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ARTICLES

What Is The Libertarian Theory of Parental Obligations?

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This article examines four competing philosophical theories of the parental role within a libertarian framework: parental ownership, parenting as charity, parenting as voluntary social contract, and causal parental responsibility. It critically analyzes each theory, evaluating its logical implications—particularly concerning the legitimacy of enforceable parental obligations—and its compatibility with libertarian principles. The article argues that the first three theories are unsound and incompatible with libertarianism. In contrast, it defends the theory of causal parental responsibility as the only sound framework consistent with libertarian philosophy, grounding enforceable parental obligations in the creation of peril. This analysis seeks to resolve long-standing debates and establish a coherent libertarian theory of parental obligation.

One of the most important philosophical questions relating to the family concerns the nature of parental obligations. What do parents owe their children—and on what basis? In answering this question, libertarians must confront the problem of how to reconcile the parental role with two fundamental issues in libertarian theory. First, do parents merely have the standard *negative* obligations not to initiate aggression toward their children—as they have to others—or do they have *positive* obligations (for example, to provide protection, food, shelter, clothing, education, and so on)? Second, are such obligations merely duties grounded in *personal virtue* and left to private conscience, or do they constitute obligations of *justice* that are *enforceable* within a libertarian legal framework?

These questions have proved highly controversial among libertarians and remain a source of debate and confusion. How one answers them depends on one's theory of the relationship between parents and children. There are four competing philosophical theories of the parental role: (1) parental ownership,

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(2) parenting as charity, (3) parenting as voluntary social contract, and (4) causal parental responsibility. Each of these theories of the parental role has implications not only for the nature of parental obligations but also for the nature of parental authority and children's rights. There have been libertarian proponents of each one of these four theories.[1] But most proponents have not accepted all the logical implications of one theory alone, preferring to advocate a mixture of positions that has led to contradictions, as will be discussed.

To determine whether libertarianism supports enforceable parental obligations, one must first assess which of the competing theories is both sound and compatible with libertarian principles. What follows is a critique of each theory, identifying its logical implications and evaluating its compatibility with those principles.

THE THEORY OF PARENTAL OWNERSHIP

The theory of parental ownership views parenting as a kind of property ownership. In this view, parents are the owners of their children and children are the property of their parents. This is an ancient theory, versions of which have been expressed by Aristotle (*Nicomachean Ethic*s 1134b10), codified in Roman law (Smith 1991, 269), and defended by Hobbes ([1651] 1996, 139). This is the main line of argument:

1. Creators rightfully own what they create.
2. Parents create a child.
3. Therefore, parents rightfully own their children.
4. Owners can do whatever they want with their property.
5. Therefore, parents do not have any positive obligations.

Implications

Here are the logical implications of the theory of parental ownership:

1. Children are property in the same way that slaves are.
2. Parents have no enforceable obligations toward their children, since a property owner has no obligation to his property.[2]
3. There is a clear basis for parental authority, since ownership gives the parent full justification for authority.

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1 The theory of parenting as charity has been mostly discussed by libertarian authors, but much discussion of the other theories to date has taken place outside libertarian circles, especially among philosophers working in the field of bioethics. For an overview of this philosophical debate outside the libertarian tradition, see Prusak (2013).

4. There is no basis for *limiting* parental authority, since parental authority is absolute. Parents can conceivably do anything to their children, including kill them.
5. Child abandonment is logically compatible with the ownership theory, since an owner may legitimately abandon a property right.
6. Similarly, selling children is also compatible with the theory, since property can be sold.

Compatibility with Libertarianism

A few thinkers in the libertarian tradition have advocated the theory that parents own their children as property. One example is Benjamin Tucker (1895, 5), who states the idea bluntly: "The unemancipated child is the property of its mother, of which, by an obvious corollary, she may dispose as freely as she may dispose of any other property belonging to her."

It seems self-evident, however, that the theory of parental ownership cannot be reconciled with libertarianism, since self-ownership is the central principle of libertarian philosophy. Individuals own themselves, and this ownership right is inalienable; therefore, individuals cannot be owned as property.[3]

The vast majority of classical liberal and libertarian thinkers have been against the parental ownership theory[4] ever since Locke ([1689] 1988) published the *Two Treatises* in 1689. Locke spent the whole of the first treatise arguing against Robert Filmer's *Patriarcha*. Whereas Filmer ([1680] 2006) had argued for unlimited parental (patriarchal) ownership of children, Locke argued that parental authority has limits and children have rights.[5]

The core premise of the theory of parental ownership—that homesteading is the method of establishing ownership over bodies—is incorrect.[6] Homesteading is not the only way to allocate property rights. Property

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2 Sometimes, this theory is modified to say that parents may have obligations toward other adults that indirectly influence their treatment of their own children. For example, Narveson argues that parents own their young children (2001, 299) but must ensure that they do not raise them to become people who will aggress against others (1999, 269). Yet these kinds of obligations are ultimately not to a parent's own children but rather to other adults.

3 Rothbard (2000, 147) expresses this irreconcilable conflict of values: "It is grotesque to think that the parents can actually own the child's body as well as physical property; it is advocating slavery and denying the fundamental right of self-ownership to permit such ownership of others, regardless of age."

4 Despite the opposition of most libertarians to the theory of parental ownership, this theory has nonetheless maintained a pernicious influence on almost all libertarian thinking about the parental role. It continues to influence current libertarian thought on parental obligations, as will be discussed later in this article.

5 Locke faced a major problem in opposing parental ownership that dogged libertarian thought for centuries: Locke's own theory of homesteading logically implies that parents own their children if it is used to allocate property rights in bodies. The homesteading rule states that the rightful owner of a resource is the creator or first user of it. Locke tried to resist the implication of homesteading that parents own children but did not have good arguments. A good discussion of Locke's errors concerning this can be found in Nozick (2012, 287–89).

6 All attempts to base self-ownership on some version of homesteading run into logical paradoxes because of the conflict between parental ownership and self-ownership. See, for example, the discussion of the paradox of universal self-ownership in Steiner (1994, 242–44).

rights are rightfully assigned to the person with the best objective link. For unowned physical objects, the best objective link is demonstrated by first-use homesteading. When it comes to human bodies, each individual has the best objective link for ownership of his or her own body (Hoppe 1987, 74–75; Kinsella 2023, 268–72). This is the objective rule used for establishing self-ownership of bodies. Babies own themselves because nobody else has a better objective claim to own them.

The best objective link is also not dependent on the capabilities of the baby. It doesn't matter if babies cannot yet argue a syllogism or advocate for their rights; they still have the objectively better claim to be the owners of their own bodies simply because they are the inhabitants of those bodies.

Furthermore, the theory of parental ownership is logically flawed because there is no way to account for an owned child becoming a self-owning adult. You cannot acquire ownership of yourself, because an individual cannot homestead anything unless he already has self-ownership (Kinsella 2023, 271). So how is a baby supposed to acquire self-ownership? Self-ownership must be presumed from the get-go as the only noncontradictory basis for libertarian ethics (Hoppe 2006, 335; 2016, 170–71). All other libertarian principles, such as homesteading, depend on the assumption of self-ownership (Kinsella 2023, 639). There is no way to come up with a noncontradictory account of an individual starting as property and becoming a self-owner, because one cannot homestead oneself.

THE THEORY OF PARENTING AS CHARITY

The theory of parenting as charity denies that children can be owned. It views children as self-owners who have rights. According to this view, parents do have the negative obligation not to actively abuse (aggress against) their children. This is the same general negative obligation that any adult has toward another adult. According to this theory, however, parents do not have any positive obligation to provide care to their children if they don't want to (or if they stop wanting to).

The theory of parenting as charity emerged in the postwar era of the twentieth century. The ideas of Judith Jarvis Thomson (1971) had a strong influence on both Williamson Evers (1978, 3–4, 7) and Murray Rothbard (1998, 99), two key proponents of this theory. It has this main line of argument:

1. Parents create children.
2. Creation itself is not a source of obligation.
3. Children are temporarily helpless.
4. Helplessness itself is not a source of obligation.

5. Therefore, there are no enforceable parental obligations (making any parental care a voluntary act of charity).[7]

Why isn't creation a source of parental obligation? One argument given is that if it were, parents would be obligated to care for their children forever, and this is self-evidently false (Evers 1978, 8; Rothbard 1998, 102). Why isn't helplessness a source of obligation? The argument is that the mere fact that some person is in need does not logically create an enforceable obligation on any other person to provide for them.

The theory is summarized by Rothbard (1998, 100):

> Applying our theory to parents and children, this means that a parent does not have the right to aggress against his children, *but also* that the parent should not have a *legal obligation* to feed, clothe, or educate his children, since such obligations would entail positive acts coerced upon the parent and depriving the parent of his rights. The parent therefore may not murder or mutilate his child, and the law properly outlaws a parent from doing so. But the parent should have the legal right *not* to feed the child, i.e., to allow it to die. The law, therefore, may not properly compel the parent to feed a child or to keep it alive.

Implications

Here are the logical implications of the theory of parenting as charity:

1. Parents only have the negative obligation to refrain from directly aggressing against their children. They have no positive obligations to their children.

2. Deliberate starvation of children is permissible, as acknowledged by Rothbard (1998, 100).

3. All forms of neglect (regardless of how extreme and regardless of whether it is intentional) are permissible.

4. There is no basis for parental authority provided in this theory; therefore, the logical implication of the theory is that parents have no authority to act paternalistically toward

7 Thomson (1971, 64) argues that people (including parents) "are not morally required to be Good Samaritans," which is to view parenting as a kind of charity and therefore not an enforceable obligation. Although Rothbard never used the term *charity* in relation to this idea, I think it is a logical name for the theory.

children. As a corollary of this view, parents should treat children in the same way they would treat a rights-bearing adult.[8]

5. There is no way in which reluctant fathers or mothers can be held liable for supporting their children. Any support they provide is merely akin to charity.
6. Parents can abandon their children whenever they want.
7. Unborn children may be justifiably aborted since the mother has no obligation toward the child.[9]

Some libertarians have attempted to create work-arounds that serve to blunt some of the implications of the theory of parenting as charity. Rothbard (2000, 150) argued that parents do have a duty to provide care based on personal morality, albeit not an enforceable duty. On this line of argument, deliberately starving your child to death is a vice but not a crime.

Compatibility with Libertarianism

It is tempting to argue that this theory can be summarily rejected simply on the basis that it logically allows for such evils as the deliberate starvation of children, and leave it at that. But the theory can also be refuted without any appeal to consequentialist arguments.

The theory is based on the premise that since a parent has not aggressed against a child by creating it, the child's peril should be viewed as but one example of "the general problem of the sick or the helpless" (Rothbard 1977, 3). This premise is only sustainable if one denies liability for the creation of peril, yet libertarian theory is fully compatible with the principle of liability for creation of peril. Certain actions create a positive obligation without voluntary agreement and without having committed a crime. The obligation is essentially to *prevent* from taking place a crime that one has set in motion but has not yet occurred.

Although the parents have not aggressed against their child by *creating* it, they are responsible for *creating the peril* that the child is in. If the parents do not look after the child, the child will die. Their obligations are not to provide restitution for a harm done; rather, they are obligated to stop the peril that they created from turning into harm. Evers (1978, 3) explains how creation of peril is linked to aggression:

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8 This view was represented by the child liberation movement of the 1970s and can be seen in the works of Holt (2013) and Farson (1974).

9 One might accept the core principle of the theory of parenting as charity (that parents do not have obligations) and nonetheless maintain that abortion is not permissible on other grounds. Parr's (2011) "departurism" theory is one example of this position.

> The criminal law punishes persons who put into motion some force that invades individual rights and who then neglect to halt the force which they originally set in motion. What is really being punished is the bringing forth of an emergency, as when the pilot of a passenger airplane bails out on a whim, leaving the passengers to crash. Returning to the idea of causality and its central role in the law, we can see that the creator of the peril has effectively committed an invasive act. If he neglects to halt or mitigate the force or effect of that act, then he can rightly be held responsible.
>
> A person is culpable who omits to halt a force which he originally put in motion. If, for example, a person accidentally starts a fire in a building, then escapes the building, but sees others who could be rescued still in the building, it is his duty to try to aid them.

Some advocates of the theory acknowledge that liability for creation of peril is compatible with libertarianism but argue that there is no liability in the case of parents. One argument is that the child is a kind of aggressor against the mother during pregnancy.[10] Another argument is that parents give children a net benefit by creating them (Evers 1978, 7; Dominiak 2015, 94; Block 2011b, 7, 10; Rothbard 1998, 103). This argument has the following form:

1. When parents create children, they are giving them the gift of life.
2. Life is a net benefit.
3. Since the parents benefit children by creating them, it would be an injustice if on top of that they were obligated to provide other things.

There are numerous problems with this. It is not clear how the philosophical problem of whether it is better never to have existed or to exist can be converted into values in such a way that makes it susceptible to mundane cost-benefit analysis. But even if one accepts the premise that existing is a huge benefit, beneficial gifts do not nullify obligations.[11]

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10 Evers (1978, 4) asserts that the fetus "has attacked the mother" because it "burrows into the wall of the womb" and then "expands like Alice-in-Wonderland in the rabbit's house." Rothbard (1998, 98) inaccurately uses the term "coercive parasites" in his characterization of unborn children. Block's (2021) whole "evictionism" theory relies on this assumption of the unborn child as aggressor. The aggressor argument is put forward in defense of the right to abortion, but it is not clear why this is supposed to be relevant to parental obligations once a child is born if the parents chose not to abort. How, according to this view, is a born child an aggressor? Evers (1978, 5) merely asserts that "just as the supposed duty to aid the imperiled is unsatisfactory as a moral basis for imposing a legal duty to support a fetus (thought of as a person) on a mother, the same supposed duty is unsatisfactory as a basis for imposing a duty to support children on parents."

11 Gordon (1999, 19) responds to the gift-of-life as net-benefit argument: "We do not have the right to force a gift upon anyone. . . . The net gain to the child is irrelevant. Our obligation comes from the fact that we impose the situation upon children without their assent."

The argument is a moral offsetting fallacy. One cannot simply "net out" an obligation against a benefit to escape accountability. The two are separate, and the validity of any obligation must be addressed on its own terms. Most importantly, an actor does not get to weigh his own case and decide for himself whether he is liable for an obligation based on benefits he has provided. If I take you up in my aircraft, give you a million dollars in cash, and then parachute out of the plane, leaving you unable to fly, I cannot legitimately argue that since I just gave you an enormous gift, I don't have obligations to you.

The denial of liability for parents on these moral offsetting grounds implies that parents have a sort of blank check to do *anything* to their children. Since the gift of life is so valuable, there is *nothing* that a parent could ever do that could outweigh the net benefit in a cost-benefit calculation. The reductio ad absurdum of this idea is the argument that because it is of a higher net benefit to be created and then killed than not to be created at all, parents have no obligation to refrain from killing their children. Remarkably, Block (2010, 5) even uses this logic when he argues that since it is better to be created for a few months and then killed via abortion than to not have been created at all, abortion cannot be a rights violation.[12] He does not seem to view this as a reductio, but it seems self-evidently absurd to me.

Another way to defend the denial of liability is to argue that there is no way to come into existence as a human without being helpless, and since being created is a net benefit, helplessness just comes as part of the package and is therefore not a source of obligation (Dominiak 2015, 94; Block 2010). On this view, parents have no responsibility, so helpless kids just have to hope their parents feel like helping them. In the event that the parents are not inclined to look after their children, the kids should presumably just suck it up and accept their fate as entirely legitimate.

But this assertion unjustly reverses the burden of proof. It is the parents who chose to act, and they are the agents who must justify themselves if their actions start a causal chain that ends in aggression. As a consequence of their actions, they have changed the state of the universe from one in which there was no child in peril to one in which a child is in peril. The child did not act to create this state of affairs, nor did he consent to it.

It is true that there is no way of creating a child that does not involve the child existing in a state of peril. This logically implies that creating children always entails the creation of peril and therefore the incurring of obligations. It does not imply that children ought to accept that nobody has any obligations toward them.

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12 Block (2010, 5) argues that "at least the fetus lives for a little while, which, if we hold life as better than death, or, in this case, non existence, must be counted as an enhancement, not a deterioration."

THE THEORY OF PARENTING AS VOLUNTARY SOCIAL CONTRACT

Another theory that emerged in the postwar period of the twentieth century is parenting as voluntary social contract. This theory accepts the legitimacy of enforceable parental obligations but argues that these obligations can only be voluntarily assumed. The claim is that only those who voluntarily accept the responsibility of parenting a child are obligated to do so—and only from the point that they accept this role onwards and only unless or until they give it up for adoption. So parents do have enforceable obligations but only if they have voluntarily agreed to them. The main line of argument used to justify this theory is as follows:

1. Enforceable positive obligations can only arise from two sources: voluntary agreement or as restitution for having committed an act of aggression.
2. Creating a child is not an act of aggression.
3. Therefore, parental obligations can only arise as a result of voluntary agreement.

This argument was made by Judith Jarvis Thomson (1971, 65) and has also been made by Elizabeth Brake (2010, 156). A voluntary agreement that gives rise to obligations is a contract, so this can be called a contract theory of parental obligations.

Implications

Here are the logical implications of the theory of parenting as voluntary social contract:

1. Unlike the theory of parenting as charity, parents not only have the negative obligation to refrain from directly aggressing against their children but also take on some positive obligations to care for their children while they are responsible for them. For example, neglect is not allowable.
2. Being the biological parent of a child has no relevance in itself for this theory and incurs no obligations, since the theory depends on voluntary agreement; therefore, biological parents do not have any obligations to their children unless they choose to accept such obligations.
3. Parents can give up a child whenever they want: they are "free to dump him out" (Block, Smith, and Reel 2014, 89), although the argument is usually that parents have an obligation to find someone who will adopt the child.

4. There is no way in which reluctant men can be held responsible toward any children that they father, since a man may always decide not to volunteer for fatherhood obligations.

5. Unborn children may be justifiably aborted, since their existence depends on the voluntary agreement of the mother, which she is free to withhold.[13]

Compatibility with Libertarianism

The first fatal problem with this theory is that it denies liability of parents for the creation of peril.[14] The critique of this position discussed in relation to the theory of parenting as charity can equally be applied to the theory of parenting as voluntary social contract: the premise is false and therefore the theory is unsound.

A second core problem for this theory is defining toward whom the obligations are directed and explaining why. Any agreement or contract made by the parent cannot be made with the child.[15] Given that the contract is not with the child, parents must be contracting with someone else. If parents simply declared to themselves that they choose to accept obligations, that would not create any kind of enforceable claim against them. They could change their minds at any time and nobody would be able to argue otherwise. So who are the parents contracting with?

Theorists attempt to resolve this problem with the following argument: by volunteering to be a parent, one makes an implicit contract not with the child but with society at large (i.e., with all other adults). By voluntarily taking on the role of parent, one commits oneself to society at large to assume obligations toward the child.

As should now be clear, the theory of voluntary parental obligations is a social contract theory. According to the theory, parents are making an agreement with society at large that obligates them to care for their children. It is not the child who has an enforceable claim on the parents; rather, it is "society" that has the claim. Joseph Millum (2017, 3), a proponent of this theory, summarized the argument: "Parental responsibilities are acquired through the performance of certain voluntary acts that signify the taking on of parental responsibilities. . . . Social convention determines both which acts have this

13 In his version of the voluntary social contract theory of parental obligations, Roderick Long (1993) argues that the decision *not* to have an abortion gives rise to parental obligations for the mother: "If a woman gives birth voluntarily (where the availability of safe, inexpensive abortion may be among the criteria of voluntariness), she has an enforceable obligation."

14 The theory must deny liability for creation of peril in order to make parental obligations the result of a voluntary agreement.

15 Before the child comes into existence, there is nobody to contract with. But even after the child has been created, he cannot consent to contracts until he is an adult since children cannot make valid contracts. All theorists who have discussed this idea acknowledge that children cannot consent.

significance and exactly what responsibilities are taken on. . . . The core of parental responsibilities is the provision of certain goods that all children are owed as a matter of justice. Parents provide these goods on behalf of society."

Libertarians deny the validity of positive obligations to society at large. According to libertarianism, individuals only have negative obligations to society at large. An individual can have positive obligations toward specific individuals arising from contract, tort, or restitution, but such positive obligations are not to society at large. Any theory that posits a contract between parents and society at large is therefore refuted by libertarianism. Indeed Williamson Evers (1978, 7) and Murray Rothbard (1998, 100) reject this theory on these grounds.[16]

Some libertarians apparently do not see the problem with theories that assert that individuals have *positive* obligations toward society at large based on a tacit social contract. They go so far as to argue that this is the very basis of parental obligations. Steve Horwitz (2015) gives a version of the argument:

> Parental obligations come when parents engage in the positive act of treating the child as theirs by asserting their parental rights. . . . "Treating the child as theirs" is a kind of public declaration of the exercise of parental rights. . . . You can think of taking a child home from the hospital as analogous to homesteading: you are declaring to *others* (*not* to the child) that this child is yours and that you thereby accept the responsibilities to care that come with exercising those parental rights. . . . Accepting parental rights but refusing to accept the corresponding obligations to care for a helpless child is a form of breach of contract. Again, the contract is not with the child, but with "the rest of us." Given the helplessness of infants, *someone* has to provide that care and those who act in ways that exercise parental rights simultaneously announce their willingness to accept the obligation to care.

Whatever else can be said about this, it is fundamentally incompatible with the libertarianism that denies social contract theory.

THE THEORY OF CAUSAL PARENTAL RESPONSIBILITY

The theory of causal parental responsibility argues that obligations can come from a different basis than merely the act of creation, the fact of a child's helplessness, or any voluntary agreement. The core argument is as follows:

16 Evers and Rothbard go further and assume that all theories of parental obligation must be based on the illegitimate idea of social contract, and so they reject the idea of positive parental obligations as a whole. I argue that they are incorrect in that broader second conclusion. But their first conclusion—that any theory based on the idea of a contract with the rest of society must be invalid—clearly follows from basic libertarian principles.

1. People are responsible for the reasonably foreseeable consequences of their actions, whether intended or not.
2. As a consequence of creating a child, parents have put another human being (the child) in a state of peril.
3. Children cannot consent to being born.
4. Since the child did not create their own state of peril nor consent to it, the child's peril is entirely the responsibility of the parents.
5. Therefore, parents have a positive obligation to do whatever is necessary to remove the child from a state of peril, since not doing so would constitute an act of aggression as a form of tort.

Parental obligation does not arise through contract, but rather as a result of the parents' actions being causally responsible for the peril that the child faces. Even if the parents did not intend to create a child (and even if they took the precaution of using contraception), creating a life was a foreseeable risk that they are responsible for.[17]

When parents create a child, one consequence is that the child is in a state of temporary helplessness or peril. The creation of peril is not itself an act of aggression, but it does give rise to a positive obligation.[18] The parents have an enforceable obligation to bring the child out of this state of helplessness. This means doing whatever it takes to raise him safely to the independence or self-sufficiency of adulthood. This is the basis of the causal principle of parental obligations.

Parental obligation arises from the voluntary act of making one's gametes available for fertilization—whether through sexual intercourse, which entails the natural possibility of fertilization, or through assisted reproductive

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17 In life-and-death situations, strict liability is justified: individuals are responsible for the foreseeable consequences of their actions, even if they were careful. This principle applies in tort law to activities that pose a serious risk of harm, such as keeping dangerous animals. Any voluntary act that risks creating a child—even unintentionally—should be treated with the same level of liability, because procreation results in a child being in a state of mortal peril. The obligation to remove the child from peril is not negated by good intentions or precautionary measures.

Werner (1974, 212) uses an argument from analogy with firing a gun in a crowded area to contend that "by engaging in intercourse, [people] are responsible for and obligated to accept the consequences of their actions." Weinberg (2008) argues that gametes are so consequential in their potential effect that gamete ownership entails an enormous responsibility, similar to that which comes with the possession of hazardous materials, and therefore owners have obligations to any child resulting from their allowing their gametes to fuse.

18 Walker (1999, 66) makes the point that the obligation of parents is "not to recompense for any wrong done, but to make sure it doesn't happen." This is analogous to parents purchasing a firearm. The purchase is not an act of aggression against a toddler, but leaving the firearm unattended in the vicinity of the toddler would put him in danger; therefore, the parents have an obligation to remove the child from this particular peril by securely storing their firearms. Similarly, creating a child is not itself an act of aggression against the child; however, as a side effect of his creation, the child is in a general state of peril owing to his vulnerability, and this is why the parents have a responsibility to remove the child from peril by raising him to become a self-sufficient adult.

technologies such as in vitro fertilization (IVF).[19] In both cases, the gamete providers bear ultimate causal responsibility for the creation of a child and therefore both the mother and father are equally causally obligated.[20]

Parental positive obligations are ultimately rooted in negative obligations. The parents have a negative duty not to be responsible for an act of aggression taking place against the child. Having been responsible for starting a causal chain that will result in an act of aggression taking place, the parents' choices result in a positive obligation to prevent the peril from actualizing. These positive obligations must be accepted as "chosen" as a consequence of the parents' reasonably foreseeable actions.

The origins of this theory are in the Enlightenment. The earliest presentation of the causal argument for parental obligations is by the eighteenth-century legal theorist William Blackstone ([1765] 1979, 435), who argued that creating a child entails the obligation to care for it:

> The duty of parents to provide for the *maintenance* of their children is a principle of natural law; an obligation, says Pufendorf, laid on them not only by nature herself, but by their own proper act, in bringing them into the world: for they would be in the highest manner injurious to their issue, if they only gave the children life, that they might afterwards see them perish. By begetting them therefore they have entered into a voluntary obligation, to endeavour, as far as in them lies, that the life which they have bestowed shall be supported and preserved. And thus the children will have a perfect *right* of receiving maintenance from their parents.

In this brief passage,[21] Blackstone captures some essential features of the causal argument:

1. As a result of their *action* of bringing children into the world, parents are responsible for their children's condition of helplessness.

19 Nelson (1991, 54) explains the basis for this act being the source of causal obligation: "The making available of one's gametes is an act highly proximate to conception, and, in concert with the other parent's actions, is jointly sufficient for it. Our practice is generally to take proximity and sufficiency pretty seriously; a pair of coordinated actions which were proximate to and jointly sufficient for some event, and were not the result of forcing or fraudulent action on the part of others would be hard not to see as *the* cause of the event in question. Becoming a parent generally fits this model."

20 Nelson (1991, 52) points out that on this causal view, gestation by a pregnant mother is not an act of creation but rather "the first kind of nurturing that mothers provide for a fetus which has already come into existence at conception."

21 Blackstone credits Samuel Pufendorf as the source of this causal argument, but it is not clear that his interpretation of Pufendorf was correct. Pufendorf ([1673] 1991, 124) had made a slightly different argument that parental authority rests on natural law and the "tacit consent" of the offspring. It seems to have been Blackstone who first stated the *causal* argument clearly, although Blackstone himself only offers this brief statement of the argument and does not elucidate its further implications.

2. If parents were to fail to care for their children, the result would be that the children would perish.

3. Therefore, parents have an obligation to maintain their children to prevent this from happening.

The first major philosopher to put forward the causal argument for parental obligations was Kant. Kant ([1797] 1991, 98–99) argued that parental obligation comes from bringing children into the world without consent and placing them in a state in which they are not yet "able to look after themselves":

> There follows from *procreation* . . . a duty to preserve and care for its *offspring*; that is, children, as persons, have by their procreation an original innate (not acquired) right to the care of their parents until they are able to look after themselves, and they have this right directly on the basis of principle (*lege*), that is, without any special act being required to establish this right. . . . So from a *practical* point of view it is a quite correct and even necessary Idea to regard the act of procreation as one by which we have brought a person into the world without his consent and on our own initiative, for which deed the parents incur an obligation to make the child content with his condition so far as they can. They cannot destroy their child as if he were something they had *made* (since a being endowed with freedom cannot be a product of this kind) or as if he were their property, nor can they even just abandon him to chance, since they have brought not merely a worldly being but a citizen of the world into a condition which cannot now be indifferent to them even just according to concepts of Right.

In this section, Kant expresses the main points of the causal theory.[22] He repudiates the theory of parental ownership and argues that children have rights. Instead of a merely biological explanation, he argues that obligation results from the *actions* of the parents. Although Kant's writing style is notoriously obscure, one can see some essential features of the concept of creation of peril already present. His argument that parents cannot "just abandon" the child to "chance," having "brought" the child "into a condition which cannot now be indifferent to them," implies that the child is in peril,

22 There is no evidence as to whether Kant got this argument from Blackstone or deduced it independently.

which can also be inferred from Kant's argument that children are not yet "able to look after themselves."[23] Like Blackstone, however, Kant did not explore the wider implications of the causal theory.

Other statements of the causal argument for parental obligations have been made by diverse thinkers, including the nineteenth-century utilitarian philosopher Henry Sidgwick (2012, 220),[24] the Objectivist Nathaniel Branden (1962, 55), the philosopher Richard Werner (1974, 212), the bioethicist James Lindemann Nelson (1991), the libertarian pro-life activists Doris Gordon (1999) and John Walker (1999), the philosopher Rivka Weinberg (2008),[25] and the libertarian legal theorist Stephan Kinsella (2023, 50, 641).

Implications

Here are the logical implications of the theory of causal parental responsibility:

1. Parents have enforceable positive obligations to bring their child out of peril, which means both protecting the child and doing whatever is necessary to enable the child to become an independent (self-sustaining) adult.

2. Parents also have the usual negative obligation to not aggress against their child (no spanking, beating, etc.).

3. There is a clear basis for parental authority provided by the theory. To remove a child from peril, a parent must act paternalistically toward the child; therefore, the parent is justified in assuming authority over the child.

4. There is also a clear basis for limiting parental authority. The use of such authority is only justified in fulfillment of the parent's positive obligation toward the child, and there are objective criteria for detecting misuse of that authority—criteria grounded in the obligation to remove peril.

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23 A weakness of Kant's version of the causal argument is in his claim that parents are obligated to "make the child content with his condition," which seems to imply that the fulfillment of their obligation depends on the subjective experience of the child. This seems unnecessarily vague and subjective since there are objective ways to determine if a child has been removed from peril.

24 Sidgwick (2012, 220) has a much clearer expression of creation of peril compared to Kant: "And this leads to what we may conveniently examine next, the duty of parents to children. And here again we might classify this under a different head, viz. that of duties arising out of special needs: for no doubt children are naturally objects of compassion on account of their helplessness, to others besides their parents. But on the latter they *have a claim* of a different kind, springing from the duty which the principle of Benevolence imposes upon all human beings toward all others of not causing pain or any harm, directly or indirectly, except in the way of deserved punishment: *for the parent, being the cause of the child's existing in a helpless condition, would be indirectly the cause of the suffering and death that would result to it if neglected*" (emphasis added).

25 Weinberg considers her position to be distinct from the causal thesis, but I argue that it is still a version of causal responsibility. Prusak (2013) also favors the causal thesis, but his work is more of an exploration than a defense, raising Socratic questions to prompt reflection.

5. Both parents are jointly and severally liable for their positive obligations, since both are responsible for their actions in creating the child.[26] This is the only theory that has this implication.

6. Both parents are obligated regardless of whether they intended to create the child, since the obligation comes from responsibility for actions, not desire or agreement.[27] This is the only theory that implies this obligation.[28]

7. Parents cannot abandon or give up their obligation, since the obligation is based on action, not agreement, and the obligation is to the child, not others. They may be able to delegate their responsibilities, but they cannot give up their parental obligations.[29]

8. Parents cannot legitimately absolve themselves of all obligation by giving up a child for adoption. In extreme circumstances, giving up a child for adoption may be justifiable if the biological parents are genuinely unable to fulfill their obligation.[30] But this act should rightly be construed as delegating the responsibility to the adopters to fulfill the obligation on the biological parents' behalf.[31]

9. Abortion cannot be justified in cases arising from consensual sex, since it is incompatible with parental obligations.[32] As Gordon (n.d.) puts it, "Given that human offspring begin

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26 Even if one parent is willing to raise the child alone, the willing parent cannot legitimately offer to relieve the reluctant parent of all obligation, since the obligation is to the child, not the other parent. In fact, what the willing parent in this scenario would effectively be offering is to collude in denying the child his legitimate claims on one of his parents. Regardless of whether the unwilling parent accepted such an offer, it would not relieve his or her enforceable obligations to the child.

27 As Branden (1962, 55) emphasizes, "the fact that the parents might not have desired the child, in a given case, is irrelevant" according to the causal argument.

28 Parental obligation, however, does not apply to victims of rape or paternity fraud, since those victims are not causally responsible. It also would not apply in cases where the life of the pregnant mother is endangered owing to her right to self-defense. For further discussion of this, see Desyllas (2024c).

29 For further discussion of this implication, see Desyllas (2024d).

30 I do not argue that the practice of giving up a child for adoption should be banned, even in those cases where it is a clear dereliction of parental obligation, but that does not imply that it is legitimate for such parents to fail to fulfill their obligations. One may support the institution of adoption on entirely pragmatic grounds (the interests of the child) while being aware of a wrongdoing. In some cases, it may be right not to seek enforcement against a criminal if doing so would endanger the innocent. An example of this principle can be seen when police officers sometimes deliberately abandon a high-speed pursuit of a reckless driver on the pragmatic grounds of minimizing the risk of injury to bystanders. Their actions do not imply that the perpetrator is innocent.

31 The biological parents still remain the ultimate obligation holders; therefore, if the adoptive parents were to mistreat the child, the biological parents could share liability for this crime since they still have enforceable positive obligations to the child. The implications of parental obligation on adoption are discussed further in Desyllas (2024d).

32 Some proponents of the causal thesis do not accept this implication. For example, Nelson (1991, 53) acknowledges that the causal theory seems to imply the impermissibility of abortion but argues that there can be other grounds for allowing abortion.

life when conceived, and then given parental obligation, it follows that parental obligation begins not at birth but at fertilization."[33]

10. Gamete donation or sale cannot be justified, since it constitutes an unjust abandonment of parental obligation.[34] This includes traditional surrogacy, which is a specific case of gamete sale or donation.[35]

11. Parents have obligations to every embryo created using IVF, since it is the act of making one's gametes available for fertilization that gives rise to obligation.[36]

Compatibility with Libertarianism

The theory of causal parental responsibility is fully compatible with libertarian principles. Unlike the theory of parental ownership, causal responsibility is compatible with the libertarian concept of self-ownership and acknowledges that children are self-owners. Unlike both the theory of parenting as charity and the theory of parenting as voluntary social contract, causal responsibility accepts the validity of obligations arising from creation of peril. Unlike the theory of parenting as voluntary social contract, causal parental responsibility is not based on a fallacious social contract theory.

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33 To deny this, one would have to argue that parental obligations begin only at birth or at some later point in pregnancy. This position implies that an embryo or fetus does not yet qualify as a child to whom obligations are owed. To make this claim, however, one can no longer hold that parents are causally obligated to any child that results from making their gametes available for fertilization. Instead, one must hold that, at the moment of conception, neither parent owes anything to the offspring they have created. Once this offspring—who is owed nothing—gains recognition as a "child" at some arbitrary later point, the *cause* of the child's existence, and any obligation toward the child arising from it, should logically be attributed to the decision not to abort rather than to the act of having sex. After all, as already established on this view, sex that results in conception does not generate obligations to offspring. But this is to argue for a theory of parenting as a voluntary choice, not a causal obligation. One cannot deny, therefore, that abortion is incompatible with parental obligations without abandoning the theory of causal parental responsibility.

For further discussion of the incompatibility between causal parental obligations and abortion, see Desyllas (2024a).

34 Nelson (1991, 60) explains why gamete donors cannot legitimately discharge their obligations: "It is not so much a question of knowing that the biological parents can do a *better* job than possible replacements; it is more a matter of continually being at hand to answer for one's own responsibilities. With respect to anyone else, the best I can do is *predict* that they will fulfill their duties, but my relationship to my own agency is categorically different; I can bring myself—at least sometimes—to *perform* my duties."

This principle can equally be applied to parents who give up their child for adoption when they are capable of looking after the child. Weinberg (2008, 176) argues that while both giving up a child for adoption and donating gametes are "problematic," adoption can sometimes be justified in ways that gamete donation cannot: "Whereas adoption satisfies the child's pressing needs, however, sperm donation satisfies the pressing needs of infertile and/or gay adults. Since parental responsibility is to the child and for the child's sake, the fact that the needs of the child may justify the transfer of that responsibility does not entail that the needs of the parents can as well. The positive adult claim to have children is not necessarily a claim that is permissibly achieved by any means necessary."

35 Under the causal theory, a gestational surrogate has no parental obligations, but the gamete providers whose embryo she carries do.

36 Although it is possible to transfer every embryo created during IVF, the process typically results in many embryos being discarded (destroyed) or cryopreserved indefinitely. Of those preserved, some may eventually be donated to others, destroyed, or remain frozen with no clear future. All these typical practices during IVF are incompatible with parental obligations.

The main libertarian objection[37] to this theory is that "libertarianism does not recognize positive legal obligations except as established by agreement" (McElroy 2013). This objection is based on a misunderstanding of the libertarian principle. Libertarianism does not oppose positive obligations per se; the principle is that positive obligations can only be incurred as a result of one's voluntary actions. This can include obligations that result from the undesired but reasonably foreseeable consequences of one's actions. Some libertarians reject parental positive obligations on the grounds that to accept them would open the door to general positive rights. As Walter Block (2011a, 6) puts it, "Once we open up the floodgates of positive obligations, there is no logical stopping place. We will be logically obligated to accept a right to food, clothing, shelter, medical care, etc. Welfare 'rights' cannot be far behind." This objection is simply false.[38] Parental obligations do not entail general welfare obligations for two reasons:

1. The justification of parental obligations is specific, not general.
2. The justification is based on responsibility for an individual's own actions, not some general responsibility for humanity arising from membership of the human race.

Without contradiction, we can both acknowledge the validity of chosen positive obligations (including those obligations one must accept as "chosen" as a consequence of one's actions) and deny the validity of unchosen positive obligations.

PARENTAL OBLIGATIONS IN CONTEMPORARY LIBERTARIAN THOUGHT

Many postwar libertarians who address the question have denied the validity of enforceable parental positive obligations. For example, Murray Rothbard (1998, 100), Wendy McElroy (2013), Walter Block (2021, 143), and Harry Browne[39] all deny them. Most justify denying positive parental obligations by arguing some variant of the theory of parenting as charity. At the same time, advocates of this theory have been unwilling to accept all its implications and so have equivocated between different theories of the parental role in their arguments.

37 For a discussion of all the objections that have been made to the theory of causal parental responsibility, see Desyllas (2024b).

38 A further defect of this objection is that it is merely a consequentialist argument, not a principled one. If it were true that parental obligations are valid and somehow logically imply general welfare obligations, we would have to accept welfare obligations as valid too. One cannot deny a truth on the grounds that it refutes a theory that one holds dear. However, it is not true, so the objection can be ignored.

39 Browne ([1966] 2002) published an open letter to his young daughter telling her that "no one owes you anything." For a discussion of this letter, see Desyllas (2020).

Rothbard accepted some of the most shocking implications of the theory of parenting as charity and was honest in showing how these consequences are clearly implied in the logic of the argument.[40] Interestingly, he did not accept one clear implication of this theory: without parental obligation there is no justification for parental authority. Instead, Rothbard added on a variant of the theory of parental ownership to his argument, which he used to justify parental authority as a homesteaded property right.

Despite the incompatibility between parental ownership and self-ownership, it is notable that libertarian writers on this subject have never fully repudiated the theory of parental ownership. Like Rothbard, other libertarian thinkers have conceded the principle that parents have *some* kind of property right over children, in order to provide a basis for parental authority. They do argue that this right is limited in time and extent but nonetheless still concede the basic premise that parenting *is* a kind of property right.

There is also still inconsistency and confusion among libertarian writers about whether children are self-owners. Rothbard (1998) puts forward four conflicting propositions on parental ownership versus child self-ownership in the same book.[41] This contradiction results partly from Rothbard combining two conflicting theories of the parental role.

Walter Block defends both the theory of parenting as charity (arguing that parents do not have obligations) and the add-on variant of the theory of parental ownership (arguing for parental authority as a homesteaded property right), but he is unwilling to accept the permissibility of negligence implied by the theory of parenting as charity. Block (2004) tries to remedy this by adding to the top of this teetering tower of theories a variant of social contract theory as the basis of voluntary parental obligations. Whereas Horwitz (2015) puts forward a social contract argument plainly, Block uses extremely convoluted arguments that ultimately reach the same destination, while simultaneously denying that he has done any such thing.[42]

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40 For example, he accepted the permissibility of deliberate starvation (Rothbard 1998, 100).

41 Proposition 1: "The mother or parents may not receive the ownership of the child in absolute fee simple" (Rothbard 1998, 100).

Proposition 2: "A newborn baby cannot be an existent self-owner in any sense" (99).

Proposition 3: The mother "is the natural and rightful owner of the baby" (99).

Proposition 4: Babies "possess the right of self-ownership" (100).

42 Block (2004, 282) asserts that parents cannot withhold care from children, because they would be committing a kind of forestalling against other potential caregivers. His justification involves an appeal to his conception of the rules of homesteading and the rules that determine what constitutes abandonment. His denial that any positive obligations are implied in his theory (e.g., Block, Smith, and Reel 2014, 88) does not seem to be a sustainable claim. Ultimately, his argument amounts to this: as part of becoming a parent, you voluntarily take on an obligation to care for your children, because (according to Block) you are homesteading a child and this makes you bound by various rules governing homesteading and abandonment. But he is arguing that the obligation is to the rest of society—to every other person on planet earth (Block 2004, 284) who might otherwise want to raise the child—and not to the child, and in doing so he is clearly advancing a social contract theory.

It is not necessary to equivocate between these invalid theories to justify parental authority or to deny the legitimacy of negligence. The theory of causal parental responsibility achieves both of the aims that Rothbard and Block were pursuing—without the inconsistency. Parental obligation provides a justification for parental authority without appealing to parental ownership and provides clear grounds for denying the validity of negligence without appealing to a social contract.

As Locke points out,[43] parental authority is derivative of parental obligation, not the other way around.[44] Far from being a homesteaded right, the authority that parents have is a *responsibility* arising from (and temporally subsequent to) their acquiring obligations toward the child. This also entails that all use of parental authority must be justifiable in terms of the fulfillment of parental obligations—otherwise, it is a misuse of authority.

I argue that the denial of parental positive obligations has been an error in libertarian theory. Only the theory of causal parental responsibility (which affirms enforceable parental obligations) is defensible. A few libertarian thinkers have argued for variants of this theory in the past. Nathaniel Branden (1962, 55), Doris Gordon (1999), and John Walker (1999) all made arguments along these lines, but only in short fragments. In recent years, Kinsella's (2023, 50, 641) argument from analogy with pushing someone into a lake has been the most influential libertarian statement of this idea, although this theory is not the focus of his work. Some of these thinkers do not accept all the implications of the theory.[45] And some may have been unaware of the radical implications since they do not address them.

CONCLUSION

Rightly conceived, libertarian philosophy can provide a beautiful moral understanding of parental responsibility. It provides a philosophical foundation for parental authority and delineates clear limits to that authority. Only libertarianism provides a sound philosophical basis for respecting children as individuals with rights.

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43 "The power, then, that parents have over their children, arises from that duty which is incumbent on them, to take care of their off-spring, during the imperfect state of childhood" (Locke [1689] 1988, 306).

44 In contrast to Locke, Horwitz (2015) offers an example of how the theory of homesteading parental rights leads to viewing the relationship between authority and obligation backwards: "You can think of taking a child home from the hospital as analogous to homesteading: you are declaring to others (not to the child) that this child is yours and that *you thereby accept the responsibilities* to care *that come with* exercising *those* parental *rights*" (emphasis added).

45 For example, Kinsella ([1996] 2023) does not accept the incompatibility of abortion with parental obligations. As an Objectivist, Nathaniel Branden does not accept this implication either.

It is strange that modern libertarianism currently does none of this. Modern libertarianism denies parental obligations, denies parental responsibility, and is incoherent on parental authority. Libertarian positions on family matters have often been criticized and ridiculed. Unfortunately, some of the criticisms are well-founded, but not because of a fault in libertarian principles.

There is a coherent theory of the parental role that is compatible with libertarian principles: the theory of causal parental responsibility. Elements of the theory can be found scattered across the works of disparate thinkers since the Enlightenment, but none of those thinkers synthesized these insights into a coherent framework or traced the theory to its full, and potentially radical, logical conclusions. This article has attempted to bring those insights together.

Adopting a consistent theory of the parental role requires from libertarians a change of mindset. It requires taking seriously our opposition to the theory of parental ownership and finally repudiating that ancient theory in full.

The parental role is an obligation, not a property right. Children are not homesteadable objects—they are self-owners. Parents are *guardians* of their children as a result of obligation, not as a result of a homesteaded property right. Parents have authority over their children *because* parents have an obligation to raise them to the safety and self-sufficiency of adulthood. Parental authority is only justified in fulfillment of this obligation.

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