

Are Incestuous Relationships Criminal?

Oh, ho! The most important question that has plagued humanity since the beginning of time...

Not really, but it's an interesting question nonetheless, one that has been recently discussed in a Facebook group I'm in among friends I've known for years.

The headline that started this particular discussion, "North Carolina father and biological daughter charged with incest after having baby", and the relevant parts of the story:

A North Carolina man and his biological daughter were arrested on incest charges after authorities learned they had a child together and lived as a "married" couple, according to local reports.

Steven Pladl, 42, and Katie Pladl, 20, who lived in Knightdale, N.C., were arrested on Jan. 27, according to WNCN-TV. Both were charged with incest, adultery, and contributing to delinquency.

According to the station, Steven and his then-wife had Katie in 1998 and she was adopted out-of-state. Several years ago, Katie reportedly used social media to reach out to her biological parents and moved into the home they lived in with their two children near Richmond, Va., in August 2016.

In November 2016, Steven and his wife legally separated, and his wife later told authorities that her husband slept in Katie's room on the floor the month before she moved out.

Steven's former wife told authorities that she did not know Katie and her then-husband were involved in a sexual relationship, until she read one of their children's diary entries in May.

The woman told WTVR-TV that she found a drawing of Katie pregnant and her child wrote that her father told her to refer to Katie as her step-mom.

The woman told authorities that she confronted Steven about the relationship and he said he was the father and the pair planned to marry.

Daughter who was adopted away sought her parents, and later started a sexual relationship with her biological father, got married, had a baby. Was a crime committed?

I don't see how. Everyone were adults, and nobody was defrauded, kidnapped, or raped. The issue in most people's minds regarding incest is the health of offspring. I've never looked for the research, but it makes superficial sense that children born to such closely genetic-related people should have abnormalities.

The general consensus seems to be that intentionally creating a child with major health problems is a crime against the child as they will have to deal with these their entire lives, which quite probably will be cut short.

Is creating a child with abnormalities and other major health problems a crime in the libertarian sense? Remember, a crime is any action that hurts another person or their property. Is that what's happening with incestually produced children?

It's hard for me to say that it is. Typically, a crime requires a previous state. How else are we to know when something's been taken, or someone's been damaged? We must know how things were before the crime in order to know how things are after the crime, methinks.

In the case of a child being born with problems, there was no previous state. Unlike a mother who drinks too much alcohol or smokes too many cigarettes after the conception of her baby, leading to abnormalities, in the case of incestual intercourse, the baby is as it always was. It just so happened that it's DNA was mixed in such a way as to give it abnormalities or other major health problems. The previous state was total non-existence, and the current state remains unaltered.

As it stands, consensual incest is not a crime in the libertarian sense, nor is the production of offspring with genetic issues by incestuous means. If we are to categorize it as such, then shouldn't we also categorize non-incestuous babies with genetic issues as owed restitution? Accidents are no excuse to making other people we damage whole, after all. What other implications are there, I wonder?