

## Phil 9702: Advanced Topics in Reproductive Ethics—Parenthood and Procreation

<b>Instructor:</b> Prof. Carolyn McLeod	<b>Office Hours:</b> Wed. 3-4pm, Fri. 2-3pm, or by appointment
<b>E-mail:</b> <a href="mailto:cmcleod2@uwo.ca">cmcleod2@uwo.ca</a>	<b>Class Times:</b> Mon. 2:30-5:30
<b>Phone:</b> (519) 661-2111 ext. 85877	<b>Class Location:</b> TC 310
<b>Office Location:</b> TC 410	<b>Course website:</b> webCT Owl

### Course Description:

The main topics for this course are parenthood and procreation. The course is divided into three sections:

- 1) *The Grounds of Parenthood:* What makes someone a parent? Is the parenting relationship primarily biological or social or some combination of the two? Does parenthood come in different forms with each form generating its own set of responsibilities?
- 2) *Procreative (or Reproductive) Rights:* How much should we value people's ability to parent? Do people have a right specifically to procreate, or more generally to become a parent?
- 3) *The Morality of Parenting:* When is procreation specifically, or parenting more generally, morally permissible? Is it ever wrong to bring a child into being? What obligations do parents have toward their children?

Since one can be a parent without procreating, our discussions will not be limited to parenting that involves procreation. The philosophical literature that deals specifically with the above questions is somewhat separate from a growing philosophical literature on adoption. We will consider both literatures and see how they complement or contradict one another.

Philosophers have become interested in parenthood largely because of assisted reproductive technologies (ART) and what they allow in terms of parenting. We will reflect on practices that involve the use of ART, such as contract pregnancy (or 'surrogacy') and gamete freezing as insurance against future infertility.

Feminist literature on the impact of the above practices on women's reproductive freedom and on the dignity of pregnant women will also be a significant part of this course.

The course goals are to familiarize students with philosophical debates about parenting and procreation; to give them a general overview of the field of reproductive ethics; and to hone or develop their skills in philosophical writing and in the oral presentation of philosophical ideas specifically, and in philosophical debate more generally.

**Required Readings:** a selection of readings available online or in the journal library in the Department

**Requirements:**

- 1) Presentation(s) (25%)
- 2) Weekly reflections on readings (25%)
- 3) Final paper (50%)

Participation and Presentation(s):

As with most grad seminars, the aim of this seminar is for us to have lively, intelligent, and informed discussions with one another about the topics for this course. To achieve this aim, you will obviously need to come to class prepared to engage in discussion of this sort.

Also you will be expected to introduce, and raise at least one difficult question for class discussion about,<sup>1</sup> some number of readings for some number of classes (the numbers to be determined at our second meeting at which we will finalize the presentation schedule). There can be significant overlap between a presentation and a reflection paper done for the same week. You are welcome and in fact encouraged to use Powerpoint (or something similar) for presentations.

Both your attendance and your full attention at every class are expected.

Reflections on Readings:

You must submit a one-page, and one-page only, “reflection paper” each week. I’ll give you one week’s grace (i.e., one week in which you won’t need to submit a paper). Thus, you will submit 10 in total. I will also allow you to make two, but only two, late submissions without incurring any penalty.

Reflection papers are due at noon on webCT on the day of our class meeting. Please also bring a hard copy to class.

Each paper must answer the following,

**What, to your mind, is the *most difficult question*<sup>2</sup> raised in or by the required readings assigned for the class on which the paper is due—and why is that question difficult?**

“Raised in or by” means that the question either is in the readings or came to your mind while doing the readings (i.e., it is raised *by* them).

Tips on reflection papers:

---

<sup>1</sup> You’ll also need to say why the question is difficult or why it’s worth discussing.

<sup>2</sup> By “difficult,” I mean a question for which there is no easy answer. If, after stating the question, you can provide a snappy answer, then the question is not a good one. It is not difficult.

- Don't focus on how someone ought to answer the question you raise. Instead, explain why the question is difficult: that is, why reasonable people could easily disagree about the answer.
- The assignment requires that you take a stance of curiosity rather than criticism.
- Pick a question that you truly believe to be difficult, which will make it easier for you to explain why it's difficult.
- To be safe, you could begin your paper in the following way: "A difficult question raised in (or by) X reading is ..... This question is difficult because ..."

The papers will be marked out of 5 and returned the following week. You will lose marks if the paper is longer than one page (double-spaced, 12 point font, 1 inch margins).

### Final Paper:

You have two options for the final paper:

- 1) Write a paper that is 4000-5000 words long (and does not exceed 5000 words) and submit it only to me;
- 2) Write a paper that is 3000-4000 words long (and does not exceed 4000 words) and submit it both to me and to the call for papers of the Canadian Philosophical Association (<http://www.acpcpa.ca/en/postings/2010CFP.php>)

With both options, you should aim to produce a polished, original, and well researched paper. I am open to seeing a draft before you submit the final course paper, but only if you get the draft to me on or before **Dec. 7<sup>th</sup>**. Your submission for the course should take the form of a hard copy placed in my mailbox and an electronic copy uploaded to webCT.

With option 2), the version you submit to the CPA may be substantially different from the version you submit to me. Before making the CPA submission, you will have a chance to revise the paper based on comments I give you on the final course paper.

The submission deadline for this course is **December 14<sup>th</sup>**.

The submission deadline for the CPA is **January 17<sup>th</sup>**.

In terms of topics, you should devise a topic in consultation with me and think about using one of your reflection papers as a starting point.

The following are grading criteria I use for undergraduate papers that I will have in mind while grading your papers:

**[ARG]:** Does the author use cogent arguments to support his or her position? Do the claims made in different parts of the paper follow from one another and are they consistent? [5 marks]

**[ORG]:** Does the author reveal a plan for the paper at the outset and does s/he follow that plan? Does the paper have an explicit overall direction? [5 marks]

**[CLR]:** Is the author’s position clear and is the paper clearly written overall? Could another student at the same level who is not enrolled in the course understand the paper? [5 marks]

**[UND]:** How well does the author understand and make judicious use of the material relevant to the paper that is on our reading list? How well does s/he understand the complexity of the issues involved? [5 marks]

(For this course, you will need to go beyond our reading list and do research.)

**[OPP]:** Has the author dealt with important objections to his or her position? To what extent is s/he aware of the possible difficulties with that position? [5 marks]

### TENTATIVE READING SCHEDULE

\*Readings are available either online (OL) or in a folder in the department’s journal library (JL)

\*Below is a bibliography of readings

DATE	TOPIC	READING	PRESENTER
Sept. 14	Introduction to the Course	None	
The Grounds of Parenthood			
Sept. 21	Genetic, Gestational, and Causal Accounts of Parenthood	<p><b>Hall</b>, The origin of parental rights (JL);  <b>Kolers &amp; Bayne</b>, ‘Are you my mommy?’ On the genetic basis of parenthood (OL)  <b>Rothman</b>, On ‘surrogacy’ (JL);  <b>Nelson</b>, Parental obligations and the ethics of surrogacy (JL);  <b>Fuscaldo</b>, Genetic ties: Are they morally binding? (OL)</p> <p>Recommended: <b>Anderson</b>, Is women’s labor a commodity? (OL)</p>	
Sept. 28	Intentional Accounts	<p><b>Hill</b>, What does it mean to be a parent? (OL);  <b>van Zyl</b>, Intentional parenthood and the nuclear family (OL);  <b>Allen</b>, The black surrogate mother (OL)</p> <p>Recommended: <b>Schultz</b>,</p>	Angel Katy

		Reproductive technology and intent-based parenthood: An opportunity for gender neutrality (OL); <b>McLeod</b> , For dignity or money: Feminists on the commodification of women's reproductive labour (JL)	
Oct. 5	Pluralist Accounts	<b>Narayan</b> , Family ties: Rethinking parental claims in the light of surrogacy and custody (JL); <b>Bayne &amp; Kolers</b> , Toward a pluralist account of parenthood (OL); <b>Little</b> , Abortion, Intimacy, and the Duty to Gestate (OL)	Padraigin Jenn
Oct. 12	Thanksgiving Holiday		
Oct. 19	Pluralism that demands the inclusion of genetic parents	<b>Velleman</b> , Family History (OL); <b>Haslanger</b> , Family, Ancestry and Self: What is the Moral Significance of Biological Ties? (OL)	Mike Nora
Procreative or Reproductive Rights			
Oct. 26	The Nature, Scope, and Value of these Rights	<b>Robertson</b> , <i>Children of Choice</i> , chapters 1 and 2 (JL); <b>Murray</b> , What are families for? Getting to an ethics of reproductive technology (OL); <b>Overall</b> , Reflections on reproductive rights in Canada (JL)  Recommended: <b>Buchanan et al</b> , Reproductive Freedom and the Prevention of Harm, pp. 204-222 (JL)	Laura Devin
Nov. 2	A right or a privilege?	<b>Lafollette</b> , Licensing Parents (OL); <b>Frisch</b> , On licentious licensing: A reply to Hugh Lafollette (OL); <b>Cassidy</b> , That many of us should not parent (OL)  Recommended: <b>Lemieux</b> , Parent Licensing (JL)	Reuven Ryan
Nov. 9	A Positive Right to	<b>Expert Panel on Infertility and Adoption (ON)</b> , <i>Raising</i>	Andrea Angel

	Reproduce?	<i>Expectations: Recommendations of the Expert Panel on Infertility and Adoption, Executive Summary</i> (pp. 5-22) (OL); <b>Berg</b> , Listening to the Voices of the Infertile (JL) <b>Bartholet</b> , Parenting options for the infertile: The biologic bias (JL)	
The Morality of Parenting			
Nov. 16	Parental Rights	<b>Schoeman</b> , Rights of children, rights of parents, and the moral basis of the family (OL); <b>Munoz-Dard</b> , Is the family to be abolished then? (OL); <b>Brighthouse &amp; Swift</b> , Parents' rights and the value of the family (OL)  Recommended: <b>Brennan &amp; Noggle</b> , The moral status of children: Children's rights, parents' rights, and family justice (OL)	Katy Mike
Nov. 23	Parental Responsibilities	<b>Feinberg</b> , The child's right to an open future (JL); <b>Mills</b> , The child's right to an open future? (OL); <b>Davis</b> , The parental investment factor and the child's right to an open future (OL).  Recommended: <b>Lotz</b> , Feinberg, Mills, and the child's right to an open future (OL); and <b>Seavilleklein, V. &amp; S. Sherwin</b> , The myth of the gendered chromosome: Sex selection and the social interest (OL)	Ryan Sarah
Nov. 30	Wrongful Life	<b>Parfit</b> , The non-identity problem, <i>Reasons and Persons</i> (JL); <b>Shiffrin</b> , Wrongful life, procreative responsibility, and the significance of harm (OL)	Mallorie Devin
Dec. 7	Anti-natalism	<b>Benatar</b> , <i>Better Never to Have Been: The Harm of Coming into Existence</i> , chapters 3 and 4 (JL)	Reuven Dario

--	--	--	--

## BIBLIOGRAPHY OF READINGS

**A.A. v. B.B.**, 2007 ONCA 2, 83 O.R. (3d) 561.

**Allen**, A. (1991) The black surrogate mother, *Harvard Blackletter Law Journal* 8: 17-31.

**Anderson**, E. (1990) Is women's labour a commodity? *Philosophy & Public Affairs* 19(1): 71-92.

**Bartholet**, E. (1993) Parenting options for the infertile: The biologic bias. In her *Family Bonds: Adoption, Infertility, and the New World of Child Protection*. Boston: Beacon Press. pp. 24-38.

**Bayne**, T. & **A. Kolers**. (2003) Toward a pluralist account of parenthood, *Bioethics* 17(3): 221-242.

**Benatar**, D. (2006) *Better Never to Have Been: The Harm of Coming into Existence*. New York: Oxford University Press.

**Berg**, B. (2000) Listening to the Voices of the Infertile. In *Readings in Health Care Ethics*. Ed. E. Boetzkes & W. Waluchow. Broadview. pp. 211-228.

**Boonin**, D & **G. Oddie**. (2009) *What's Wrong? Applied ethicists and their critics*. 2<sup>nd</sup> ed. Oxford UP.

**Brennan**, S. & **R. Noggle**. (1997) The moral status of children: Children's rights, parents' rights, and family justice, *Social Theory and Practice* 23(1): 1-26.

**Brighouse**, H. & **A. Swift**. (2006) Parents' rights and the value of the family, *Ethics* 117: 80-108.

**Buchanan**, A, D. W. Brock, N. Daniels, & D. Wikler. (2000) Reproductive freedom and the prevention of harm. In their *From Chance to Choice: Genetics & Justice*. New York: Cambridge University Press. pp. 204-257.

**Cassidy**, L. (2006) That many of us should not parent, *Hypatia* 21(4): 40-57.

**Davis**, D. (2009) The parental investment factor and the child's right to an open future, *Hastings Center Report* 39 (2): 24-27.

**Expert Panel on Infertility and Adoption (ON)**. (2009) Raising Expectations: Recommendations of the Expert Panel on Infertility and Adoption.

**Feinberg**, J. (1980) The child's right to an open future. In *Whose Child? Children's Rights, Parental Authority, and State Power*. Ed. W. Aiken and H. LaFollette. Totowa NJ: Rowman & Littlefield. pp. 124-153.

- Frisch**, L. E. (2009) On licentious licensing: A reply to Hugh LaFollette. In *What's Wrong?* (see Boonin and Oddie).
- Fuscaldo**, G. (2006) Genetic ties: Are they morally binding? *Bioethics* 20(2): 64-76.
- Gavigan**, S. (1999) A parent(ly) knot: Can Heather have two mommies? In *Having and Raising Children* (see Narayan): 87-102.
- Goold**, I & **J. Savulescu**. (2009) In favour of freezing eggs for non-medical reasons, *Bioethics* 23(1): 47-58.
- Hall**, B. (1999) The origin of parental rights, *Public Affairs Quarterly* 13(1): 73-82.
- Harwood**, K. (2009) Egg freezing: A breakthrough for reproductive autonomy? *Bioethics* 23(1): 39-46.
- . (2007) Contributions from ethics: Gender, consumerism, and challenges to the ethos of neutrality. In her *Infertility Treadmill: Feminist Ethics, Personal Choice, and the Use of Reproductive Technologies*. Chapel Hill NC: University of North Carolina Press. pp. 98-131.
- Haslanger**, S. Forthcoming. "Family, Ancestry and Self: What is the Moral Significance of Biological Ties?" *Adoption and Culture*.
- Hill**, J. L. (1991) What does it mean to be a 'parent'? The claims of biology as the basis for parental rights, *New York University Law Review* 66: 353-420.
- Kolers**, A. & **T. Bayne**. (2001) 'Are you my mommy?' On the genetic basis of parenthood, *Journal of Applied Philosophy* 18(3): 273-285.
- LaFollette**, H. (1980) Licensing parents, *Philosophy & Public Affairs* 9(2): 183-97.
- Lemieux**, P. (2009) Parent licensing. In *What's Wrong?* (see Boonin and Oddie).
- Little**, M. O. (1999) Abortion, intimacy, and the duty to gestate, *Ethical Theory and Moral Practice* 2: 295-312.
- Lotz**, M. (2006) Feinberg, Mills, and the child's right to an open future, *Journal of Social Philosophy* 37(4): 537-551.
- McLeod**, C. (2007) For dignity or money: Feminists on the commodification of women's reproductive labour. In the *Oxford Handbook of Bioethics*. Ed. B. Steinbock. pp. 258-281.
- Mills**, C. (2003) The child's right to an open future? *Journal of Social Philosophy* 34(4): 499-509.
- Munoz-Dard**, V. (1999) Is the Family to Be Abolished Then? *Proceedings of the Aristotelian Society* 99: 37-56.

- Murray**, T. H. (2002) What are families for? Getting to an ethics of reproductive technology, *Hastings Center Report* 32(3): 41-45.
- Narayan**, U. (1999) Family ties: Rethinking parental claims in the light of surrogacy and custody. In *Having and Raising Children: Unconventional Families, Hard Choices, and the Social Good*. Ed. U. Narayan and J. J. Bartkowiak. University Park PA: The Pennsylvania State University Press. pp. 65-86.
- Nelson**, J. L. (1991) Parental obligations and the ethics of surrogacy, *Public Affairs Quarterly* 5(1): 49-61.
- Overall**, C. (1993) Reflections on reproductive rights in Canada. In her *Human Reproduction: Principles, Practices, Policies*. Toronto: Oxford University Press. pp. 19-36.
- Parfit**, D. (1984) The non-identity problem. In his *Reasons and Persons*. Oxford: Clarendon. pp. 351-79.
- Park**, S. (2005) Real (m)othering: The metaphysics of maternity in children's literature. In *Adoption Matters: Philosophical and Feminist Essays*. Ed. S. Haslanger and C. Witt. Ithaca NY: Cornell University Press. pp. 171-94.
- Roberts**, D. (1997) The meaning of liberty. In her *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*. New York: Vintage. pp. 294-312.
- Robertson**, J. A. (1994) *Children of Choice: Freedom and the New Reproductive Technologies*. Princeton, NJ: Princeton University Press, 1994.
- Rothman**, B. K. (1989) On 'surrogacy.' In her *Recreating Motherhood: Ideology and Technology in a Patriarchal Society*. New York: W. W. Norton. pp. 229-245.
- Schoeman**, F. (1980) Rights of children, rights of parents, and the moral basis of the family, *Ethics* 91(1): 6-19.
- Schultz**, M. (1990) Reproductive technology and intent-based parenthood: An opportunity for gender neutrality, *Wisconsin Law Review* 297: 298-398.
- Seavilleklein**, V. & S. **Sherwin**. (2007) The myth of the gendered chromosome: Sex selection and the social interest, *Cambridge Quarterly of Healthcare Ethics* 16: 7-19.
- Shiffrin**, S. V. (1999) Wrongful life, procreative responsibility, and the significance of harm, *Legal Theory* 5: 117-48.
- van Zyl**, L. (2002) Intentional parenthood and the nuclear family, *Journal of Medical Humanities* 23(2): 107-118.
- Velleman**, D. 2005. "Family History," *Philosophical Papers* 34(3): 357-378.