

This is a version of the paper submitted for publication to the Journal of Social Philosophy. Please cite the published version when it is available. Among other things, the accepted version now contains a footnote acknowledging a discussion of the social construction of baseball strikes by Ásta in her book The Categories We Live By, which I only became aware of after submitting this paper.

Naturalizing Parenthood

How does someone become a parent? That might seem like a funny question for philosophers to grapple with. Isn't it a matter for biologists? And don't we all already know the answer? But things are more complicated than they appear. Julia might be the product of Juan's sperm and Jane's egg, gestated by Jane, but raised by Jillian (who is in no way related to Juan or Jane). Lucy might be the product of Louis's sperm and Lancastra's egg, gestated by Lancastra, and raised by Lancastra and Lynn. Gopal might be the product of Gus's sperm and Giselle's egg, gestated by Gesina, and raised by Gus and Griselda. Got it?

We can make some progress by simply sharpening our concepts: we can pick out Louis as a genetic father or Gesina as a gestational mother. But even after sharpening things up in this way, we can still find ourselves left with a question: who should parent the child? In other words, we can still ask: Who is the child's normative parent? Who incurs the rights and responsibilities of raising the child? And why?

Cases of what I will call non-traditional family-making¹ offer a rich seam for thinking about these questions. Gamete donors are genetically related to the resulting offspring, but are typically not thought to be normative parents.² Gestational surrogates likewise are typically not thought to

¹ By "non-traditional family-making" all I mean are families that are formed in ways that don't conform, in some way, to the heteronormative and bionormative conception of the family. The heteronormative and bionormative conception of the family conceives of families as consisting of a) only two parents who are b) a man and a woman, where c) the children are gestated by the woman and d) are the genetic offspring of the man and the woman. I will also talk of "non-traditional parents". All I mean by that is people whose route to parenthood involved non-traditional family-making.

² Though some, such as Weinberg 2016 as well as Velleman 2005, disagree.

be normative parents, despite having gestated a child.³ Adoptive parents are typically thought to be normative parents even though they are neither genetically nor gestationally related to their child.

These kinds of cases have not been overlooked by philosophers who think about normative parenthood. But what philosophers have not paid much attention to is what the people who have actually engaged in these non-traditional forms of family-making have to say about what they're doing and, more specifically, how they answer the questions: "Who is the normative parent? And why?"

We should pay attention to their answers. One reason you might think so is because you think that non-traditional family-makers have a kind of epistemic authority with respect to the nature of parenthood that traditional family-makers typically lack. There is something to this idea. Traditional family-makers largely glide through life without giving much thought to the question, "What makes someone a parent?" This is because their status as parents is rarely questioned. They are not confronted, at every turn, by a culture that reinforces a biogenetic conception of the grounds of normative parenthood.⁴

Non-traditional family-makers, on the other hand, are confronted by a conception of parenthood⁵ that makes the question "Who is a parent?" especially salient (whether they want it to be or not). It would be no surprise, then, to learn that they think about the question more. And it is not implausible to think that, having done so, they have gleaned insights about the nature of parenthood that traditional family-makers tend to miss.

³ Though some, such as Gheaus 2012 & 2018, disagree.

⁴ A recent New York Times article – "My Kid Has 2 Moms. Why Did She Say She's Thankful for 'Mommy and Daddy'?" – nicely illustrates the ubiquity and power of the biogenetic conception of parenthood.

⁵ Throughout I will use "conception of parenthood" to mean "conception of the grounds of normative parenthood." I often use the latter, but sometimes it is too cumbersome.

However, I think we should be hesitant to conclude that in general non-traditional family-makers have epistemic authority about the nature of parenthood. For if traditional parents rarely, if ever, feel the need to directly confront our questions about parenthood, non-traditional family-makers have serious incentive to have the answers come out in a way that establishes real parenthood for the intended parents. In other words, non-traditional family-makers are interested in answers to our questions that establish that only certain people involved in creating the child are the child's parents. And now it's clear what the worry is: the need for an account of parenthood that does that threatens to have a distorting effect on one's thinking about parenthood.

But it is precisely the potential for distortions that explains why I think we should pay attention to the views of people involved in non-traditional family-making. Doing so reveals two things. First, accounts of parenthood from people involved in two forms of non-traditional family-making⁶ – reproduction with gestational surrogacy and reproduction with donated eggs – are mutually inconsistent. This is not surprising.⁷

The second point is more surprising: the contradictory aspects of the views actually evince a common implicit commitment to, as I shall put it, *naturalizing* parenthood.⁸ The central goal of this paper is to explain what that means. That is, I aim to offer a philosophical analysis of what we might call the *naturalizing move*, a move that tends to be – despite initial appearances – found in common among three different kinds of non-traditional parenthood.⁹

⁶ At least in the United States at least. My sources for what non-traditional family makers tend to think all studied non-traditional family-making in the United States. I say more about the nature of the sources in subsequent footnotes (after I introduce material from them).

⁷ Kolers and Bayne 2001, 273 make this observation, although they note that whether the two views in fact conflict depend on the strength of the views (which I say something about in notes 16 and 24).

⁸ I borrow talk of “naturalizing” parenthood from Charis Thompson who talks about “strategic naturalizing” (Thompson, 2007, 145).

⁹ Crucially, I do not claim that everyone who is a non-traditional parent of the kinds I focus makes the naturalizing move. Rather, the claim is that one tends to see the naturalizing move on display in certain forms of non-traditional

A good portion of the paper is devoted to explaining what the move is, but we can put the idea roughly as follows: the move aims to put the determining features of parenthood – the features that make someone a normative parent – beyond the reach, so to speak, of human agency. That might sound like an absurd claim on its face: if anything involves exercises of human agency, conceiving a child in a non-traditional way does. It involves all kinds of intending, deciding, and planning. How could anyone see it as being beyond the reach of human agency? Nonetheless, I will show that there is a sense in which this is precisely how some kinds of parents tend to conceive of parenthood.

Suppose I'm right about that. We might wonder why people make the naturalizing move (when they do). The answer, I think, is that doing so is seen as one way of meeting a significant interest that some non-traditional parent have, namely to establish themselves as the real and stable (i.e. permanent) normative parents of their child.¹⁰ But this is not a line of thought I pursue here,¹¹ beyond briefly suggesting in the conclusion that we should think of the grounds of

family-making. Importantly, I also make no claim about whether the naturalizing move is found in forms of non-traditional family-making that I do not discuss. Indeed, there will be some forms of non-traditional family-making that are not at all amenable to the story I tell.

¹⁰ To be clear, this is also an interest many traditional parents have as well. But because we live in a society that tends to treat traditional family-makers as “real” normative parents by default, both the interest and the tendency to naturalize parenthood that comes with it are more below the surface, so to speak. Meeting the interest for traditional family makers does not present as a *problem* – moral and sometimes legal – that needs to be solved. Moreover, the problem is especially real for the kinds of parents we will look at for the simple reason that there are others who, on the face of it, have some kind of claim to parent the child, i.e. donors and gestational surrogates. I don't mean to imply that they really do. My point is just that their relationship to the resultant child is such that the question, “Who is the normative parent?” can't help but come up for everyone involved. Whatever one's view about the grounds of normative parenthood, gestational surrogates and donors (and birth parents, particularly birth mothers) stand in a different relationship to the resultant child than a total stranger does. Typically surrogates, donors and birth parents do not want to be normative parents to the child. But that just means that they have a significant interest in establishing the intended normative parent's unique, uncontested responsibility to be normative parent to the child.

¹¹ Among other things, I am far from qualified from offering anything like an exhaustive answer to the “why?” question. The practices, norms, and institutions that drive non-traditional family-making bring together issues of class, race, gender, and economic (in)equality in ways that are difficult to entangle and are well beyond my expertise.

normative parenthood – and the task of theorizing about the grounds of normative parenthood – in a way that avoids the need to naturalize altogether.¹²

1. Two Theories of Normative Parenthood

Here are the two forms of non-traditional family-making I will focus on:¹³

IVF with intended parents’ gametes and a gestational surrogate The intended parents use their own gametes to create the embryo, which is then gestated by a surrogate.¹⁴

IVF with donated egg (at least) and the intended mother gestating An intended mother gestates an embryo which was created with an egg that is not her own and, sometimes, donated sperm.

Here’s a philosophical question we might ask about these cases is: “Who is (are) the normative parent(s) of the resulting child?” That is not the question I want to ask. Rather, I’m interested in this one:

What nascent theory of parenthood is deployed by the people involved in these forms of reproduction in order to answer the question, “Who is (are) the normative parent(s) of the resulting child?”?

This is largely a sociological question. Fortunately, sociologists have done excellent work to answer it.

Consider first this summary of how an intended mother, Giovanna, who is using a donated egg, conceives of her (future) parenthood:

Giovanna’s claim to motherhood was to come from her gestation of the baby and her provision of the bodily substance and bodily functioning out of which the baby would grow and be given life. Giovanna stressed the significance of the gestational component

¹² A proper defense of this suggestion would require direct engagement with the philosophically-sophisticated versions of the “folk” theories of parenthood I discuss below. This is not something I do here, although I do flag and to some extent discuss these theories in footnotes where appropriate.

¹³ There are other non-traditional forms of parenthood. I’ve chosen these two because they clearly put on display, as it were, the feature that interests me most. Perhaps other forms of non-traditional parenthood do so as well. Indeed, in a little bit we’ll look at another case.

¹⁴ Gestational surrogacy should be distinguished from traditional surrogacy, where the surrogate’s own egg is used in the conception of the intended child.

of reproduction and emphasized the importance of the experiential aspects of being pregnant and giving birth in designating motherhood. (Thompson 2007, 155)¹⁵

Giovanna's view is representative of what intended mothers that reproduce via IVF with a donated egg think of the grounds of their (future) parenthood. It is not that genetics do not matter at all. Gestational intended mothers care a lot about the source of the egg. But the grounds of parenthood for these intended mothers has to do with gestation, not genetics. Gestation is where it's at!¹⁶

Egg donors agree. According to Rene Almeling: "In interview after interview, women used similar phrasing to define their contribution as "just an egg"."¹⁷ One woman, Tiffany, told

Almeling the following:

There is one friend that does not like the fact that I'm doing [egg donation]. She said, "I don't see how you can do that. There's going to be a little Tiffany running around." And I don't consider it that way. I mean, I donate my blood. I don't consider my blood being out there in any way. I don't feel an attachment whatsoever. It's not like I carried the kid. If I carried the kid, I could see an attachment, and I would consider it a little me running around. But just because it's my egg, I don't consider it me.¹⁸

Tiffany simultaneously downplays the significance of the genetic contribution to determining parenthood (indeed, there is no mention of genetic relatedness) and emphasizes the importance of gestation: if she had gestated the child, things would be different.

¹⁵ Thompson's book, *Making Parents: The Ontological Choreography of Reproductive Technologies*, is based on fieldwork done in the United States between 1988 and 2004.

¹⁶ The philosophically sophisticated version of gestationalism is developed and defended by Gheaus 2012 and 2018. For a critique see Brighouse and Swift 2014 (107-110). Kolers and Bayne 2001 distinguish between *Strong*, *Sufficiency*, and *Necessity* gestationalists. The first claim that gestation is necessary and sufficient for normative parenthood. The second claim that it is sufficient. And the last claim that it is necessary, but not sufficient. What do non-traditional parents like Giovanna think? They think gestation is sufficient for normative parenthood. Do they think it is necessary? Probably not if they use a partner's genetic material alongside the donated genetic material. That raises the question of why their partner's genetic contribution grounds a claim to normative parenthood, but the donor's genetic contribution does not.

¹⁷ Almeling 2011, 149.

¹⁸ Almeling 2011, 149. Almeling's *Sex Cells* is the result of data that come "from six donation programs, where I interviewed a total of forty-five staff members, nineteen egg donors, and twenty sperm donors between 2002 and 2006" (14).

This two-step – downplay genetics, play up gestation – is common among egg donors. Three quarters of the egg donors Almeling interviewed brought up gestational surrogacy, “with most...stating their absolute unwillingness to even consider the possibility”.¹⁹ For the people involved in this form of non-traditional family-making gestation establishes normative parenthood.²⁰

Things look very different when we consider our second form of non-traditional family-making: IVF with intended parents’ gametes and a gestational surrogate. There is not a lot of sociological data (quantitative or qualitative) on how the intended mothers see the grounds of their parenthood.²¹ But the fact that people choose to reproduce with a gestational surrogate – the most expensive and “involved” mode of reproduction – is some evidence that they see genetic relatedness as important in some way.

The good news for my purposes is that the views of gestational surrogates have been well-documented. The prevailing attitude is that the child they are gestating is not theirs and, indeed, never was. As one surrogate put it:

I just went into this knowing, “This is not my baby. It’s [my intended parents] Gia and Charles’s baby.” Or this time it’s [my new intended parents] Trista and Oscar’s baby. And I care about them, and I’m going to eat right and I’m going to sleep and do what I need to do, take my vitamins—but I have a love for them but kind of like [for] my nephews. And a lot of people don’t understand that. “How can you not want them?” Well, I don’t want them. I want them to go home and I want to go visit them, but I don’t want them because they’re not mine.²²

¹⁹ Almeling 2011, 150.

²⁰ What about the men? There’s an instability for sure if there’s an appeal to genetics when it comes to explaining the man’s parental role, but then downplaying genetics to get rid, as it were, of the egg donor. That something like this (probably) happens is consistent with my claim below that there are lots of non-epistemic “pressures” that lead people to their conceptions of normative parenthood. See below, p. 20.

²¹ According to sociologist Liz Raleigh (personal correspondence), who has written and taught extensively on non-traditional family forms (see, for example, Raleigh 2017): “Much of the research on gestational surrogacy focuses on the experiences of the surrogates themselves and their relatedness to the fetus (or lack thereof). With most of the scholarly focus on the experiences of surrogates, there is very little research on how intended mothers establish relatedness, especially when genetically connected. One reason for the oversight is that the relationship may seem too ‘obvious’ given that the intended mother has both intent and genetic connection on her side (see Sirola, 2006).”

²² Jacobson 2016, 97. Jacobson’s book, *Labor of Love*, is an ethnographic study of gestational surrogacy in the United States. It is based on data accumulated over three years “spent in the world of surrogacy” (3).

Why do gestational surrogates think the babies were never theirs to keep or give away (or give back)? What comes through loud and clear is that for gestational surrogates, genetics is the basis for parenthood.²³

Gestational surrogates (and, one presumes, the intended parents whose genetic material constitutes the embryo) do a two-step that is the mirror image of the one described above: they downplay the significance of gestation while playing up the importance of genetics. For the people involved in this form of non-traditional family-making, genetic relatedness establishes normative parenthood.²⁴

2. Naturalizing parenthood: Take 1

We have two nascent theories of the grounds of normative parenthood on the table: gestationalism and geneticism. The first thing to note is that they are mutually inconsistent. Gestational surrogates (and presumably genetic intended parents) don't just think that gestation isn't important for establishing normative parenthood. They also insist that genetics is the thing that counts. Likewise, gestational intended mothers and egg donors don't just think that genetics isn't important for establishing normative parenthood. They also insist that gestation is the thing that counts. If one group is right, then the other group's account of who ends up as normative parent(s) is exactly backward.

²³ See, for example, Jacobson 2016, 57-8.

²⁴ Hall 199 explicitly defends geneticism. Velleman 2005 and 2008 offers an account for the importance of genetic parents being (significantly) involved in the rearing of their genetic offspring that is based on the (purportedly) near essential role of being acquainted with one's genetic progenitors in identity formation. I argue against Velleman's views in [redacted for review]. As with gestationalism, Kolers and Bayne 2001 distinguish between *Strong*, *Sufficiency*, and *Necessary* geneticism (and critique the first and third). Brighthouse and Swift 2014 (104-107) have also critiqued geneticist accounts of parental rights.

That, on its own, is interesting. It puts pressure on anyone who thinks about these issues to consider how they would resolve the conflict. The problem can't be solved by saying that genetics and gestation are, singly, sufficient to establish normative parenthood. That would make everyone involved in the creation of the child – the intended parents and the surrogate and the egg donor – the child's normative parents. And the problem can't be solved by making genetics and gestation jointly necessary (and sufficient) for establishing normative parenthood. That would make no one involved in the creation of the child – not the gestational surrogate, not the egg donor, not the intended parents – the child's normative parents. Put simply: both sides can't be right and there's no quick modification to the positions that renders an acceptable result. But let's set aside this problem.

The point I want to make is that despite their obvious incompatibility, geneticism and gestationalism share a common commitment. They are committed, as I shall put it, to naturalizing the grounds of normative parenthood: both theories ground claims about who is, or will be, the normative parent of a child on something natural.

Just what makes something “natural” is hard to say. As a first pass, we might take naturalizing parenthood to consist primarily in identifying facts of the sort studied by the natural sciences as those that are relevant for grounding normative parenthood.²⁵ The geneticist and gestationalist accounts are consistent with, indeed suggestive, of that way of understanding what it means to naturalize parenthood. Both appeal to biological facts.

This is not a novel thought. Charis Thompson argues that people involved with the kinds of non-traditional family-making we have been looking at appeal to the “predominant *biological* idioms” for establishing motherhood: “genetics as represented by providing the egg or the blood

²⁵ Haslanger 2012, 302

and shared bodily substance as represented by gestation.”²⁶ Likewise, Sally Haslanger claims that the manifest concept of “parent” – the concept that people take themselves to be applying when talking about parents – is “of a biological mother or father” or “immediate progenitor”.²⁷

Gestationalist and geneticist conceptions of parenthood naturalize parenthood in just this way, i.e. by grounding normative parenthood in biological facts. But focusing on the biological – or more broadly scientific – nature of the facts threatens to obscure a more revelatory conception of what it means to naturalize parenthood, one that doesn’t conceive of the naturalizing move in terms of an appeal to biology.

3. Naturalizing Parenthood: Take 2

To get at this other conception of what it means to naturalize parenthood, let’s introduce another kind of non-traditional parent: adoptive parents.²⁸ Consider a theme that is commonly found in the narratives of adoptive parents about how they ended up with their child: fate or destiny.

Appeals to fate or destiny appear in the stories adoptive parents tell their children about how the children ended up with their parents. Here are two representative examples from Sara Dorow:

Diane tells me that when their daughter Marianne asks about why she didn’t come out of her mommy’s tummy, Diane tells her: “ ‘I couldn’t bear you, so another woman had to bear you, and then we had to come find you.’ I tell her about destiny, that *this* is destiny. ‘You were always meant to be with Mom and Dad. God wanted for you to be with us.’ ”²⁹

We’ll ask her, “Do you want to hear a story?”
And she’ll say, “Yeah, China”
So we tell her the story about China:

²⁶ Thompson 2009, 171. Emphasis added.

²⁷ Haslanger 2012, 389.

²⁸ I have in mind here what might be called standard adoptive parents, i.e. both are genetically unrelated to the child, neither gestated the child, and neither knew the child before the adoption process got rolling.

²⁹ Dorow 2006, 195.

We lay her in bed and we say our prayers. And we tell her a story about how mommy and daddy wanted a little girl named Katya so they asked baby Jesus for one, and we waited and waited, and she didn't come, so they started asking everybody, "Where's Katya? Where's Katya?" And then we asked our social worker and she said, "I'll bet she's in China because a lot of girls go to China on their way down from heaven and forget to come home." So mommy got on a plane and went to China, and sure enough, there was Katya.³⁰

These kinds of stories are not exceptions. Krusiewicz and Wood identify "destiny" as one of the "themes, or dominant patterns of meaning, in the stories that adoptive parents tell about their children's entrances into their families".³¹ Many of the parents Krusiewicz and Wood interviewed emphasized:

The inevitability and rightness of the children's entrances into their adoptive families – the conviction that *this particular child* was supposed to join *this particular family*. Most participants claimed that the children they adopted were 'meant to be' part of their families.³²

It is, perhaps, not surprising that adoptive parents might invoke the ideas of fate or destiny in explaining to their child how the family came together. But it would be a mistake to infer that the stories are just for the children, that the parents themselves do not believe it. Dorow explains that fate and destiny explicitly figure in the conceptualization of Chinese-US adoptions:

The language of fortune and destiny begins with the heady and reassuring notion that an adoption union was "meant to be" and a particular child was already "chosen" for a particular family.³³

Moreover, it is not only the religiously inclined who are tempted by the destiny trope, as evidenced by one of Dorow's conversations with recent adoptive parents:

Our discussion turns to the issue of fate, and I tell Rhonda and Jake how often I run across it in adoptive parents' stories. They both jump in to that they think their children were meant to be with them; Rhonda suggests that the [China Center of Adoption Affairs] and their Minnesota agency did a magical thing when matching them with their

³⁰ Dorow 2006, 163.

³¹ Krusiewicz and Wood 2001, 786.

³² Krusiewicz and Wood 2001, 793.

³³ Dorow 2006, 192.

children, and Jake mentions a Jewish belief (“even if we aren’t very religious”) that all parents and children were destined for each other.³⁴

And Bartholet remarks, “I am the complete rationalist, with no religious or mystical leanings.” Nonetheless, she notes that, “I find myself wondering at the miracle that after all these years of wandering I found my way to this particular child, this one who was meant to be mine.”³⁵

What does any of this have to do with understanding what it means to naturalize parenthood? These adoptive parents do not appeal to biology as the grounds of normative parenthood. They appeal to something that we would typically think of as supernatural. So, how does the fate/destiny narrative suggest another, broader conception of what it means to naturalize parenthood? Is there an illuminating frame that brings together the narratives of these three non-traditional family-making communities?

I think there is. For like the appeal to genetics and gestation, the appeal to fate or destiny is an appeal to something that is not a function of an exercise of human agency. I’ll say more about what this means in a moment, but for now the idea is this: gestationalism, geneticism, and what we might call fatalism, all serve to make the answer to the question, “Who is the parent?” not up to anyone in particular. Instead, something outside the realm of human agency or decision-making settles the matter.

Naturalizing parenthood, on this conception of what that means, serves to put the grounds of normative parenthood beyond our reach. The “natural” here is a kind of negative designation: it is meant to contrast with things that are determined by exercises of human agency. It is meant to pick out a feature of the world that is, in a way, beyond our control.³⁶ Appeals to genetics,

³⁴ Dorow 2006, 194.

³⁵ Bartholet 1999, 22.

³⁶ Krusiewicz and Wood: “One form of the destiny theme was the recurrent belief that adoptive parents had no control over certain aspects of the adoption process – they were orchestrated by forces outside the adoptive parents, forces that brought together parents and children who were meant for each other” (2001, 793). This conception of

gestation and fate are, then, all naturalizing: they all point to a fact that is not a function of an exercise of human agency as the (supposed) ground of normative parenthood.

The claim that gestational and geneticist accounts are naturalizing in this way might seem absurd. Surely whether someone is gestating a child or is genetically related to a child is a function of an exercise of human agency. In general, people choose to gestate a child or to create a child they are genetically related to. And in the kinds of cases we're looking at – where people use a gestational surrogate or a gamete donor – agency abounds: non-traditional family-making does not happen by accident (to put it mildly). So: in what sense do gestational and genetic accounts naturalize parenthood by putting the grounds of normative parenthood beyond the reach of human agency?

To answer this question, we need to make some distinctions that borrow from Sally Haslanger's seminal work on social construction. Something is a function of human agency in a *causal sense* if human agency “plays a causal role in bringing it into existence or, to some substantial extent, in its being the way it is.”³⁷ Artifacts like knives and toasters are a function of human agency in the causal sense. And on this understanding of what makes something “a function of human agency”, gestating or being genetically related to a child via the mechanisms of non-traditional family-making (choosing a surrogate or donor, undergoing IVF etc.) is a function of human agency: non-traditional family-making, either through use of gamete donors or gestational surrogates, causes a child to come into existence.

the natural was well articulated by Mill: the natural “is what takes place without the agency, or without the voluntary and intentional agency, of man” (Mill 1904, 9).

³⁷ Haslanger 2012, 87. Haslanger is concerned with social construction, not human agency as such. The category of things that are function of human agency is narrower than that of thing that are socially constructed. I choose the narrower concept because I think what's key to understanding the naturalizing move as I understand it.

But the causal understanding of what makes something a function of human agency isn't the only one. As Haslanger notes, it could be that what we're interested in does, "not concern origins," but rather, "whether the conditions for being the kind of object in question make[s] reference" to human agency.³⁸ In other words, the question about whether something is a function of human agency might not be about whether that thing is caused (in part) by human agency, but whether it is constituted as the kind of thing it is via human agency. Something is constitutively a function of human agency if and only if "in defining it we must make reference" to human agency.³⁹

To see what this means, consider this question: what makes a pitch a strike? In one sense, whether a pitch is a strike is constitutively a function of human agency: it is a strike if it is counted as a strike by the umpire. The umpire calling the pitch a strike is just what makes it a strike: it will go down in the record books as a strike. The pitch was a strike because the umpire said it was. (Called) strikes are constitutively constructed *via* human agency.

Now we might wonder whether a called strike really was a strike. We all immediately understand what is at issue: did the pitch meet the necessary and sufficient conditions for it to count as a strike? Crucially, those conditions are not up to the umpire. Indeed, it is not a function of anyone's agency at that point in time. The pitch either was, or wasn't, really a strike according to the rules. Whether it is, or not, is not up to the umpire or anyone else. In that sense, whether the pitch was a strike is not constitutively a function of human agency.

But the standards for what makes a pitch count as a strike are a function of human agency: people, at some point, settled on the rules and those rules settled the nature of strikehood. Moreover, had they settled on different rules for a strike then the nature of strikehood would be

³⁸ Haslanger 2012, 86.

³⁹ Haslanger 2012, 87.

different. There are no further facts that *settle* the nature of strikehood.⁴⁰ In other words, settling on the standards for what counts as a strike is not an epistemic task, a matter of discovering what a strike is. It is a constructive task. Strikehood is, at least, *causally* a function of human agency.

For all I've said, it is not more than that. Indeed, for all I've said, strikehood is a function of human agency in the same way the Chrysler building is: it also wouldn't exist as it is without past exercises of human agency and building it was not an epistemic task: it was literally constructed.

There is, however, more to say about strikehood. The Chrysler building will (or at least could) exist – at least for a good long time – quite apart from human agency. It was built and now it is there. The same is not true of strikehood: it is what it is only because and only so long as some suitable set of agents have fealty to the rules for strikehood. Strikehood is held in existence, as it were, by the ongoing judgment of Major League Baseball that strikes are what the MLB initially said they are. Once they change their mind about what a strike is, then strikes become something different. In this way, strikehood is constitutively a function of human agency.

Back to parenthood. Recall that we are wondering whether it is plausible to think that the geneticist and gestationalist accounts naturalize parenthood in the sense that they put the grounds of normative parenthood beyond the reach of human agency. They do not if we have in mind the causal conception of what it means for something to be a function of human agency. But they do if we have in mind the constitutive conception.

⁴⁰ This is not to say that there are no good reasons to go one way rather than another. Given our interest in making baseball at least somewhat compelling to watch, we shouldn't just make any pitch count as a strike. In other words, human interests, goals, aims etc. will, and ought to, factor into discussions about the nature of strikehood. So there can be better or worse conceptions of strikehood. But what makes some conceptions better than others is not that they answer to some notion of "strikehood" that floats free of human interests. On the contrary, it is precisely because they serve those interests better.

According to these views – and indeed, the implicit view of traditional family-makers which are probably a conjunction of geneticist and gestationalist accounts – if we want to know what current feature makes someone a normative parent we need not refer to any acts of human agents. Instead, we appeal to some fact that obtains quite apart from what anyone does or decides. In the case of the gestationalist account, that fact is about who is gestating the child. In the case of the geneticist account, it is about who the genetic progenitor of the child is.⁴¹ In both cases, determining who the normative parents are is a purely epistemic task: one attempts to discern some fact that obtains (or not) quite apart from anyone’s decision about it. We are, on this picture, like the umpire who is trying to tell whether if, in fact, the ball crossed the plate in the right way to count as a strike.⁴² Parenthood is naturalized.

But the umpire analogy suggests that things are more complicated than this. We noted that it is not up to the umpire whether a pitch in fact met the criteria for counting as a strike. But the criteria for strikehood are themselves constitutively a function of human agency. Moreover: we all know and acknowledge this. No one thinks that Major League Baseball’s relationship to the criteria of strikehood is epistemic. Strikes are what they are because of MLB’s ongoing judgment of what they are. There is no pretense that the criteria for strikehood are anything other than a constitutive function of human agency.

What this means is that when we’re thinking about whether geneticist and gestationalist accounts naturalize parenthood we need to distinguish two questions:

1. Are the criteria for normative parenthood embedded in the geneticist and gestationalist accounts *in fact* constitutively a function of human agency?

⁴¹ And in the case of the destiny account, it is about who the child is destined to be with (either on account of fate or some choice by a divine entity).

⁴² The destiny account is not useful in the way that the genetic and gestational accounts are in *settling* matters in disputed cases since we have no clear criteria for whether outcomes is destined. Nonetheless, the structure is the same in the sense that the parents take the question “Who is the normative parent?” to have been settled in a non-agential way.

2. Are the criteria for normative parenthood embedded in the geneticist and gestationalist accounts *taken to be* a function of human agency by the non-traditional family-makers that sign on to them?

Let's set aside the first question for the time being. The answer to the second question, I think, is “no”. I think it is highly plausible that people that appeal to the importance of genetics or gestation, and especially destiny, see their preferred criteria for normative parenthood as given and not, as it were, chosen or settled on by themselves or society. They see the criteria as neither causally nor constitutive a function of human agency. When one of the surrogates we have heard from says “I never felt like I was giving up babies. I was giving them back. If it were genetically mine, I think I might feel like I was giving it up,” it is natural – indeed, nearly inevitable – to hear her as saying that genetics is the thing that matters for normative parenthood and that that is how it is quite apart from what she or anyone else thinks.⁴³

So the complete picture is this: naturalizing parenthood involves a) identifying some feature that is not constitutively a function of human agency as the grounds of normative parenthood, and b) believing/assuming that the fact that that feature is the one that grounds normative parenthood is not itself a function of human agency (causally or constitutively). In other words, naturalizing parenthood makes people's relationship to the grounds of normative parenthood non-agential in two ways. First, the feature that is relevant for determining whether any particular person is a normative parent is not a constitutive function of human agency. Second,

⁴³ Compare Haslanger on the quality of coolness: “We suggest that coolness has nothing to with *our* representations, when in fact it does” (2012, 89). The concept of coolness is what Haslanger calls “strongly pragmatically constructed” inasmuch as “social factors wholly determine our use of it, and it fails to represent accurately any ‘fact of the matter’.” (90) The genetic and gestational naturalized conceptions of parenthood, on my analysis, are “weakly pragmatically constructed”, because “social factors only *partly* determine our use of [the concept].” (90) That is to say: these strategies for naturalizing parenthood at least sometimes reflect independent facts of the matter, i.e. that someone is gestating a child or that someone is the genetic progenitor. The “fate” strategy for naturalizing parenthood, on the other hand, is strongly pragmatically constructed since designating someone as a parent because they are “fated” to be so does not accurately represent any fact of the matter.

that feature is taken to be the right one – to be normatively determinative – quite apart from human agency.

It might seem a stretch that this form of naturalizing parenthood is implicit in the views of the kinds of non-traditional parents I've talked about. In particular, it might seem implausible that anything like the “two-step” naturalizing story I've told is found in the implicit theories of parenthood of people that conceive with a gestational surrogate and people that conceive with donated gametes. After all, they have a much simpler naturalizing story at their disposal: they can ground normative parenthood in gestation and genetic-relatedness respectively. So why think that the naturalizing story I've told really is held in common between the three kinds of non-traditional parents I've identified?

I concede that people that conceive with a gestational surrogate or donated gametes do not explicitly tell themselves anything like the story I've told.⁴⁴ But I think it is still highly plausible that something like the story I've told is often operating in the background. Here's why. Suppose that the people who conceived with a gestational surrogate had instead conceived with donated gametes (and no surrogate). And suppose that the people who conceived with donated gametes had instead conceived with a gestational surrogate. I grant it is an empirical conjecture, but it seems likely that the stories these people tell of what grounds normative parenthood would switch with the method of conception. It is no coincidence, in other words, that people who conceive with a gestational surrogate tend to claim that genetics are what matter, while people who conceive with donated gametes tend to claim that gestation is what matters. It's very hard to imagine that if their situations switched, what they would point to as to as the relevant feature for grounding normative parenthood wouldn't switch as well.

⁴⁴ Nor, for that matter, do adoptive parents who appeal to some notion of “fate”.

If that's right, then it suggests that what is driving fealty to the particular stories being told – that *gestation* matters, or that *genetics* matter – are not the particular stories themselves, but rather some more general interest that is satisfied by telling those particular stories. That interest is in naturalizing parenthood in the way I've described. The particular stories people tell are (mere) specifications of the more general, naturalizing story.

4. Conclusion: Beyond naturalizing parenthood

Here's where we are. The implicit theories of parenthood advanced by some people involved in some forms of non-traditional family-making are mutually inconsistent. Gestational surrogates (and plausibly the intended parents that use them) point to genetic relatedness as the ground of normative parenthood. Gamete donors and the intended parents that use them point to gestation as the ground of normative parenthood.

I have argued, however, that there is nonetheless an important shared commitment between the competing camps, namely a commitment to naturalizing parenthood. The naturalizing commitment – which comes into view when we consider another group of non-traditional family-makers, namely adoptive parents – involves two moves: First, the question of who counts as a normative parent in any particular situation is seen as not constitutively settled via human agency, but instead by non-agential criteria. Second, the relevance of the criteria themselves are assumed to be independent of human agency.

By way of concluding, I want to suggest that prospective parents of all stripes – and, indeed, society at large – should not naturalize parenthood. Part of the reason is very simple: when people naturalize parenthood in the particular ways I've discussed (eg. grounding parenthood in genetics or grounding it in gestation), we end up with mutually inconsistent understandings of

what makes someone a parent. These competing conceptions of normative parenthood have the effect of making classes of parents not count as “real” parents according to the criteria for parenthood found in competing, and extensionally different, theories.

One solution would be to bite the bullet and claim that one of the particular naturalizing strategies for grounding normative parenthood that I’ve discussed is the right one. If we do that, then the right theory of parenthood – whatever it is – will have the effect of revealing that certain people we tend to see as normative parents really aren’t, while others that we typically don’t see as normative parents – like gestational surrogates or gamete donors (depending on our favored theory) – really are.⁴⁵

But another solution – the one that I favor – involves rethinking what we are doing when we theorize about the grounds of normative parenthood in the first place. To get at that solution, recall a point made earlier: to the extent we naturalize parenthood, we are conceiving of the task of theorizing about the grounds of normative parenthood in purely epistemic terms. The naturalizing move identifies the grounds of normative parenthood as something beyond agential control, as something “out there” waiting to be discovered. On this picture, our relationship to the truth about the grounds of normative parenthood is that of discoverers to an independent *discoverable*.

But we might think of the task of grounding normative parenthood as what Haslanger calls an ameliorative project. Such a project seeks “to identify what legitimate purposes we might have (if any) of categorizing people,” as parents (or not), “and to develop concepts that would

⁴⁵ For example, Weinberg’s theory of parental responsibility implies that gamete donors are parentally responsible and that, as a result, the practice of donor conception is, in most cases, immoral since children are being abandoned by their parents. Weinberg 2016, ch 2. In various conversations, Weinberg has made the point that this practical or political implication of her view is simple the result of developing what is (in her view) the most plausible theory of what parental responsibility is and how one gets it.

help us achieve these ends.”⁴⁶ We cannot construct just any notion of parenthood lest we lose contact with the phenomena we’re trying to elucidate. But the phenomena we’re looking at here is complicated and subtle, especially given the modern possibilities for creating children. These possibilities create a kind of conceptual freedom for those of us that theorize about the nature and causes of normative parenthood: we have choices to make about how to carve up the territory. How we make those choices should be guided in part by the uses to which we can put our theories. The question, “What are the grounds of normative parenthood?” is more like the question “What side of the road should we have people drive on?” than the question “Is there life on Mars?” The question of what makes someone a normative parent is a practical – indeed, a political – question, and not simply an epistemic one.⁴⁷ It is, in part, up to *us* to decide what the grounds of normative parenthood are.

If we see things this way, then we should aim to construct a conception of normative parenthood that suits our needs. What would such a conception of normative parenthood look like? I offer no answer here, except to note that one “need” we might have in constructing a theory of parenthood might be to ensure that people who want to parent, but who do not conform to traditional notions of parenthood, count as full-fledged parents.⁴⁸

⁴⁶ Haslanger 2012, 366.

⁴⁷ As an aside: if I’m right that the desire to naturalize parenthood is driven, in part, by the interest that all parents – but in particular the kinds of non-traditional parents I’ve focused on – have in making themselves the real and stable parents of their children, then we can see the desire to make the naturalizing move as what I would call a “self-effacing” ameliorative project. Here’s what I mean: people naturalize parenthood to solve a practical problem, but the naturalizing move itself – by positing that the grounds of parenthood are entirely beyond agential control – hides that practical aim. In other words, the naturalizing version of the ameliorative project involves effectively denying that it is an ameliorative project.

⁴⁸ Voluntarist views of normative parenthood avoid the tensions between the particular naturalizing strategies I’ve discussed while also putting all parents on an equal footing in their status as “real” parents. According to voluntarism, a necessary condition of being a normative parent of a particular child is that one volunteers to parent that child. There is an important question about how to understand what counts as volunteering in this context. But we don’t need to answer that question to see that in the cases of non-traditional family-making we’ve been looking at, the intended parents all explicitly *choose* to parent the child and so end up as fully-fledged normative parents to their children (without implicitly impugning the parenthood of other kinds of parents). See Brake 2010 for an articulation of voluntarism.

But my point, in this conclusion, has not been to advocate for any particular aims we might have or any particular views of what grounds normative parenthood, but rather to suggest an orientation we take to developing such a view. We should embrace a picture of theorizing about normative parenthood that puts us in the driver's seat. If we do, then we must reject naturalizing parenthood.

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