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**Legal Conceptions of Parenthood: Adoptive Parents as Stewards**

A Thesis

Presented to the Department of Philosophy, Religion, and the Classics

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Annually, in the United States nearly 60,000 children are adopted and another almost 130,000 are in the process of being adopted (Administration for Children... 2017). Those adopting these children may be relatives, such as grandparents, aunts, uncles or cousins, foster parents, or non-relative adoptive parents. Non-related adoptive parents are those that are not biologically related to the child. Non-related adoptive parents are either foster parents that permanently adopt their non-relative foster children or parents that adopt children without knowing them at all beforehand. These types of adoptions make up 60% of adoptions nationwide (Administration for Children... 2018). Despite the frequency of non-relative adoptions, non-relative adoptive parents have been long considered to have less of a claim to parenthood than biological parents or even other biological relatives.

This preference for biological parenthood is seen not only in language, such as referring to an adopted child's biological parents as their "real" parents, or in Cinderella-esque popular culture, where adopted children are treated worse than biological children, but also in legislation. If a child is surrendered by their biological parents and placed with adoptive parents, these adoptive parents can still have their children taken away because biological claims to parenthood are viewed as stronger than adoptive ones. It is written in the code of law for most states that adoption consent can be revoked by biological parents up until, or even after, the final decree of adoption has been ordered (25 U.S. Code § 1913). This means that children who have been living in an adoptive household, with parents who are in the process of or have fully adopted the child, can be removed from their adoptive parents and returned to their biological parents because biological claims to parenthood are viewed as stronger than adoptive ones. In the 1990's two examples of this situation became popular news stories. The cases that became known as the "Baby Richard" and "Baby Jessica" cases are both examples of adoptive parents

losing their children to biological parents while in the process of fully adopting those children. Baby Jessica was given up for adoption by her biological mother who then changed her mind and pursued custody of the girl. She ended up winning the case and regaining custody, thus removing Jessica from the adoptive parents she had been living with for the two years during which the case was begun (Wilkerson, 1993). Similarly, Baby Richard was given up for adoption by his biological mother and his biological father then pursued and won custody (“The Strange Tale...”), another example of what the LA Times calls “a legal system preoccupied with the rights of biological parents instead of the best interests of the child” (1995). These adoptive children can be removed from the parents they had known, their adoptive parents, and given to strangers, their biological parents. In some states, even after the final decree of adoption is given out, meaning that the child has been fully legally adopted into a new household, the biological parents can overturn their consent for adoption. For example, in South Dakota law “if any person has a claim or right arising from any adoption proceeding, that person shall initiate any action to enforce such right or claim within one year of the date when the proceeding is finalized” (SL 2012, ch 143, § 1). This allows biological parents a full year after their child has been fully adopted to revoke their consent for adoption and seek custody of their child.

Biological parents are further favored by the law in foster and adoptive placement proceedings. In Indiana, when a child is removed from their home due to being in an unfit environment with their biological parents, the goal is always first and foremost to return them to their biological parents (IC § 31-34-15-11). Even though this parent has been deemed unfit in some way and had their child removed from their care because of this, they are still given preferential treatment because of their shared biology. Under Indiana law, when a child is removed from the care of their biological parents, a placement plan must be completed (IC § 31-

34-15-7). This plan must include placing the child in “the least restrictive family-like setting that is close to the home of the child's [biological] parent” (IC § 31-34-15-4). Even before adoptive parents are considered, other biological relatives are pursued for placement because of their connection with the biological parents. Aunts, uncles, grandparents, and cousins are understood as the “next best” option when a child is removed from their biological parents. If a biological parent is deemed unfit and unable to resolve the problems that make them unfit, then other options for permanent placement are pursued. Not until the biological parent is completely ruled out is it possible for the child to consider being permanently placed in a non-biological custodial home.

This pattern shows a preference for biological parents in our legal system. However, there exist different types of parents. Every person has biological parents, defined as the two people who contribute their gametes to the creation of the child. Oftentimes these biological parents are also the care-giving parents of the child as well. Care-giving parents are those that raise the child after their creation. Though these care-giving parents are commonly also the biological parents this is not always the case. Step-parents, adoptive parents, and foster parents are all care-giving parents who are not the biological parents of their children. Legal parents are the third relevant category of parents in this discussion. These are either the biological parents whose names appear on a birth certificate, legally designating them as the parents of the child, or adoptive parents whose names appear on an adoption record. Both of these documents, a birth certificate and adoptive record, designate legal parenthood. Birth certificates assign legal parenthood to biological parents while adoptive records assign legal parenthood to caregiver parents.

A problem arises when the legal system tries to align legal parenthood, and thus care-giving parenthood, with biological parenthood so strongly that it sacrifices the well-being of the child. When a child is removed from their biological parents by the Department of Child services, or a similar state legal institution, the goal is always to close the case, meaning the child is placed back into a permanent parental situation. As illustrated above, many states have policies that preference biological parents for this permanent placement, meaning that the biological parent is also both the legal parent and the care-giving parent. This insistence on making the biological parent also the legal parent and the care-giving parent does not always achieve the best result for children in the system. When biological parents are the first and sometimes only choice for legal and care-giving parenthood, children can end up in situations where they do not receive the best care due to the inability of the biological parent to be a successful care-giving parents as well. The legal system has taken this issue to such an extreme level that “children [have been] legally required to remain in homes where biological parents had killed or tortured siblings” (Stevens 2005, p 80). Despite the existence of different types of parenthood, biological, care-giving, and legal, there is an insistence in our current legal system on making one person all three types of parent for a single child. This does not need to be the case. Having one parent, or set of parents, be all three types of parent for a child should not be the goal of a legal system that assigns parenthood for children removed from their biological parents. The success of the child should be the goal when the legal system decides how to assign care-giving and legal parenthood to children who have been removed from the care of their biological parents. Sometimes this goal does not align with assigning legal and care-giving parenthood to back to the biological parents.

Our current legal system is informed by flawed conceptions of parenthood that suggest that biology should be the basis of all types of parenthood. This is seen in the insistence by the legal system on reuniting displaced children back with biological parents or the preference for biological parents over other types of parents for placement of children. A legal system that always strives for reunification of biological parents and children does not achieve the goal of placing children with the most successful parents, rather it upholds a conception of parenthood that is unsuccessful. Our legal system upholds conceptions of parenthood that are descriptive, not normative. These conceptions state who a parent is but not what a parent should be. The most common forms of this type of conception include the proprietary, causal, and consent models. These three seem to be those which currently inform our legal system because they are based on biological conceptions of parenthood and assigning parenthood to biological parents almost exclusively, much like the current legal system does. However, these are not the only conceptions of parenthood that exist. I propose my version of the stewardship model, as originally outlined by Michael Austin, as a conception of parenthood that would better inform a legal system which strives to create the best outcomes for the children it serves. In what follows, I outline all four conceptions of parenthood and discuss how the stewardship model would best be applied to assign parenthood to those most capable of being both legal and care-giving parents in cases where children are removed from their biological parents.

#### **A. Proprietary View**

A common conception of parenthood is the proprietary view. This view is outlined by philosophers dating back to Aristotle in his *Nicomachean Ethics*, in which he insists that children and slaves are the property of the father (1134b), but the relevant contemporary philosopher who advocates for this view is Jan Narveson (1988). It is from her work that I

derive the proprietary view explained here. Narveson's proprietary parenthood is outlined by Michael Austin who explains that it is a view upon which "children are the property of their parents" (2007, p 24). On this view, parents have the same rights over their children that they do over their property. This model is upheld by a legal system that allows parents control over their children until they obtain legal age themselves. In this model, parents are seen as having the right to 1) make choices about how the child will look, such as choosing their clothes or cutting their hair; 2) what the child will do, such as what they will eat or the activities in which they will participate; and 3) how their child will develop, by choosing their school or church.

Yet neither parental nor property rights are exhaustive. Neither a parent nor a property owner can do whatever they want with their child or property. For example, there are arson laws that prevent a property owner from burning down their property. The property owner cannot do whatever they want whenever they want, even if they own the property. Just as property owners do not have all-encompassing control over their property, parents do not have the right to total control over their children. Parents cannot exert control over the child when doing so would harm the child. There are laws that prevent parents from abusing their child, and other laws, such as child labor laws, that prevent parents from putting children into situations that could harm them. Yet property owners can make most decisions regarding their property, just like parents can control much of their children's lives. Parents can make decisions for their children from how they dress, to where they go to school, down to what they eat. This type of control exerted over the child mimics the type of control one has over one's property. Property owners can decide how they want their property to appear, what to change about it, and what to do with their property in general. This property-like relationship between parent and child can come about because of a parent's contribution of either labor or genes to the creation of their child.

### **Labor-based proprietary view**

In Austin's book *Conceptions of Parenthood: Parental rights and Obligations* he outlines what seem to be the two most common forms of proprietary parenthood: labor-based and genetics-based. The first type of proprietary account is the labor-based proprietary view. This type of proprietary parenthood is advocated by Katherine Baker (1998) but outlined by Austin in his book as well. It explains that if one creates something, such as a piece of pottery, this investing one's labor into that thing makes it the property of its creator. This is a view that dates back to Locke and his *Second Treatise on Government* but has contemporary applications in assigning parenthood as well. No one else can lay claim to that item because the property owner put in the work to bring it into existence. Parents are thought of in a similar way in regard to their children. A labor-based proprietary view states that because a parent put in the work (through gestation and procreation) to create their child, they are allowed control over that child, much like a property owner has control over the property into which they have invested labor. This labor-based proprietary view states that children are the property of parents because parents put in the work to create the child, since "it [the child] exists because a person exerted himself to bring the thing into being" (Narveson 2002, p 267). Jan Narveson, as a proponent of the proprietary view of parenthood, believes that since parents put in labor to create a child, they therefore have a right to that child. A child would not exist without the labor of the parents; thus, the parents are granted control over their child.

### **Genetic-based proprietary view**

Scholars also base proprietary views of parenthood in genetic ties. This is the view proposed by Barbara Hall (1999). Hall's conception of parenthood is grounded on a foundation of self-ownership, or the assumption that people have rights to control themselves and their body

parts. For Hall, “a belief in self-ownership or self-integrity... fuels [the] presumption” that biological parents have ultimate rights to the children produced from their gametes (Hall 1999, p 76). Hall includes ownership of one’s reproductive material in the scope of self-ownership. People own themselves and, along with this, all parts of themselves including their gametes. When a biological parent passes on a gamete to a child in the act of reproduction, ownership by the parent is also passed on to the child. As Hall notes, “parents are entitled to their children for the same reasons that they are entitled to anything that is a part of themselves” (1999, p 76). In other words, because a parent owns their body parts, they also own the children that are produced from these body parts.

#### **A. Causal Views**

Another series of conceptions of parenthood are causal conceptions of parenthood. Causal conceptions of parenthood describe both what a parent is and how one comes to be a parent: they describe what event, action, decision, makes one a parent. According to causal conceptions, one is a parent if they do certain things that result in a child. Causal conceptions encompass two conceptions of parenthood: genetic and gestational. Causal parenthood states that “if a moral agent causes, in the relevant way, the existence of a child, then that moral agent has special prima facie moral obligations to that child” (Austin 2007, p 52). This means that when parents decide to have a child, contribute their gametes to procreation, or engage in intercourse that results in a child, they become parents. Any intentional act that causes the creation of a child is grounds for parenthood. The people engaging in these acts are thus parents. Such acts can be sex, donating gametes, in-vitro fertilization, artificial insemination, or any other process that can result in the creation of a child. Biological parents can easily be seen as the cause of their children because without these parents and the contribution of their gametes, their bodies through

gestation, etc., a child would not be created; because they caused a child to come into existence, they are the parent of that child. Causal views are derived either through genetics or gestation. Each of these will be described and then problems with causal views as a whole will be discussed.

### **Genetics-based causal view**

The most common form of causal parenthood is based on genetics. Melissa Moschella studies causal conceptions of parenthood and explains them in her work (2014, 2016, 2017). It is from her work that I derive this conception of parenthood. On such a view, parents are those who cause a new being to be born through passing on their genetic material. Unlike the proprietary view, this is not due to the concept of self-ownership and passing on a part of one's self that causes parenthood; rather, one is a parent simply in virtue of the genetic connection shared between parents and children. This shared connection creates what Melissa Moschella calls a personal relationship, which she defines as a relationship in which "individuals are bound together based in part on unique personal characteristics" (2014 p 426). A personal relationship is dependent on the two individuals in the relationship, meaning it is a relationship that only exists between those two specific people and cannot exist with anyone else. Every person is different from every other, thus when two specific people are in a relationship this relationship cannot be exactly duplicated by any other people. The special bond between two specific people, who cannot be replaced without changing the relationship, is what creates a personal relationship. A relationship between myself and my hairdresser is not a personal relationship because the relationship would look almost identical if I were to change hairdressers.

Shared genetic material creates a personal relationship between parent and child because that particular child would not exist without the combination of those particular parents' genetic

materials. On the causal conception of parenthood, the fact that children are genetically related to parents is what makes a parent a parent; this genetic connection in and of itself is enough to establish parenthood. To demonstrate the value of genetic connection, Moschella cites examples of adopted children that seek out relationships with their birth parents because they share this personal biological relationship, even if they have never met (2014, p 429). She also claims that most people pursue relationship with their biological family because of this shared connection, even though there exist other people who share similar traits with our biological families who we do not seek relationships with, because the genetic connection itself is valuable (Moschella 2014, p 429). For example, though there may be a man that looks and acts very similarly to my father, I do not pursue a relationship with this man because he is not genetically related to me. There exist many people who share traits with me, whether physical, mental or emotional, similarly to how I share traits with my genetic family. However, I do not pursue a relationship with these people, despite our similarities, because we do not actually share genetics. We are similar in some way, yet I have no desire to create a relationship based simply on our similarities. However, I do pursue a relationship with my father because of our personal relationship based on genetics. I share similarities with my father because of our shared genetics, not just by coincidence. I have a personal relationship with my father because it is assumed that he cannot be replaced by any one of these similar strangers because we are not genetically connected. The genetic connection is seen as irreplaceable and thus valuable in its own right. We exist in a world in which this genetic connection holds intrinsic value. Because this connection is valued as such, it is enough for most people to derive parenthood without any other considerations.

### **Gestation-based causal view**

A similarly physical way of deriving parenthood is based on gestation. On this causal view, the person that gestates the fetus is the parent. Without the environment provided by the mother's womb, the child would not have been able to be born. Nor would a particular child have been born without the environment of their particular mother's womb. As Austin shows, "because the gestational process has an impact on how the genetic material expresses itself, [the gestational mother] is important relative to the identity of the child that will be born" (2004, p. 500). Not only does the gestational mother provide the adequate physical environment for gestation of the fetus which causes the child to exist, but the environment of her womb has a direct effect on the child that is born: indeed, the same gamete would express in different ways if it had been gestated in a different womb. Therefore, the gestational mother causes a particular child to be born because the environment of her womb caused that *particular* child to exist. Her physical makeup that provides an ideal environment for gestation caused the child to come to be. This gestational model allows parenthood only to the gestational mother because of their shared physical connection.

### **B. Consent Model**

In an attempt to deviate from physically-based conceptions of parenthood, such as the proprietary and causal views, the consent model creates a conception of parenthood that doesn't rely solely on biological bases. This model comes from accounts derived by Hill (1991) and Parker (1982) as well as others but is also outlined in Austin's book. The consent model implies that "when two people intentionally decide to procreate, they incur the obligation to care for the child they create" (Austin 2007, p 49). The consent model encompasses a broader range of people into the category of parent. Not only are traditional biological parents included under this conception but anyone that intentionally creates a child through any means, such as gamete

donation or in-vitro fertilization, can be considered a parent. On this view, anyone who consents to an action that results in the creation of a child is a parent. On such a view, parents who are sterile can choose to use a gamete donor and still be considered parents, even though they may not be genetically linked to the child. Because these individuals consented to an action (in-vitro fertilization) that results in a child, they are parents. Though they may not be genetically linked to the child being created, their consensual choices lead to the creation of the child. Therefore, they are the parents of that child.

### **Problems with these views**

A working conception of parenthood that informs common intuition and, more importantly, our legal system must have a working definition that when implemented creates both an idea about who can be assigned parenthood but also who *should* be assigned parenthood based on their ability to be a *successful* parent. Yet, these three common conceptions of parenthood do not create a successful conception of parenthood because they do not inform notions about what makes a parent a good parent. Therefore, when they are used by our legal system to assign care-giving and legal parenthood after a child has been removed from their biological parents, children can end up in placements where there does not exist a successful parent who is able to raise the child well. While each of these three conceptions, proprietary, causal and consent, have their individual drawbacks, there are two overarching problems that all three share. 1) They fail to make normative claims about what a parent should be and 2) they exclude those who should be considered parents from their role as a parent.

The overarching problem with all three of these conceptions of parenthood is their lack of consideration about what a parent should be *after* the creation of the child. None of these views make any normative claims about what a parent *should be* throughout the course of the child's

life after creation. This is a crucial aspect of parenthood especially when the legal system attempts to assign parenthood after a child is removed from the custody of their biological parent. These conceptions simply describe how one comes to be a parent. Parenthood is much more than this, though. Parenthood is a lifelong process. These conceptions fail because of their lack of guidance with respect to the numerous years of parenthood after the birth of a child. A successful conception of parenthood that can be acted upon by the legal system must not only outline how one becomes a parent, but how a parent acts within the world after creating a child. The normative claims of a conception of parenthood are just as, if not more important than the claims about how ones comes to be a parent. A conception that ignores the parenting process after the creation and birth of a child does not give a full account of what a parent should be. Parents are not simply the creators of the child but should be and do much more throughout the life of the child that they created. A conception of parenthood that ignores these normative claims fails to offer a full account of parenthood.

These views are all biologically-based and focused on how one creates a child. If they attempt to make any normative claims they fall short, in part because they assume the inherent value of a biological connection between the parent and the child. The genetic connection is valued simply because it is, without any proof that this connection makes the parent/child relationship better in any way. The genetic connection between parent and child is *assumed* to make a relationship irreplaceable or more valuable, yet there exists no evidence to support this claim. The simple fact of a parent's genetic tie to a particular child does not make one more able to be a parent to that child. As Jaqueline Stevens writes, "prominent ideologies about heredity invite the belief that genetic parents have instinctual desires to do well by their children" (2005, p 75). This idea, however, is not backed by any proof. Genetic parents, like all others, have the

ability to do well by or harm their children. In a study by van Ijzendoorn et al., non-genetic parents had the lowest rate of child maltreatment (2009). Adoptive and step parents had lower rates of maltreatment than both single parent and biological parents of large families (van Ijzendoorn p. 372, 2009). This study shows that being genetically related to a child does not decrease the parent's aversion from maltreatment of this child. Genetics does not seem to increase protective instincts or desires as has been suggested. There is no gene for being a good parent. Genetics can determine eye and hair color, but are unable to determine one's capacity for patience, empathy, and understanding, or any other beneficial qualities of being a parent. Genetics does not make one a good parent; yet despite the lack of evidence that this connection is valuable, the genetic connection is still highly valued in our society. So much so that "children [have been] legally required to remain in homes where biological parents had killed or tortured siblings" (Stevens 2005, p 80). Despite the evidence that this parent is not a good parent, they remain a parent because they are genetically linked to the child. This further supports the fact that genetics alone is not a strong enough basis upon which to derive parenthood, let alone to make a parent a good parent.

They simply state who is a parent and who is not, ignoring what a parent should or should not be. A successful conception of parenthood that can inform legal decisions about the placement of the child after the initial removal from biological parents should offer normative guidance as well. A description of how one becomes a parent is not all that a parent is or should be, nor is it all a conception of parenthood should be. Successful conceptions require normative claims. Just because the mother and fetus are physically linked does not mean the mother will be a good parent. Just because two people provide their genetic material to create a child does not mean they will be good parents. In my view, then, these conceptions of parenthood do not create

a successful conception of parenthood because such a conception must establish normative standards and ideals.

Another problem with these views is that they exclude other non-genetically or gestationally related persons from being parents. If these views are to inform a legal system, they must make room for non-biological parents as well. Once a child is removed from an inadequate biological parent there need to be other options. If biological parents are the only type of parent considered for both legal and care-giving parenthood then children would be left without the option of being placed with a successful parent. These conceptions of parenthood do not allow non-biological parents such as step or adoptive parents, to be considered as parents. However, these people are able to be great parents, ones able to raise a child into a successful, well-functioning adult, yet these people are excluded from parenthood under causal conceptions. Since these views rely so heavily on the relationship between the parent and the fetus, not the parent and the child after birth, if a parent did not cause the child to be created, they have no path to becoming a parent once the child is born. Foster parents, adoptive parents, and step parents often care for children as well or better than the child's genetic parent could, as evidenced by rates of maltreatment by these types of parents (Ijzendoorn 2009). The reason many children end up in non-genetic custodial situations is frequently because of a genetic parent's inability to be a successful parent. Oftentimes it is due to a genetic parent's substance abuse, mental illness, or the physical, mental, or emotional neglect of the child by the genetic parent that a child gets placed with a non-biological parent. According to the 2016 report from the Adoption and Foster Care Analysis and Reporting System (AFCARS) of the Department of Health and Human Services, 61% of children entered into foster care due to neglect by their biological parents, 34% entered because of drug abuse by their parents. Caretaker inability to cope and physical abuse

were the next two leading causes of a child's removal from the home (United States). Indeed, I argue that, a solely biological parent does nothing to earn their parental rights based on shared biology or physical connection. A biological connection between a parent and child does not mean that one will be a good parent who assists in the flourishing of their child.

### **A. The Stewardship View**

The proprietary, causal, and consent models do not create a conception of parenthood that is successful when implemented by the legal system. When a legal system informed by these conceptions assigns parenthood they end up placing children back with inadequate biological parents because of the insistence on biological for parenthood, which is advocated for by these models. Our legal system should be informed by a model of parenthood that not only describes how one becomes a parent but also prescribes normative goals of a successful parent. I propose an expanded version of what Michael Austin calls the stewardship model of parenthood. In his book, Austin outlines that a what a steward is, as well as claiming that steward parents should 1) foster autonomy, 2) educate and 3) care for their children physically. I take these goals of parenthood and expand on them as well explain why they are necessary for a successful conception of parenthood. While my view is greatly influenced by Austin's explanation of the stewardship view he simply outlines the main points of what a steward is as they relate to the derivation of parental rights and obligations. I take the extra step of both adding details to create a fuller outline of what a good steward parent would do as well as why these elements are important for a successful parent.

Austin outlines three core tenants of being a good parental steward to a child 1) the parent provides for the physical well-being of the child, 2) the parent educates the child, and 3) the parent supports the child's autonomy, while I add a fourth, 4) the parent understands the child

does not belong to them; an idea which is implicit in Austin's understanding of what a steward is but is not outlined by him. According to Austin, "a steward is someone that has been entrusted with something of great value that does not, strictly speaking, belong to the steward" (2007, p 132). A steward is someone that looks after another person or thing. As parents, they are tasked with taking care of their child with the understanding that the person does not belong to them and is only under their care temporarily. On the stewardship conception of parenthood, the child does not belong to the parent or anyone else. Children, as in the case of all other humans, have self-ownership; the parent is simply a caretaker of the child while they are not fully able to care for themselves. Parents are responsible for fostering the development and growth of a child until the child is an adult and can care for themselves. Once the child is old enough, the parent can trust the child to care for themselves and be their own steward. This is why development of practical skills as well as autonomy are so important for the child. These skills must be fostered from an early age so that once the child is grown, they have the skills to be a good steward to themselves.

As adults who have cultivated these skills since childhood, grown children no longer need a caretaker because they are self-sufficient; therefore, the parent can give up their role of steward. This is why it is important for the parent to help a child develop their autonomy, confidence, and life skills so that the adult they are becoming can have these abilities and flourish on their own. A parent who embodies the stewardship view "can see themselves as caring for the body and mind of their child and act as if the adult human person whom the child will become is away on a trip, a trip they will return from in approximately twenty years" (Austin 2007, p 132). The parent has no claim to the child, for the child has self-ownership as any other human does. Even though they are not fully developed and capable of caring for

themselves, the child has their own personhood that cannot be negated by a parent's role. The parent is no more than a temporary caregiver in the life of the child.

This does not mean that parents do not have obligations to the child. The role of caretaker and guide is central to parenthood. While the parent is looking after the child, until they reach adulthood and can care for themselves, they have numerous duties to that child and the adult they will become. The stewardship model states that "the primary moral obligation of parents to their children is to raise them in such a way that they have sufficient opportunity to experience significant well-being over the course of their lives" (Austin 2007, p 130). This means that the overarching good of parenthood is the well-being of the child along with the adult they are becoming.

### **Physical well-being and education**

Certain duties come along with being a parent and good steward of the child. These duties including providing for the physical well-being of a child and educating them. The physical well-being of a child is a primary need that must be met before anything else. As stewards, the parent must help a child, who is unable to fully care for themselves independently, fulfill their needs. A child that does not have food, shelter, or safety will not be able to develop well in other arenas. Parents therefore have a primary duty to protect and care for the material and physical needs of their children. They must provide adequate food, shelter, and clothing. They must also ensure the physical and mental safety of their children by refraining from abuse or neglect.

Parents also have a duty to provide an education for their children. Ensuring that a child has a good education gives them a strong foundation to succeed later in life. As a good steward ensures that the child learns these skills that are necessary to succeed in the world, the parent as

steward must ensure that their child learns basic skills such as reading, writing, and math. These skills ensure that the child will be able to get by in the world as an adult. Parents must support the education of their children for the betterment of the child. The more educated a person is, the more able they are to flourish. Education allows one the “ability to become more capable and competitive and increase one’s human and social capital” (Swail 2003, p. 22). For example, “a person with a high school degree earns on average half the salary of one with a bachelor’s degree who in turn only earns half of what one with a post-graduate degree earns” (Swail 2003, p.6). Well-educated children grow to be well-educated adults who are more able to be successful. Thus, “parents are morally obligated to provide their child with a level of education sufficient to enable them to function in society and support themselves financially” (Austin 2007, p 145).

Supporting a child’s education means not only making sure a child goes to school, but also supporting life-skills education at home. Teaching morality, self-sufficiency, and social skills are all goals a parent should aim towards when raising a child. These are skills that will help a child flourish as an adult. A moral compass and an ability to navigate the world on their own are crucial to future autonomy. If a child does not know how the world works or how to make their way in it, they will be unable to succeed as an adult. These skills foster independence and autonomy in the child because they provide tools for the future. By instilling positive values in a child at a young age, parents are able to develop them further so that when children become adults and take over care of themselves, they are able to succeed. “Encouraging and facilitating moral development in children is also an important aspect of the social stewardship obligations that parents possess” (Austin 2007, p 138). Parents have the obligation to help the child develop a moral compass as well as other interpersonal skills. This type of education is often less formal than the book knowledge taught within a classroom but is just as important.

Parents oftentimes teach these lessons by doing rather than through instruction. As Austin argues, successful parents model moral behavior for their child: “not only [are such parents] giving their children the chance to live a good life, characterized by well-being... they are also modeling what such a life might look like” (Austin 2007, p 130). Children see the positive actions and values of their parent and mimic these later in life. Parents that model good life skills in their everyday actions implicitly teach their children these skills without much explicit explanation. Ochs and Kremer-Sadlik explain that education about soft skills such as morality, communication, social norms, and manners are “embedded in and is an outcome of everyday family practices [which are] imbued with implicit and explicit messages about right and wrong, better and worse, rules, norms, obligations, duties, etiquette, moral reasoning, virtue, and character” (2007, p. 5). A parent can foster the social, moral, and life-skills development of their child by simply being a good role model. Being an honest parent, a kind parent, a parent with integrity will go a long way to creating a child of the same type.

This is an important lesson for parents to teach because these are the skills that successful adults need to make their way in the world. Education of the child in a variety of arenas is an important duty of the parent, because the better educated a child is the more autonomous they are able to be as an adult. They will have the skills and knowledge to get around well in the world in a number of different spheres. Thus, parents should provide education for their children in a number of realms such as formal education in math, writing, etc., but also in morality, manners, and the way of the world in order to ensure they are well-rounded, autonomous adults

### **Fostering Autonomy, Independence, and Self-Sufficiency**

Another goal of a successful parent is to support the autonomy of a child. Autonomy is one's self-government or self-direction. Autonomy is crucial to every adult's life. Because

autonomy allows ones control over their own life and the ability to make self-directed decisions, high levels of autonomy have not only been linked to levels of happiness (Ryan & Deci 1985, 2000, 2011), but also to achieving learning outcomes (Jang et al. 2010, Núñez et al. 2015), as well as motivation (Halvari et al. 2009) and the ability to relate and empathize with others (Clark & Ladd 2000). All of these skills are necessary for success throughout one's life. As adults, one's children must be able to make decisions for themselves, decisions that foster their development and promote well-being. They should be able to make autonomous decisions in order to fulfill their goals and make themselves happy (Ryan & Deci 2011). If a child never learns to be autonomous, they will struggle to succeed and make their way in the world as an adult because they never learned independence. The adult the child is becoming needs to be able not only to make decisions that support their well-being emotionally but also financially, socially, and physically. Halvari et al. have linked autonomy support in children to the ability to succeed in self-bettering tasks such as working out and participating in sports in adolescence and adulthood (2009), while Clark and Ladd connect autonomy to positive social interactions with peers (2000). All of these skills are valuable to living a successful life into adulthood. Children must learn to be autonomous early on so that they can foster these and other skills in order to use them to positively direct their lives as adults. At a certain point a parent will exit the life of their child. If they have not fostered autonomy in the child up until that point, the child will be left without these skills or the ability to gain them as easily in adulthood.

Autonomy is a crucial aspect of adult life and therefore should be supported starting in childhood. One way to develop this autonomy early on is to allow children to self-direct their education. This allows for exploration of oneself and one's interests while also learning to self-navigate one's education and self-betterment. Mills advocates for educational pursuits that are

directed by the child. She prescribes to, “let him [the child] see where his own interests and aptitudes lie” (Mills 2003, p 506) and pursue educational experiences in these arenas. Rather than forcing a child to try a little bit of everything and never exposing them to deeper, truly educational experiences, parents should let children explore their own interests and help them pursue educational experiences in fields in which the child shows aptitude or that the child enjoys. This also helps further the goal of fostering autonomy within the child. By letting the child make their own decisions about paths they want to pursue, a parent fosters autonomous decision making and goal setting within the child. “Respect for the child’s autonomy requires parents to give their children room to explore other paths, and options of their own choosing” (Mills 2003, p 504) rather than forcing them to pursue paths they are not interested in or good at. Letting a child discover where and what they want to learn furthers the goals not only of educating the child but creating an autonomous person.

### **A Sustained Relationship and Intimate Knowledge of the Child**

In order to achieve many of the obligations and goals of successful parents, the parents must spend time with their child. Assisting a child’s pursuit of their own interests and educational experiences requires the parent knowing the child well enough to be able to spot potential points of interest and educational opportunities from which the child might benefit. The parent must be able to identify a child’s interests and goals in order to help further them. This requires a meaningful, sustained, relationship with the child. This is why a successful conception of parenthood will also prescribe spending intentional time, in which the parent is fully engaged with the child, with the child. Parents must be able to make informed decisions that foster the growth and well-being of their child but “without a substantial core of shared experience, it is doubtful that parents could know their children well enough to make intelligent decisions on

their behalf” (Paine 1991, p 88). In order to truly serve the child as a steward, with their best interests in mind, the parent must know the child intimately enough to be able to assess their best interests. For example, if a parent doesn’t know their child at all they may not be aware of their allergies and accidentally put the child in danger by exposing them to allergens. On a deeper level, if a parent doesn’t know their child well, they would not be able to assess which opportunities their child has a talent or passion for and enable the child to fully develop these skills and flourish in their abilities. If a parent doesn’t know their child, then their incredibly gifted dancer may be enrolled in soccer after school instead of taking the time to learn ballet and foster the natural abilities of the child. This process of knowing the child takes time. Therefore, a successful parent will spend time with their child.

### **Unconditional Love**

The basis of the stewardship view and of any parental relationship is very simple: love. The goal of the stewardship model is to guide a child successfully into adulthood. A parent goes through this effort because they love the child. Most people would be unwilling to put in the time and effort to be a good steward to a stranger because they do not know or love the stranger. A parent is a good steward to the child because they love and value that child. Very simply stated, “children need unconditional love and acceptance from their parents” (Austin 2007, p 136).

Unconditional love should be the basis for any successful conception of parenthood. Love as a basis for parenthood is a firmly rooted foundation because “deep personal commitments, relationships of love involving personal engagement with other human beings, have intrinsic moral value” (Paine 1991, p 88). Love itself has positive value because of the actions and attitudes that come from it. A loving relationship fosters positive attitudes and actions towards one another. Love means wanting what is best for the person you love and being

willing to help them get it. “Love [is] not a merely an emotional state, but a selfless giving in our actions towards others” (Austin 2007, p 126).

Yet, love is an empty feeling if one does not also *act* lovingly towards the object of their affection. Parents must not only feel love for their child but demonstrate this love through positive actions in regard to the child. They must speak loving words to the child, help them, and nurture them. Loving actions such as these are a natural extension of a loving relationship. “We can conceive of fulfilling our obligations to our children as a natural expression of our love and affection for them” (Austin 2007, p 126). These actions are a natural consequence of a truly loving relationship.

This is also what being a good steward is, doing good actions for another. Parents who love their children want them to succeed. A good steward fosters in a child the ability, the skills and knowledge, that allows them to succeed as an adult. From a loving relationship it is easy to embody the stewardship view because love is directed towards the ends that stewardship tries to achieve. Love is a good thing that encourages positive actions and attitudes towards the other person. This desire to help another is what a good steward needs in order to help guide a child into adulthood.

### **C. The Stewardship View as a Successful Conception of Parenthood**

As has been discussed, the legal system needs to be informed by a conception of parenthood that only describes how biological parents come to be. However, in order to achieve the best results for children in this system, a conception of what makes a parent successful is necessary. A conception of parenthood used by the legal system should not only describe how one becomes a parent but also prescribe what a good care-giver parent must do. This conception of a successful parent would inform a legal system that attempts to place children removed from

their biological parents into homes where they would be able to flourish. Our legal system needs to act upon a successful conception of parenthood. Many aspects go into this successful conception of parenthood. Such a conception must not only describe how one comes to be a parent; it must also offer normative guidance or ideals that allow one to understand what a good parent is (what a parent *should* be) for the duration of their child's life. On my view, the best candidate for such a conception of parenthood is the stewardship view which I have created based upon the initial view proposed by Austin (2007).

On the stewardship view, parents understand that the child is his or her own person and does not belong to the parent (but rather has self-ownership). This view also emphasizes that a parental relationship should be rooted in love, insisting that the parent should be motivated by unconditional love for their child and should act accordingly. Furthermore, one who understands the parent as steward understands insists that it is a parent's duty to look after the child, providing for their physical and mental needs, in order to shape them into a successful adult in the future. To this end, the parent as steward educates the child so that they are able to thrive in the world as an adult and fosters autonomy in their child for their future adult life.

Unlike on other views discussed above, the stewardship view does this while also respecting the autonomy of the developing child. Fostering autonomy entails letting the child develop their own interest and skills, teaching them to be self-sufficient, and enabling them to direct their own lives in as much as possible. Conceptions of parenthood such as the proprietary view neglect or negate this duty of a parent. The proprietary view gives parents near-total control over their child, just as property owners have near total control over their property. This stifles autonomy because it does not allow for independent decision making or self-direction by the child. Instead, the child belongs to the parents and does not exercise free

will or decision-making within their lives. Parents make the choices for the child because they have the authority over their child like they do their property. While successful conceptions of parenthood do allow parents to make decisions for the well-being of their child such as what school they attend or what they eat for breakfast, parents are also obligated to respect and work towards the autonomy of their child, something unsuccessful conceptions such as the proprietary view neglect. Parents should allow children to discover themselves and act upon this. They should allow the child to investigate their own interests and support them in following these rather than choosing all the activities a child participates in. Parents should allow children the freedom to grow independently. Allowing a child to make their own choices, to the extent that their safety is not endangered, allows the child to develop skills of self-direction that last through their lifetime. These skills are important to foster from a young age because, “when we finally transfer our stewardship over to the adult the child has become, it is essential that they be able to exercise control over their life in a rational manner” (Austin 2007, p 134). Parents do not simply parent a child so that they are a well-developed child but because they want the child to grow into a successful adult. A child cannot stay a child forever, therefore the goal of parenting should always keep the end, the adult the child is becoming, in mind. Autonomy is a crucial aspect of adulthood.

One benefit of the stewardship view is that this conception of parenthood makes no specific claims about how one becomes a parent. This is a benefit because there are many ways, in my view, to become a parent. Any conception of parenthood must also encompass foster, step, and adoptive as well as biological parenthood. It does not matter if one is biologically connected to the child, as long as they are prepared to take on this certain mindset and are prepared to perform the required set of parental duties (outlined above). The stewardship conception does not

make any claims about biological ties between parents and children. It makes only normative claims about the relationship between the parents and children. Further, it makes no claims about how the parents comes to be or when they must enter the child's life. Therefore, adoptive, step, and foster parents are just as able to fulfill this successful conception of parenthood.

Furthermore, this view (unlike others) emphasizes the significance of being a successful parent throughout the life of the child, rather than the actions one took to become a parent. In my view, successful conceptions of parenthood acknowledge that the lifelong process of parenthood is more than simply giving birth to a child. It is a continuous process of raising the child and caring for them throughout their lives. Parenthood does not begin at conception and end at birth but is rather a lifelong process of support and care for their child. The biggest shortcoming of unsuccessful conceptions of parenthood is that they stop after the creation of the child. The proprietary, causal, and consent models all fail to make normative claims about what a parent should be after the birth of their children. The stewardship view, however, exclusively describes what a parent should be. It does not make any claims about how one becomes a parent but only addresses what a parent should do throughout the life of their child. The more important part of parenting is raising the child, not creating one, which is why the stewardship view focuses on normative claims.

The stewardship view it also avoids the other major pitfall of most unsuccessful conceptions of parenthood: it does not favor mothers, or any parent, over another by giving them more claims to parenthood. Proprietary, consent, and causal models fail to create a successful conception of parenthood in which all parents have equal claim to parenthood. These views either favor mothers or deny parenthood to adoptive, step,- and foster parents – all individuals that should have claims to parenthood. However, under the stewardship conception, anyone

significantly involved in the care and raising of the child can be considered fully a parent. Biological mothers are not given preference over fathers, step, adoptive, or foster parents. As long as these parents are able to fulfill the duties of a successful steward, they are all given equal claims to parenthood. However, the stewardship conception is not too broad as to include those who do not take on a significant role in the formation of the child. Unlike the proprietary view which can easily include those that do not do all the work of a parent, the stewardship view makes more precise recommendations about the actions necessary to be considered a parent. Furthermore, while casual and consent models are overly focused on conception and gestation, the stewardship view focuses on the entire lifetime of the child. As long as a parent is present in the child's life in a sustained way and fulfills their duties well, they are a parent of the child even if they did not enter the child's life until many years after birth. The stewardship view thus encompasses all forms of parenthood including step, adoptive, and foster parents. It allows for all forms of parenthood and does not assign more or less parenthood based on arbitrary facts such as biology or relationship to other parents which is a clear benefit.

### **I. Non-related Adoptive Parents as Ideal Stewards**

Above, it is demonstrated that biology is not necessary to fulfill the stewardship conception of parenthood. In what follows, I argue that in many cases, non-relative adoptive parents are just as able to be successful parents of their children as traditional biological parents and even more able to fulfill the duties of the successful stewardship view of parenthood. With a legal system that works towards assigning care-giver and legal parenthood status less exclusively to biological parents and more towards those that are best able to fulfill a successful conception of parenthood, I believe that non-relative adoptive parents should be more frequently be assigned

care-giving and legal parenthood by our legal system because of their ability to fulfill the requirements of the stewardship view, as I will discuss.

There is nothing that makes an adoptive parent inherently less fit to raise a child than biological parents. By contrast, many of the unsuccessful conceptions of parenthood – the proprietary, consent, and causal models – are based on biological ties as a foundation for being a parent. In these models, biology is never questioned as being necessary or beneficial for parenthood; rather, it is simply stated that biology *is* a sufficient basis for parenthood.

Adoptive parents are well suited to adhere to the successful stewardship view of parenthood, over less successful, biologically-based conceptions, because they are more frequently absent during the gestation and birth of their children and therefore cannot focus their view of parenthood on this. In 2014, the percentage of children who were adopted before their first birthday (the ones whose adoptive parents could have been involved in gestation or birth in some form) was .9% in Indiana and 2.3% nationally (Administration for Children... 2018). Of all adoptive parents, a very small percentage met their children before their first birthday and could have potentially been present during gestation or birth. This means that most adoptive parents do not become parents until their child is already born. Therefore, they are less likely to adhere to unsuccessful conceptions of parenthood that revolve solely around how one becomes a parent through gestation or birth and are less likely to fall prey to the pitfalls of these conceptions. Most adoptive parents are made to focus more on the years after the birth of their child and the role they have as parents during these years because that is when they are present in their child's life. Therefore, these parents would be well suited to take on a stewardship view because of its focus on raising a child rather than creating one.

The stewardship view is not focused on how a parent or a child comes to be. These things are irrelevant to this conception of parenthood. What matters is how a parent acts in regard to their child throughout the child's life. What matters is raising the child. Adoptive parents are likely to know this from the start because, as has been discussed, this is usually the only part of the child's life in which they are involved. Adoptive parents know that "the candidate desire must not be solely to create a child but to raise a child" (Rulli 2014, p. 25). Raising a child is the primary goal of a parent, not creating one. Absentee fathers, who create children but are not involved in the child's life, are not regarded as good parents because they do not raise the children they created. Implicit in this devaluation of absentee fathers is the acknowledgment that parents who do not raise their child after their creation are not good parents at all. Absentee fathers are not regarded as good fathers because the creative act of bringing a child into the world is not all a parent should be. The stewardship view focuses on the more important aspects of being a parent, all of which are related to raising the child.

This lack of physical ties also helps adoptive parents avoid the pitfall of identifying themselves too strongly with their child, to a point that stifles autonomy. Gestational mothers and other biological parents are more likely to struggle with the individuality of their child and rather see themselves and their child as sharing in one identity. David Velleman argues that is because much of a person's self-identity is rooted in "family resemblance" defined as physical similarities with people to whom we are biologically connected (2005, p. 365). He argues that each of us creates our identity based on our relation to those with whom we share family resemblance. Our idea of ourselves is informed by *and* encompasses those with whom we share genetics. We see ourselves in those whom we look like, so our sense of identity encompasses those people as well. Biological parents share identity with their children because their shared

genetics makes them look similar. Because they share genetic ties, they can see the child as a reflection or part of themselves rather than as a distinct autonomous human being. Many biological parents look into their child's eyes and see their eyes staring back. This connection between biological children and parents can affect how the parent acts in regard to the child. One study of biological fathers showed that "facial resemblance to [the child's] father strengthens paternal investment" (Apicella & Marlowe 2004) meaning that fathers invest more into parenting children with whom they believe they share physical resemblance because they value this resemblance as such. This is one positive outcome of the connection biological connection but this physical connection, seen in shared traits between parents and children, can lead biological parents to associate themselves with their children too much, to an extent that stifles autonomy

Adoptive parents can avoid this pitfall because of the lack of biological ties can allow them to better foster the autonomy of their children without being encumbered by thoughts of their child as part of themselves; rather, they can easily understand their child as a completely separate individual. As Susan Bordo claims, adoptive parents have "a unique potential for being conscious of [the autonomy of the child]. We [adoptive parents] cannot tell ourselves that we are immutably bonded in the womb" (2005, p 232). Adoptive parents are less likely to strongly associate themselves with their children in the same way biological parents do because of their lack of physical ties. Biological parents may see themselves in their children in a way that adoptive parents cannot. Because there are no shared physical resemblances or connections between themselves and their child, adoptive parents are able to distance themselves from their children more easily. A study by sociologist David Kirk showed that adoptive parents are more likely to acknowledge difference between themselves and their child and that this acknowledgment of difference helped adopted children better understand themselves (Lamb

1998, p. 177). This was compared to families in which adoptive parents denied difference between themselves and their children. These children reported many more issues in understanding their identity (Lamb 1998). The acknowledgment that adopted children are different from their parents, have difference biology, ideals and potentially even cultures, allows the adopted child space to understand themselves as an individual. Adopted parents can understand that they share a bond with their child but also acknowledge that “our children are separate beings who we must get to know and learn to love for who they are” (Bordo 2005, p. 235). Adoptive parents, as well as biological ones, must realize that their children are their own individuals. The physical separation between adoptive parents and their children widens the gap so that adoptive parents are likely to regard their child as different, autonomous, and independent.

A core tenant of the stewardship view is fostering the autonomy of the child. Autonomous children learn about themselves and the world in which they live because they are not forced or guided strongly by their parents but are allowed the freedom of self-discovery and self-direction. They are able to self-discover because they are given the freedom and self-direction to do so. Autonomy is crucial to being a successful adult; therefore, it is foundational to the stewardship view. Adoptive parents are able to fulfil this foundational aspect of the stewardship view because they are able to realize that their child is a separate person from the start. Such parents are “unencumbered by... fantasies that [they are] ‘one’ with” their child (Bordo 2005, p. 234), and thus less likely to see the child as a mere extension of themselves. If a parent understands their child as part of themselves, they are not fully recognizing the individuality and autonomy their child possesses. Bordo further explains that the adoptive parent is more likely to realize immediately that her child was a “separate being whose individuality

must be respected and nurtured” (2005, p. 232). The earlier a parent can accept this view of their child, the earlier they are able to also accept the existence and importance of the child’s autonomy – and the first step to fostering autonomy is recognizing that the child is autonomous. Parents must provide “allowances for changes, for maturation, and the child’s need to become an independent adult” (Lamb 1998, p. 177), and this is more easily done when parents recognize that the child is their own person with autonomy. Adoptive parents are able to recognize this and act towards in a way that biological parents often struggle to do.

The acknowledgment of the autonomy of an adopted child is even more apparent when adoptive parents and children are of different races, ethnicities, or countries of origin. The individuality of the child in these situations is often apparent at first sight. Parents of these children know that their child has a history, identity, and culture that might be entirely different from their own. They are more able to understand the individuality of their child because the differences between them are more apparent. Many adoption agencies also provide training for trans-racial adoptive parents because these agencies acknowledge the importance of understanding these differences between parent and child (Vonk & Angaran 2003). The goals of these programs are to instruct adoptive parents on the “race, ethnicity, culture, language, and related power status... affects their children’s lives” ( Vonk & Angaran 2003, p. 54). These programs acknowledge the difference of the adopted child and go as far as to train adoptive parents on how to positively educate their child about this difference and allow for the child to autonomously self-discover. Adoptive parents are more easily able to recognize that their child has their own identity, relationships, and desires that they should be able to explore, regardless of the race or ethnicity of the adopted child. Not all of these will be the same as that of their parents. Children are individuals with many facets of their identity, not all of which are shared with their

parents, whether biological or not. Acknowledgment of difference and separation from the child is an important first step in fostering autonomy in the child.

Trans-racial adoptive parents are often more aware of the need to educate their children about these differences as well. They are normally more aware of the fact that their child has a will to self-discovery. This is a will that all people have. "Curiosity is central to the human condition" (Wrobel et al. 2013, p. 441) and is a trait all humans share, but is apparent in adopted children through their search for birth parents or knowledge about birth culture and identity. Adopted children feel so curious about their origins that they will "use multiple avenues to find out what they want to know and will not stop their efforts until they get answers" (Wrobel et al 2003, p. 442). They feel the need to search out information biological parents because they think biological parents will have answers about family health history or the history of themselves prior to adoption, the lack of which inhibit self-discovery and self-understanding (Wrobel et al 2003). Self-discovery and self-direction are what it means to be autonomous. In certain children adopted into homes with parents of another race, the need for self-discovery and direction can be recognized in the interest in their culture or ethnic identity, or their birth families. Adoptive parents can easily realize that their child will need to have the time, space, and support for self-discovery. In other words, they know that they will need to foster the autonomy of their child to allow for self-discovery. Bordo again explains that all children should be educated about "the richness, complexities and inequalities of human experience", in other words teaching children about themselves and their own identity and autonomy (2005, p. 233). Bordo posits that "adoptive parents, especially of children whose 'race' or country of origin is different from their own have a special responsibility to make this happen" (2005, p. 233). In my view, they are also well-equipped to allow their child the ability to self-discover because of the acknowledgment of

difference and space between themselves and their child. This separation allows for the parent to understand the child's autonomy and the need to explore themselves.

Adoptive parents are also able to fulfill the goals of the stewardship view which outline how parents should invest in their child. The stewardship view posits that parents should invest in their child's education, moral development, and physical development. Parental investment is a measure of how parents invest in their children in many of these same ways. A study by Laura Hamilton was conducted to measure differences between how biological parents and adoptive parents invest in their child's educational, cultural, and social development (2005). The study measured parental investment, defined as "the economic, cultural, social and interactional resources that parents provide for their children" (Hamilton 2005, p. 96). Hamilton further acknowledges that "parental investment includes intangibles such as love, support and devotion – elements that are difficult to quantify" (2005, p. 103), because these are intangible emotions, her study is based around actions and objects which can be quantified. These actions are concrete examples that reflect a loving, supportive, and devoted relationship between a parent and child. These included assistance with schoolwork, talking with the child, eating with the child, parent's involvement at school and religious involvement (Hamilton 2005, p. 104). These actions show dedication, on the part of the parent, to fostering a relationship that betters the child and allows them to learn and grow. These are all crucial aspects of the stewardship view which help foster autonomy in the child. While this study does support the idea that adoptive parents are no less likely to invest in adopted children, it must be taken into consideration the wealth and ability of adoptive parents that biological parents often do not have. Adoption can be an expensive process and many adoptive families do have large incomes so it could be assumed that this wealth

increases their ability to invest in their children, however, once this factor was controlled for, Hamilton's study still showed that adoptive parents, as compared to biological parents,

“are significantly more likely to have more books for their children, have a home computer for their children's use, involve their children in extracurricular activities, eat meals with their children, involves themselves in their children's school, and attend religious services with their children (2005, p. 108).”

All of these are concrete, measurable aspects of a child's life that Hamilton used to gauge how invested a parent is in their child. Adoptive parents “allocate more economic, cultural, social and interactional resources to their children than do parents in all other family types” (Hamilton 2005, p. 109) even once the socioeconomic status of the families has been controlled for. This means that they are just as able as biological parents to fulfill the goals of the stewardship view which instruct parents to help develop their children and have a relationship with them.

Hamilton's idea that adoptive parents are no less suited to be parents and support their children than biological parents has been supported in other studies as well. One such study showed that because of the lengthy and in-depth process that it takes to adopt a child, adoptive parents are just as, if not more, invested in their children (Rotham 2005). Another study shows that “parents invested more in adopted children than in genetically related ones, especially in educational and personal areas” (Gibson 2009). As can be seen, adoptive parents are just as suited to care for their children and fulfill the goals of the stewardship view as biological parents are.

The care of and development of a child is the main goal of a successful parent steward. Therefore, parental investment is a good measure of the ability and willingness of parents to care for, nurture and raise their children. Parental investment is an attempt to measure these same aspects of the stewardship view. These studies show that adoptive parents are oftentimes more

able to care for their children and fulfill the duties outlined by the stewardship view. The "Cinderella myth" of adopted children getting treated worse than biological children is disproved by these studies. It also supports the idea that adoptive parents are better suited to fulfill the ideal conception of parenthood, the stewardship conception, than many biological parents. Adoptive parents are more able to invest in their children and therefore foster in them the qualities of a successful adult. This is, in essence, the goal of the stewardship view.

### **Conclusion**

In its current, state our legal system sends almost 50% of children removed from the care of biological parents back into placements with these parents (AFCARS 2017). Despite obvious evidence that these parents have some deficiency that prevents them from being successful parents, that which resulted in their child's original removal, our legal system upholds biological parents as the ideal for all three legal, biological, and care-giving parent roles and sends children back into these homes. Though some parents are able to remediate the original problems that resulted in removal of their children, about 1 in 5 children will reenter the foster care system within the first 18 months after reunification with their biological parents (Shipe et al, 2017). This shows that the current system of placement for children removed from biological parents fails to assign legal and care-giving parenthood to those who are able to successfully fill these roles.

I believe this is due to the fact that our legal system upholds and is informed by conceptions of parenthood that fail to prescribe normative claims about what makes a successful parent. The proprietary, consent, and causal models simply identify who can be a parent, usually a biological parent, but they do not mention how these parents should act in order to be good care-giving parents. When the legal system searches for solutions and permanent placement

for children in foster care who have been removed from these unsuccessful biological parents it would serve the children better to use a conception like my version of the stewardship view that prescribes what would make a parent successful. This would best allow for these care-giving parents to raise a child who can flourish on their own as an adult. As has been shown, adoptive parents are often more able to fulfil this conception of parenthood than biological parents. While the legal system has until this point seen adoptive parents as a last resort because of their inability to fulfil biological conceptions of parenthood, such as proprietary, causal, and consent models, they are more able to fulfil the successful conception of parenthood and be good stewards to their children. This should be the ultimate goal of the legal system- to assign parenthood to those that can successfully raise a child and keep them out of the foster care system. In upholding unsuccessful conceptions of parenthood that disregard the abilities of adoptive parents to raise successful children, the legal system undermines the success of children, parents, and itself. Adoptive parents are in many cases the most able to be good stewards of their children. Therefore, the legal system should not necessarily prioritize biological parents when assessing placement. A reevaluation of the conceptions of parenthood at work in the legal system and how these do or do not create the best outcomes for the children in this system could greatly improve reentry rates as well as lifelong success rates for children who have gone through the system. Acknowledging that adoptive parents are able to be successful stewards of their children would be a useful first step in this reevaluation of the ideas of parenthood that underlie the current legal system.

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