race, as one could deny that preferences based on race are based on biological properties. I am not going to pursue this possible disanalogy between A and B here because it would take us too far.

<sup>iv</sup> This is stating the obvious given the context of the argument, but just in case: when I talk of 'preferences based on biological features' I am obviously not talking about the biological underpinnings of the preference in the subject who has the preference but about (perceived) biological features within the object of the preference.

ending up weakening arguments against racism by basing them on too broad foundations. What's crucial, clearly, is the *normative irrelevance* of biological features in a particular context. When it comes to which people you prefer associating with, race is normatively irrelevant.

Also, whatever one thinks of basing preferences on biology, there seems to be something particularly horrific in basing them on race, for a series of reasons: because race is such a superficial concept both in terms of its biological underpinnings and in terms of how much it says about an individual; because race is a seriously underdetermined (many would say: socially constructed) concept; and most importantly because of the history of preferences based on race.

The question that we should ask is the following: when it comes to our children, is whether they are biologically tied to us similarly normatively irrelevant so that biological features would not be a legitimate basis for preference?

The answer to this question is, I think, yes. Let me reformulate the relevant claim explicitly: biological features are not a morally legitimate basis for preferring some children to others, which means that the wish that our children be biologically tied to us is, in the relevant sense, not morally legitimate because it distinguishes on the basis of features that are normatively irrelevant.

Here I will not repeat my argument for this claim because it is the one that I have already offered in the broader context of reproductive technologies: basically, that such biological considerations are patriarchal and that they have no place within parental love (5, 8, 9). I would rather like to explain the scope of my claim and the reasons why I do not think that it should be equated with racial discrimination.

Two points: first, for the reasons I have already given (see also footnote 4), race is a special case that I do not think should be reduced to other kinds of biological features, as (1) it is not even clear that race has any proper biological foundation and (2) racial discrimination has a history and social significance that we ought to be always mindful of.

The second point is, I believe, even more basic and therefore more important: a preference for children that one is biologically tied to may be morally illegitimate but that does not mean that it is also discriminatory. This is for the simple reason that while a preference towards associating with members of one's own race actually discriminates non-members, a preference for having children that one is biologically tied to does not discriminate against anybody – or so I argue below.

Here there would be two main candidates for discrimination: potential adoptees and (unborn) non-biological children; in the former case one may argue that a preference towards biological children may result in non-adopting and thereby discriminate against the non-adopted child while in the latter case

one could similarly argue that a preference for biological children may result in not initiating a non-biological parental project which would lead to the existence of a child that one is not biologically related to.

The latter case is quickly dealt with: one cannot discriminate against non-existent (non)beings such as unborn children who have not even been conceived yet, so the latter is not a case of discrimination. The former case, on the other hand, is one that does involve beings against which discrimination is possible – living potential adoptees.

And those are children whose welfare is morally urgent. Still, the reason why I don't think we can speak of discrimination in the case of the decision not to adopt is simply that there are other plausible reasons why potential parents may decide not to adopt, for example the gestational bond; or wanting to be involved with a child from day one.

As it is difficult to image a case of a decision not to adopt where biological ties would be relevant but those other considerations would not be relevant, I think that the more helpful thought-experiment concerns a scenario in which a preference for biological ties would weigh more than some – albeit minor – genetic risk that could be avoided through egg or sperm donation. It seems to me that in such a case, given the normative irrelevance of biological ties, a parent should opt for egg or sperm donation rather than insist on being biologically tied to one's children.<sup>v</sup>

Still, what about those children for whom being adopted may be the only reasonable chance of survival or at least of a decent life – and who will not be adopted as a result of someone opting for reproductive technologies? What I have said above should not be interpreted as disregard for their welfare: after all, I *am* saying that a preference for biological children is illegitimate. Here I would add that, in an hypothetical case in which the reason not to adopt had only to do with biological ties and not with plausible preferences such as wanting to be involved with a child from day one, for example, it probably would be discrimination against the non-adopted.

Let us take stock: we have analysed an argument for the illegitimacy of a preference towards having children who are biologically related to oneself; the argument is based on an analogy between the above preference and a preference towards associating with people who are racially related to oneself; we have shown the structural similarities between the two cases in terms of the shared element of a preference based on biological features. But we have also shown that we must be much more specific about this idea of preferences based on biological features to avoid having an analogy which is too broad to be plausible. And an increased level of specificity points to two

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<sup>v</sup> There is a further case which I think we will all agree would on the other hand constitute discrimination; namely the case of a parent of both biological and non-biological children who would treat her biological children better than her non-biological children. Interestingly, the historical case of the discrimination against illegitimate children is not based on biological ties, as both legitimate and illegitimate children would have been biologically tied to the parent in question but on social considerations such as marriage or inheritance.

potentially disanalogous aspects: the particularity of *racial* preferences and the issue of discrimination.

I would now like to conclude by briefly remarking on the practical consequences of the above argument: we have argued that a preference towards children with whom one is biologically related is not morally legitimate but that, at the same time, it does not constitute a case of discrimination and that it is not analogous to racism. But where does the moral illegitimacy of a preference towards biological children leave us in terms of policy?

Here it is helpful to think of preferences for having biological children as moral vices not serious enough to be legislated upon directly but that, on the other hand, put pressure on our failure, as a society, to make sure that having non-biological children is just as accessible – if not just as easy - as having biological children.

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