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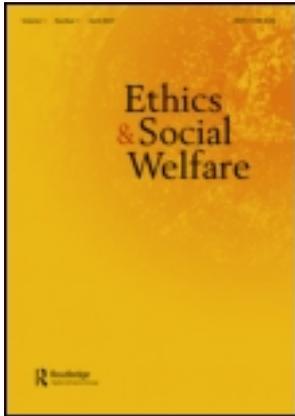
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Licensing Parents to Protect Our Children?

Jurgen De Wispelaere and Daniel Weinstock

In this paper we re-examine Hugh LaFollette's proposal that the state carefully determine the eligibility and suitability of prospective parents before granting them a 'license to parent'. Assuming a prima facie case for licensing parents grounded in our duty to promote the welfare of the child, we offer several considerations that complicate LaFollette's radical proposal. We suggest that LaFollette can only escape these problems by revising his proposal in a way that renders the license effectively obsolete, a route he implicitly adopts in his recent revisiting of the licensing proposal. We conclude that there is little merit in the idea of licensing 'natural' parents as a practical policy proposal, and raise some questions about its continued use in relation to adoptive and foster parents.

Keywords Adoption; Child Protection; Child Welfare; LaFollette; Licensing; Parenting

Introduction

Many individuals who want to become parents are expected to submit to extensive advance screening to determine their eligibility and suitability of parenting a child. Such advance screening applies to adoptive parents, foster parents and custodial parents, who are typically not permitted to parent a child unless the state deems them fit to do so. Advance screening also applies to parents who require reproductive assistance, although in this case eligibility is largely determined through criteria affecting the success of the medical procedure (Widdows & MacCallum 2002). However, no screening applies to 'natural parents' who conceive and give birth to a child and, in the vast majority of cases, are assumed to take their baby home with them with little or no interference from the state. In other words, unlike adoptive or foster parents, natural parents require no license from the state to go about with the precarious business of raising a child.

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Upon reflection, we might think this situation a little strange. On the one hand, society prides itself on taking a stance in favour of the robust protection of childrens' wellbeing, interests and rights. The duty to protect the child is held to be sufficient grounds for the state determining (and possibly denying) the suitability of some individuals to adopt or foster a child. On the other hand, the state refuses to apply the same principle when it comes to assessing whether natural parents should be the ones in charge of raising their child.¹ To be sure, the state interferes in how natural parents raise their children when it imposes a requirement that parents send their children to school, provide their child with adequate nutrition, or refrain from abusing their child (including, in many jurisdictions, from spanking their child). But while the state imposes limits on what people can do once they have become parents, it very rarely stands in the way of people *becoming* parents.² The state implicitly trusts natural parents to behave in a way that protects and promotes their children's fundamental interests.³

In a controversial and influential paper, philosopher Hugh LaFollette (1980) takes issue with this approach.⁴ Arguing that parenting is a potentially harmful activity, he insists the state has a legitimate interest in curtailing the right to parent where it might conflict with the interests of the child. LaFollette then proposes the best way the state can to do this is by instituting a *parental licensing scheme* requiring everyone (natural and adoptive parents alike) to be screened in advance for their competence to parent. In a recent article, LaFollette (2010) revisits and defends his proposal, but also amends it in important ways. In this paper, we briefly outline LaFollette's original proposal and offer several objections to his idea. We then suggest that his most recent revision gets around these, but only by rendering the licensing scheme itself futile. We end this piece by asking whether this means we should perhaps also revise the current practice of licensing adoptive and foster parents.

1. Somewhat controversially, we have good reason to think that creating a new child implies a higher burden of responsibility than raising an already existing child, since bringing a new child into the world implies a serious risk of harm to a child that otherwise would not have existed (Benatar 2010). This suggests the criteria for becoming a natural parent should be stricter than becoming a foster or adoptive parent, demanding a reversal of existing policies.

2. A referee of this journal correctly pointed out that the general principle of not interfering with natural parenting does not apply in cases where there is a clear presumption that the welfare of the child might be negatively affected. Examples of such 'risk categories' include expectant parents with severe (cognitive) disabilities, long-term drug addicts, violent offenders and those registered on the sex offender registry, and parents who already had previous children removed and put into social care. Nevertheless, state interference in those cases still falls short of a general licensing scheme.

3. The state also appears to distrust adoptive or foster families from taking equally good care of the children in their charge, but the evidence on 'parental investment' contradicts this assumption (Hamilton *et al.* 2007).

4. LaFollette was not the first to do so: John Stuart Mill entertained the idea of licensing parents in *On Liberty* (1978, pp. 106–7). See also Westman (1994), Irvine (2003), Title (2004), and McFall (2009).

The Case for Licensing Parents

LaFollette's case for licensing parents hinges on an analogy with the way in which modern societies employ licensing schemes to regulate a large number of social activities. Take driving a car, for instance:

We require drivers to be licensed because driving an auto is an activity which is potentially harmful to others, safe performance of the activity requires a certain competence, and we have a moderately reliable procedure for determining that competence. The potential harm is obvious: incompetent drivers can and do maim and kill people. The best way we have of limiting this harm without sacrificing the benefits of automobile travel is to require that all drivers demonstrate at least minimal competence. (LaFollette 1980, p. 183)

The same argument applies to many professions: doctors, lawyers, psychologists, airline pilots, and so on all require a license to practice. Each of these satisfies the three core criteria stipulated: the activities are potentially harmful to others; the agent performing the activity possessing a basic level of competence reduces the risk of harm; and there exist reasonably reliable procedures to determine whether an agent is sufficiently competent.

Parenting too satisfies these criteria (LaFollette 1980, pp. 184–6). Parenting is clearly a potentially harmful activity, for many children suffer from severe abuse or neglect, or otherwise fail to thrive because of poor parenting practices. Good parenting evidently requires a skill set that includes basic knowledge about children and their needs, as well as specific attitudes and dispositions for dealing with the many intricate problems associated with raising a child. Many parents do not possess the required level of competence (at least initially). Finally, there exist a number of predictive tests that, combined with background knowledge about the parents' own childhood experiences, can be used to produce a reasonably accurate test of parenting competence.⁵

In short, LaFollette (1980, p. 185) maintains 'that parenting is a paradigm of such activities since the potential for harm is so great (both in the extent of harm any one person can suffer and in the number of people potentially harmed) and the need for competence is so evident. Consequently, there is good reason to believe that all parents should be licensed'. The scheme is justified although licensing prevents some competent individuals from becoming parents (some mistakes are unavoidable), is associated with individual and social costs, and implies restricting the actions of individuals not because for what they *have done* but rather for what they *might do*. Here, as before, licensing parenting is no different from the many other potentially harmful activities that our society legitimately licenses; and the justification in each case is a legitimate concern

5. LaFollette (1980, p. 190) is adamant that these tests work fine, provided we only test for identifying really bad parents and not for determining good parents. In this way he hopes to avoid complications due to different parenting styles. We return to the problem of test accuracy and reliability below.

with reducing the risk of harm. Unless we think licensing is generally unjust, we really have no reason to object to a parenting licensing policy.

Is Parenting Like Driving a Car?

Much of the intuitive force of LaFollette's argument depends on parenting being sufficiently similar to driving a car or performing brain surgery. Looked at from one side (the potential harm associated with an activity), this analogy holds. But there is another side to consider, namely the value of the activity to the one who performs it and the associated burden of preventing her to do so. Here, we argue, the analogy decisively breaks down.

LaFollette appreciates that parenting is a valuable activity, but counters that preventing someone from driving a car constitutes a serious inconvenience as well. Similarly, those denied a license to practice their 'dream profession' too are often utterly devastated. In neither case society regards this sufficient grounds for discontinuing the practice of licensing. We believe parenting is sufficiently different to warrant special treatment because parenting is not merely a *valuable activity*, it is also one that is *non-substitutable*. Those who are not allowed to drive a car can often use public transport or rely on the help of family or neighbours: they are inconvenienced in a narrow sense, but not necessarily restricted in their mobility more generally.⁶ Having a dream to become a brain surgeon likewise is very specific. There are many alternative ways of making a living, and many other professions confer roughly similar prestige and social status or allow one to make a difference in the world (or whatever is one's reason for wanting to become a surgeon). Surely, society is under no obligation to accommodate what effectively amounts to one's 'expensive tastes' for a particular mode of transport or profession when reasonable substitutes are available.⁷ Parenting, however, lacks reasonable substitutes.

Brighouse and Swift (2006) argue that one's interest in becoming a parent amounts to a fundamental, albeit conditional and limited right. The right is *limited* in that it grants parents certain rights, but not necessarily others (e.g.,

6. We abstract from special cases, such as those living in remote areas without suitable public transport alternative, or disabled individuals who may have to rely comparatively more on private transport when the public alternatives are insufficiently accessible. These cases pose special problems, but the solution is not to reduce licensing restrictions but instead to make public transport more available or accessible.

7. What if a person does not feel that there exists a reasonable substitute to being a surgeon? For whatever reason she has always dreamed of being a surgeon, and nothing else will do! In our view, this amounts to a form of expensive taste, not unlike Dworkin's (2000) famous example of Louis having a taste for plover eggs and pre-phyloxera claret, which society is under no obligation to accommodate. Such an expensive taste for being a surgeon is perhaps comparable to a taste for being the parent of a child with very specific features (extremely talented, gorgeous, very bright, and so on), rather than merely being a parent. Here too society is under no obligation to accommodate prospective parents' expensive tastes. We are grateful to a referee for pressing us to elaborate on this point.

the right to parent does not imply the right to bequest at will). The right is also *conditional* upon parents safeguarding the core interests of their children. This means, for instance, that the state may be justified in intervening when parents fail in protecting their children's interests in education, health or adequate nutrition. But this right is nevertheless *fundamental* in that 'it is owed to a person in virtue of their simply being a person, and its justification is grounded in the benefits it will bring to that person and not to others' (Brighouse & Swift 2006, p. 87). The fundamental right to parent is grounded in the parents' interests in being a parent, not in any instrumental role parenting plays for others.⁸

For Brighouse and Swift it is the very special intimate relationship that parents have with their children that grounds this non-derivative right. Intimacy follows from the fact that the relationship itself is of a special kind (Brighouse & Swift 2006, pp. 91–101). There are four important aspects to the parent-child relationship. First, children are utterly dependent on parents for securing their basic needs and wellbeing, and therefore vulnerable to the choices and actions of parents. Second, children typically have no right or power to exit the relationship. Third, children's love for their parents is spontaneous and unconditional; at times it simply defies 'rationality'. Finally, the parent is explicitly charged with the responsibility of taking care of the child. Because of the form and quality of the intimacy associated with raising a child, many individuals develop a very strong interest in experiencing such a relationship.

Parents have an interest in being in a relationship of this sort. They have a nonfiduciary interest in playing this fiduciary role. The role enables them to exercise and develop capacities the development and exercise of which are, for many (though not, certainly, for all), crucial to their living fully flourishing lives. Through exercising these capacities in the specific context of the intimately loving parent-child relationship, a parent comes to learn more about herself, she comes to develop as a person, and she derives satisfactions that otherwise would be unavailable. The successful exercise of this role contributes to, and its unsuccessful exercise detracts from, the success of her own life as a whole. (Brighouse & Swift 2006, p. 95)

Moreover, it is precisely the special nature of this intimate relationship that makes parenting genuinely *unique*. This means the right to parent is not just valuable, but it also satisfies the criterion of 'essential non-substitutability', alluded to before. If this is correct, intimacy between parent and child drives a considerable wedge in LaFollette's analogy between parenting and driving a car. The next best thing to raising a child might be taking care of a cat, but surely no one would insist that cats, lovely companions though they are, are in any way reasonable substitutes for children?

8. This is of course not to deny that the state and most importantly children may have interests in addition to those of the parent sufficient to ground rights. The point here is merely to argue that parents have strong interests in parenting of their own. Note also that these interests do not depend on any ownership rights of parents over children (*pace* LaFollette 1980, 2010).

Why (and How) Parental Interests Matter

Assuming parents have a fundamental right in parenting their children,⁹ one might argue that a licensing scheme imposes an undue burden when we prevent people from becoming parents, a burden that is much more costly (and thus matters more, morally) than preventing people from driving or practicing medicine. This may be true, and still in itself it would matter little since parents' fundamental right is also *conditional* upon performing the job well (Brighthouse & Swift 2006). Nevertheless, acknowledging the existence of fundamental parenting rights does put more strain on the parental licensing scheme, for LaFollette (1980, p. 189) implicitly acknowledges that licensing becomes harder to justify the more costs are associated with performing the scheme relative to its expected benefits. One set of costs are the burdens associated with taking the test, shared by all potential parents alike. However, such burdens are probably quite minimal, at least in the version of the licensing scheme proposed by LaFollette. But another set of costs are the lack of parenting opportunities for those who fail the test; and this is where the distinction between parenting and driving matters.

A parental licensing scheme might still be justified provided the test itself is sufficiently accurate as to target only those who are truly incompetent, allowing only few false positives.¹⁰ LaFollette clearly thinks we can develop such accurate tests. In an intriguing article, Sandmire and Wald (1990) examine precisely this concern and take the opposite view. They show convincingly that even the best functioning predictive test would systematically overestimate the number of parents who might become future abusers.¹¹ Their argument is interesting because it takes issue with how the *predictive reliability* of such tests should be understood by those administering them, independently of the many ways in which actual predictive testing (or the use of such tests by administrators) can go wrong.

In a nutshell, here is the problem: given the low base rate of child abuse (the relative few occurrences of abuse across the population), predictive tests *systematically* overestimate false positives. Here is how Sandmire and Wald explain the problem:

[I]f actual abuse occurred in one out of every 100 homes, then even a screening instrument which correctly identified 90 percent of the actual abusers (this is called sensitivity) and 95 percent of the actual nonabusers (this is called specificity) would still produce a group labeled as abusers *with 85 percent of*

9. Brighthouse and Swift's arguments only establish a right to parent a child, not necessarily their own child. But the argument can be extended to include the stricter right to parent one's own child (Gheaus 2011).

10. False positives are those individuals who are wrongly flagged as being incompetent (they are in fact competent).

11. Sandmire and Wald (1990) direct their criticism primarily at Mangel (1988), who developed the philosophical insights of LaFollette by suggesting the Child Abuse Potential Inventory (PAPI) and the Family Stress Test could serve as appropriate testing instruments for a licensing scheme in the US.

these judgements being wrong. (Sandmire & Wald, 1990, pp. 59–60, italics in original)

To illustrate, imagine a case of 1,000 families with a prevalence of 1 per cent abuse (i.e., 10 abusive families out of 1,000). A test with the above parameters ‘would identify nine of these ten abusers (90 percent), but at a cost of falsely labelling another fifty families as abusive’ (Sandmire & Wald 1990, p. 60). Note that the test above is extremely sensitive; in reality, most tests perform considerably worse, so we should expect even more false positives to emerge.

What this means is that, *for purely statistical reasons* (the low occurrence of abuse and neglect), predictive test likely deny a disproportionately high numbers of people their fundamental right to parent. In the example above, the cost of rescuing nine children out of 10 from abuse—denying 50 innocent individuals or couples the opportunity to parent—is hardly trivial. LaFollette not only appears to underestimate the cost to a person of being denied the right to become a parent (the inability to form a special intimate relationship with a child), he also considerably underestimates the number of parents who would innocently suffer this cost because of how unreliable predictive tests for parental incompetence really are.

Child-Child Trade-offs

The argument so far pitched parenting rights against children’s wellbeing. Our modest point was to show that licensing schemes are not likely to perform as well as LaFollette and those following his heed assume. We believe it is important to state very clearly that a parental licensing scheme is not a trivial policy, as the analogy with driver’s licenses might wrongly suggest, and that the costs to parents are significantly higher than assumed throughout the literature. But we can cast further doubt on the performance of parental licensing policies by focusing on a different kind of trade-off. For we think licensing schemes contain implicit, but nevertheless real, invidious comparisons between children themselves; comparisons that emerge once we think through the practicalities of the proposed scheme.

As has been noted by many commentators, a licensing scheme regulates the opportunities to *parent* a child, but not the opportunities to *reproduce* (at least not in the schemes commonly proposed).¹² Let us assume that the absence of a license will not necessarily prevent all unlicensed women¹³ from reproducing: accidents happen, but equally we should not expect widespread voluntary compliance in such an emotionally charged area. Let us also assume that

12. What follows is indebted to the excellent article by Engster (2010). See also Sandmire and Wald (1990) and Archard (1993).

13. Neither does it prevent men from doing so, but we assume here that children typically will either live with both parents or in the case of single-parent households with the mother. In either case, the mother becomes the natural focus of a parental licensing scheme.

mandatory abortion or forced (temporary) sterilisation are out of bounds in liberal democracies, and it becomes rapidly evident that parental licensing schemes inevitably produce a group of ‘unlicensed children’. Hugh LaFollette briefly touches on this point:

How would one deal with violators and what could we do with babies so conceived? There are difficult problems here, no doubt, but they are not insurmountable. We might not punish parents at all – *we might just remove the children and put them up for adoption*. However, even if we are presently uncertain about the precise way to establish a just and effective form of enforcement, I do not see why this should undermine my licensing proposal. (LaFollette 1980, p. 193, italics added)

But surely this is missing a key point. Removing children from unlicensed parents (many of whom, we should keep in mind, are not putting their children at risk) and putting them up for adoption only works provided the adoption system can absorb this surplus. More likely, most of these children will end up in institutional care, at least temporarily, which many do not consider a proper alternative to being raised in a family. In addition to increased risk of abuse and neglect in care homes, the conventional wisdom seems to be that institutional care is really only a solution of last resort. This suggests we should make sure we are absolutely certain about the potential for harming a child before considering removal from the family. The only other option would be to let the child remain within the family and penalise the parent (most likely, financially), but it is hard to see how this would benefit the child.

Here is the main point. The purpose of the licensing scheme is to protect children, specifically from abuse or neglect by parents. The assumption is that implementing such a policy would be better for children, all-things-considered. But what if some children find themselves at risk precisely because of the introduction of a licensing scheme? After all, they may end up spending the better part of their childhood in the care of social services. Proponents of parental licensing either have to deny the relevance of these ‘non-parental risks’, or else argue that the risks to some children is justified because of the increased protection of others—that is, purposefully engage in a *child-child trade-off*. Once we move down this road we must compare the possible effects on both sides, including the negative impact of unnecessarily moving children into care. In addition to the concern about parental rights outlined above, we believe such child-child trade-offs undermine the desirability as well as long-term feasibility of parental licensing schemes (*pace* LaFollette).

A Limited Licensing Scheme?

LaFollette (2010) recently revisited his proposal to license parents, defending his scheme against some important objections. What is most interesting in this new article, however, is how LaFollette importantly shifts the policy focus of his

licensing proposal. He now proposes a ‘limited licensing scheme’, conceived as a practical experiment for introducing parental licensing into family policy.

What would a limited licensing program look like? I am no social engineer, so I cannot say with any certainty. Here, though, is one option: set minimal requirements for a license, then reward those with licenses — say with special tax breaks — rather than punish those without. This could entice most prospective parents to seek licenses, while being less intrusive than a more robust scheme. . . . If we give tax breaks to licensed parents, then prospective parents might see a license as a benefit rather than a burden. The centrepiece of this program might be free-standing or high school parenting courses. People successfully completing the course would be licensed. If the course were rigorous, it would insure that more parents have vital knowledge about children’s needs and development. (LaFollette 2010, pp. 338–9)

The idea of a tax break was briefly mentioned in the original paper, but now becomes the linchpin of the policy. Rather than punishing unlicensed *parents* we reward the licensed ones, which serves as an incentive scheme for seeking a license. And rather than ‘punishing’ unlicensed *children* by removing them from the home into institutionalised care, the new scheme allows children to continue living at home. This last feature accommodates the two main concerns we raised in this article: the limited license no longer imposes unfair costs on parents by restricting their fundamental right to parent; and the scheme no longer trades-off the interests of one group of children in being safeguarded against abuse or neglect with that of another group, who end up living their childhood in a care institution or moving from one foster family to another.

If the limited licensing scheme addresses our worries, should we support it? We believe not, for the simple reason that in LaFollette’s (2010) proposal precious little is left of the licensing idea itself. Licensing becomes little more than an incentive scheme for prospective parents to enrol in parenting classes, motivated by the opportunity to collect a nice tax break upon graduation. In our view, this is not public money well-spent. If parenting classes are as valuable as LaFollette assumes (and we agree!), why not simply make them mandatory? We could easily embed such classes into high school education, as LaFollette suggests, or otherwise make them part of a health care program for pregnant women (a program that already exists in many countries). Whatever the institutional details, it is clear parental education is doing all the work in LaFollette’s new proposal.

More importantly, the limited licensing scheme does very little to protect children against parents who fail the license or never bothered to seek one.¹⁴ This is a major turn from the original proposal. Instead, LaFollette now suggests we introduce increased monitoring and assistance in the form of a regular visiting nurse or social worker to the homes of (new) parents with young children. Again,

14. We find little solace in LaFollette’s (2010, p. 339) suggestion that public acceptance of the scheme would mean ‘those who failed the course would feel social pressure to retake the course before becoming parents’.

we wholeheartedly support this proposal, as do many of LaFollette's critics (Archard 1990, 1993; Engster, 2010). But again we must ask: what work, if any, is the licensing scheme doing here? In an attempt to address the more troubling aspects of the original proposal, LaFollette (2010) appears to have watered down the parental licensing scheme to the point where it becomes redundant. Little would be lost by simply dropping the licensing requirement and focusing on the policies that will genuinely benefit both parents and children: non-intrusive monitoring, but above all parental education and public assistance.

Conclusion

In this article we have critically reviewed LaFollette's (1980) intriguing suggestion that our commitment to children's wellbeing requires that we introduce a licensing scheme for all parents. We have outlined a number of moral and practical difficulties with this proposal. LaFollette's recently modified proposal of a limited licensing scheme addresses some of these worries, but also effectively renders the idea itself obsolete: the heavy lifting is done by monitoring, parental education and public assistance.

We want to conclude this brief article by asking what, if anything, follows from this discussion for adoption and foster parenting. The current practice of course favours extensive probing of prospective parents before permission to adopt or foster is granted. LaFollette himself seems to think this practice is right and, furthermore, that this practice supports the licensing argument more generally.

Consequently, if we continue current adoptive practices — *and certainly we should* — we are rationally compelled to establish a licensing program for all parents unless we have special reasons for thinking there are unique practical problems with licensing parents. (LaFollette 2010, p. 336, italics added)

Since we have concluded that there are indeed 'unique practical problems with licensing parents', should we now reverse the conclusion with respect to adoption? In short, what are the grounds for licensing adoptive and foster parents?¹⁵ This question is more complex than we can give due justice in this article, but let us merely make two brief points. First, the arguments about fundamental parenting rights apply as much to adoptive as to natural parents, and those insisting on extensive screening of adoptive parents should be aware of the burdens. Second, child-child tradeoffs also apply: restricting the number of parents will necessarily restrict the number of children who can find a family home. Both of these concerns should guide how hard we want to make it for potential parents to foster or adopt a child. In light of these considerations, we think it is time to re-evaluate the idea of licensing adoptive and foster parents altogether.

15. We develop this line of argument more fully elsewhere (De Wispelaere & Weinstock 2010).

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References

- Archard, D. (1990) 'Child Abuse: Parental Rights and the Interests of the Child', *Journal of Applied Philosophy*, Vol. 7, no. 2, pp. 183–94.
- Archard, D. (1993) *Children: Rights and Childhood*, Routledge, London.
- Benatar, D. (2010) 'The Limits of Reproductive Freedom', in *Procreation and Parenthood: The Ethics of Bearing and Rearing Children*, eds D. Archard & D. Benatar, Oxford University Press, Oxford, pp. 78–102.
- Brighouse, H. & Swift, A. (2006) 'Parents' Rights and the Value of the Family', *Ethics*, Vol. 117, pp. 80–108.
- De Wispelaere, J. & Weinstock, D. (2010) 'Licensing Adoptive Parents', paper presented at 2010 Meeting of the American Political Science Association, Washington, DC, 2–5 September.
- Dworkin, R. (2000) *Sovereign Virtue*, Harvard University Press, Cambridge, MA.
- Engster, D. (2010) 'The Place of Parenting within a Liberal Theory of Justice: The Private Parenting Model, Parental Licenses, or Public Parenting Support?', *Social Theory and Practice*, Vol. 36, no. 2, pp. 233–62.
- Gheaus, A. (2011) 'The Right to Parent One's Biological Baby', *Journal of Political Philosophy*, doi: 10.1111/j.1467-9760.2011.00402.x.
- Hamilton, L., Cheng, S. & Powell, B. (2007) 'Adoptive Parents, Adaptive Parents: Evaluating the Importance of Biological Ties for Parental Investment', *American Sociological Review*, Vol. 72, no. 1, pp. 95–116.
- Irvine, W. (2003) *The Politics of Parenting*, Paragon House, St. Paul.
- Lafollette, H. (1980) 'Licensing Parents', *Philosophy and Public Affairs*, Vol. 9, no. 2, pp. 182–97.
- Lafollette, H. (2010) 'Licensing Parents Revisited', *Journal of Applied Philosophy*, Vol. 27, no. 4, pp. 327–43.
- McFall, M. (2009) *Licensing Parents: Family, State, and Child Maltreatment*, Lexington Books, Lanham.
- Mangel, C. P. (1988) 'Licensing Parents: How Feasible?', *Family Law Quarterly*, Vol. 12, no. 1, pp. 17–39.
- Mill, J. S. (1978 [1869]) *On Liberty*, Hackett, Indianapolis.
- Sandmire, M. J. & Wald, M. S. (1990) 'Licensing Parents - A Response to Claudia Mangel's Proposal', *Family Law Quarterly*, Vol. 24, no. 1, pp. 53–76.
- Tittle, P. (ed.) (2004) *Should Parents Be Licensed?*, Prometheus Books: Amherst.
- Westman, J. (1994) *Licensing Parents*, Perseus Publishing, Cambridge.
- Widdows, H. & MacCallum, F. (2002) 'Disparities in Parenting Criteria: An Exploration of the Issues, Focusing on Adoption and Embryo Donation', *Journal of Medical Ethics*, Vol. 28, no. 3, pp. 139–42.