

# Are Children Their Parents' Property?

John Stossel says, "Yes," at least according to [a recent video at Reason](#).

In the video, "Don't Be Scared of Designer Babies," Stossel interviews Georgetown University Professor Jason Brennan, who offers the following unhelpful and patronizing strawman of anyone who objects to the idea of using gene-editing technology to engineer one's offspring however one wants:

*When you have any kind of intervention into the body that's new, people think it's icky. And they take that feeling of 'ickiness' and they moralize, and think it's a moral objection.*

What Brennan calls "ickiness" most people call their conscience. Now, the intuitions of conscience need to be educated and informed. I'm not saying that simply having such a feeling justifies blindly dismissing opposing views. That said, sometimes our eyes deceive us, but most of the time they don't, and it is reasonable to go through one's day assuming that one's vision is trustworthy. Otherwise empirical science would be impossible. So also with one's moral intuitions. Otherwise common decency would be impossible.

Personally, I consider myself pro-technology, [even pro-robot](#). But I draw a line at eugenics. I don't use that term as a slander – eugenics is exactly the right term for what Stossel and Brennan advocate. They think it is desirable to select for other human beings which genes (the "-genics" in eugenics) are considered "good" (the "eu-" in eugenics) and to reject those they consider "bad" ("icky," perhaps?).

I ask the question, "Are children their parents' property?"

because that is the moral point upon which this discussion turns. If your answer is yes, then this kind of eugenics is fair game. I don't say this hypothetically either. We have a historical example: the ancient Romans.

In ancient Roman law, the oldest male was considered the *paterfamilias*, or father of the family ("estate owner" might be more accurate though). The *paterfamilias* had full authority over not only his things, but his wife and children, including – at least on paper – authority over life and death. This was called *patria potestas* ("the power/authority of the father").

While the frequency of anyone actually exercising this extreme authority is doubted by many scholars today, there is at least one known instance connected to it: the practice of the exposure of infants. Indeed, the mythological origins of Rome begin with the exposure of two infants: [Romulus and Remus](#). Most infants either died or were enslaved, rather than founding expansive empires like Romulus.

Not all Romans approved of this. The Stoics notably objected. This makes sense given their belief in the equality of all people and perhaps the fact that one of their most prominent teachers was the freed slave Epictetus. The ancient Jews, many of whom also lived in the ancient Roman Empire and were Roman citizens, objected too. Then there came the Christians.

Ancient Christians were known to object to this practice as well. As the second-century writer St. Athenagoras of Athens [put it](#),

*For the same person would not regard the fetus in the womb as a living thing and therefore an object of God's care, and at the same time slay it, once it had come to life. Nor would he refuse to expose infants, on the ground that those who expose them are murderers of children, and at the same time do away with the child he has reared. But we are altogether*

*consistent in our conduct. We obey reason and do not override it.*

Not only that, however, but Christians were known for going out of their way to rescue infants left for dead by pagans and raising them as their own.

In 313, the Emperor Constantine, the first Christian emperor of Rome, even legalized a distinctly libertarian alternative: people were allowed to sell their children. This might not sound much better, but often those who exposed their infants were poor and did so because they didn't think they could afford to raise them. The new law reduced exposure and thus saved many infants' lives, and by around 374, Christian Rome officially outlawed the practice.

On the one hand, the pagan Romans who believed children were the property of the *paterfamilias* permitted the practice of exposing infants because it meant fewer poor people and people with disabilities to burden society. In short: fewer "undesirable" people.

For the Stoics, Jews, and especially the ancient Christians, on the other hand, human beings ought not to be anyone's property. While one may – in some cases rightly – object that they were inconsistent on this point, it is worth noting that all agreed that every human being was free by nature. This was even part of [Justinian's Institutes](#): "Slavery ... makes a man the property of another, contrary to the law of nature." It notes that slavery was nevertheless a part of the *juris gentium* – the law of all nations – but then goes on to show the many ways in which the law of Christian Rome excelled in offering opportunities for slaves to obtain their freedom, implying that it was better than the laws of other nations by its closer proximity to the ideal of natural law. Indeed, we believe modern societies have made moral progress in this area by the same measure, to the point that the abolition of

slavery is [now part of the \*juris gentium\*](#).

So when someone feels “icky” when it is suggested that they should be able to genetically engineer their children, a more charitable interpretation would be that their conscience is bearing witness to the truth that all people are free by nature, and therefore to edit someone’s genes and impose one’s will upon the fabric of their being would quite literally be unnatural. Babies are not iPhones. One does not have a right to customize them however one pleases.

Now, I don’t want to be too heavy-handed here. Brennan and Stossel have some solid moral intuitions of their own. As Brennan put it, “If everyone is making their kids healthier and stronger and smarter, and less prone to disease, and you feel social pressure to go along with that, good. Shouldn’t you do that as a parent for your child?”

Thus they are concerned with giving their children the best life they possibly can. That’s a good thing. Indeed, even the Romans understood that much. The duty of *pietas* was seen as a counterbalance to *patria potestas* as it presumed sacred duties of fathers to their families. Nevertheless, it should be clear that there is a categorical difference between sending your children to the best school you can afford, for example, and altering their genetic code. One is a matter of a child’s environment, the other is the child herself, a human being endowed with inalienable rights. The analogy of “giving the best opportunity” only holds if one’s children are viewed as property, lacking such natural rights.

Lastly, I would be remiss if I did not [echo Bastiat](#) in asking about what goes unseen. Perhaps in bioengineering one’s child to be of greater intelligence, the child would unintentionally be impaired in other areas. Maybe they would be less artistic or athletic. Maybe their lifespans would be shortened. Maybe they would be sociopaths. I’m not saying that they certainly would be any of these things (alternative good scenarios are

possible as well), only that in effort to augment the capabilities of our children, they may lose more than they gain. And we can't know if any such unintended misfortunes would come about until it would be too late. No human being has the foreknowledge necessary to claim such knowledge. Which is why we must refuse to find out at all.

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